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OFFICIAL BUSINESS

Alaska State Legislature

Senate

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January 8, 1996

MEMORANDUM

TO: Senator Leman, Chair
Resources Committee

Senator Frank, Cochair
Senator Halford, Cochair
~~Senate Finance Committee~~

FROM: Nancy Quinto
Secretary of the Senate

RE: Executive Order No. 95

The President has referred Executive Order No. 95 (formally transferring the responsibility for the licensing and regulation of big game guides and related occupations from the Big Game Commercial Services Board to the Department of Commerce and Economic Development) to your committees.

Section 23, Article III of the Constitution states:

The governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders. The legislature shall have sixty days of a regular session, or a full session if of shorter duration, to disapprove these executive orders. Unless disapproved by resolution concurred in by a majority of the members in joint session, these orders become effective at a date thereafter to be designated by the governor.

If you wish to report any recommendations to the body, please do so within the sixty day limit.

Attachment

Introduced in the House: 1/8/96
 Referred: Resources, Labor and Commerce, Finance

Introduced in the Senate: 1/8/96
 Referred: Resources, Finance

EXECUTIVE ORDER NO. 95

1 Under the authority of art. III, sec. 23, of the Alaska Constitution, and in accordance
 2 with AS 24.08.210, I order the following:

3 * **Section 1. FINDINGS.** As governor, I find that it would be in the best interests of
 4 efficient administration to transfer the responsibility for the licensing and regulating of big
 5 game guides and related occupations to the Department of Commerce and Economic
 6 Development. This formal transfer of functions is in the best interest of Alaskans, the
 7 guiding industry, and the management of wildlife resources of this state.

8 * **Sec. 2.** AS 08.01.010 is amended by adding a new paragraph to read:

9 (37) regulation of big game guiding and related occupations under
 10 AS 08.54.

11 * **Sec. 3.** AS 08.54.300(a) is amended to read:

12 (a) The Department of Commerce and Economic Development is
 13 responsible for [FOR THE PURPOSES OF] licensing and regulating the activities
 14 of providers of commercial services to big game hunters in the interest of the state's
 15 wildlife resources [THERE IS CREATED THE BIG GAME COMMERCIAL
 16 SERVICES BOARD. FOR ADMINISTRATIVE PURPOSES, THE BOARD IS IN
 17 THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT].

18 * **Sec. 4.** AS 08.54.310 is amended to read:

19 Sec. 08.54.310. DUTIES AND POWERS. (a) The department [BOARD]
 20 shall

21 (1) prepare, grade, and administer

22 (A) a written and oral examination of an applicant for a
 23 guide-outfitter license that requires demonstration that the applicant is qualified
 24 generally to provide guide-outfitted hunts and, in particular, to guide-outfit in

1 each game management unit the applicant has selected; if an applicant
2 demonstrates limited ability to read or write the English language, the entire
3 examination shall be administered orally; and

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

9 (2) determine qualifications of applicants for class-A assistant
10 guide-outfitter, marine mammal guide-outfitter, and assistant guide-outfitter licenses
11 and issue [AUTHORIZE THE ISSUANCE OF] licenses to those who qualify;

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

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

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

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

26 (7) issue [AUTHORIZE ISSUANCE OF] transporter licenses;

27 (8) issue [AUTHORIZE ISSUANCE OF] commercial use permits;

28 (9) [MEET AT LEAST TWICE ANNUALLY, ONCE IN
29 ANCHORAGE AND ONCE IN ANOTHER MUNICIPALITY];

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

1 (11) require an applicant for issuance or renewal of any class of
2 guide-outfitter license to state in a written and signed document whether the
3 applicant's right to obtain, or exercise the privileges granted by, a sport fishing,
4 hunting, trapping, or guide-outfitting license is revoked or suspended in another state.

5 (b) The department [BOARD] may

6 (1) establish, subject to the prior approval of the commissioner of fish
7 and game, a resource-based management system for allocating access to big game
8 hunting opportunities among guide-outfitters licensed under this chapter;

9 (2) establish the level of supervision that a guide-outfitter shall provide
10 for class-A assistant guide-outfitters and assistant guide-outfitters who are employed
11 by the guide-outfitter.

12 * Sec. 5. AS 08.54.320 is amended to read:

13 Sec. 08.54.320. [BOARD] REGULATIONS. The department [BOARD]
14 shall adopt procedural and substantive regulations required by this chapter or
15 reasonably necessary for its administration.

16 * Sec. 6. AS 08.54.330 is amended to read:

17 Sec. 08.54.330. DEPARTMENT [BOARD] ASSISTANCE. The Department
18 of Fish and Game, Department of Natural Resources, and Department of Public Safety
19 shall provide the Department of Commerce and Economic Development [BOARD]
20 with information, data, or technical assistance requested by that department [THE
21 BOARD] for the purposes of licensing and regulating the activities of providers of
22 commercial services to big game hunters.

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

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

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

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

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

31 (4) has passed the qualification examinations prepared and

1 administered by the department [BOARD];

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

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

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

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

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

17 (10) has been favorably recommended in writing by eight big game
18 hunters, at least two for each year of the person's most recent three years as a class-A
19 assistant guide-outfitter or assistant guide-outfitter, when the person has guide-outfitted
20 or assisted in guide-outfitting as a class-A assistant guide-outfitter or assistant
21 guide-outfitter, whose recommendations have been solicited by the department
22 [BOARD] from a list provided by the applicant;

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

24 and

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

26 * Sec. 8. AS 08.54.350(b) is amended to read:

27 (b) A master guide-outfitter license authorizes the licensee to use the title
28 master guide-outfitter, but is for all other purposes under this chapter a guide-outfitter
29 license. A natural person is entitled to receive a renewable master guide-outfitter
30 license if

31 (1) the person

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(A) is, at the time of application for a master guide-outfitter license, licensed as a guide-outfitter under this section;

(B) 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;

(C) has been licensed in this state as a guide-outfitter or a guide, under the former AS 08.54.010 - 08.54.240, for at least 12 of the last 15 years, including the year immediately preceding the year in which the person applies for a master guide-outfitter license;

(D) submits a list to the department [BOARD] of at least 25 clients whom the person has personally guide-outfitted or guided and receives a favorable evaluation from 10 of the clients selected from the list by the department [BOARD]; and

(E) pays the application fee, if any; or

(2) the person

(A) received a master guide-outfitter license under sec. 13, ch. 37, SLA 1989;

(B) has annually renewed the license; and

(C) has not had the license

(i) revoked or suspended; or

(ii) lapse under AS 08.54.440.

* Sec. 9. AS 08.54.360(a) is amended to read:

(a) The department [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 department [BOARD]:

- 1 (A) current fish and game laws and regulations;
- 2 (B) relevant characteristics of the specific species to be hunted;
- 3 (C) field preparation of trophies;
- 4 (D) care of game meat;
- 5 (E) use of guide-outfitting gear;
- 6 (F) firearm safety;
- 7 (G) practical first aid; and
- 8 (H) booking and contracting hunts;

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

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

13 and

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

15 * Sec. 10. AS 08.54.380(a) is amended to read:

16 (a) A natural person is entitled to a class-A assistant guide-outfitter license
17 if

18 (1) the person

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

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

25 (2) the person

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

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

1 (C) has passed qualification examinations prepared and
2 administered by the department [BOARD].

3 * Sec. 11. AS 08.54.390(a) is amended to read:

4 (a) A natural person is entitled to an assistant guide-outfitter license if the
5 person

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

7 (2) passes an examination administered by the department [BOARD];

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

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

11 (5) is in sound physical condition; and

12 (6) meets additional qualifications that the department [BOARD] may
13 establish.

14 * Sec. 12. AS 08.54.393(b) is amended to read:

15 (b) A guide-outfitter license, marine mammal guide-outfitter license, class-A
16 assistant guide-outfitter license, or assistant guide-outfitter license issued under this
17 chapter after May 16, 1992 is suspended if the person to whom the license is issued
18 subsequently becomes a law enforcement officer. A person whose license is subject
19 to suspension under this subsection shall notify the department [DEPARTMENT OF
20 COMMERCE AND ECONOMIC DEVELOPMENT] that the person has become a
21 law enforcement officer within 30 days after becoming a law enforcement officer.
22 The suspension of a license under this subsection remains in effect until three months
23 have elapsed from the date on which the licensee provides written notification to the
24 department [DEPARTMENT OF COMMERCE AND ECONOMIC
25 DEVELOPMENT] of the fact that the person is no longer a law enforcement officer.
26 A person whose license is suspended under this subsection is not required to renew
27 the license or pay license renewal fees for the period of suspension. Once a
28 suspension of a license is terminated, the licensee may provide, without further
29 payment of a guide-outfitter license fee, the guide-outfitter services authorized by the
30 license for the remainder of the licensing period in which the suspension is
31 terminated. Notwithstanding other provisions of this subsection, if a person whose

1 license is suspended under this subsection fails to notify the department
2 [DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT] within one
3 year after the person is no longer a law enforcement officer, the person's license
4 lapses and the person is eligible for reissuance of the license only as provided in
5 AS 08.54.440. The department [BOARD] may adopt regulations to implement this
6 subsection.

7 * Sec. 13. AS 08.54.400(c) is amended to read:

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

10 (1) an activity report on a form provided by the department for the
11 period covered by the current license; an activity report shall contain information
12 required by the department [BOARD] by regulation;

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

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

15 (4) proof of

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

19 (B) licensure by the Coast Guard to carry passengers for hire,
20 if the applicant provides water transportation services to big game hunters and
21 if licensure is required by the Coast Guard.

22 * Sec. 14. AS 08.54.410 is amended to read:

23 Sec. 08.54.410. APPEAL TO COMMISSIONER [FROM BOARD] ON
24 DENIAL OF LICENSE. The commissioner of commerce and economic development
25 may order that an applicant for an initial license under AS 08.54.350 - 08.54.400 be
26 allowed to take the license examination or be issued the license if, after reviewing a
27 petition filed by the applicant, the commissioner finds that

28 (1) the department [BOARD] denied the applicant an opportunity to
29 take the license examination or refused to issue [APPROVE ISSUANCE OF] the
30 license;

31 (2) the department's [BOARD'S] denial or refusal has been upheld

1 by a final administrative order and the order has not been appealed to the superior
2 court under AS 44.62.560;

3 (3) the department's [BOARD'S] denial or refusal was based on
4 (A) an error of fact by the department [BOARD]; or
5 (B) the applicant's failure of the license examination due to
6 faulty or unfair examination questions or procedures;

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

9 (5) sustaining the department's [BOARD'S] denial or refusal would
10 work a substantial injustice on the applicant.

11 * Sec. 15. AS 08.54.420 is amended to read:

12 Sec. 08.54.420. RENEWAL OF LICENSES. Notwithstanding
13 AS 08.01.100(a), guide-outfitter, marine mammal guide-outfitter, and transporter
14 licenses shall be renewed annually on dates set by the department [WITH THE
15 APPROVAL OF THE BOARD].

16 * Sec. 16. AS 08.54.430 is amended to read:

17 Sec. 08.54.430. EXAMINATIONS FOR GUIDE-OUTFITTER LICENSES.

18 (a) The department [BOARD] shall administer the qualification examinations
19 required under this chapter at least twice a year. An examination may not be given
20 within 90 days after the previous examination. At least once every other year the
21 department [BOARD] shall give the examination at a location other than Anchorage.

22 (b) The department [BOARD] shall regularly disseminate information
23 regarding examinations and other qualifications for all classes of guide-outfitter
24 licenses to residents of the rural areas of the state.

25 * Sec. 17. AS 08.54.460(a) is amended to read:

26 (a) A person, other than a guide-outfitter, marine mammal guide-outfitter, or
27 a transporter, who provides other big game commercial services for compensation
28 shall register with the department [BOARD] on a form provided by the department
29 [BOARD] and shall obtain a commercial use permit and pay the annual commercial
30 use permit fee set under AS 08.54.470. In this section "other big game commercial
31 services" includes provision of accommodations in the field at a permanent lodge,

1 house, or cabin owned by the commercial use permit holder, hunt broker services,
2 gear rental services, photographic or videographic services, and services as defined
3 by the department [BOARD] by regulation.

4 * **Sec. 18.** AS 08.54.470(b) is amended to read:

5 (b) The department [, IN CONSULTATION WITH THE BOARD,] shall set
6 the amount of the commercial use permit fee.

7 * **Sec. 19.** AS 08.54.500 is amended to read:

8 Sec. 08.54.500. DISCIPLINE OF GUIDE-OUTFITTERS. (a) The department
9 [BOARD] may hold a hearing to determine whether disciplinary action is necessary
10 if a written complaint concerning the guide-outfitting activities of a licensee who
11 holds any class of guide-outfitter license is filed with the department [BOARD]. The
12 department [BOARD] shall hold a hearing to determine whether a licensee should
13 be disciplined within a reasonable time after

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

17 (2) a written complaint concerning a licensee's conduct during a
18 life-threatening situation is filed with the department [BOARD]; or

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

21 (b) After a hearing, the department [BOARD] may revoke, suspend, or deny
22 renewal of any class of guide-outfitter license, if the department [BOARD] finds that
23 the licensee

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

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

31 (c) After a hearing, the department [BOARD] shall revoke any class of

1 guide-outfitter license if the department [BOARD] finds that the licensee

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

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

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

8 (A) waste of a wild food animal;

9 (B) hunting on the same day airborne;

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

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

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

19 * Sec. 20. AS 08.54.505 is amended to read:

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

28 (1) written complaints concerning a licensee's or permittee's activities
29 are filed with the department [BOARD] within a two-year period by three or more
30 of the licensee's or permittee's clients from separate hunting parties; or

31 (2) a licensee or permittee has been convicted of a violation of a

1 federal or state statute or regulation relating to hunting or provision of big game
2 commercial services.

3 (b) After a hearing, the department [BOARD] may revoke, suspend, or deny
4 renewal of a transporter license or commercial use permit issued under this chapter,
5 if the department [BOARD] finds that the licensee or permittee

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

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

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

18 (d) After a hearing, the department [BOARD] shall revoke a license or
19 permit if the department [BOARD] finds that the licensee or permittee

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

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

24 (A) waste of a wild food animal;

25 (B) hunting on the same day airborne;

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

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

28 (e) If a certified copy of a judgment of conviction of a licensee or permittee
29 for an offense described under (d)(2) of this section is filed with the department
30 [BOARD], the department [BOARD] shall immediately suspend the licensee's or
31 permittee's license or permit. The suspension may be ordered even if the conviction

1 resulted from a pleas of nolo contendere or if the conviction is under appeal. The
2 suspension remains in effect until after the final disposition of the disciplinary
3 proceeding under this section.

4 * **Sec. 21.** AS 08.54.510(b) is amended to read:

5 (b) If the department [BOARD] revokes a license or permit under
6 AS 08.54.500 or 08.54.505, the person whose license or permit has been revoked shall
7 surrender immediately the license or permit to the department.

8 * **Sec. 22.** AS 08.54.510(d) is amended to read:

9 (d) Within 30 days after conclusion of a hearing under AS 08.54.500 or
10 08.54.505, the department [BOARD] shall notify the complainant of the results of
11 the hearing, including written reasons justifying a decision not to take disciplinary
12 action.

13 * **Sec. 23.** AS 08.54.530 is amended to read:

14 Sec. 08.54.530. INJUNCTION AGAINST UNLAWFUL ACTION. When in
15 the judgment of the department [BOARD] a person has engaged in an act in
16 violation of AS 08.54.380(b), 08.54.390(b), 08.54.400(b), 08.54.510(a), and 08.54.520
17 or the regulations adopted under them, the department [BOARD] may apply to the
18 appropriate court for an order enjoining the action. Upon a showing by the
19 department [BOARD] that the person is engaging in the act, the court shall grant
20 injunctive relief or other appropriate order without bond.

21 * **Sec. 24.** AS 08.54.550(a) is amended to read:

22 (a) The department shall collect and maintain hunt records provided by guide-
23 outfitters and marine mammal guide-outfitters. A hunt record must include a list of
24 all big game hunters who used the services of the guide-outfitter or marine mammal
25 guide-outfitter, the number of each big game species taken, and other information
26 required by the department [BOARD]. The department shall provide forms for
27 reporting hunt records.

28 * **Sec. 25.** AS 08.54.590(13) is amended to read:

29 (13) "transportation services" means the carriage for compensation of
30 big game hunters, their equipment, or big game animals harvested by hunters to, from,
31 or in the field; "transportation services" does not include the carriage by aircraft of

1 big game hunters, their equipment, or big game animals harvested by hunters

2 (A) on nonstop flights between state or federally maintained
3 airports; or

4 (B) by an air taxi operator or air carrier for which the carriage
5 of big game hunters, their equipment, or big game animals harvested by
6 hunters is only an incidental, as defined by the department [BOARD], portion
7 of its business;

8 * Sec. 26. AS 08.54.590(14) is amended to read:

9 (14) "unethical activity" means

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

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

16 (C) engaging in unsafe or unsportsmanlike activities that are
17 detrimental to the game resources of the state, as defined by regulations of the
18 department [BOARD], including violations of state hunting or big game
19 commercial services statutes or regulations; or

20 (D) accepting a deposit for big game commercial services
21 without providing before the services are rendered a signed written contract
22 to provide the services.

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

24 (a) It is unlawful for a nonresident to hunt, pursue, or take brown bear, grizzly
25 bear, mountain goat, or sheep in this state, unless personally accompanied by

26 (1) a person who is licensed as a guide-outfitter, class-A assistant
27 guide-outfitter, or assistant guide-outfitter by the Department of Commerce and
28 Economic Development [BIG GAME COMMERCIAL SERVICES BOARD]; or

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

30 (A) the spouse of the nonresident; or

31 (B) related to the nonresident, within and including the second

1 degree of kindred, by marriage or blood.

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

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

4 (1) the Department of Fish and Game, the Board of Fisheries, the
5 Board of Game, or the Department of Commerce and Economic Development [BIG
6 GAME COMMERCIAL SERVICES BOARD] under AS 08.54, AS 16, or
7 AS 41.99.010;

8 (2) the Department of Environmental Conservation under AS 46.03;

9 or

10 (3) state agencies and municipalities under AS 44.19.145(a)(11) and
11 AS 46.40.100.

12 * Sec. 29. AS 44.62.330(a)(35) is amended to read:

13 (35) Department of Commerce and Economic Development under
14 AS 08.54 as to the licensing, registration, and related functions for big game
15 guides and related occupations [BIG GAME COMMERCIAL SERVICES BOARD];

16 * Sec. 30. AS 08.01.010(5); AS 08.03.010(5); AS 08.54.300(b), 08.54.590(5); and
17 AS 39.50.200(b)(48) are repealed.

18 * Sec. 31. TRANSITION. (a) Litigation, hearings, investigations, and other proceedings
19 pending under a law amended or repealed by this Order, or in connection with functions
20 transferred by this Order, continue in effect and may be continued and completed
21 notwithstanding a transfer or repeal provided for in this Order.

22 (b) Regulations adopted by the Department of Commerce and Economic Development
23 under authority of AS 08.54.320 before March 9, 1996, remain in effect until those
24 regulations are amended or repealed. The Department of Commerce and Economic
25 Development may enforce the regulations adopted under AS 08.54.320 until the department
26 amends or repeals those regulations.

27 (c) Contracts, rights, liabilities, and obligations created by or under a law amended
28 or repealed by this Order, and in effect on March 8, 1996, remain in effect notwithstanding
29 this Order's taking effect. Records, equipment, appropriations, and other property of an
30 agency of the state whose functions are transferred under this Order shall be transferred to
31 implement the provisions of this Order.

1 * Sec. 32. This Order takes effect March 9, 1996.

DATED: _____

Tony Knowles
Governor

FISCAL NOTE

Bill No: EO 95

(S) Publish Date: 1/8/96

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Fish and Game
 Title: Guide Licensure BRU: Wildlife Conservation
 Component: Wildlife Conservation
 Sponsor: Rules Committee
 Requester: Governor COMPONENT SERIAL NO. 474

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL						

Estimate of any current year (FY98) cost: \$ 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)

Prepared by: Wayne Regelin *Wayne Regelin* Phone: 465-4190
 Division: Wildlife Conservation Date: 12/27/95
 Approved by Commissioner: Frank Rue *Frank Rue for* Date: 12/27/95
 Agency: Fish and Game

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FISCAL NOTE

Bill Version: EO 95

STATE OF ALASKA 1996 LEGISLATIVE SESSION

BIL (S) Publish Date: 1/8/96

Revision Date Original Dept Affected Natural Resources
 Title Guide Licensure BRU: Resource Development
 Component: Land Development
 Sponsor House/Senate Rules Committee
 Requestor Governor Knowles Component Serial No. 431

Expenditures/Revenues (Thousands of Dollars)

	FY97	FY98	FY99	FY00	FY01	FY02
OPERATING EXPENDITURES						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

	FY97	FY98	FY99	FY00	FY01	FY02
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ none anticipated

POSITIONS

	FY97	FY98	FY99	FY00	FY01	FY02
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)

There is no anticipated fiscal impact associated with implementation of this legislation.

Prepared by Jane Angvik Director Phone: 269-8503
 Division: Land Date: 28-Dec-95
 Approved by Commissioner: [Signature] Date: 28-Dec-95
 Agency: Natural Resources

FISCAL NOTE

Bill Version: EO 95

(S) Publish Date: 1/8/96

**STATE OF ALASKA
1996 LEGISLATIVE SESSION**

Revision Date: _____	Dept. Affected: <u>Department of Law</u>	_____
Title: <u>Transferring certain functions previously performed</u>	BRU: _____	<u>Civil Division</u>
by the Big Game <u>Commercial Services Board</u>	Component: _____	<u>General Legal Services</u>
Sponsor: <u>Rules Committee</u>	_____	
Requester: <u>Office of the Governor</u>	COMPONENT SERIAL NO.	<u>2087</u>

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()						

FUND SOURCE (Thousands of Dollars)

	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This Executive Order would make statutory amendments, conforming with Administrative Order No. 159, relating to the transfer of the licensing and regulating of the activities of big game guides and related occupations to the Department of Commerce and Economic Development. These functions were formerly performed by the Big Game Commercial Services Board, which sunsetted June 30, 1995, by operation of law. Although the Board was allowed to sunset, the underlying guide licensing and other regulatory statutes were not formally repealed.

Because the state is presently in litigation over the appropriateness of the assignment of these functions by administrative order, the Executive Order is being submitted to the legislature to clarify the situation by expressly assigning the functions by statute. Consequently, the formal transfer that will be accomplished through this Executive Order is intended to codify the current legal situation to be sure that the vital services of licensing and regulation of guides and related professions continue without the cloud on their legal authority.

Prepared by: <u>Richard I. Pegues, Director</u>	Phone: <u>465-3672</u>
Division: <u>Administrative Services Division</u>	Date: <u>12/20/95</u>
Approved by Commissioner: <u>Bruce M. Botelho, Attorney General</u>	Date: <u>12/20/95</u>
Agency: <u>Department of Law</u>	

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. Executive Order

ANALYSIS CONTINUATION:

Approval of the Executive Order will not have a fiscal impact on the Department of Law, and it should help alleviate the department's excessive caseload, freeing up time for other pressing matters.

FISCAL NOTE

Bill Version: EO 95

STATE OF ALASKA 1996 LEGISLATIVE SESSION

(S) Publish Date: 1/8/96

Revision Date: _____ Department: Commerce and Economic Development
 Title: Transfer licensing and regulation of big game guide BRU: Occupational Licensing
to the Department of Commerce and Economic Development. Component: Licensing Boards
 Sponsor: Rules Committee
 Requestor: Governor COMPONENT SERIAL N 357

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL	(11.2)	(11.2)	(11.2)	(11.2)	(11.2)	(11.2)
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	(11.2)	(11.2)	(11.2)	(11.2)	(11.2)	(11.2)
CAPITAL EXPENDITURES						
CHANGE IN REVENUES	(11.2)	(11.2)	(11.2)	(11.2)	(11.2)	(11.2)

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other: 1091 Designated PR	(11.2)	(11.2)	(11.2)	(11.2)	(11.2)	(11.2)
TOTAL	(11.2)	(11.2)	(11.2)	(11.2)	(11.2)	(11.2)

Estimate of any current year (FY 96) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)
 The Executive Order transfers responsibility for licensing and regulation of big game guides to the Department of Commerce and Economic Development. The \$11.2 decrement identifies the reduction of travel and per diem costs of the Big Game Commercial Services Board, based on FY 95 direct expenditures of the board. Licensing fees were last adjusted to cover costs in October 1994, at which time annual costs were estimated at \$230.1. The reduction of \$11.2 will leave a balance of \$218.9 in the FY 96 operating budget request and licensing fees will be adjusted accordingly; thus, the reduction of \$11.2 in revenue.

Prepared by: Jennifer Strickler, Administrative Officer Phone: 465-2144
 Division: Occupational Licensing Date: December 27, 1995
 Approved by Commission: William L. Hensley Date: 1-4-96
 Agency: Commerce and Economic Development

BILL NO:

Bill Version: EO 95
(S) Publish Date: 1/8/96

1996 LEGISLATIVE SESSION

Revision Date _____ Dept. Affected: Public Safety
 Title Guide Licensure _____

 Sponsor Rules Committee _____
 Requestor Governor _____
 Component: Commissioner's Office _____
 COMPONENT SERIAL NO. 052j

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

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Code Revenue						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 96) impact \$ _____

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 to the Department of Public Safety

Prepared By Sandy Perry-Provost, Special Assistant to the Commissioner Phone: 465-4322
 Division Commissioner's Office Date: 1/5/96
 Approved by Commissioner [Signature] Date: 1/5/96
 Agency Ronald L. Ote, Dept of Public Safety

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TONY KNOWLES
GOVERNOR



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January 8, 1996

The Honorable Drue Pearce
President of the Senate
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear President Pearce:

Under the authority of art. III, sec. 23, of the Alaska Constitution, I am transmitting an Executive Order formally transferring certain functions previously performed by the Big Game Commercial Services Board. These functions are currently being performed by the Department of Commerce and Economic Development under my Administrative Order No. 159.

The formal transfer of the functions accomplished through this Executive Order is intended to clarify the current legal situation to be sure that the vital services of licensing and regulation of guides and related professions continue without the cloud on their legal authority. The state is presently in litigation over the appropriateness of my Administrative Order assigning the functions to the Department of Commerce and Economic Development when the legislature allowed the Big Game Commercial Services Board to sunset but did not formally repeal the underlying guide licensing and other regulatory statutes.

The formal transfer of the functions relating to the licensing and regulating of guides and related occupations is in the best interest of Alaskans to protect and manage the harvest of our vital game resources and to be sure that only trained and licensed guides are involved to meet health and safety concerns.

I request your support of this Executive Order to formally transfer these important functions and administrative responsibilities.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tony Knowles".

Tony Knowles
Governor