

HB

335

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 5/9/95

FURTHER:

DATE TURNED INTO OFFICE: 4/9/96

Finance Committee considered CS FOR HOUSE BILL NO. 335(RES)(title am)

Extending the termination date of the Big Game Commercial Services Board; eliminating the requirement for a commercial use permit and payment of commercial use permit fees; efd.

and recommends:

- be replaced with 5 CS CS HB 335 (FIN)
- adopt previous _____ CS _____
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical change
 - new: SCR# _____

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
		<i>Steve Rios</i>	✓		
		<i>ROD & JILL</i>	✓		
Co-Chair: <i>Drew</i>	✓	Co-Chair:			
Co-Chair: <i>Kirk Halford</i>	✓	Co-Chair:			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

DF+G	3/11/96		(49.6)
DC+ED	3/20/96		(1.8)
DPS	3/27/96	0	(24.8)

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

Accompanying title change resolution SCR 27

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SCS CSHB 335 (FIN)

Revision Date: 3/11/96 Dept. Affected: Fish and Game
 Title: Big Game Commerical Services Board BRU: Wildlife Conservation
 Component: Wildlife Conservation
 Sponsor: Representative Ogan
 Requester: Senate Finance COMPONENT SERIAL NO. 473

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	(49.6)	(49.6)	(49.6)	(49.6)	(49.6)	(49.6)
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	(49.6)	(49.6)	(49.6)	(49.6)	(49.6)	(49.6)
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES (1005)	(49.6)	(49.6)	(49.6)	(49.6)	(49.6)	(49.6)

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	(49.6)	(49.6)	(49.6)	(49.6)	(49.6)	(49.6)
1006 GF/MHTIA						
Other 1024 Fish/Game						
TOTAL	(49.6)	(49.6)	(49.6)	(49.6)	(49.6)	(49.6)

Estimate of any current year (FY96) 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)

Assumption: If "commercial use permit fees" (AS 08.54.470(d)) are not repealed, revenue would remain constant.

Note: Commercial use permit fees received annually for use by ADF&G and Department of Public Safety are approximately \$49.6. If not repealed, those fees will be equally divided between the two departments with half of the revenue transferred by the department to Public Safety under an RSA.

Prepared by: Wayne L. Regelin, Director *WR* Phone: 465-4190
 Division: Wildlife Conservation Date: 3/11/96
 Approved by Commissioner: Goran Breen *GB* Date: _____
 Agency: Alaska Department of Fish and Game

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SCS CSHB 335(FIN)
DRAFT

Revision Date: March 26, 1996
Title: An Act relating to big game guides and transporters;
and providing for an effective date.
Sponsor: Reps. Ogan, Toohey, Rokeberg
Requestor: Senate Finance Committee

Department: Commerce and Economic Development
BRU: Occupational Licensing
Component: Operations

COMPONENT SERIAL NO. 1844

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL	(7.4)	(10.4)	(10.4)	(10.4)	(10.4)	(10.4)
CONTRACTUAL	5.6	(12.7)	(12.7)	(12.7)	(12.7)	(12.7)
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	(1.8)	(23.1)	(23.1)	(23.1)	(23.1)	(23.1)

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES	(24.9)	0.0	(46.2)	0.0	(46.2)	0.0
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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	(1.8)	(23.1)	(23.1)	(23.1)	(23.1)	(23.1)
TOTAL	(1.8)	(23.1)	(23.1)	(23.1)	(23.1)	(23.1)

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

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)
SCS CSHB 335(FIN) is a rewrite of AS 08.54 pertaining to regulation of big game guides and transporters. Funding for the big game guide-outfitter licensing program is currently in the FY 97 operating budget request. The decrement identified in this fiscal note is a change to the operating budget request based on provisions in this bill. Explanation of this decrement is provided on the attached pages.

Prepared by: Jennifer Strickler, Administrative Officer
Division: Occupational Licensing
Approved by Commissioner: William L. Hensley
Agency: Commerce and Economic Development

Phone: 465-2144
Date: March 26, 1996
Date: 3-26-96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO.: SCS CSHB 335(FIN)

ANALYSIS: (Continued)

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT FISCAL NOTE CALCULATIONS

Funding for the guide-outfitter licensing program is included in the FY 97 operating budget. This funding is based on FY 95 Direct program expenses shown below:

(FY 95 Direct costs)

Personal Services	\$141,159.00
Travel	11,196.00
Contractual Services	53,333.00
Supplies	<u>594.00</u>
TOTAL:	\$206,282.00

SCS CSHB 335(FIN) proposes several changes to the current statutory requirements. The changes with substantial fiscal impact include the following:

- Elimination of the Board and associated travel to board meetings;
- Elimination of the Commercial Use Permits;
- Elimination of the Assistant Guide-Outfitter examinations.

The fiscal impact of these changes are explained below.

Travel: {7,396.00}

The elimination of a board will no longer require funding for board meetings. However, travel funds will still be required for staff to administer the guide-outfitter examinations throughout the State; and to fund examination workshops or other travel associated with re-write of the guide-outfitter examinations.

In FY 95, travel expenses of the Big Game Commercial Services Board were lower than previous years because the board was in its final year of existence having sunsetted on June 30, 1994. We therefore used FY 94 activity upon which to base costs. The FY 94 board member travel costs to attend 3 meetings totaled \$10,800.00; while staff travel to attend the meetings and administer examinations totaled \$5,100.00.

SCS CSHB 335(FIN), continued

Consideration of travel requirements under the bill in administering only guide-outfitter examinations (at least two times per year), the cost is \$400.00 x 1 staff x 2 exams = \$800.00; and holding at least two examination work shops in the first year at a cost of \$1,500.00 each x 2 = \$3,000.00. It is estimated that at least \$3,800.00 will be needed in travel. The examination work shop costs of \$3,000.00 is deleted after the first year.

Contractual Services: 5,555.00

An average of 143 assistant guide-outfitter exams are administered each year. The costs per exam is \$50.00, thereby reducing assistant guide-outfitter costs by \$7,150.00 with elimination of the assistant guide-outfitter exams (\$50.00 x 143 = \$7,150.00). Aside from this reduction, the bill requires:

a) Re-write of the Guide-Outfitter examination, at an estimated cost of \$10,000.00 (development cost for the current exam was approximately \$25,000.00). Funding to re-write the examination is a one-time expense needed only in the first fiscal year and is deleted thereafter.

b) Re-write of existing regulations. Costs involved with public noticing the regulation changes, printing, and postage, are estimated at \$2,700.00. This expense is anticipated to be a one-time expense and is deleted thereafter.

Based on the issues listed above, an additional \$5,550.00 would be needed to complete these tasks in the first year.

Supplies: {0.0}

No change is anticipated to supply costs. Based on FY 95 activity, supply funding of \$600.00 is already included in the FY 97 operating budget request.

SUMMARY:

The adjustments described in this fiscal note will provide the following FY 97 funding for the Guide-Outfitter licensing program:

	<u>FY 95</u>	<u>Fiscal Note Adj.</u>	<u>FY 97</u>
Personal Services	141,159.00	0.00	141,159.00
Travel	11,196.00	{7,396.00}	3,800.00
Contractual Services	53,333.00	5,550.00	58,883.00
Supplies	<u>594.00</u>	<u>0.00</u>	<u>594.00</u>
TOTAL:	\$206,282.00	{1,846.00}	204,436.00

SCS CSHB 335(FIN), continued

REVENUE:

Licensing fees from all categories within the guide-outfitter licensing program will have to be adjusted to ensure sufficient fees are collected to fund the program. The following factors are considered in adjusting fees for the program:

- Elimination of the assistant guide-outfitter exams at \$50.00 per examinee x 143 candidates. {7,150.00}
 - Elimination of the Commercial Use Permit (CUP) Holder Application (\$50) x 13 applicants {650.00}
 - Elimination of the CUP Holder (\$100) fees x 36 CUP Holders {3,600.00}
 - Elimination of the Use Area Application (\$50) x 50 applicants {2,500.00}
 - Elimination of Use Area Registration (\$100) fees x 732 registrants {73,200.00}
- Sub-Total Annual Revenue Reduction: {87,100.00}

In addition, elimination of the Commercial Use Permit (CUP) will reduce FY 97 revenue by up to \$68,100.00. The CUP is a fee collected by this department, then transferred to the Department of Fish and Game or Public Safety for enforcement. No part of the CUP fee is used to support licensing operations in the Department of Commerce and Economic Development.

Section 13 of the bill requires the Department of Commerce & Economic Development to refund CUP fees paid in 1996. Receipts from Commercial Use Permit fees collected in 1996 by the Department of Commerce and Economic Development will not be transferred to the Departments of Fish and Game and Public Safety, but will be refunded to guides. In FY 96, the Department of Fish and Game was anticipating CUP receipts of \$49.6 with approximately half to be shared with the Department of Public Safety.

Section 13 of the bill also requires the Department of Commerce to refund guide use area application fees paid in 1996. As of March 25, 1996 approximately 300 applications have been received. The application fee is \$50.00.

1996 LEGISLATIVE SESSION

Revision Date: March 27, 1996 Dept. Affected: Public Safety
 Title: An Act relating to big game guides and BRU: Fish & Wildlife Protection
transporters; and providing for an effective date. Component: Enforcement & ISU
 Sponsor: Representative Ogan
 Requestor: S. Finance COMPONENT SERIAL NO. 0490

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 (1007)	(24.8)	(24.8)	(24.8)	(24.8)	(24.8)	(24.8)
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: \$ (49.6)

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: Captain Richard Graham Phone: 243-2298
 Division: Fish & Wildlife Protection Date: 03/27/96
 Approved by Commissioner: *Ronald L. Otte* Date: 3/27/96
 Agency: Ronald L. Otte, Department of Public Safety

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FISCAL NOTE Continuation
Bill Number SCS CSHB 335 (FIN)
Title: "An Act relating to big game guides ...

Page 2 of 2

ANALYSIS:

Two issues are being addressed with this fiscal note:

1. This bill eliminates planned revenue from this division with the removal of the Big Game User Permit Fees, estimated at \$24.8 in FY97. In the past, these fees provided needed funding for special big game and guiding enforcement programs. Without this revenue, these programs would be reduced or eliminated.
2. The proposed refunding of fees paid for transporter licenses, guide-outfitter licenses, commercial use permits, use area registrations, and use area registration application for 1996 or 1996 and 1997 will have a direct impact on this division. The estimated \$49.6 to be transferred to Fish & Wildlife Protection in FY96 will be reduced with passage of this legislation.

Note: As this division does not have program receipt authority, the Department of Fish and Game (ADFG) receives the revenue from the Department of Commerce and then transfers the Division of Fish and Wildlife Protection's (FWP) share via Reimbursable Services Agreement. In FY97, the estimated revenue of \$49.6 would be received by ADFG with 50% (\$24.8) being transferred to FWP.

SENATE FINANCE
 COMMITTEE
 Amendment Number: 1
 Bill Number: SCS 335(FIN) N
 Sponsor: _____ Date: 4/9/96
 Logged In By: [Signature]

4/9/96 pm
 SR
 9-LS1156N.1 moved
 Utermohle Adopted
 4/4/96

A M E N D M E N T

Phoned
 Legal
 4:00pm

OFFERED IN THE SENATE

TO: SCS CSHB 335(FIN); version N

1 Page 6, line 16:

2 Delete "18"

3 Insert "21"

Post-It [®] Fax Note	7671	Date	4/11/96	# of pages	2
To	Kristi	From	Terry		
Co./Dept.	Fbx. Leg. Office	Co.	Sen Fin Committee		
Phone #	452-4448	Phone #	465-4935		
Fax #	456-3346	Fax #	465-2187		

4 Page 6, line 21:

5 Delete "for at least three seasons"

6 Insert "during at least three calendar years"

7 Page 10, line 10:

8 Delete "or"

9 Insert ", who contracts to guide or outfit a big game hunt, or a"

10 Page 10, line 19:

11 Delete "under"

12 Insert "in a timely manner under (c) of"

13 Page 10, line 22, after "services;":

14 Insert "or"

15 Page 10, lines 23 - 25:

16 Delete all material and insert:

17 "(2) has failed to file records or reports required under this chapter.

18 (b) The department may impose a disciplinary sanction in a timely manner
 19 under (c)(3) - (7) of this section if the department finds after a hearing that a licensee
 20 is incompetent as a registered guide, class-A assistant guide, assistant guide, or

1 transporter."

2 Reletter the following subsections accordingly.

3 Page 11, line 12, after "AS 08.54.720.":

4 Insert "If the department suspends or permanently revokes a license under this
5 subsection, the department may not also impose an administrative disciplinary sanction of
6 suspension or permanent revocation of the same license for the same offense for which the
7 court ordered the suspension or permanent revocation under AS 08.54.720."

8 Page 14, line 27:

9 Delete "08.54.710(f)"

10 Insert "08.54.710(g)"

11 Page 16, after line 30:

12 Insert a new subsection to read:

13 "(e) For licenses issued under this chapter for 1997 and subsequent years, the
14 amount of the license fee for a nonresident shall be two times the amount of the
15 license fee for a resident."

4/9/96 PM
SF
moved
w/
Amend
#1

9-LS1156N
Utermohle
3/27/96

SENATE CS FOR CS FOR HOUSE BILL NO. 335(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES OGAN, Toohey, Rokeberg

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to big game guides and transporters; and providing for an
2 effective date."

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

4 * Section 1. AS 08.01.010 is amended by adding a new paragraph to read:

5 (37) regulation of big game guides and transporters under AS 08.54.

6 * Sec. 2. AS 08.01.050(a) is amended to read:

7 (a) The department shall perform the following administrative and budgetary
8 services when appropriate:

9 (1) collect and record fees;

10 (2) maintain records and files;

11 (3) issue and receive application forms;

12 (4) notify applicants of acceptance or rejection as determined by the
13 board or as determined by the department under AS 08.06 for acupuncturists, under
14 AS 08.11 for audiologists, under AS 08.18 for contractors, under AS 08.40 for electrical

1 and mechanical administrators, under AS 08.45 for naturopaths, under AS 08.54 for big
2 game guides and transporters, under AS 08.55 for hearing aid dealers, or under
3 AS 08.70 for nursing home administrators;

4 (5) designate dates examinations are to be held and notify applicants;

5 (6) publish notice of examinations and proceedings;

6 (7) arrange space for holding examinations and proceedings;

7 (8) notify applicants of results of examinations;

8 (9) issue licenses or temporary licenses as authorized by the board or as
9 authorized by the department under AS 08.06 for acupuncturists, under AS 08.11 for
10 audiologists, under AS 08.18 for contractors, under AS 08.40 for electrical and
11 mechanical administrators, under AS 08.45 for naturopaths, under AS 08.54 for big
12 game guides and transporters, under AS 08.55 for hearing aid dealers, or under
13 AS 08.70 for nursing home administrators;

14 (10) issue duplicate licenses upon submission of a written request by the
15 licensee attesting to loss of or the failure to receive the original and payment by the
16 licensee of a fee established by regulation adopted by the department;

17 (11) notify licensees of renewal dates at least 30 days before the
18 expiration date of their licenses;

19 (12) compile and maintain a current register of licensees;

20 (13) answer routine inquiries;

21 (14) maintain files relating to individual licensees;

22 (15) arrange for printing and advertising;

23 (16) purchase supplies;

24 (17) employ additional help when needed;

25 (18) perform other services that may be requested by the board;

26 (19) provide inspection, enforcement, and investigative services to the
27 boards and for the occupations listed in AS 08.01.010 [,] regarding all licenses issued by
28 or through the department;

29 (20) retain and safeguard the official seal of a board and prepare, sign,
30 and affix a board seal, as appropriate, for licenses approved by a board;

31 (21) issue business licenses under AS 43.70.

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

1 ARTICLE 5. BIG GAME GUIDES AND TRANSPORTERS.

2 Sec. 08.54.600. DUTIES AND POWERS OF DEPARTMENT. The Department
3 of Commerce and Economic Development shall

4 (1) prepare, grade, and administer

5 (A) a qualification examination for a registered guide license that
6 requires demonstration that the applicant is qualified generally to provide guided
7 and outfitted hunts and, in particular, possesses knowledge of fishing, hunting,
8 and guiding laws and regulations; and

9 (B) a certification examination for each game management unit
10 in which the registered guide intends to provide big game hunting services; the
11 examination must require demonstration that the registered guide is qualified to
12 provide guided and outfitted hunts in the game management unit for which the
13 registered guide seeks to be certified and, in particular, must require
14 demonstration that the registered guide possesses knowledge of the terrain,
15 transportation problems, game, and other characteristics of the game management
16 unit;

17 (2) issue registered guide, master guide, class-A assistant guide, assistant
18 guide, and transporter licenses;

19 (3) compile, maintain, and publish an annual roster of registered guides
20 and master guides licensed under this chapter; a person listed in the roster whose license
21 is revoked or suspended shall be removed from the roster while the person's license is
22 revoked or suspended;

23 (4) impose appropriate disciplinary sanctions on a licensee under
24 AS 08.54.600 - 08.54.790;

25 (5) require an applicant for issuance or renewal of any class of guide
26 license or of a transporter license to state in a written and signed document whether the
27 applicant's right to obtain, or exercise the privileges granted by, a hunting, guiding,
28 outfitting, or transportation services license is revoked or suspended in this state or
29 another state or in Canada;

30 (6) regularly disseminate information regarding examinations and other
31 qualifications for all classes of guide licenses to residents of the rural areas of the state;

32 (7) adopt procedural and substantive regulations required by this chapter;

1 (8) administer examinations for registered guides at least twice a year;
2 an examination may not be given within 90 days after the previous examination; at least
3 once every other year the department shall give the examination at a location other than
4 Anchorage.

5 Sec. 08.54.605. ELIGIBILITY FOR LICENSES. (a) Notwithstanding
6 AS 08.54.610, 08.54.620, 08.54.630, 08.54.650, and 08.54.660, a person may not
7 receive or renew a registered guide license, master guide license, class-A assistant
8 guide license, assistant guide license, or transporter license if

9 (1) the person has been convicted of

10 (A) a state hunting, guiding, or transportation services statute
11 or regulation within the last five years for which the person was fined more
12 than \$1,000 or imprisoned for more than five days;

13 (B) a felony within the last five years; or

14 (C) a felony offense against the person under AS 11.41 within
15 the last 10 years; or

16 (2) the person's right to obtain, or exercise the privileges granted by,
17 a hunting, guiding, outfitting, or transportation services license is suspended or revoked
18 in this state or another state or in Canada.

19 (b) Notwithstanding (a) of this section, (a)(1)(B) and (a)(1)(C) of this section are
20 not applicable to offenses committed by a person who receives or received any class of
21 guide license or a transporter license under sec. 13 of this Act if the offense was
22 committed before the effective date of this Act.

23 Sec. 08.54.610. REGISTERED GUIDE LICENSE. (a) A natural person is
24 entitled to a registered guide 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 guiding and outfitting activities;

29 (3) has passed the qualification examination prepared and administered
30 by the department under AS 08.54.600;

31 (4) has passed a certification examination prepared and administered by
32 the department under AS 08.54.600 for at least one game management unit;

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

3 (6) has been licensed as and performed the services of a class-A assistant
4 guide or assistant guide, or of a class-A assistant guide-outfitter or assistant guide-
5 outfitter under former AS 08.54.300 - 08.54.590, in the state for a part of each of three
6 years;

7 (7) is capable of performing the essential duties associated with guiding
8 and outfitting;

9 (8) has been favorably recommended in writing by eight big game
10 hunters whose recommendations have been solicited by the department from a list
11 provided by the applicant, including at least two favorable recommendations for each
12 year of any three years during which the person was a class-A assistant guide or assistant
13 guide, or a class-A assistant guide-outfitter or assistant guide-outfitter under former
14 AS 08.54.300 - 08.54.590;

15 (9) has provided proof of financial responsibility if required by the
16 department under AS 08.54.680; and

17 (10) has applied for a registered guide license on a form provided by the
18 department and paid the license application fee and the registered guide license fee.

19 (b) A master guide license authorizes a registered guide to use the title master
20 guide, but is for all other purposes under this chapter a registered guide license. A
21 natural person is entitled to receive a renewable master guide license if the person

22 (1) is, at the time of application for a master guide license, licensed as
23 a registered guide under this section;

24 (2) has been licensed in this state as a registered guide or a guide-
25 outfitter, under former AS 08.54.010 - 08.54.240, former AS 08.54.300 - 08.54.590, or
26 this chapter, for at least 12 of the last 15 years, including the year immediately preceding
27 the year in which the person applies for a master guide license;

28 (3) submits a list to the department of at least 25 clients for whom the
29 person has personally provided guiding or outfitting services and the person receives a
30 favorable evaluation from 10 of the clients selected from the list by the department; and

31 (4) applies for a master guide license on a form provided by the
32 department and pays the application fee, if any.

1 (c) A registered guide may contract to guide or outfit hunts for big game and
2 may provide transportation services, personally or through an assistant, to big game
3 hunters who are clients of the guide.

4 (d) A person who is licensed as a registered guide may be employed by another
5 registered guide to perform the functions of a registered guide or class-A assistant guide
6 in the game management unit for which the person is certified under AS 08.54.600 or
7 of an assistant guide in any game management unit.

8 (e) A registered guide who contracts for a guided hunt shall be

9 (1) physically present in the field with the client at least once during the
10 contracted hunt; and

11 (2) in the field and participating in the contracted hunt, unless the hunt
12 is being conducted by a class-A assistant guide or a registered guide employed by the
13 contracting registered guide.

14 Sec. 08.54.620. CLASS-A ASSISTANT GUIDE LICENSE. (a) A natural
15 person is entitled to a class-A assistant guide license if the person

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

17 (2) applies for a class-A assistant guide license on a form provided by
18 the department and pays the license application fee and the license fee; and

19 (3) either

20 (A) has

21 (i) been employed for at least three seasons as any class
22 of licensed guide in the game management unit for which the license is
23 sought; and

24 (ii) at least 10 years' hunting experience in the state;
25 military service outside of the state for not more than three years shall be
26 accepted as part of the required 10 years' hunting experience; or

27 (B) provides

28 (i) evidence that the person physically resides in the game
29 management unit in which the person is to be employed;

30 (ii) evidence that the person has had at least 15 years'
31 hunting experience in the game management unit in which the person is
32 to be employed; military service outside of the state for not more than

1 three years shall be accepted as part of the required 15 years' hunting
2 experience; and

3 (iii) a written recommendation from a registered guide,
4 state trooper, state fish and wildlife law enforcement officer, or state fish
5 or game biologist who is familiar with the person or who intends to
6 employ the person as a class-A assistant guide.

7 (b) A class-A assistant guide

8 (1) may not contract to guide or outfit a big game hunt;

9 (2) shall be employed by and under the supervision of a registered guide
10 who has contracted with the client for whom the class-A assistant guide is conducting
11 the hunt;

12 (3) may take charge of a camp and conduct guide activities from the
13 camp without the contracting registered guide being in the field and participating in the
14 contracted hunt if the contracting registered guide is supervising the guiding activities;

15 (4) may not perform functions of a class-A assistant guide outside of the
16 game management unit for which the license is issued; and

17 (5) may be employed by a registered guide to perform the functions of
18 an assistant guide in any game management unit.

19 Sec. 08.54.630. ASSISTANT GUIDE LICENSE. (a) A natural person is
20 entitled to an assistant guide license if the person

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

22 (2) has legally hunted in the state during two calendar years;

23 (3) possesses a first aid card issued by the Red Cross or a similar
24 organization;

25 (4) obtains a written recommendation from a registered guide, state
26 trooper, state fish and wildlife law enforcement officer, or state fish or game biologist
27 who is familiar with the person or who intends to employ the person as an assistant
28 guide; and

29 (5) applies for an assistant guide license on a form provided by the
30 department and pays the license application fee and the license fee.

31 (b) An assistant guide

32 (1) may not contract to guide or outfit a big game hunt;

1 (2) shall be employed by a registered guide and under the supervision of
2 a registered guide or class-A assistant guide while the assistant guide is in the field on
3 guided hunts; and

4 (3) may not take charge of a camp or conduct guide activities unless the
5 contracting registered guide is in the field and participating in the contracted hunt or a
6 registered guide or class-A assistant guide employed by the contracting guide is
7 physically present and supervising the hunt.

8 Sec. 08.54.640. LAW ENFORCEMENT OFFICERS AND GAME
9 BIOLOGISTS. (a) Notwithstanding AS 08.54.610 - 08.54.630 and except as provided
10 in (b) of this section, a person may not hold, or earn experience credits to apply for, a
11 registered guide license under this chapter, while the person is a law enforcement officer
12 and for three months after terminating the person's status as a law enforcement officer.

13 (b) A registered guide license, class-A assistant guide license, or assistant guide
14 license issued under this chapter, or under former provisions of AS 08.54.300 -
15 08.54.590, after May 16, 1992, is suspended if the person to whom the license is issued
16 subsequently becomes a law enforcement officer. A person whose license is subject to
17 suspension under this subsection shall notify the department that the person has become
18 a law enforcement officer within 30 days after becoming a law enforcement officer. The
19 suspension of a license under this subsection remains in effect until three months have
20 elapsed from the date on which the licensee provides written notification to the
21 department of the fact that the person is no longer a law enforcement officer. A person
22 whose license is suspended under this subsection is not required to renew the license or
23 pay license renewal fees for the period of suspension. Once a suspension of a license
24 is terminated, the licensee may provide without further payment of a guide license fee,
25 the guide services authorized by the license for the remainder of the licensing period in
26 which the suspension is terminated. Notwithstanding other provisions of this subsection,
27 if a person whose license is suspended under this subsection fails to notify the
28 department within one year after the person is no longer a law enforcement officer, the
29 person's license lapses and the person is eligible for reissuance of the license only as
30 provided in AS 08.54.670. The department may adopt regulations to implement this
31 subsection.

32 (c) A person who holds any class of guide license and who is employed by the

1 Department of Fish and Game or a federal wildlife management agency may not, while
2 employed by the department or agency as a game or wildlife biologist and for 12 months
3 after leaving employment with the department or agency as a game or wildlife biologist,
4 engage in providing big game hunting services in a game management unit in which the
5 person conducted game or wildlife management or research activities for the department
6 or agency at any time during the preceding 12 months.

7 (d) In this section, "law enforcement officer" means a person who is

8 (1) employed by the Department of Public Safety as a state trooper or
9 as a law enforcement officer engaged in fish and wildlife protection; or

10 (2) employed as a fish and wildlife law enforcement officer by the United
11 States Department of the Interior or the United States Department of Agriculture.

12 Sec. 08.54.650. TRANSPORTER LICENSE. (a) A person is entitled to a
13 transporter license if the person

14 (1) applies for a transporter license on a form provided by the
15 department; and

16 (2) pays the license application fee and the license fee.

17 (b) A transporter may provide transportation services and accommodations to big
18 game hunters in the field at a permanent lodge, house, or cabin owned by the transporter
19 or on a boat with permanent living quarters located on salt water. A transporter may not
20 provide big game hunting services without holding the appropriate license.

21 (c) A transporter shall provide an annual activity report on a form provided by
22 the department. An activity report must contain information required by the department
23 by regulation.

24 Sec. 08.54.660. RENEWAL OF GUIDE AND TRANSPORTER LICENSES.

25 (a) An applicant for renewal of a registered guide, class-A assistant guide, assistant
26 guide, or transporter license shall submit

27 (1) a request for renewal of the license on a form provided by the
28 department; and

29 (2) the appropriate license fee for the next licensing period.

30 (b) The department may not renew a registered guide license under this section
31 unless all fees have been paid in full and all hunt records due during the term of the
32 current license have been filed with the department.

1 (c) The department may not renew a transporter license unless all fees have been
2 paid in full and all activity reports due during the term of the current license have been
3 filed with the department.

4 Sec. 08.54.670. FAILURE TO RENEW. The department may not issue a
5 license to a person who held a registered guide class-A assistant guide, or assistant guide
6 license and who has failed to renew the license under this chapter for four consecutive
7 years unless the person again meets the qualifications for initial issuance of the license.

8 Sec. 08.54.680. FINANCIAL RESPONSIBILITY AND OTHER
9 REQUIREMENTS FOR GUIDES AND TRANSPORTERS. (a) The department may
10 require a registered guide or transporter to provide proof of financial responsibility up
11 to the amount of \$100,000. A registered guide or transporter may demonstrate financial
12 responsibility by assets, insurance, or a bond in the requisite amount.

13 (b) If a registered guide, class-A assistant guide, or an assistant guide personally
14 pilots an aircraft to transport clients during the provision of big game hunting services,
15 the registered guide, class-A assistant guide, or assistant guide shall have a commercial
16 pilot's rating or a minimum of 500 hours of flying time in the state.

17 ARTICLE 6. ENFORCEMENT.

18 Sec. 08.54.710. DISCIPLINE OF GUIDES AND TRANSPORTERS. (a) The
19 department may impose a disciplinary sanction under this section if the department finds
20 after a hearing that a licensee

21 (1) is convicted of a violation of a state statute or regulation relating to
22 hunting or to provision of big game hunting services or transportation services;

23 (2) is incompetent as a registered guide, class-A assistant guide, assistant
24 guide, or transporter; or

25 (3) has failed to file records or reports required under this chapter.

26 (b) The department may impose the following disciplinary sanctions, singly or
27 in combination:

28 (1) permanently revoke a license;

29 (2) suspend a license for a specified period;

30 (3) censure or reprimand a licensee;

31 (4) impose limitations or conditions on the professional practice of a
32 licensee;

1 (5) impose requirements for remedial professional education to correct
2 deficiencies in the education, training, and skill of the licensee;

3 (6) impose probation requiring a licensee to report regularly to the
4 department on matters related to the grounds for probation;

5 (7) impose a civil fine not to exceed \$1,000.

6 (c) The department shall permanently revoke a transporter license or any class
7 of guide license if the department finds after a hearing that the license was obtained
8 through fraud, deceit, or innocent misrepresentation.

9 (d) The department shall suspend or permanently revoke a transporter license or
10 any class of guide license without a hearing if the court orders the department to suspend
11 or permanently revoke the license as a penalty for conviction of an unlawful act under
12 AS 08.54.720.

13 (e) A certified copy of a judgment of conviction of a licensee for an offense is
14 conclusive evidence of the commission of that offense in a disciplinary proceeding
15 instituted against the licensee under this section based on that conviction, regardless of
16 whether the conviction resulted from a plea of nolo contendere or the conviction is under
17 appeal, unless the conviction is overturned on appeal.

18 (f) A person whose license is suspended or revoked under this section may not
19 engage in the provision of big game hunting services or transportation services during
20 the period of license suspension or revocation.

21 (g) If the department revokes a license under this section, the person whose
22 license has been revoked shall immediately surrender the license to the department.

23 (h) The department may summarily suspend a licensee from practice of the
24 profession under this chapter, for a period of not more than 30 days, before a final
25 hearing is held or during an appeal if the department finds that the licensee poses a
26 clear and immediate danger to the public health and safety. A person is entitled to a
27 hearing before the department to appeal the summary suspension within seven days
28 after the order of suspension is issued. A person may appeal an adverse decision of
29 the department on an appeal of summary suspension to a court of competent
30 jurisdiction.

31 Sec. 08.54.720. UNLAWFUL ACTS. (a) It is unlawful for a

32 (1) person who is licensed under this chapter to knowingly fail to

1 promptly report to the Department of Public Safety, division of fish and wildlife
2 protection, and in no event later than 20 days, a violation of a state game, guiding, or
3 transportation services statute or regulation that the person reasonably believes was
4 committed by a client or an employee of the person;

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

8 (3) class-A assistant guide or an assistant guide to knowingly guide a
9 hunt except while employed and supervised by a registered guide;

10 (4) person who holds any class of guide license to knowingly enter or
11 remain on private land without prior authorization during the course of providing big
12 game hunting services;

13 (5) registered guide to knowingly engage in providing big game hunting
14 services outside of

15 (A) a game management unit for which the registered guide is
16 certified; or

17 (B) a use area for which the registered guide is registered under
18 AS 08.54.750 unless the registration requirement for the area has been
19 suspended by the Department of Fish and Game;

20 (6) person to knowingly guide without having a current registered
21 guide, class-A assistant guide, or assistant guide license and hunting license in actual
22 possession;

23 (7) registered guide to knowingly fail to comply with AS 08.54.610(e);

24 (8) person who is licensed under this chapter to knowingly

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

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

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

1 (ii) reporting the violation;

2 (9) person without a current registered guide license to knowingly
3 guide, advertise as a registered guide, or represent to be a registered guide;

4 (10) person without a current master guide license to knowingly
5 advertise as, or represent to be, a master guide;

6 (11) person without a current registered guide license to knowingly
7 outfit a big game hunt, advertise as an outfitter of big game hunts, or represent to be
8 an outfitter of big game hunts;

9 (12) person to knowingly provide transportation services to big game
10 hunters without holding a current registered guide license or transporter license;

11 (13) person without a current transporter license to knowingly advertise
12 as, or represent to be, a transporter;

13 (14) class-A assistant guide or an assistant guide to knowingly contract
14 to guide or outfit a hunt;

15 (15) person licensed under this chapter to knowingly violate a state
16 statute or regulation prohibiting waste of a wild food animal or hunting on the same
17 day airborne; or

18 (16) person to knowingly provide big game hunting service or
19 transportation services during the period for which the person's license to provide that
20 service is suspended or revoked.

21 (b) In addition to a disciplinary sanction imposed under AS 08.54.710, a
22 person who commits an offense set out in (a)(1) - (7) of this section is guilty of a
23 misdemeanor and is punishable by a fine of not more than \$10,000 or by imprisonment
24 up to one year, or both.

25 (c) In addition to a disciplinary sanction imposed under AS 08.54.710, a
26 person who commits an offense set out in (a)(8) - (14) of this section is guilty of a
27 misdemeanor and is punishable by a fine of not more than \$30,000 or by imprisonment
28 up to one year, or both.

29 (d) In addition to a disciplinary sanction imposed under AS 08.54.710, a
30 person who commits an offense set out in (a)(15) of this section is guilty,

31 (1) for a first offense, of a misdemeanor and is punishable by a fine of
32 not more than \$30,000 or by imprisonment up to one year, or both;

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(2) for a second or subsequent offense, of a class C felony.

(e) In addition to a disciplinary sanction imposed under AS 08.54.710, a person who violates (a)(16) of this section is guilty of a class C felony.

(f) In addition to the penalties set out in (b) - (e) of this section and a disciplinary sanction imposed under AS 08.54.710,

(1) the court may order the department to suspend the guide license or transporter license of a person who commits a misdemeanor offense set out in (a)(1), (3) - (5), or (7) of this section for a specified period of not more than three years;

(2) the court shall order the department to suspend the guide license or transporter license of a person who commits a misdemeanor offense set out in (a)(2) or (8) - (14) of this section for a specified period of not less than one year and not more than five years;

(3) the court shall order the department to suspend the guide license or transporter license for a specified period of not less than three years, or to permanently revoke the guide license or transporter license, of a person who commits an offense set out in (a)(15) or (16) of this section; and

(4) all guns, fishing tackle, boats, aircraft, automobiles, or other vehicles, camping gear, and other equipment and paraphernalia used in, or in aid of, a violation of (a) of this section may be seized by persons authorized to enforce this chapter and may be forfeited to the state as provided under AS 16.05.195.

(g) Upon conviction of a person for committing an offense set out in (a) of this section, the execution of sentence may not be suspended and probation may not be granted except on the condition that the minimum term of imprisonment is served. Imposition of sentence may not be suspended.

Sec. 08.54.730. INJUNCTION AGAINST UNLAWFUL ACTION. When in the judgment of the department, a person has engaged in an act in violation of AS 08.54.620(b), 08.54.630(b), 08.54.650(b), 08.54.710(f), or 08.54.720(a) or the regulations adopted under these statutes, the department may apply to the appropriate court for an order enjoining the action. Upon a showing by the department that the person is engaging in the act, the court shall grant injunctive relief or other appropriate order without bond.

Sec. 08.54.740. RESPONSIBILITY OF GUIDE OR TRANSPORTER FOR

1 VIOLATIONS. (a) A registered guide who contracts to guide or outfit a big game hunt
2 is equally responsible under AS 08.54.710 for a violation of a state game, guiding, or
3 transportation services statute or regulation committed by a person while in the course
4 of the person's employment for the registered guide.

5 (b) A transporter who provides transportation services is equally responsible
6 under AS 08.54.710 for a violation of a state game, guiding, or transportation services
7 statute or regulation committed by a person while in the course of the person's
8 employment for the transporter.

9 ARTICLE 7. MISCELLANEOUS PROVISIONS.

10 Sec. 08.54.750. USE AREA REGISTRATION. (a) At least 30 days before
11 conducting big game hunting services within a guide use area, a registered guide shall
12 inform the department, in person or by registered mail on a registration form provided
13 by the department, that the guide will be conducting big game hunting services in the use
14 area.

15 (b) A registered guide may not register for or conduct big game hunting services
16 in

17 (1) more than three guide use areas during a calendar year; or

18 (2) a guide use area that is outside of a game management unit for which
19 the registered guide is certified under AS 08.54.600.

20 (c) Notwithstanding (a) and (b) of this section, a registered guide may register
21 to conduct big game hunting services within a guide use area at any time before
22 beginning operations in the guide use area and may conduct big game hunting services
23 in a guide use area, or for a big game species in a guide use area, that is not one of the
24 three guide use areas for which the registered guide has registered under (b) of this
25 section if the Department of Fish and Game has determined by regulation that it is in the
26 public interest to suspend the registration requirements for that guide use area or for all
27 guide use areas in a game management unit or game management subunit for a big game
28 species within those guide use areas.

29 (d) In this section, "guide use area" means a geographic area of the state
30 identified as a guide-outfitter use area by the former Big Game Commercial Services
31 Board and described on a set of maps titled Guide-Outfitter Use Area Maps, dated
32 June 22, 1994.

1 Sec. 08.54.760. HUNT RECORDS; CONFIDENTIALITY OF HUNT
2 RECORDS AND ACTIVITY REPORTS. (a) The department shall collect and maintain
3 hunt records provided by a registered guide. A registered guide shall submit to the
4 department a hunt record for each contracted hunt within 30 days after the completion
5 of the hunt. A hunt record must include a list of all big game hunters who used the
6 guiding or outfitting services of the registered guide, the number of each big game
7 species taken, and other information required by the department. The department shall
8 provide forms for reporting hunt records.

9 (b) The department shall make hunt records received under this section, and
10 activity reports received under AS 08.54.650, available to state agencies and federal fish
11 and wildlife law enforcement agencies charged with the enforcement of statutes and
12 regulations relating to guiding, outfitting, transportation services, or game or with
13 management of game if requested for game management or law enforcement purposes.
14 Aggregated data compiled from hunt records and activity reports may be included in
15 reports by the department. For all other purposes, the hunt records and activity reports
16 are confidential and are not subject to inspection or copying under AS 09.25.110 -
17 09.25.125.

18 Sec. 08.54.770. LICENSE AND EXAMINATION FEES. (a) The department
19 shall set fees under AS 08.01.065 for each of the following:

- 20 (1) registered guide license;
- 21 (2) class-A assistant guide license;
- 22 (3) assistant guide license;
- 23 (4) transporter license;
- 24 (5) license application fee.

25 (b) The license fee for the registered guide, class-A assistant guide, or assistant
26 guide license is in addition to the fee required for a hunting license.

27 (c) An applicant for a qualifying examination for a registered guide license shall
28 pay a fee established by regulations adopted under AS 08.01.065.

29 (d) The fee for the transporter license must be equal to the fee for the registered
30 guide license.

31 Sec. 08.54.790. DEFINITIONS. In this chapter,

- 32 (1) "big game" means brown bear, grizzly bear, caribou, moose, black

1 bear, bison, Sitka blacktail deer, elk, mountain goat, musk-ox, and mountain or Dall
2 sheep; "big game" includes wolf and wolverine when taken under hunting regulations;

3 (2) "big game hunting service" means a service for which the provider
4 of the service must obtain a registered guide, class-A assistant guide, or assistant guide
5 license; "big game hunting service" includes guiding services and outfitting services;

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

8 (4) "department" means the Department of Commerce and Economic
9 Development;

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

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

16 (7) "guide" means to provide, for compensation or with the intent or with
17 an agreement to receive compensation, services, equipment, or facilities to a big game
18 hunter in the field by a person who accompanies or is present with the big game hunter
19 in the field either personally or through an assistant; in this paragraph, "services"
20 includes

21 (A) contracting to guide or outfit big game hunts;

22 (B) stalking, pursuing, tracking, killing, or attempting to kill big
23 game;

24 (C) packing, preparing, salvaging, or caring for meat, except that
25 which is required to properly and safely load the meat on the mode of
26 transportation being used by a transporter;

27 (D) field preparation of trophies, including skinning and caping;

28 (E) selling, leasing, or renting goods when the transaction occurs
29 in the field;

30 (F) using guiding or outfitting equipment, including spotting
31 scopes and firearms, for the benefit of a hunter; and

32 (G) providing camping or hunting equipment or supplies which

1 are already located in the field;

2 (8) "outfit" means to provide, for compensation or with the intent to
3 receive compensation, services, supplies, or facilities to a big game hunter in the field,
4 by a person who neither accompanies nor is present with the big game hunter in the field
5 either personally or by an assistant;

6 (9) "transportation services" means the carriage for compensation of big
7 game hunters, their equipment, or big game animals harvested by hunters to, from, or in
8 the field; "transportation services" does not include the carriage by aircraft of big game
9 hunters, their equipment, or big game animals harvested by hunters

10 (A) on nonstop flights between airports listed in the Alaska
11 supplement to the Airmen's Guide published by the Federal Aviation
12 Administration; or

13 (B) by an air taxi operator or air carrier for which the carriage of
14 big game hunters, their equipment, or big game animals harvested by hunters is
15 only an incidental portion of its business; in this subparagraph, "incidental"
16 means transportation provided to a big game hunter by an air taxi operator or air
17 carrier who does not

18 (i) charge more than the usual tariff or charter rate for the
19 carriage of big game hunters, their equipment, or big game animals
20 harvested by hunters; or

21 (ii) advertise transportation services or big game hunting
22 services to the public; in this sub-subparagraph, "advertise" means
23 soliciting big game hunters to be customers of an air taxi operator or air
24 carrier for the purpose of providing air transportation to, from, or in the
25 field through the use of print or electronic media, including advertising
26 at trade shows, or the use of hunt broker services or other promotional
27 services.

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

29 (e) A defendant convicted of a class C felony may be sentenced to a definite
30 term of imprisonment of not more than five years, and shall be sentenced to the
31 following presumptive terms, subject to adjustment as provided in AS 12.55.155 -
32 12.55.175:

- 1 (1) if the offense is a second felony conviction, two years;
2 (2) if the offense is a third felony conviction, three years;
3 (3) if the offense is a first felony conviction, and the defendant
4 knowingly directed the conduct constituting the offense at a uniformed or otherwise
5 clearly identified peace officer, fire fighter, correctional officer, emergency medical
6 technician, paramedic, ambulance attendant, or other emergency responder who was
7 engaged in the performance of official duties at the time of the offense, one year;
8 (4) if the offense is a first felony conviction, and the defendant violated
9 AS 08.54.720(a)(15) [AS 08.54.520(a)(7) - (10)], one year.

10 * Sec. 5. AS 16.05.195(a) is amended to read:

11 (a) Guns, traps, nets, fishing gear, vessels, aircraft, other motor vehicles, sleds,
12 and other paraphernalia or gear used in or in aid of a violation of this title or AS 08.54,
13 or regulation adopted under this title or AS 08.54, and all fish and game or parts of fish
14 and game or nests or eggs of birds taken, transported, or possessed contrary to the
15 provisions of this title or AS 08.54, or regulation adopted under this title or AS 08.54
16 [IT], may be forfeited to the state

17 (1) upon conviction of the offender in a criminal proceeding of a
18 violation of this title or AS 08.54 in a court of competent jurisdiction; or

19 (2) upon judgment of a court of competent jurisdiction in a proceeding
20 in rem that an item specified above was used in or in aid of a violation of this title or
21 AS 08.54 or a regulation adopted under this title or AS 08.54 [IT].

22 * Sec. 6. AS 16.05.407(a) is amended to read:

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

25 (1) a person who is licensed as a registered guide, master guide, class-
26 A assistant guide, or an assistant guide under AS 08.54 [GUIDE-OUTFITTER,
27 CLASS-A ASSISTANT GUIDE-OUTFITTER, OR ASSISTANT GUIDE-OUTFITTER
28 BY THE 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
32 degree of kindred, by marriage or blood.

1 * Sec. 7. AS 16.05.407(f) is amended to read:

2 (f) An applicant for a nonresident hunt permit for the taking of an animal
3 specified in (a) of this section shall, if requested by the department, first furnish to the
4 department proof of prior authorization to use [STATE,] federal [,] or private land where
5 the permit hunt will occur. The authorization shall be provided to the applicant by the
6 registered guide or master guide [GUIDE-OUTFITTER] with whom the applicant has
7 contracted to guide [GUIDE-OUTFIT] the permit hunt.

8 * Sec. 8. AS 16.05.408(a) is amended to read:

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

10 [(1) TO HUNT, PURSUE, OR TAKE MARINE MAMMALS UNLESS
11 PERSONALLY ACCOMPANIED BY A LICENSED MARINE MAMMAL GUIDE-
12 OUTFITTER; OR

13 (2)] to hunt, pursue, or take a big game animal as defined by the Board
14 of Game unless personally accompanied by a registered guide, master guide, class-A
15 assistant guide, or assistant guide [GUIDE-OUTFITTER. A CLASS-A ASSISTANT
16 GUIDE-OUTFITTER, OR AN ASSISTANT GUIDE-OUTFITTER] licensed under
17 AS 08.54.

18 * Sec. 9. AS 16.05.408(c) is amended to read:

19 (c) Before obtaining a nonresident hunt permit for the taking of an animal
20 specified in (a) of this section, a nonresident alien shall, if requested by the department,
21 first furnish to the department proof of prior authorization to use [STATE,] federal [,]
22 or private land where the permit hunt will occur. The authorization shall be provided
23 to the nonresident alien by the registered guide or master guide [GUIDE-OUTFITTER
24 OR MARINE MAMMAL GUIDE-OUTFITTER] with whom the nonresident alien has
25 contracted to guide [GUIDE-OUTFIT] the permit hunt.

26 * Sec. 10. AS 23.10.055 is amended by adding a new paragraph to read:

27 (14) a person who holds a license under AS 08.54 and who is employed
28 by a registered guide or master guide licensed under AS 08.54, for the first 60 work days
29 in which the person is employed by the registered guide or master guide during a
30 calendar year.

31 * Sec. 11. AS 41.23.420(d) is amended to read:

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

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

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

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

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

8 (35) Department of Commerce and Economic Development under
9 AS 08.54 as to licensing and related functions for big game guides and transporters
10 [BIG GAME COMMERCIAL SERVICES BOARD];

11 * Sec. 13. TRANSITION; LICENSES, FEES, REGULATIONS. (a) Notwithstanding
12 AS 08.54.610, added by sec. 3 of this Act, a person who held a guide-outfitter license in good
13 standing under the provisions of AS 08.54.300 - 08.54.590 on June 30, 1995, and who did not
14 renew the license between June 30, 1995, and the effective date of this section shall receive a
15 registered guide license valid until December 31, 1996, upon payment of a license fee of \$65.
16 A license issued under this subsection is for all purposes a registered guide license issued under
17 AS 08.54.610.

18 (b) Notwithstanding AS 08.54.610, added by sec. 3 of this Act, a person who, in
19 reliance upon the apparent authority of the Department of Commerce and Economic
20 Development, obtained a guide-outfitter license from the Department of Commerce and
21 Economic Development after June 30, 1995, and before the effective date of this section shall
22 receive a registered guide license valid until December 31, 1996, without payment of a license
23 fee. A license issued under this subsection is for all purposes a registered guide license issued
24 under AS 08.54.610.

25 (c) Notwithstanding AS 08.54.610, added by sec. 3 of this Act, a person who held a
26 master guide-outfitter license in good standing under the provisions of AS 08.54.300 - 08.54.590
27 on June 30, 1995, and who did not renew the license between June 30, 1995, and the effective
28 date of this section, shall receive a master guide license valid until December 31, 1996, upon
29 payment of a license fee of \$65. A license issued under this subsection is for all purposes a
30 master guide license issued under AS 08.54.610.

31 (d) Notwithstanding AS 08.54.610, added by sec. 3 of this Act, a person who, in
32 reliance upon the apparent authority of the Department of Commerce and Economic

1 Development, obtained a master guide-outfitter license from the Department of Commerce and
2 Economic Development after June 30, 1995, and before the effective date of this section shall
3 receive a master guide license valid until December 31, 1996, without payment of a license fee.
4 A license issued under this subsection is for all purposes a master guide license issued under
5 AS 08.54.610.

6 (e) Notwithstanding AS 08.54.620, added by sec. 3 of this Act, a person who held a
7 class-A assistant guide-outfitter license in good standing under the provisions of AS 08.54.300 -
8 08.54.590 on June 30, 1995, shall receive a class-A assistant guide license valid until
9 December 31, 1996, without payment of a license fee. A license issued under this subsection
10 is for all purposes a class-A assistant guide license issued under AS 08.54.620.

11 (f) Notwithstanding AS 08.54.620, added by sec. 3 of this Act, a person who, in reliance
12 upon the apparent authority of the Department of Commerce and Economic Development,
13 obtained a class-A assistant guide-outfitter license from the Department of Commerce and
14 Economic Development after June 30, 1995, and before the effective date of this section shall
15 receive a class-A assistant guide license valid until December 31, 1996, without payment of a
16 license fee. A license issued under this subsection is for all purposes a class-A assistant guide
17 license issued under AS 08.54.620.

18 (g) Notwithstanding AS 08.54.630, added by sec. 3 of this Act, a person who held an
19 assistant guide-outfitter license in good standing under the provisions of AS 08.54.300 -
20 08.54.590 on June 30, 1995, shall receive an assistant guide license valid until December 31,
21 1996, without payment of a license fee. A license issued under this subsection is for all
22 purposes an assistant guide license issued under AS 08.54.630.

23 (h) Notwithstanding AS 08.54.630, added by sec. 3 of this Act, a person who, in
24 reliance upon the apparent authority of the Department of Commerce and Economic
25 Development, obtained an assistant guide-outfitter license from the Department of Commerce
26 and Economic Development after June 30, 1995, and before the effective date of this section
27 shall receive an assistant guide license valid until December 31, 1996, without payment of a
28 license fee. A license issued under this subsection is for all purposes an assistant guide license
29 issued under AS 08.54.630.

30 (i) A person may receive only one guide license of any class under (a) - (h) of this
31 section.

32 (j) Notwithstanding AS 08.54.650, added by sec. 3 of this Act, a person who held a

1 transporter license in good standing under the provisions of AS 08.54.300 - 08.54.590 on
2 June 30, 1995, and who did not renew the license between June 30, 1995, and the effective date
3 of this section, shall receive a transporter license valid until December 31, 1996, upon payment
4 of a license fee of \$75. A license issued under this subsection is for all purposes a transporter
5 license issued under AS 08.54.650.

6 (k) Notwithstanding AS 08.54.650, added by sec. 3 of this Act, a person who, in
7 reliance upon the apparent authority of the Department of Commerce and Economic
8 Development, obtained a transporter license from the Department of Commerce and Economic
9 Development after June 30, 1995, and before the effective date of this section shall receive a
10 transporter license valid until December 31, 1996, without payment of a license fee. A license
11 issued under this subsection is for all purposes a transporter license issued under AS 08.54.650.

12 (l) A person who, before the effective date of this section, has paid a license fee for a
13 commercial use permit or a use area registration application for 1996 shall receive a refund of
14 the full amount paid from the Department of Commerce and Economic Development.

15 (m) Pending the adoption of regulations under AS 08.01.065 and (n) of this section to
16 implement this Act, the fee for the

- 17 (1) biennial registered guide license or biennial master guide license is \$200;
18 (2) biennial class-A assistant guide license is \$100;
19 (3) biennial assistant guide license is \$100;
20 (4) biennial transporter license is \$200.

21 (n) Notwithstanding AS 44.62.250, the Department of Commerce and Economic
22 Development may adopt emergency regulations under AS 44.62.250 and 44.62.260 to implement
23 this Act without making a written finding under AS 44.62.250. The legislature finds that the
24 adoption of emergency regulations necessary to implement this Act is necessary for the
25 immediate preservation of the public peace and general welfare.

26 * Sec. 14. TRANSITION; USE AREA REGISTRATION. Notwithstanding AS 08.54.750(a),
27 added by sec. 3 of this Act, during the first 60 days that this Act is in effect, a registered guide
28 shall inform the Department of Commerce and Economic Development, in person or by
29 registered mail, that the guide will be conducting big game hunting services in a guide use area.
30 The registered guide shall provide the information required to be submitted to the Department
31 of Commerce and Economic Development under this section at any time before beginning
32 operations in the use area. After the first 60 days that this Act is in effect, a registered guide

1 shall provide information required under AS 08.54.750, in accordance with AS 08.54.750(a).

2 * Sec. 15. CONSTRUCTION OF ACT. Nothing in this Act shall be construed as ratifying
3 or validating acts of the Department of Commerce and Economic Development or of the
4 governor relating to the licensing or regulation of guide-outfitters and related occupations under
5 former provisions of AS 08.54.300 - 08.54.590.

6 * Sec. 16. AS 08.01.010(5); AS 08.03.010(c)(5); AS 08.54.300, 08.54.310, 08.54.320,
7 08.54.330, 08.54.350, 08.54.360, 08.54.370, 08.54.380, 08.54.390, 08.54.393, 08.54.395,
8 08.54.400, 08.54.410, 08.54.420, 08.54.430, 08.54.440, 08.54.450, 08.54.460, 08.54.470,
9 08.54.500, 08.54.505, 08.54.510, 08.54.520, 08.54.530, 08.54.540, 08.54.550, 08.54.590; and
10 AS 39.50.200(b)(48) are repealed.

11 * Sec. 17. This Act takes effect immediately under AS 01.10.070(c).

FISCAL NOTE

No. 1

Bill Version: CSHB 335 (RES)

(H) Publish Date: 5/9/95

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Revision Date: May 8, 1995

Department: Commerce and Economic Development

Title: An Act relating to the Big Game Commercial

BRU: Occupational Licensing

Services Board.....

Component: Operations

Sponsor: Representative Ogan

Requestor: Representative Ogan

COMPONENT SERIAL #: 1844

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	174.0	174.0	174.0	174.0	174.0	174.0
TRAVEL	17.3	27.5	27.5	27.5	27.5	27.5
CONTRACTUAL	53.8	53.8	53.8	53.8	53.8	53.8
SUPPLIES	1.2	1.2	1.2	1.2	1.2	1.2
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	246.3	256.5	256.5	256.5	256.5	256.5

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES	321.2	185.2	321.2	188.2	321.2	191.8
---------------------------	--------------	--------------	--------------	--------------	--------------	--------------

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts	246.3	256.5	256.5	256.5	256.5	256.5
1006 GF/MHTIA						
Other						
TOTAL	246.3	256.5	256.5	256.5	256.5	256.5

Estimate of any current year (FY 95) cost: \$ 219.6

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

CSHB 335 extends the termination date of the Big Game Commercial Services Board to June 30, 1999 and makes two significant changes having fiscal impact which are included in this fiscal note. The expenditures shown are in the FY 96 operating budget request. The changes consist of the following: 1) An average of 143 assistant guide candidates are tested each fiscal year at a cost of \$20.00 per exam. Elimination of the written test requirement for assistant guides will therefore reduce contractual costs and revenue by \$2.9 each fiscal year. (Continued on next page)

Prepared by: Jennifer Strickler, Admin. Officer
 Division: Occupational Licensing
 Approved by Commissioner: William L. Hensley
 Agency: Commerce and Economic Development

Phone: 465-2144
 Date: 5/8/95
 Date: 5/8/95

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. CSHB 335

ANALYSIS: (Continued)

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT FISCAL NOTE CALCULATIONS FOR CSHB 335

2) CSHB 335 also proposes to eliminate the Commercial Use Permit. The Division of Occupational Licensing annually collects the commercial use permit fee as general fund/program receipt revenue which is then transferred to the Department of Fish and Game or the Department of Public Safety for enforcement purposes. Since CSHB 335 proposes to eliminate the commercial use permits, the division anticipates a revenue loss of \$58.6 for enforcement purposes. The revenue is based on 586 commercial use permit applicants paying \$100.00 annually. *(Note: Since this revenue is only collected by the Division of Occupational Licensing, it is not included as part of the board's revenue projections for self-sufficiency purposes.)*

Proposed changes to SCS CSHB 335 (Fin) offered at April 2, 1996,
Senate Finance Committee Meeting:

Teleconference
Wayne Woods from MatSu

Page 4, Line 10:

Delete current language in (A) and replace with:

A major violation of a state hunting, guiding,
or transportation services statute or
regulation within the last five years.

Page 6, Line 16

Delete "18" and insert "21"

Page 6, Lines 22 and 23

Delete: in the game management unit for which the license
is sought

Page 6, Line 27

Delete all of section (B)

Page 10, Line 11

After \$100,000, insert:

In the case of registered guides, proof of
financial responsibility shall only be
required when applying for a guide-use area.

Page 10, Lines 23, 24, and 25

Delete Secs. (2) and (3)

Page 11, Line 31

Add a new section to read:

(1) the department shall act on disciplinary
matters in a timely manner, and the department
may only impose disciplinary actions that are
no greater than those imposed by a court of
competent jurisdiction, nor may the department
impose any disciplinary action that extends
beyond the limits of a judgment of conviction
imposed by a court of competent jurisdiction.

Page 12, Line 2

Delete "20" and insert "30"

Page 15, Line 2

Replace "is" with "may be held"

Page 15, Line 4

After "guide" insert:

if there is a demonstrable complicity shown

Page 15, Line 8

After "transporter" insert:

if there is demonstrable complicity shown

Page 16 Add to Definitions Section

"guide use area" means a game management unit or sub-unit as defined by the board of game

"major violation" means:

- (1) hunting the same day airborne
- (2) wanton waste
- (3) hunting in a closed area
- (4) taking game during a closed season

Jeff Bush

Page 15, Lines 4 and 8

Alternative language to "demonstrable complicity"

If the registered guide knew or should have known of the violation.

Senator Phillips advised of the following notes on behalf of Senator Rieger:

Page 4, Lines 9 through 15

Concern that language represents an all or nothing proposition.

Page 15, Line 8

Change "for" to "of"

Page 16, Between Lines 30 and 31

Add new sec. (e) containing double fees for non-residents.

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: SCS CSHB 335 (FIN)

Revision Date: <u>March 15, 1996</u>	Dept. Affected: <u>Public Safety</u>
Title: <u>An Act relating to big game guides and transporters; and providing for an effective date.</u>	BRU: <u>Fish & Wildlife Protection</u>
Sponsor: <u>Representatives Ogan, Toohey, Rokeberg</u>	Component: <u>Enforcement & ISU</u>
Requestor: <u>Senate Finance</u>	COMPONENT SERIAL NO. <u>0490</u>

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 (1007)	(24.8)	(24.8)	(24.8)	(24.8)	(24.8)	(24.8)
Revenue Code						

FUNDING: (Thousands of Dollars)

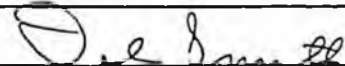
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 96) impact: \$ (49.6)

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: <u>Captain Richard Graham</u>	Phone: <u>243-2298</u>
Division: <u>Fish & Wildlife Protection</u>	Date: <u>03/15/96</u>
Approved by Commissioner: <u></u>	Date: <u>3/15/96</u>
Agency: <u>Ronald L. Otte, Department of Public Safety</u>	

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ANALYSIS:

Two issues are being addressed with this fiscal note:

1. This bill eliminates planned revenue from this division with the removal of the Big Game User Permit Fees, estimated at \$24.8 in FY97. In the past, these fees provided needed funding for special big game and guiding enforcement programs. Without this revenue, these programs would be reduced or eliminated.
2. The proposed refunding of fees paid for transporter licenses, guide-outfitter licenses, commercial use permits, use area registrations, and use area registration application for 1996 or 1996 and 1997 will have a direct impact on this division. The estimated \$49.6 to be transferred to Fish & Wildlife Protection in FY96 will be reduced with passage of this legislation.

Note: As this division does not have program receipt authority, the Department of Fish and Game (ADFG) receives the revenue from the Department of Commerce and then transfers the Division of Fish and Wildlife Protection's (FWP) share via Reimbursable Services Agreement. In FY97, the estimated revenue of \$49.6 would be received by ADFG with 50% (\$24.8) being transferred to FWP.

FISCAL NOTE

STATE OF ALASKA 1996 LEGISLATIVE SESSION

BILL NO: SCS CSHB 335 (FIN)

Revision Date: March 12, 1996
 Title: An Act relating to big game guides and transporters; and providing for an effective date.
 Sponsor: Representatives Ogan, Toohey, Rokeberg
 Requestor: Senate Finance

Dept. Affected: Public Safety
 BRU: Fish & Wildlife Protection
 Component: Enforcement & ISU
 COMPONENT SERIAL NO. 0490

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

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	43.9	43.9	43.9	43.9	43.9	43.9
TRAVEL	2.2	2.2	2.2	2.2	2.2	2.2
CONTRACTUAL	2.2	2.2	2.2	2.2	2.2	2.2
SUPPLIES	2.6	2.6	2.6	2.6	2.6	2.6
EQUIPMENT	6.3					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	57.2	50.9	50.9	50.9	50.9	50.9
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES (1007) Revenue Code	(24.8)	(24.8)	(24.8)	(24.8)	(24.8)	(24.8)

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	57.2	50.9	50.9	50.9	50.9	50.9
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	57.2	50.9	50.9	50.9	50.9	50.9

Estimate of current year (FY 96) impact: \$ (49.6)

POSITIONS:

FULL-TIME	1	1	1	1	1	1
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)
 See Page 2 of 2.

Prepared By: Captain Joseph D'Amico Phone: 243-2298
 Division: Fish & Wildlife Protection Date: 03/12/96
 Approved by Commissioner: *Ronald L. Otte* Date: 3/13/96
 Agency: Ronald L. Otte, Department of Public Safety

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ANALYSIS:

Several issues are being addressed with this fiscal note:

1. In order to provide sufficient administrative support in carrying out the added responsibilities of this bill, this division requires one additional position and its associated cost totalling \$57.2 in FY97. This position would be responsible for maintaining, editing, and publishing the state's guide area use maps. In addition, this person would receive incoming notifications from guides that they are changing or moving guide use areas. This would include receiving registered mail or in-person visits from guides wishing to change their use areas. Maps would have to be maintained and made available for court or other hearings. Because of this, a degree of security and chain-of-custody issues would be required.
2. This bill eliminates planned revenue from this division with the removal of the Big Game User Permit Fees, estimated at \$24.8 in FY97. In the past, these fees provided needed funding for special big game and guiding enforcement programs. Without this revenue, these programs would be reduced or eliminated.
3. The proposed refunding of fees paid for transporter licenses, guide-outfitter licenses, commercial use permits, use area registrations, and use area registration application for 1996 or 1996 and 1997 will have a direct impact on this division. The estimated \$49.6 to be transferred to Fish & Wildlife Protection in FY96 will be reduced with passage of this legislation.

Note: As this division does not have program receipt authority, the Department of Fish and Game (ADFG) receives the revenue from the Department of Commerce and then transfers the Division of Fish and Wildlife Protection's (FWP) share via Reimbursable Services Agreement. In FY97, the estimated revenue of \$49.6 would be received by ADFG with 50% (\$24.8) being transferred to FWP.

4. Pending court litigation could challenge the current Guide User System. Based on how the court rules, this may require redefinition of the current system or the need to create a new system. If this becomes true, additional funding will be required to institute the process.

FY97 Operational Expenditures for Administrative Support Efforts:

Personal Services, Administrative Assistant I, 12 mo., 12A/B	\$ 43.9
Travel	2.2
Contractual	2.2
Supplies	2.6
Equipment	<u>6.3</u>
Total FY97 Cost to the BRU	\$ 57.2

One-time purchases in FY97 include: Office setup for the position (desk, chair, computer table, computer, and printer).

FISCAL NOTE

**STATE OF ALASKA
1996 LEGISLATIVE SESSION**

BILL NO. SCS CSHB 335(FIN)

Revision Date: _____
Title: An Act relating to big game guides and transporters;
and providing for an effective date.
Sponsor: Reps. Ogan, Toohy, Rokeberg
Requestor: Senate Finance Committee

Department: Commerce and Economic Development
BRU: Occupational Licensing
Component: Operations
COMPONENT SERIAL NO. 1844

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	(13.8)	(13.8)	(13.8)	(13.8)	(13.8)	(13.8)
TRAVEL	(7.4)	(3.0)	(3.0)	(3.0)	(3.0)	(3.0)
CONTRACTUAL	5.6	(12.7)	(12.7)	(12.7)	(12.7)	(12.7)
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	(15.6)	(29.5)	(29.5)	(29.5)	(29.5)	(29.5)

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES	** (45.1)	0.0	(59.0)	0.0	(59.0)	0.0
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**See note below

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	(15.6)	(29.5)	(29.5)	(29.5)	(29.5)	(29.5)
TOTAL	(15.6)	(29.5)	(29.5)	(29.5)	(29.5)	(29.5)

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

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

SCS CSHB 335(FIN) is a rewrite of AS 08.54 pertaining to regulation of big game guides and transporters. Funding for the big game guide-outfitter licensing program is currently in the FY 97 operating budget request. The decrement identified in this fiscal note is a change to the operating budget request based on provisions in this bill. Explanation of this decrement is provided on the attached pages.

** Note: Section 12, subsection (l) of the bill refers to possible refunds of fees paid in 1996. If refunds become necessary, even greater reductions in revenue will occur.

Prepared by: Jennifer Strickler, Administrative Officer
Division: Occupational Licensing
Approved by Commissioner: William L. Hensley
Agency: Commerce and Economic Development

Phone: 465-2144
Date: March 12, 1996
Date: 3-12-96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO.: SCS CSHB 335(FIN)

ANALYSIS: (Continued)

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT FISCAL NOTE CALCULATIONS

Funding for the guide-outfitter licensing program is included in the FY 97 operating budget. This funding is based on FY 95 Direct program expenses shown below:

(FY 95 Direct costs)

Personal Services	\$141,159.00
Travel	11,196.00
Contractual Services	53,333.00
Supplies	<u>594.00</u>
TOTAL:	\$206,282.00

SCS CSHB 335(FIN) proposes several changes to the current statutory requirements. The changes with substantial fiscal impact include the following:

- Elimination of the Use Area category;
- Elimination of the Board and associated travel to board meetings;
- Elimination of the Commercial Use Permits;
- Elimination of the Assistant Guide-Outfitter examinations.

The fiscal impact of these changes are explained below.

Personal Services: {13,800.00}

Based on positive timekeeping data recorded in FY 95, one-third of an Occupational Licensing Examiner I position was dedicated to support the Use Area and Commercial Use Permit categories. Elimination of these categories will no longer require funding for these tasks.

Travel: {7,396.00}

The elimination of a board will no longer require funding for board meetings. However, travel funds will still be required for staff to administer the guide-outfitter examinations throughout the State; and to fund examination workshops or other travel associated with re-write of the guide-outfitter examinations.

SCS CSHB 335(FIN), continued

In FY 95, travel expenses of the Big Game Commercial Services Board were lower than previous years because the board was in its final year of existence having sunsetted on June 30, 1994. We therefore used FY 94 activity upon which to base costs. The FY 94 board member travel costs to attend 3 meetings totaled \$10,800.00; while staff travel to attend the meetings and administer examinations totaled \$5,100.00.

Consideration of travel requirements under the bill in administering only guide-outfitter examinations (at least two times per year), the cost is $\$400.00 \times 1 \text{ staff} \times 2 \text{ exams} = \800.00 ; and holding at least two examination work shops in the first year at a cost of $\$1,500.00 \text{ each} \times 2 = \$3,000.00$. It is estimated that at least \$3,800.00 will be needed in travel. The examination work shop costs of \$3,000.00 is deleted after the first year.

Contractual Services: 5,555.00

An average of 143 assistant guide-outfitter exams are administered each year. The costs per exam is \$50.00, thereby reducing assistant guide-outfitter costs by \$7,150.00 with elimination of the assistant guide-outfitter exams ($\$50.00 \times 143 = \$7,150.00$). Aside from this reduction, the bill requires:

- a) Re-write of the Guide-Outfitter examination, at an estimated cost of \$10,000.00 (development cost for the current exam was approximately \$25,000.00). Funding to re-write the examination is a one-time expense needed only in the first fiscal year and is deleted thereafter.
- b) Re-write of existing regulations. Costs involved with public noticing the regulation changes, printing, and postage, are estimated at \$2,700.00. This expense is anticipated to be a one-time expense and is deleted thereafter.

Based on the issues listed above, an additional \$5,550.00 would be needed to complete these tasks in the first year.

Supplies: {0.0}

No change is anticipated to supply costs. Based on FY 95 activity, supply funding of \$600.00 is already included in the FY 97 operating budget request.

SCS CSFB 335(FIN), continued

SUMMARY:

The adjustments described in this fiscal note will provide the following FY 97 funding for the Guide-Outfitter licensing program:

	<u>FY 95</u>	<u>Fiscal Note Adj.</u>	<u>FY 97</u>
Personal Services	141,159.00	{ 13,800.00}	127,359.00
Travel	11,196.00	{ 7,396.00}	3,800.00
Contractual Services	53,333.00	5,550.00	58,883.00
Supplies	<u>594.00</u>	<u>0.00</u>	<u>594.00</u>
TOTAL:	\$206,282.00	{ 15,646.00}	190,636.00

REVENUE:

Licensing fees from all categories within the guide-outfitter licensing program will have to be adjusted to ensure sufficient fees are collected to fund the program. The following factors are considered in adjusting fees for the program:

- Elimination of the assistant guide-outfitter exams at \$50.00 per examinee x 143 candidates. {7,150.00}
 - Elimination of the Commercial Use Permit (CUP) Holder Application (\$50) x 13 applicants {650.00}
 - Elimination of the CUP Holder (\$100) fees x 36 CUP Holders {3,600.00}
 - Elimination of the Use Area Application (\$50) x 50 applicants {2,500.00}
 - Elimination of Use Area Registration (\$100) fees x 732 registrants {73,200.00}
- Sub-Total Annual Revenue Reduction: {87,100.00}

In addition, elimination of the Commercial Use Permits (CUP) will reduce FY 97 revenue by up to \$68,100.00. The CUP is a fee collected by this department, then transferred to the Departments of Fish and Game, or Public Safety for enforcement. No part of the CUP fee is used to support licensing operations in the Department of Commerce and Economic Development.

SCS CSHB 335(FIN), continued

Section 12, subsection (l) of the bill refers to refunding fees paid in 1996. If refund of the Commercial Use Permit fees collected in 1996 is truly intended under Section 12, subsection (l), then CUP revenue collected by the Department of Commerce and Economic Development to fund enforcement by the Departments of Fish and Game, and Public Safety in FY 96 will not be transferred, using the assumption that the CUP fees will be refunded upon the effective date of the bill. In FY 96, the Department of Fish and Game is anticipating CUP receipts of \$49.6 with approximately half to be shared with the Department of Public Safety.

Section 12, subsection (l) also addresses other 1996 fees that may be subject to refund. If refunds become necessary, greater reductions in revenue can be anticipated as a result.

The following photographs are of a few of the eighty to ninety guide/outfitter sites that were either permitted and left trashed season after season or trespass prior to the implementation of regulations requiring land owner authorization

All of these sites have been either cleaned up or authorized since the 1993 implementation of the regulations requiring the guide/outfitter to secure land owner authorization prior to entering upon state owned land to conduct big game hunting.

George Palmer site (SCR 92-045) at

Site Location: T32N, R21W, SEC. 11 NW/4, SEWARD MERIDIAN
Muskokwim Area Plan
Mgmt. Unit #13 - North Alaska Range
SUBUNIT 13a - Post River

Accessibility: Super Cub (185 with ideal weather conditions)

Permit Status: Issued

Permit Term: June 29, 1992 - November 1, 1992

Aerial Inspection Findings: No camp established - No evidence of unauthorized caching

Departed Palmer site (SCR 92-045) at 2:45PM

Arrived at George Palmer site (SCR 92-046) at 2:55PM

Site Location: T30N, R20W, SEC. 30 SW/4, SEWARD MERIDIAN
Muskokwim Area Plan
Mgmt. Unit #13 - North Alaska Range
(SUBUNIT 13a - Post River

Accessibility: Super Cub (185 with ideal weather conditions)

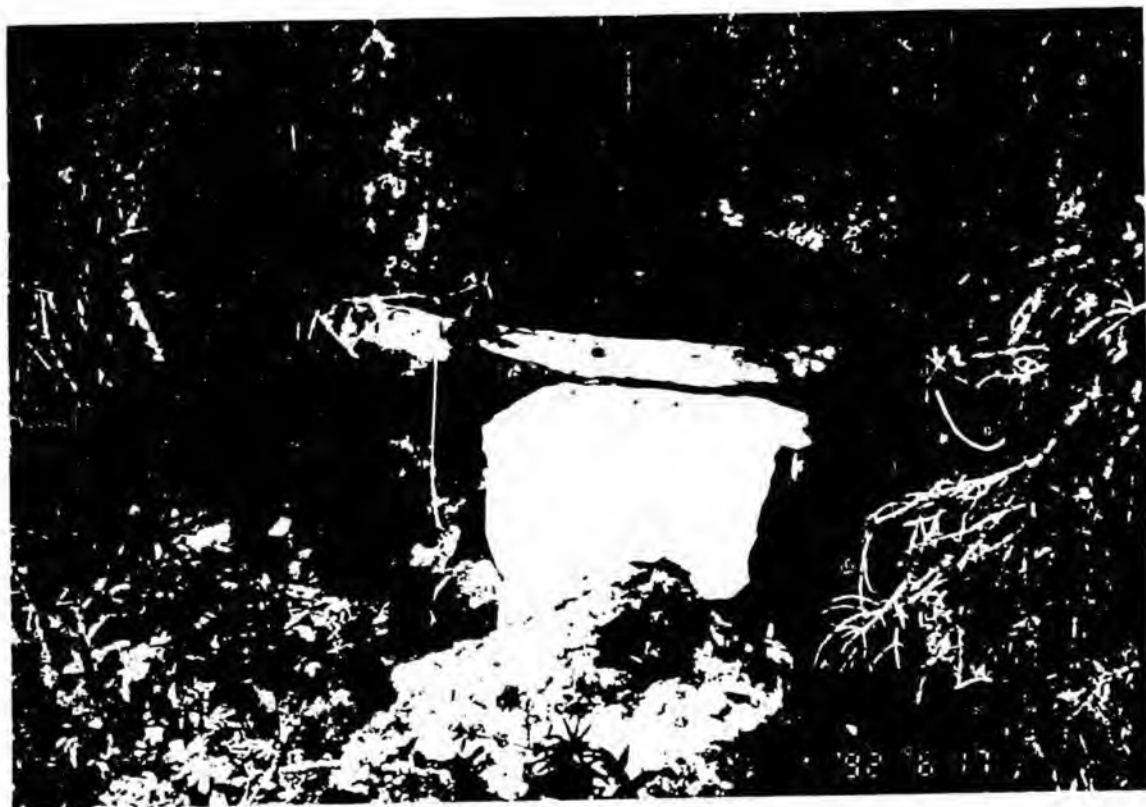
Permit Status: Issued

Permit Term: June 29, 1992 - November 1, 1992

Aerial Inspection Findings: 1 - wall tent with platform (collapsed)
- cabinets & counters

The privy for this site was not acceptable. It is a 2"x4" nailed between two trees with no pit.





Departed Palmer site (SCR 92-046) at 3:15PM

Aerial survey of a trespass cabin at 5:40PM

Site Location: T23N, R18W, SEC. 07, NW1/4 SM
Susitna Area Plan - Alaska Range
(Subunit 1c- Kichatna Mtns.)

GPS reading: -----

Accessibility - Helicopter & horseback

Status: TRESPASS

Findings:

- log cabin

Comments: In the vicinity of Rainy Pass Lodge which is owned by Vern Humble.
Will contact Mr. Humble in an attempt to identify owner.



Aerial survey of a trespass cabin at 5:40PM

Site Location: T23N, R18W, SEC. 07, NW1/4 SM

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Arrived at abandoned Branham trespass camp at 2:45 PM

Site Location: T17N, R21W, SEC. 06, SE1/4 SW
Kuskokwim Area Plan - Unit #13 - North Alaska Range
Subunit A - Post River)

GPS reading: 61.34.18
153.06.15

Accessibility - Gravel bar landing strip; Super Cub accessible

Status: TRESPASS

Findings:

- abandoned wall tent (no platform)

Comments: Information provided by other commercial operators identified this site as Branham owned. Camp is similar to other Branham camps (single wall tents with no platform).

Will contact Branham and request a proposal on how they intent to come inot compliance with state land use guidelines. They will be required to remove this structure prior to receiving any authorization from the Division of Land authorizing entry upon state owned land to conduct guided hunts.



Arrived at abandoned Branham (trespass camp) at 1:50 PM

Site Location: T12N, R21W, SEC. 08, SE1/4 SM
Kuskokwim Area Plan - Unit #13 - North Alaska Range
Subunit A - Post River)

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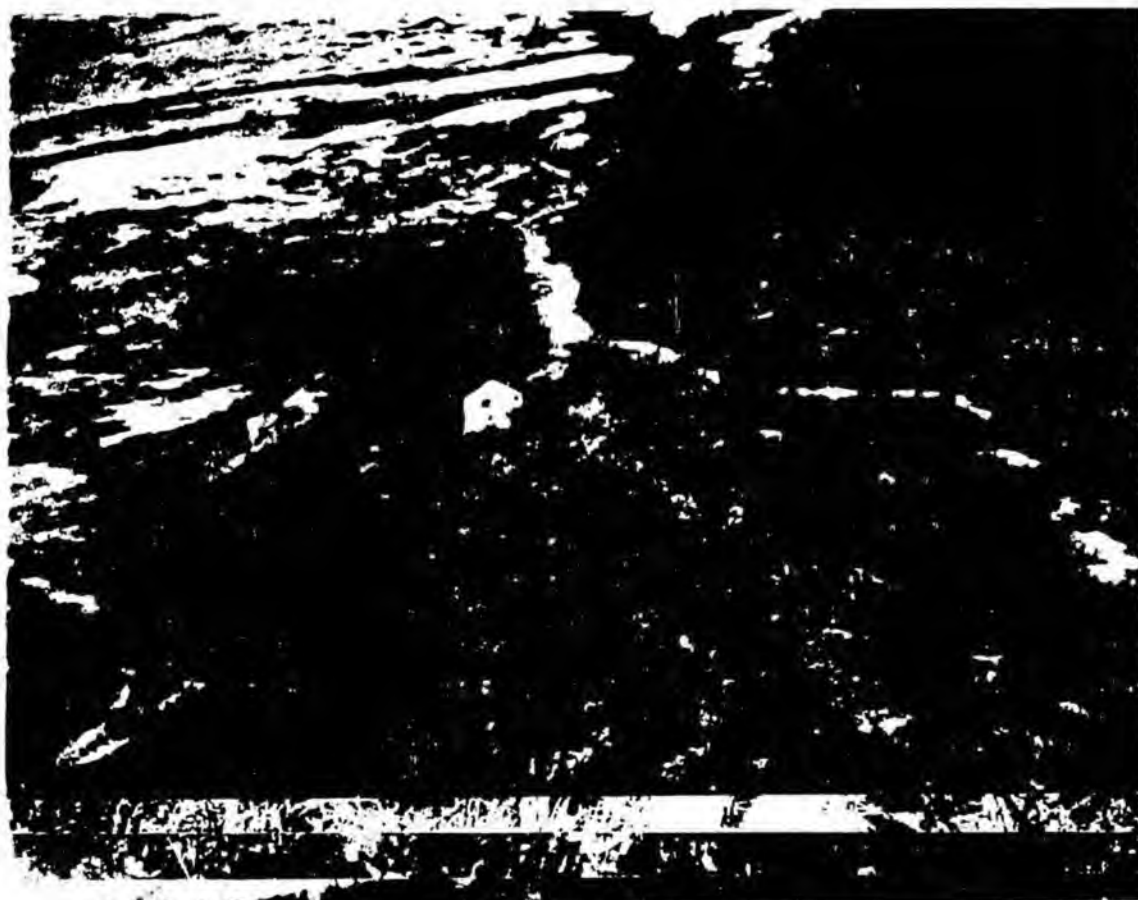
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Arrived at abandoned Branham (trespass camp) at 2:50PM

Site Location: T17N, R01W, SEC. 08, SE1/4 3M
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Subunit A - Post River)

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Arrived at abandoned Branham (trespass camp) at 2:30PM

Site Location: T17W, R21W, SEC. 08, SE1/4 SM
Kuskokwim Area Plan - Unit #13 - North Alaska Range
Subunit A - Post River)

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Arrived at abandoned Branham (trespass camp, at 2:50PM

Site Location: T17N, R21W, SEC. 08, SE1/4 SM
Kuskokwim Area Plan - Unit #13 - North Alaska Range
Subunit A - Post River)

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Arrived at abandoned Branham trespass camp, at 2:50PM

Site Location: T17N, R21W, SEC. 13, SE1/4 SM
Muskokwim Area Plan - Unit #13 - North Alaska Range
Subunit A - Post River)

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George Falmer site (SCR 92-044)

Location: TOWN, BLK, SEC, & SW, SEWARD MERIDIAN
Kuskokwim Area Plan
Camp. Unit #11 - North Alaska Range
SUBUNIT 13a - Post River

Artifacts: 1 - Diger Two, 135, & 205

Permit Status: Pending payment of additional performance bond
requirement and land use permit fee

Permit Term: July, 1992 - November 1, 1992

Site Inspection Findings: 3 - assembled wall tents (no wood
constructed platforms used) with
sleeping accommodations
1 - large wall tent serving as the mess
hall and furnished kitchen
1 - cabin filled with assorted types of
maintenance equipment
1 - meat shed
1 - two (2) pit privy
1 - jeep with trailer

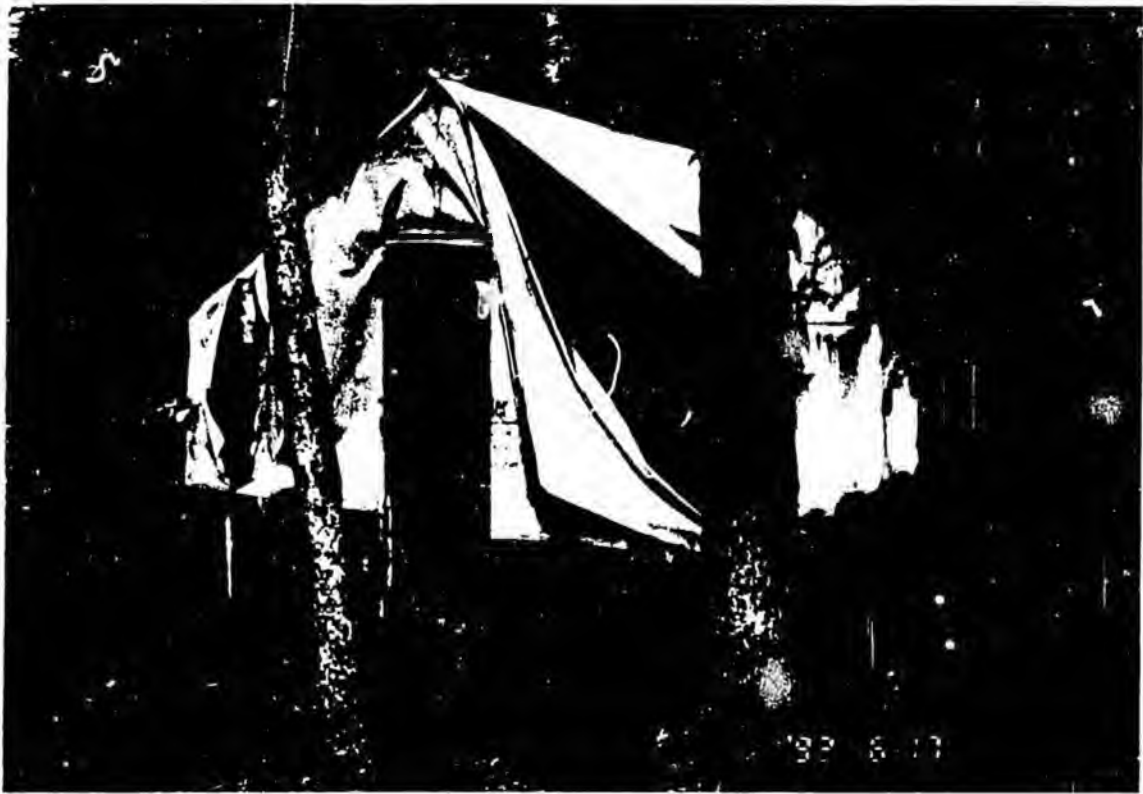
All of the structures found on-site are permanent in nature.

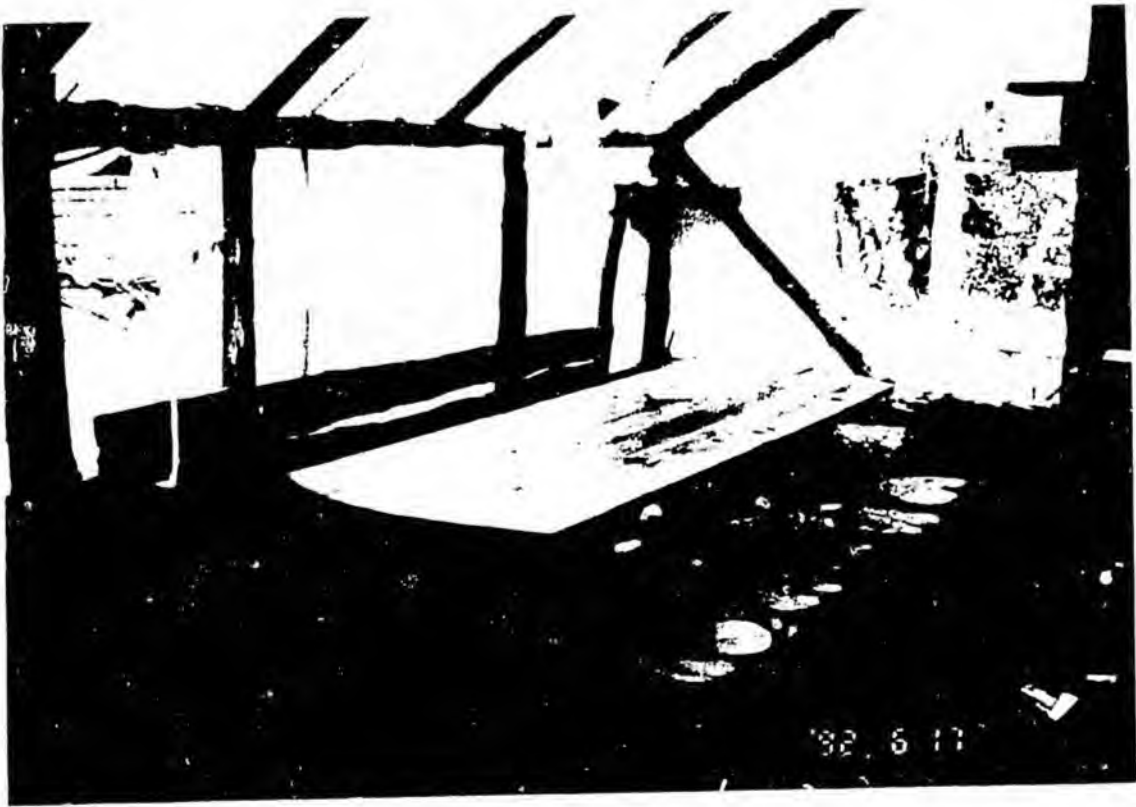
The site was heavily littered with piles of solid waste consisting
of: scrap metal, plastic, fuel containers, and paper.

Food was not removed from the site. Signs of bears frequenting the
area. All food items left on-site have been pillaged by bears.

This camp is occupying more than one acre.

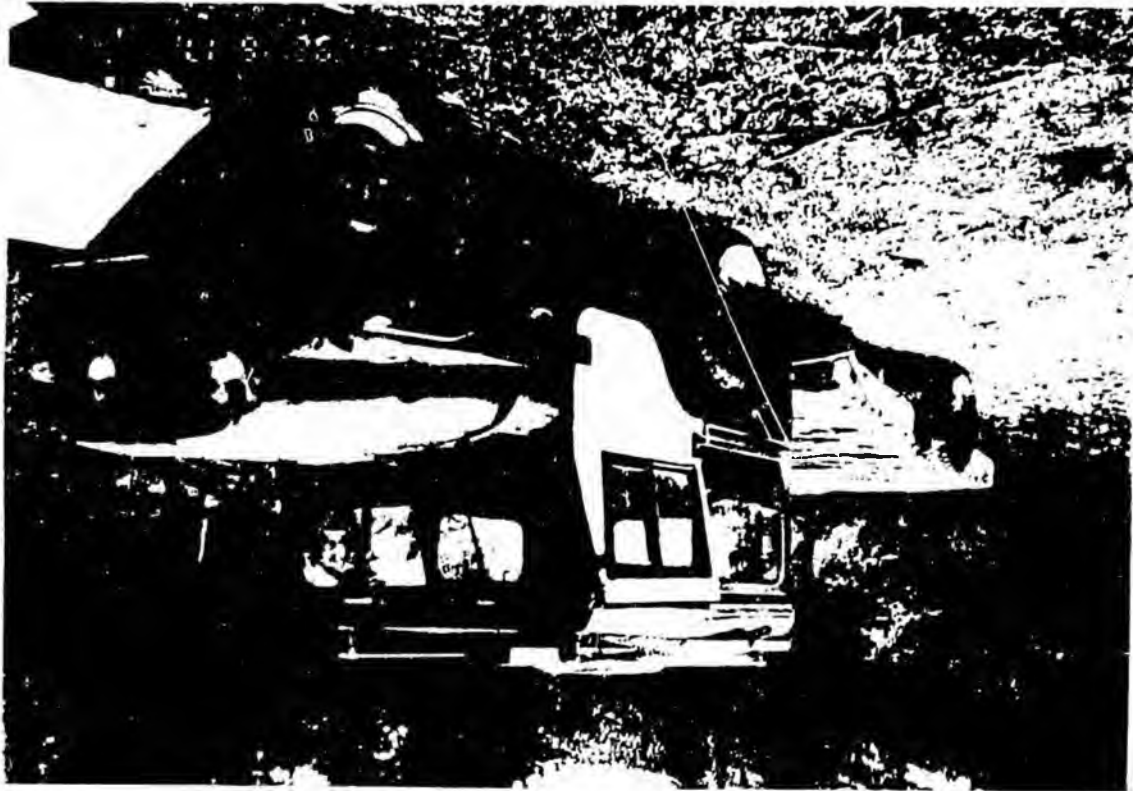








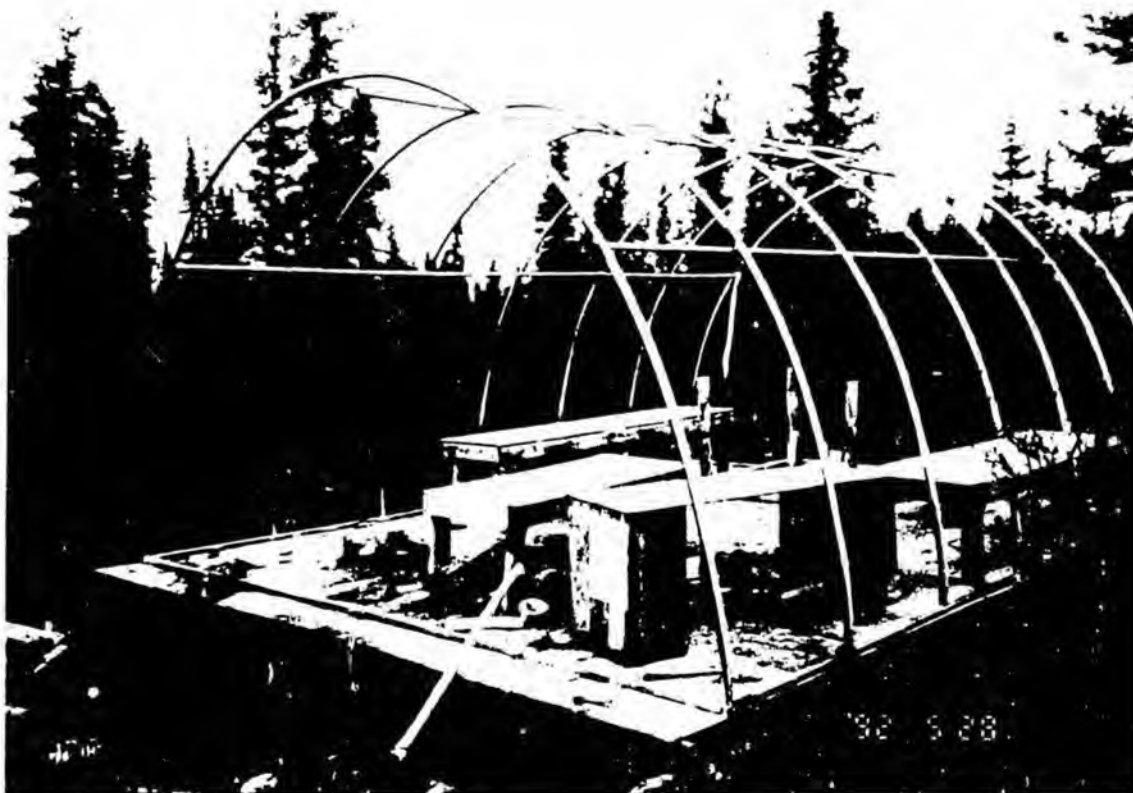
14
Reported Palmer site (SCR 92-044) at 3:55PM



KIRK GAY



308 TRACEY



Arrived at Rod Arno site (SCR 92-075) at 2:15PM

Site Location: T02N, R42W, SEC.23 E¼, SEWARD MERIDIAN
Bristol Bay Area Plan
Nushagak & Mulchatna Rivers Recreation Mgmt. Plan
Mgmt. Unit #19 - Lower Mulchatna Uplands

Loran Reading: N60°15
W156°31.50

Land Use Permit Status: Pending payment of performance bond and
land use fee

Proposed Land Use Permit Term: May 1, 1992 - November 30, 1992

Field Inspection findings: Fly-over - New site - No camp
established

Departed Arno site at 2:25PM

Aerial survey of Branham camp at 6:10PM

Site Location: T23N, R15W, SEC. 29, W1/2 SM
Susitna Area Plan - Susitna Lowlands
(Subunit 2a- Kichatna/Nakochna)

GPS reading: -----

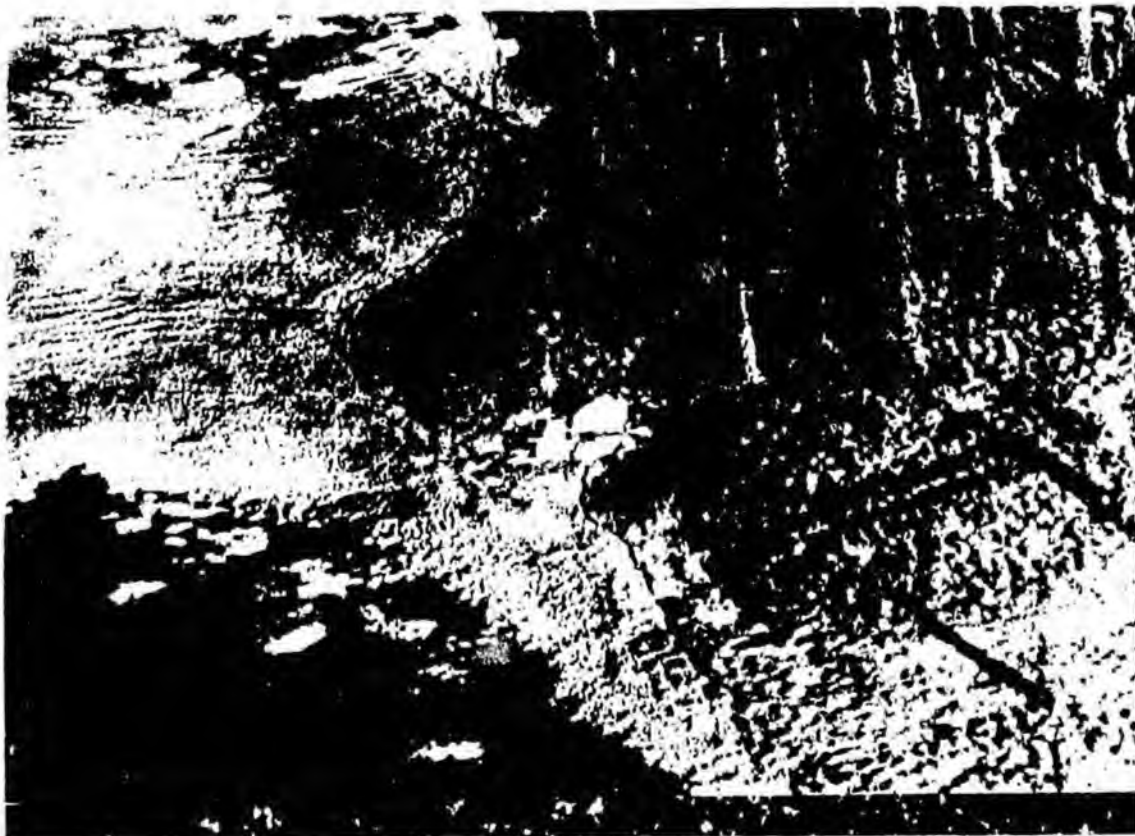
Accessibility - Float plane accessible

Status: **TRESPASS**

Findings:

- wall tent with small stove and cots
- 55 gallon fuel drum
- trash pit
- scattered trash
- toilet facility not established in accordance with ADEC guidelines; surface deposition of human waste

Comments: Branham operated on state owned land after securing a 1993 Registration for Short Term Camps. Six Branham trespass camps identified during this field trip. Will be requesting the PIC not to issue registrations to the three Branhams.



Arrived at trespass Branham camp at 6:00PM

Site Location: T22N, R16W, SEC. 10, NW1/4 SM
Susitna Area Plan - Susitna Lowlands
(Summit 2a- Kichatna/Nakochna)

GPS reading: N62.00.40
W152.11.34

Accessibility - Landing strip; Super Cub accessible

Status: TRESPASS

Findings:

- wall tent with small stove and cots
- 55 gallon fuel drum with fuel
- trash pit
- toilet facility not established in accordance with ADEC guidelines; surface deposition of human waste

Comments: Branham operated on state owned land after securing a 1993 Registration for Short Term Camps. Six Branham trespass camps identified during this field trip. Will be requesting the PIC not to issue registrations to the three Branhams.

The area was covered with picas that had been shot. Apparently food was not being cached properly.



Arrived at trespass Branham camp at 6:00PM

Site Location: T22N, R16W, SEC. 10, NW1/4 SM
Susitna Area Plan - Susitna Lowlands
(Unit 2a- Kichatna/Nakochna)

GPS reading: N62.00.40
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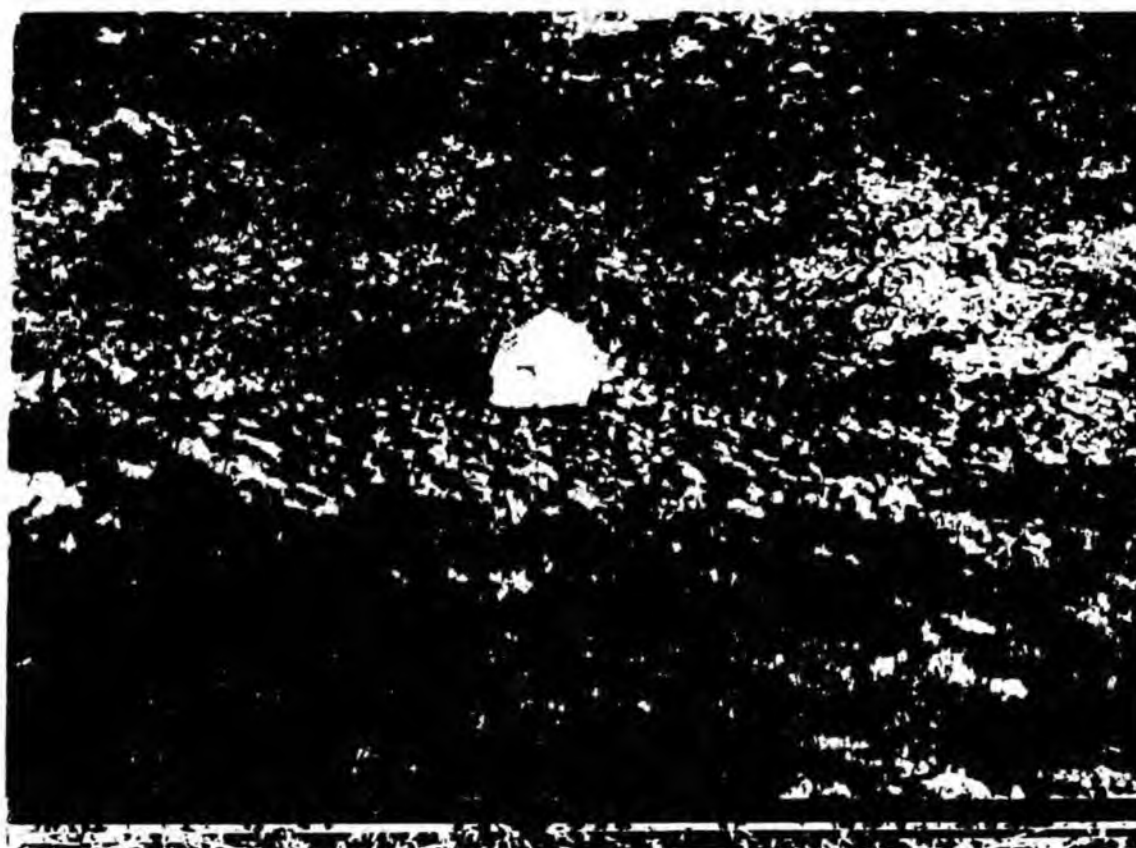
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Arrived at trespass Branham camp at 6:00PM

Site Location: T22N, R16W, SEC. 10, NW1/4 SM
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(Subunit 2a- Kichatna/Nakochna)

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(Segment 2a- Kichatna/Nakochna)

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Arrived at trespass Branham camp at 6:00PM

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Arrived at trespass Branham camp at 6:00PM

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Susitna Area Plan - Susitna Lowlands
(Subunit 2a- Kichatna/Nakochna)

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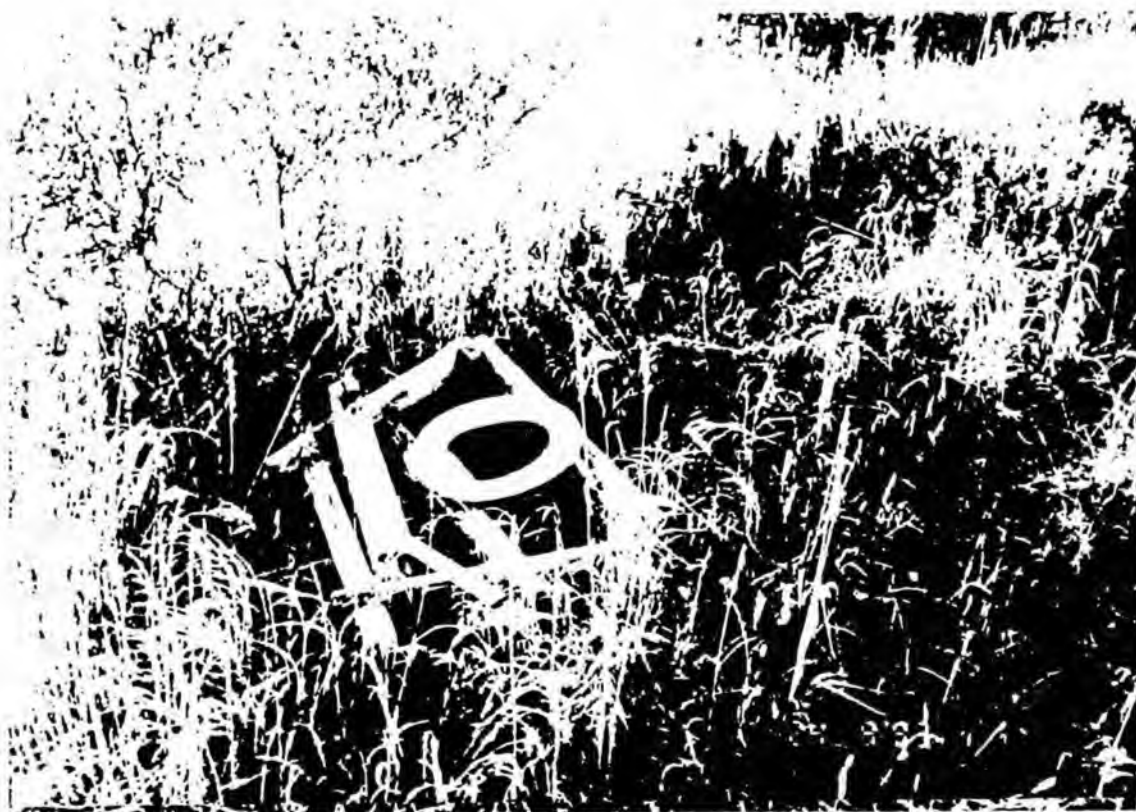
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Arrived at trespass Branham camp at 6:00PM

Site Location: T22N, R16W, SEC. 10, NW1/4 SM
Susitna Area Plan - Susitna Lowlands
(Summit 2a- Kichatna/Nakochna)

GPS reading: N62.00.40
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- 12:25PM: Aerial Survey of trespass camp. Alledged owner's name in file.

LOCATION: T 13, R37W, SW1/4 SEC. 32, SEWARD MERIDIAN

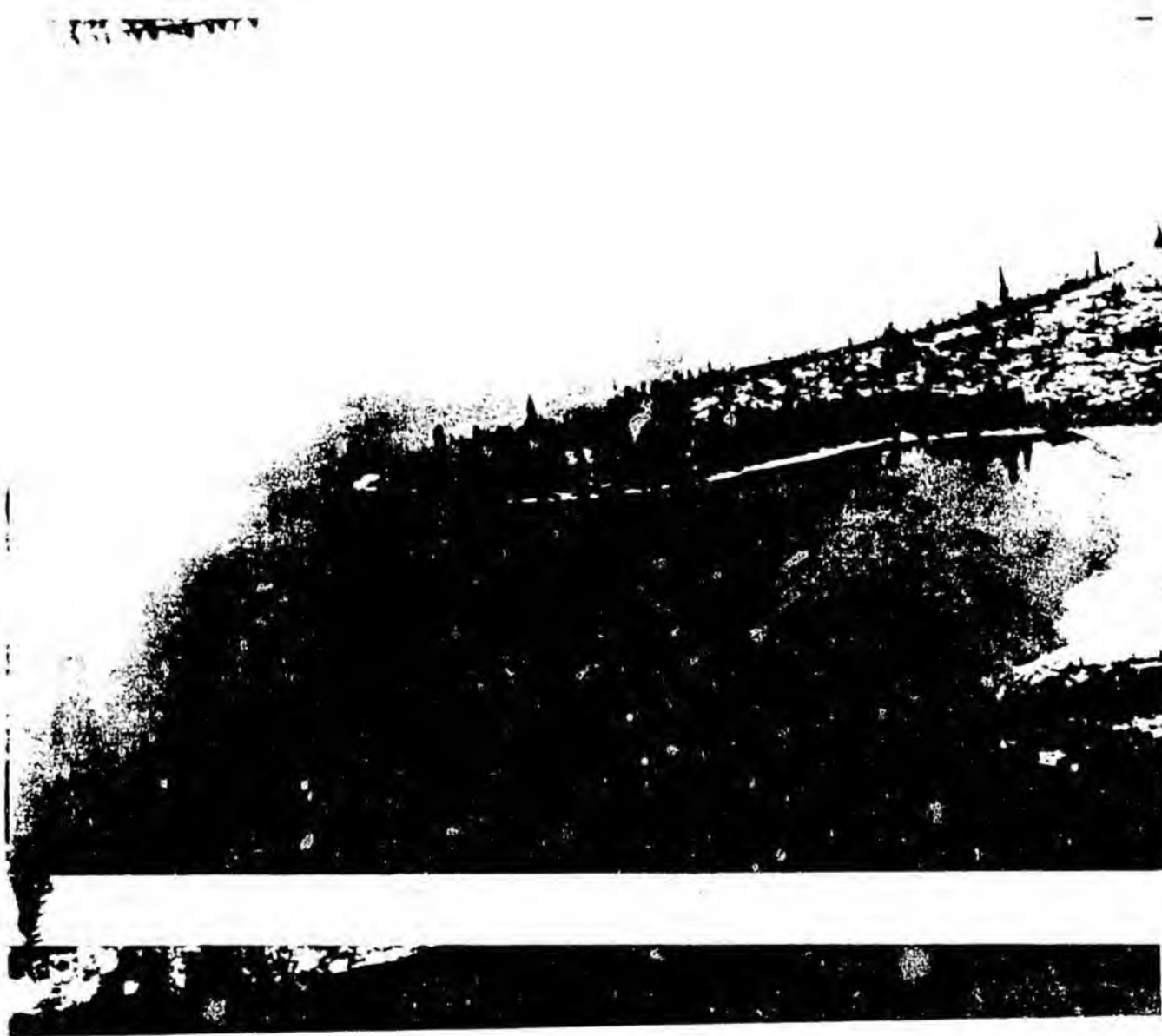
BRISTOL BAY AREA PLAN: UNIT #06 (NUSHAGAK, MULCHATNA)

LORAN READING: N60.01.25; W155.44.33

STATUS: TRESPASS

ACCESSIBILITY: Plane on floats

Aerial Survey Observations: Assembled wall tent frame, log platform, pit privy and a boat.







The following are photographs of abandoned, trespass guide/outfitter camps cleaned up by the Southcentral Regional Office, June, 1993.

The restoration project area was half way between McGrath and the southwest boundary of Denali National Park. All of the sites were located in a 10 mile radius of each other.

All solid waste and debris was transported to a larger airstrip and transported to Anchorage's Merrill Field by a 206. The Division of Land disposed of the solid waste and disposal at an Anchorage based solid waste disposal site.

The project duration was 5 days. The approximate cost of the project was \$8,000 not including employee wages, lodging and food costs.

Seward Meridian, T32N, R18W, Section 13 (Within North Alaska Range)

Duration of clean-up: .75 days. Approximate cost: \$1,000

Before

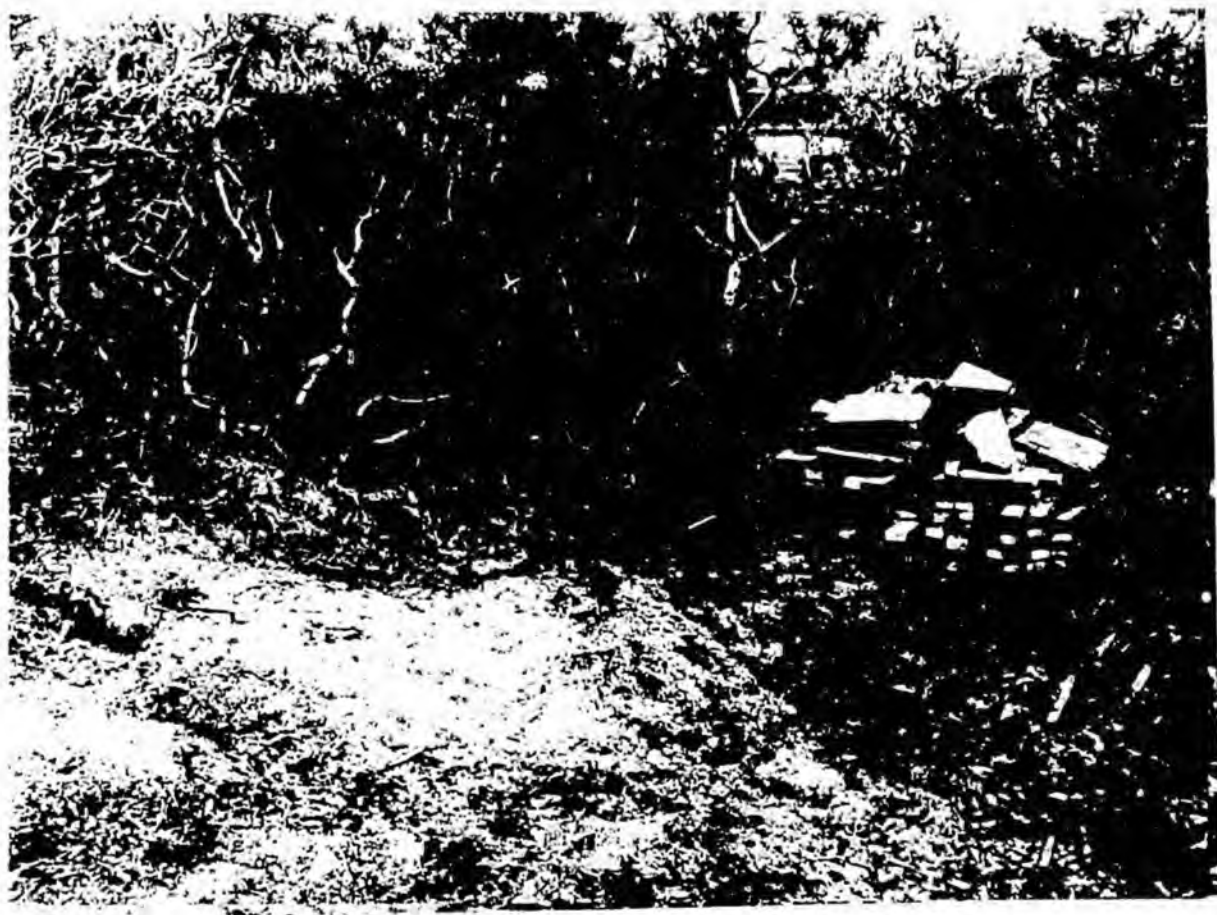






AFTER







Seward Meridian, T31N, R17W, Section 35 (Within North Alaska Range)

Duration of clean-up: 1.5 days. Approximate cost: \$2,000

Before







AFTER



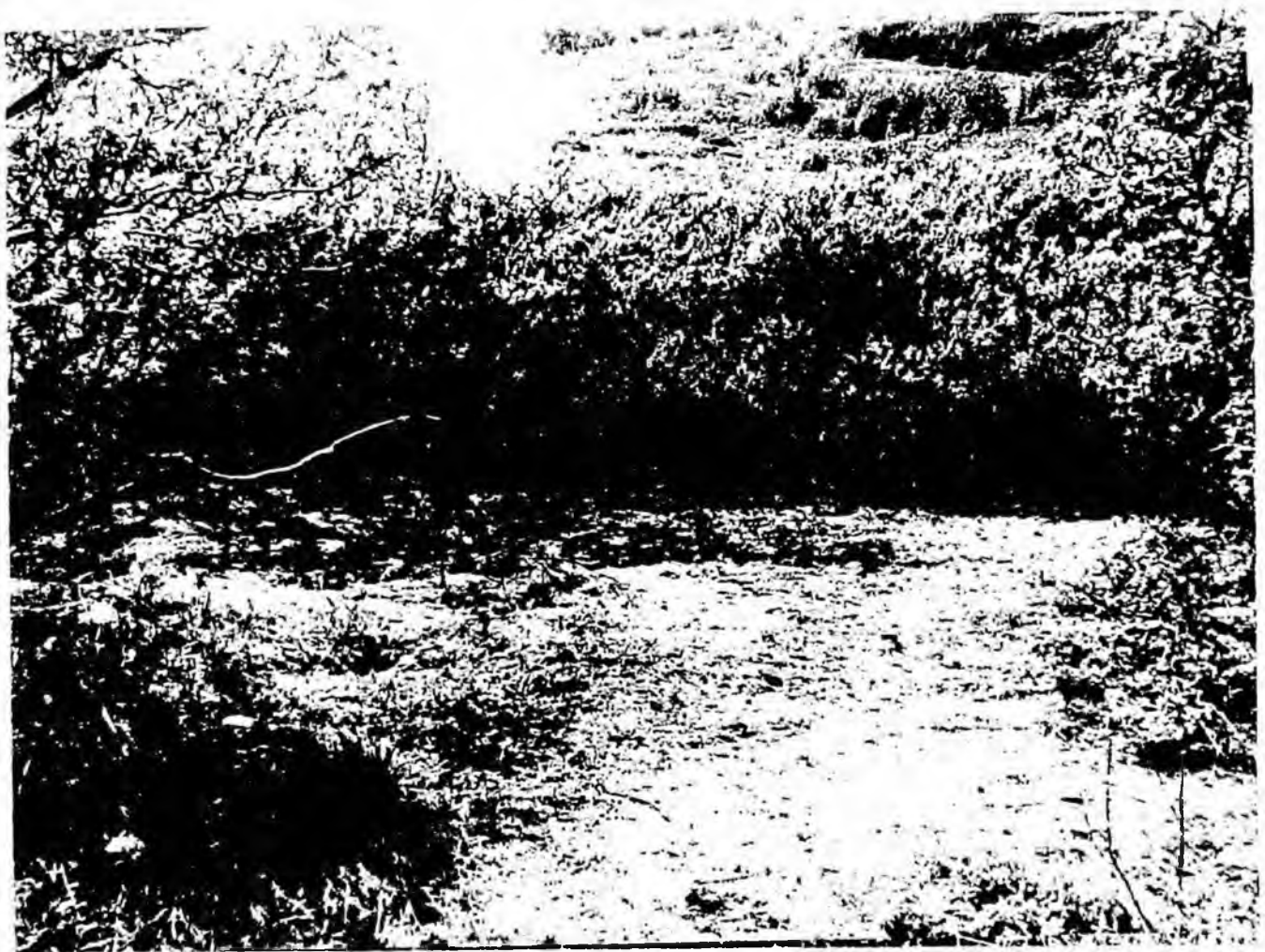


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AFTER





T31N, R16W, Section 17 (Within North Alaska

p: 1.0 day. Approximate cost: \$1,500

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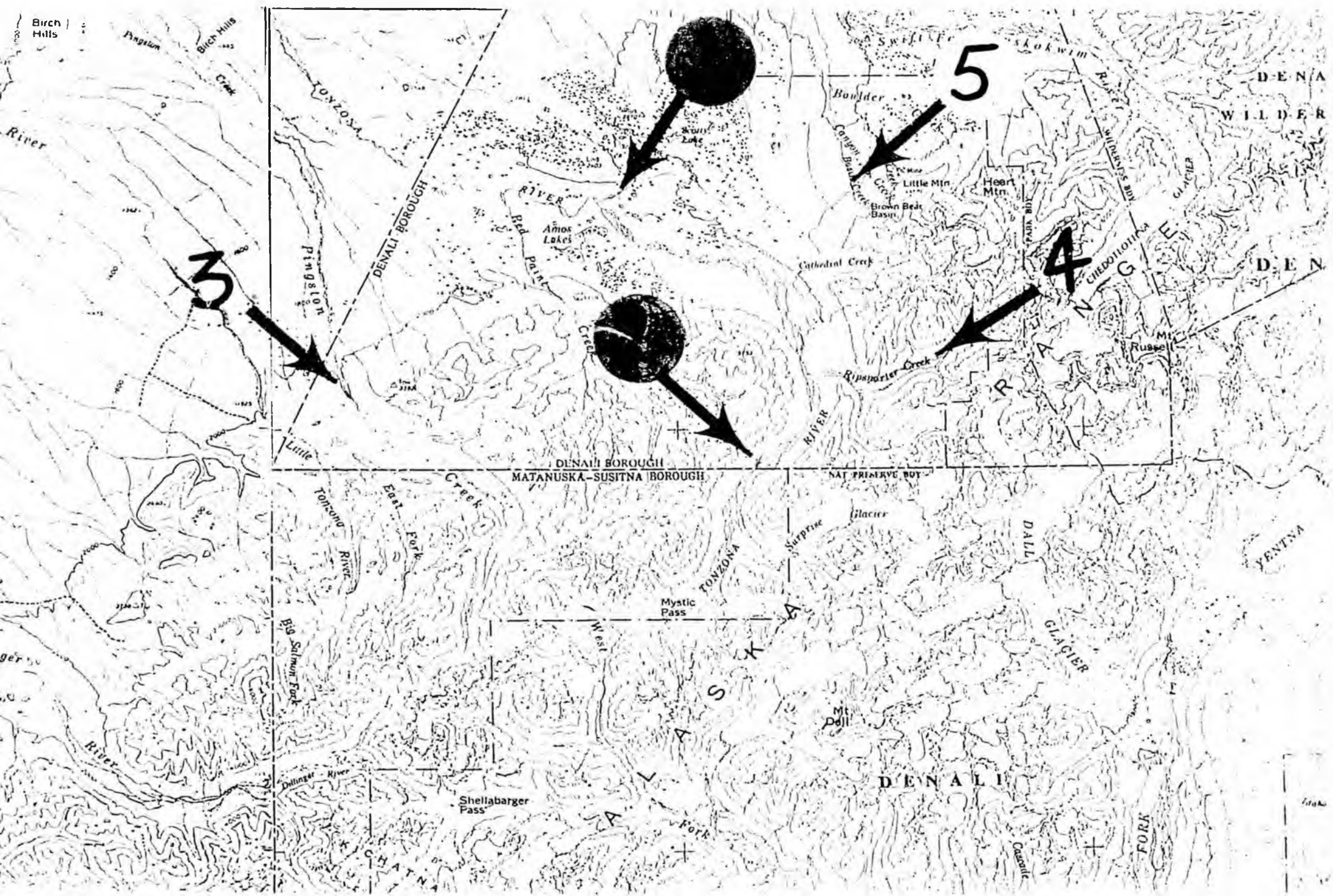


Seward Meridian, T33N, R16W, Section 23 (Within North Alaska Range)

Duration of clean-up: .50 days. Approximate cost: \$500

Before photo only





STATE OF ALASKA

TONY KNOWLES, GOVERNOR

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

OFFICE OF THE COMMISSIONER

P.O. BOX 110800
JUNEAU, ALASKA 99811-0800
PHONE: (907) 465-2500
FAX: (907) 465-5442
TDD: (907) 465-5437

March 29, 1996

The Honorable Rick Halford
Finance Committee Chairman
Alaska State Senate
State Capitol
Juneau, AK 99801-1182

Dear Senator Halford:

I would like to take this opportunity, on behalf of the Departments of Public Safety, Fish & Game, and Commerce & Economic Development, to thank you for the time and effort that you and your staff have expended regarding House Bill 335 and the big game hunting industry. This bill covers most of the concerns of the affected departments.


Protection of public and state resources is one of the Administration's top concerns. By maintaining the regulation of the guiding industry within the Division of Occupational Licensing, both the industry and the state are best served.

The bill has a few areas the Department of Public Safety considers "highlights," or points that they believe will enhance the industry and give the department important law enforcement tools. These include the provisions to limit some convicted felons from entering the industry; the enhanced penalties for certain Wanton Waste and Same Day Airborne offenders; and the much simpler interpretation of the supervision requirement for assistant and Class A assistant guides. But perhaps most important is the license revocation system that is now clearly defined for the court system to implement.

I would be remiss if I did not mention the Department of Labor's concern with expanding the list of individuals who would be exempt from the Alaska Wage and Hour Act. Also, the Department of Natural Resources, Division of Lands, has voiced concern that dropping the requirement for guides to prove permission to access state land may result in misuse of the land as was prevalent before this enforcement tool was first implemented.

In closing, however, please be assured that the Departments of Commerce & Economic Development, Public Safety, and Fish & Game support HB 335 version 9-LS1156\N and appreciate your time and effort on behalf of the industry and the state.

Sincerely,


Jeffrey W. Bush
Deputy Commissioner

JWB/yd150.co
032986a

- cc: Ron Otte, Commissioner, DPS
- Frank Rue, Commissioner, F&G
- John Shively, Commissioner, DNR
- Tom Cashen, Commissioner, DOL
- Pat Pourchot, Legislative Director, Office of the Governor
- Catherine Reardon, Dir., Div. of Occupational Licensing, DCED
- Capt. Joe D'Amico, F&WP
- Representative Scott Ogan

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

April 1, 1996

SUBJECT: Sectional Summary of SCS CSHB 335(FIN)(version N);
An Act relating to big game guides and transporters.

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

FROM: George Utermohle *GU*
Legislative Counsel

You have requested a sectional summary of SCS CSHB 335(FIN)(version N); An Act relating to big game guides and transporters.

As a preliminary matter, please note that a sectional summary of a bill is not an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Sections 1 and 2 of the bill amend AS 08.01.010 and 08.01.050(a), respectively, to provide that the Department of Commerce and Economic Development is responsible for the regulation of big game guides and transporters under AS 08.54.

Section 3 of the bill amends AS 08.54 by adding new provisions relating to the licensing and regulation of guides and transporters.

ARTICLE 5. BIG GAME GUIDES AND TRANSPORTERS.

Sec. 08.54.600 sets out the duties and powers of the Department of Commerce and Economic Development in regard to licensing and regulation of guides and transporters.

Sec. 08.54.605 sets out the basic requirements for issuance and renewal of any class of guide license and of a transporter license.

Sec. 08.54.610 sets out the licensing requirements for registered guides; provides for use of the title "master guide" by certain registered guides; and provides that registered guides may contract to guide or outfit big game hunts and may provide transportation services to clients.

Sec. 08.54.620 sets out the requirements for a class-A assistant guide license and describes what class-A assistant guides may do and may not do.

Sec. 08.54.630 sets out the requirements for an assistant guide license and describes what assistant guides may do and may not do.

Senator Rick Halford

April 1, 1996

Page 2

Sec. 08.54.640 restricts the ability of certain law enforcement officers and game biologists to obtain and hold guide licenses.

Sec. 08.54.650 sets out the requirements for issuance and renewal of a transporter license, describes what a transporter may do, and provides for reports by transporters.

Sec. 08.54.660 provides for the renewal of guide and transporter licenses.

Sec. 08.54.670 sets out the requirements for obtaining a guide license, if a licensee has failed to renew a license for two consecutive years.

Sec. 08.54.680 sets out the financial responsibility requirements for guides and transporters and minimum qualifications for guides who fly clients while guiding.

ARTICLE 6. ENFORCEMENT.

Sec. 08.54.710 sets out provisions relating to the discipline of guides and transporters by the department.

Sec. 08.54.720 sets out the unlawful acts that guides, transporters, and unlicensed persons may not engage in and establishes penalties for violating those prohibitions.

Sec. 08.54.730 authorizes the department to seek an injunction to stop a person from violating certain provisions of AS 08.54.

Sec. 08.54.740 provides that registered guides and transporters are equally liable under sec. 08.54.710 for violations of certain laws committed by certain persons who are employed by a registered guide or transporter.

ARTICLE 7. MISCELLANEOUS PROVISIONS.

Sec. 08.54.750 provides that registered guides may operate in only three guide use areas during a calendar year. Registered guides must register in advance with the Department of Commerce and Economic Development before operating in a use area. The Department of Fish and Game may suspend certain registration requirements under certain conditions.

Sec. 08.54.760 provides that registered guides must submit hunt records and that the hunt records will be kept confidential except for game management and enforcement purposes.

Sec. 08.54.770 authorizes the department to set fees for licenses, license applications, and examinations.

Sec. 08.54.790 defines key terms used in AS 08.54.

Senator Rick Halford

April 1, 1996

Page 3

Section 4 of the bill amends AS 12.55.125(e), relating to penalties for class C felonies, in order to conform to penalties imposed under Sec. 3 (sec. 08.54.720) of the bill.

Section 5 of the bill amends AS 16.05.195(a), relating to forfeiture of equipment used to violate fish and game laws, to conform to forfeiture provisions under Sec. 3 (sec. 08.54.720(f)(4)) of the bill.

Sections 6 - 9 of the bill make technical and conforming changes to AS 16.05.407 and 16.05.408, relating to the guide requirement for nonresident and nonresident alien hunters.

Section 10 of the bill amends AS 23.10.055 to exempt persons who are licensed under AS 08.54 and who are employed by a registered or master guide from the state wage and hour laws for the first 60 work days of their employment for the registered guide or master guide during a calendar year.

Section 11 of the bill amends AS 41.23.420(d) by making a technical amendment to conform to the changes made by sec. 3 of the bill.

Section 12 of the bill amends AS 44.62.330(a)(35), relating to responsibility for administrative adjudications under the Administrative Procedures Act, to conform to the transfer of licensing and related functions for guides and transporters to the Department of Commerce and Economic Development.

Section 13 of the bill provides for the transition from licenses issued by the Big Game Commercial Services Board and the Department of Commerce and Economic Development to licenses issued under this bill; provides that certain fees paid before this bill takes effect shall be refunded; establishes temporary license fees for guides and transporters; and authorizes the Department of Commerce and Economic Development to adopt emergency regulations as necessary to implement this bill.

Section 14 of the bill provides a temporary transition provision for implementation of guide use area registration under Sec. 3 (sec. 08.54.750(a)) of the bill.

Section 15 of the bill provides how this bill is to be construed in light of past actions of the Department of Commerce and Economic Development and the governor.

Section 16 of the bill provides for the repeal of the former guide-outfitter statutes under AS 08.54 and related statutes.

Section 17 of the bill provides that the bill takes effect immediately.

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SENATE CS FOR CS FOR HOUSE BILL NO. 335(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES OGAN, Toohey, Rokeberg

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to big game guides and transporters; and providing for an
2 effective date."

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

4 * Section 1. AS 08.01.010 is amended by adding a new paragraph to read:

5 (37) regulation of big game guides and transporters under AS 08.54.

6 * Sec. 2. AS 08.01.050(a) is amended to read:

7 (a) The department shall perform the following administrative and budgetary
8 services when appropriate:

9 (1) collect and record fees;

10 (2) maintain records and files;

11 (3) issue and receive application forms;

12 (4) notify applicants of acceptance or rejection as determined by the

13 board or as determined by the department under AS 08.06 for acupuncturists, under

14 AS 08.11 for audiologists, under AS 08.18 for contractors, under AS 08.40 for electrical

15 and mechanical administrators, under AS 08.45 for naturopaths, under AS 08.54 for big

1 game guides and transporters, under AS 08.55 for hearing aid dealers, or under
2 AS 08.70 for nursing home administrators;

3 (5) designate dates examinations are to be held and notify applicants;

4 (6) publish notice of examinations and proceedings;

5 (7) arrange space for holding examinations and proceedings;

6 (8) notify applicants of results of examinations;

7 (9) issue licenses or temporary licenses as authorized by the board or as
8 authorized by the department under AS 08.06 for acupuncturists, under AS 08.11 for
9 audiologists, under AS 08.18 for contractors, under AS 08.40 for electrical and
10 mechanical administrators, under AS 08.45 for naturopaths, under AS 08.54 for big
11 game guides and transporters, under AS 08.55 for hearing aid dealers, or under
12 AS 08.70 for nursing home administrators;

13 (10) issue duplicate licenses upon submission of a written request by the
14 licensee attesting to loss of or the failure to receive the original and payment by the
15 licensee of a fee established by regulation adopted by the department;

16 (11) notify licensees of renewal dates at least 30 days before the
17 expiration date of their licenses;

18 (12) compile and maintain a current register of licensees;

19 (13) answer routine inquiries;

20 (14) maintain files relating to individual licensees;

21 (15) arrange for printing and advertising;

22 (16) purchase supplies;

23 (17) employ additional help when needed;

24 (18) perform other services that may be requested by the board;

25 (19) provide inspection, enforcement, and investigative services to the
26 boards and for the occupations listed in AS 08.01.010 [,] regarding all licenses issued by
27 or through the department;

28 (20) retain and safeguard the official seal of a board and prepare, sign,
29 and affix a board seal, as appropriate, for licenses approved by a board;

30 (21) issue business licenses under AS 43.70.

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

32 ARTICLE 5. BIG GAME GUIDES AND TRANSPORTERS.

1 Sec. 08.54.600. DUTIES AND POWERS OF DEPARTMENT. The Department
2 of Commerce and Economic Development shall

3 (1) prepare, grade, and administer

4 (A) a written and oral examination of an applicant for a registered
5 guide license that requires demonstration that the applicant is qualified generally
6 to provide guided and outfitted hunts and, in particular, to guide and outfit in
7 each game management unit for which the applicant seeks to be certified; if an
8 applicant demonstrates limited ability to read or write the English language, the
9 entire examination shall be administered orally; and

10 (B) an oral examination of a registered guide who seeks an
11 amendment of a game management unit certification; the examination must
12 require demonstration that the registered guide is qualified to provide guided and
13 outfitted hunts in each new game management unit for which the registered guide
14 seeks to be certified;

15 (2) issue registered guide, master guide, class-A assistant guide, assistant
16 guide and transporter licenses;

17 (3) compile, maintain, and publish an annual roster of registered guides
18 subject to this chapter who have not been convicted of a violation of a state or federal
19 statute or regulation relating to the provision of big game hunting services; a person
20 listed in the roster whose license is revoked or suspended shall be removed from the
21 roster while the person's license is revoked or suspended;

22 (4) after a hearing, revoke, suspend, or deny renewal of a license under
23 AS 08.54.600 - 08.54.790;

24 (5) require an applicant for issuance or renewal of any class of guide
25 license or of a transporter license to state in a written and signed document whether the
26 applicant's right to obtain, or exercise the privileges granted by, a sport fishing, hunting,
27 trapping, or guiding license is revoked or suspended in another state;

28 (6) regularly disseminate information regarding examinations and other
29 qualifications for all classes of guide licenses to residents of the rural areas of the state;

30 (7) adopt procedural and substantive regulations required by this chapter.

31 Sec. 08.54.610. REGISTERED GUIDE LICENSE. (a) A natural person is
32 entitled to a registered guide license if the person

- 1 (1) is 21 years of age or older;
- 2 (2) has practical field experience in the handling of firearms, hunting,
- 3 judging trophies, field preparation of meat and trophies, first aid, photography, and
- 4 related guiding and outfitting activities;
- 5 (3) is familiar with the terrain and transportation problems in the game
- 6 management unit for which certification is requested;
- 7 (4) has passed the qualification examinations prepared and administered
- 8 by the department;
- 9 (5) has not been convicted of
- 10 (A) a state or federal hunting or guiding statute or regulation
- 11 within the last five years for which the person was fined more than \$500 or
- 12 imprisoned for more than five days; or
- 13 (B) a felony within the last 10 years;
- 14 (6) has legally hunted in the state for part of each of any five years in
- 15 a manner directly contributing to the person's experience and competency as a guide;
- 16 (7) has been licensed as and performed the services of a class-A assistant
- 17 guide or assistant guide, or a class-A assistant guide-outfitter or assistant guide-outfitter
- 18 under former AS 08.54.300 - 08.54.590, in the state for a part of each of three years;
- 19 (8) has demonstrated a current knowledge of fishing, hunting, and
- 20 guiding regulations;
- 21 (9) is capable of performing the essential duties associated with guiding
- 22 and outfitting;
- 23 (10) has been favorably recommended in writing by eight big game
- 24 hunters, at least two for each year of the person's most recent three years as a class-A
- 25 assistant guide or assistant guide, or as a class-A assistant guide-outfitter or assistant
- 26 guide-outfitter under former AS 08.54.300 - 08.54.590, when the person has guided or
- 27 assisted in guiding, whose recommendations have been solicited by the department from
- 28 a list provided by the applicant;
- 29 (11) possesses a business license to provide guiding services; and
- 30 (12) has paid the registered guide license fee.
- 31 (b) A master guide license authorizes a registered guide to use the title master
- 32 guide, but is for all other purposes under this chapter a registered guide license. A

1 natural person is entitled to receive a renewable master guide license if

2 (1) the person

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

5 (B) has not been convicted of

6 (i) a state or federal hunting or guiding statute or
7 regulation within the last five years for which the person was fined more
8 than \$500 or imprisoned for more than five days; or

9 (ii) a felony within the last 10 years;

10 (C) has been licensed in this state as a guide or a guide-outfitter,
11 under former AS 08.54.010 - 08.54.240, former AS 08.54.300 - 08.54.590, or this
12 chapter, for at least 12 of the last 15 years, including the year immediately
13 preceding the year in which the person applies for a master guide license;

14 (D) submits a list to the department of at least 25 clients for
15 whom the person has personally provided guiding or outfitting services and the
16 person receives a favorable evaluation from 10 of the clients selected from the
17 list by the department; and

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

19 (2) the person

20 (A) received a master guide license under sec. 13, ch. 37, SLA
21 1989, or former AS 08.54.350(b);

22 (B) has annually renewed the license;

23 (C) has not had the license

24 (i) revoked or suspended; or

25 (ii) lapse under AS 08.54.680; and

26 (D) pays the license fee.

27 (c) A registered guide may contract to guide or outfit hunts for big game.

28 (d) A person may not receive a registered guide license if the person's right to
29 obtain, or exercise the privileges granted by, a sport fishing, hunting, trapping, or guide-
30 outfitting license is suspended or revoked in another state.

31 (e) The department shall administer the qualification examinations for
32 registered guides at least twice a year. An examination may not be given within 90 days

1 after the previous examination. At least once every other year the department shall give
2 the examination at a location other than Anchorage.

3 (f) The commissioner of commerce and economic development may order that
4 an applicant for an initial registered guide license under this section be allowed to take
5 the license examination or be issued the license if, after reviewing a petition filed by the
6 applicant, the commissioner finds that

7 (1) the applicant was denied an opportunity to take the license
8 examination or was refused the license;

9 (2) the denial or refusal has not been appealed to the superior court under
10 AS 44.62.560;

11 (3) the denial or refusal was based on

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

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

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

17 (5) sustaining the denial or refusal would work a substantial injustice on
18 the applicant.

19 Sec. 08.54.620. RENEWAL OF REGISTERED GUIDE LICENSE. (a) An
20 applicant for renewal of a registered guide license shall submit with the application for
21 renewal

22 (1) the hunt record required under AS 08.54.760 for the current reporting
23 period; and

24 (2) the license fee for the next licensing period.

25 (b) The department may not renew a registered guide license under this section
26 unless all fees have been paid in full and all hunt records due during the term of the
27 current license have been filed with the department.

28 (c) A registered guide license may not be renewed if the licensee's right to
29 obtain, or exercise the privileges granted by, a sport fishing, hunting, trapping, or guiding
30 license is suspended or revoked in another state.

31 Sec. 08.54.630. CLASS-A ASSISTANT GUIDE LICENSE. (a) A natural
32 person is entitled to a class-A assistant guide license if

1 (1) the person

2 (A) has been employed for at least one season as a licensed
3 assistant guide;

4 (B) has had at least 10 years' hunting experience in the game
5 management unit in which the person is to be employed; military service outside
6 the state for not more than three years shall be accepted as part of the required
7 10 years' hunting experience; and

8 (C) pays the license fee; or

9 (2) the person

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

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

16 (C) pays the license fee.

17 (b) A class-A assistant guide

18 (1) may not contract to guide or outfit a big game hunt;

19 (2) shall be employed by and under the supervision of a registered guide
20 who has contracted with the client for whom the class-A assistant guide is conducting
21 the hunt; and

22 (3) may take charge of a camp and conduct guide activities from the
23 camp without the registered guide being present in the area if the registered guide is
24 supervising the guiding activities.

25 (c) A person may not receive a class-A assistant guide license if the person's
26 right to obtain, or exercise the privileges granted by, a sport fishing, hunting, trapping,
27 or guiding license is suspended or revoked in another state.

28 (d) A class-A assistant guide license may not be renewed if the licensee's right
29 to obtain, or exercise the privileges granted by, a sport fishing, hunting, trapping, or
30 guiding license is revoked or suspended in another state.

31 Sec. 08.54.640. ASSISTANT GUIDE LICENSE. (a) A natural person is
32 entitled to an assistant guide license if the person

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- (1) is 18 years of age or older;
- (2) possesses a first aid card issued by the Red Cross or a similar organization;
- (3) possesses a written recommendation by a registered guide who intends to employ the person as an assistant guide;
- (4) is in sound physical condition; and
- (5) pays the license fee.

(b) An assistant guide

- (1) may not contract to guide or outfit a big game hunt; and
- (2) shall be employed by a registered guide and under the supervision of a registered guide or class-A assistant guide ~~at all times~~ while the assistant guide is in the field on guided hunts.

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(c) A person may not receive an assistant guide license if the person's right to obtain, or exercise the privileges granted by, a sport fishing, hunting, trapping, or guiding license is suspended or revoked in another state.

(d) An assistant guide license may not be renewed if the licensee's right to obtain, or exercise the privileges granted by, a sport fishing, hunting, trapping, or guiding license is revoked or suspended in another state.

Sec. 08.54.650. LAW ENFORCEMENT OFFICERS AND GAME BIOLOGISTS. (a) Notwithstanding AS 08.54.610 - 08.54.640 and except as provided in (b) of this section, a person may not hold, or earn experience credits to apply for, a registered guide license, class-A assistant guide license, or assistant guide license under this chapter, while the person is a law enforcement officer and for three months after terminating the person's status as a law enforcement officer.

(b) A registered guide license, class-A assistant guide license, or assistant guide license issued under this chapter, or under former provisions of AS 08.54.300 - 08.54.590, after May 16, 1992, is suspended if the person to whom the license is issued subsequently becomes a law enforcement officer. A person whose license is subject to suspension under this subsection shall notify the department that the person has become a law enforcement officer within 30 days after becoming a law enforcement officer. The suspension of a license under this subsection remains in effect until three months have elapsed from the date on which the licensee provides written notification to the

1 department of the fact that the person is no longer a law enforcement officer. A person
2 whose license is suspended under this subsection is not required to renew the license or
3 pay license renewal fees for the period of suspension. Once a suspension of a license
4 is terminated, the licensee may provide, without further payment of a guide license fee,
5 the guide services authorized by the license for the remainder of the licensing period in
6 which the suspension is terminated. Notwithstanding other provisions of this subsection,
7 if a person whose license is suspended under this subsection fails to notify the
8 department within one year after the person is no longer a law enforcement officer, the
9 person's license lapses and the person is eligible for reissuance of the license only as
10 provided in AS 08.54.680. The department may adopt regulations to implement this
11 subsection.

12 (c) A person who holds any class of guide license and who is employed by the
13 Department of Fish and Game may not, while employed by the department as a game
14 biologist and for 12 months after leaving employment with the department as a game
15 biologist, engage in providing big game hunting services in a game management unit in
16 which the person conducted game management or research activities for the department
17 at any time during the preceding 12 months.

18 (d) In this section, "law enforcement officer" means a person who is

19 (1) employed by the Department of Public Safety as a state trooper or
20 as a law enforcement officer engaged in fish and wildlife protection;

21 (2) employed by the Department of Fish and Game and authorized by the
22 commissioner of fish and game under AS 16.05.150(1) to enforce provisions of AS 16;
23 or

24 (3) authorized by the commissioner of fish and game under
25 AS 16.05.150(3) to enforce provisions of AS 16.

26 Sec. 08.54.660. TRANSPORTER LICENSE. (a) A person is entitled to a
27 transporter license if the person

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

29 (2) has not been convicted of

30 (A) a state or federal hunting or guiding statute or regulation
31 within the last five years for which the person was fined more than \$500 or
32 imprisoned for more than five days; or

1 (B) a felony within the last 10 years;

2 (3) pays the license fee; and

3 (4) has a business license to transport big game hunters.

4 (b) A transporter may provide transportation services and accommodations to big
5 game hunters in the field at a permanent lodge, house, or cabin owned by the transporter
6 or on a boat with permanent living quarters located on salt water. A transporter may not
7 provide big game hunting services without holding the appropriate license.

8 (c) A transporter shall provide an annual activity report on a form provided by
9 the department. An activity report shall contain information required by the department
10 by regulation.

11 (d) An applicant for renewal of a transporter license shall submit with the
12 application for renewal

13 (1) the annual activity report for the second year of the current license;
14 and

15 (2) the license fee for the next licensing period.

16 (e) The department may not renew a transporter license unless all fees have been
17 paid in full and all activity reports due during the term of the current license have been
18 filed with the department.

19 (f) A transporter shall place a decal provided by the department on each plane,
20 boat, vehicle, or other equipment used by the transporter to provide transportation
21 services to big game hunters. The decal must bear the transporter's license number. The
22 decal is valid only for the plane, boat, vehicle, or other equipment for which the decal
23 is issued.

24 Sec. 08.54.670. INSURANCE AND OTHER REQUIREMENTS FOR GUIDES
25 AND TRANSPORTERS. (a) The department may require a registered guide or
26 transporter to provide proof of financial responsibility up to the amount of \$100,000.
27 A registered guide or transporter may demonstrate financial responsibility by assets,
28 insurance, or a bond in the requisite amount.

29 (b) If a registered guide, class-A assistant guide, or an assistant guide personally
30 pilots an aircraft to transport clients during the provision of big game hunting services,
31 the registered guide, class-A assistant guide, or assistant guide shall have a commercial
32 pilot's rating or a minimum of 500 hours of flying time in the state.

1 Sec. 08.54.680. FAILURE TO RENEW. (a) The department may not issue a
 2 license to a registered guide, class-A assistant guide, or assistant guide who has failed
 3 to renew a license issued under this chapter for two consecutive years unless the
 4 registered guide, class-A assistant guide, or assistant guide again meets the qualifications
 5 for initial issuance of the license.

6 (b) Notwithstanding (a) of this section, a registered guide who fails to renew a
 7 license is not required to requalify under AS 08.54.610(a)(7), unless the license has been
 8 lapsed for three or more years.

9 ARTICLE 6. ENFORCEMENT.

10 Sec. 08.54.710. DISCIPLINE OF GUIDES AND TRANSPORTERS. (a) The
 11 department shall hold a hearing to determine whether a person who holds a license
 12 issued under this chapter should be disciplined within a reasonable time after a licensee
 13 has been convicted of a violation of a federal or state statute or regulation relating to
 14 hunting or provision of big game hunting services. After a hearing, the department may
 15 revoke, suspend, or deny renewal of a transporter license or any class of guide license,
 16 if the department finds that the licensee had been convicted of violating a provision of
 17 a federal or state statute or regulation relating to hunting or provision of big game
 18 hunting services.

19 (b) After a hearing, the department shall revoke a transporter license or any class
 20 of guide license if the department finds that the licensee

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

23 (2) is incompetent as a registered guide, class-A assistant guide, assistant
 24 guide or transporter; or

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

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

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31 (c) If a certified copy of a judgment of conviction of a licensee who holds a
 32 transporter license or any class of guide license for an offense described under (b)(3) of

1 this section is filed with the department, the department shall immediately suspend the
 2 licensee's license. The suspension may be ordered even if the conviction resulted from
 3 a plea of nolo contendere or if the conviction is under appeal. The suspension remains
 4 in effect until after the final disposition of the disciplinary proceeding under this section.

5 (d) A certified copy of a judgment of conviction of a licensee for an offense is
 6 conclusive evidence of the commission of that offense in a disciplinary proceeding
 7 instituted against the licensee under this section based on that conviction, regardless of
 8 whether the conviction resulted from a plea of nolo contendere or the conviction is under
 9 appeal, unless the conviction is overturned on appeal.

10 (e) The department may not revoke, suspend, or deny renewal of a transporter
 11 license for a violation of a federal or state statute or regulation relating to game or
 12 provision of big game hunting services committed by an employee of the licensee unless
 13 the licensee participated or aided in the violation.

14 (f) A person who is disciplined under this section may not engage in the
 15 provision of big game hunting services or transportation services during the period of
 16 license revocation or other disciplinary action. A person who is licensed under this
 17 chapter may not hire a person whose license is suspended or revoked under this section.
 18 A person whose license is suspended or revoked under this section may not be employed
 19 by a person who is licensed under this chapter.

20 (g) If the department revokes a license under this section, the person whose
 21 license has been revoked shall surrender immediately the license to the department.

22 Sec. 08.54.720. UNLAWFUL ACTS. (a) It is unlawful for a

23 (1) person who is licensed under this chapter to knowingly fail to timely
 24 report to the Department of Public Safety, division of fish and wildlife protection, and
 25 in no event later than 30 days, a violation of a state fish, game, or big game guiding or
 26 transportation services statute or regulation that the person reasonably believes was
 27 committed by a client or an employee of the person:

28 (2) person who is licensed under this chapter to knowingly

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

32 (B) permit the commission of a violation of this chapter, a

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1 regulation adopted under this chapter, or a state fish or game statute or regulation
2 that the person knows or reasonably believes is being or will be committed
3 without

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

5 (ii) reporting the violation;

6 (3) person who is licensed under this chapter to intentionally obstruct or
7 hinder or attempt to obstruct or hinder lawful hunting engaged in by a person who is not
8 a client of the person;

9 (4) class-A assistant guide or an assistant guide to knowingly guide a
10 hunt except while employed and supervised by a registered guide;

11 (5) person who holds any class of guide license to knowingly enter or
12 remain on private land without prior authorization during the course of providing guiding
13 services;

14 (6) registered guide to knowingly engage in providing big game hunting
15 services outside of

16 (A) a game management unit for which the guide is certified;

17 (B) a use area for which the guide is registered under
18 AS 08.54.750;

19 (7) person to knowingly guide without having a current registered guide,
20 class-A assistant guide, or assistant guide license and hunting license in actual
21 possession;

22 (8) person without a current registered guide license to knowingly
23 advertise as, or represent to be, a registered guide;

24 (9) person without a current master guide license to knowingly advertise
25 as, or represent to be, a master guide;

26 (10) person without a current registered guide license to knowingly
27 advertise as, or represent to be, an outfitter;

28 (11) person to knowingly provide transportation services to big game
29 hunters without holding a transporter license;

30 (12) class-A assistant guide or an assistant guide to knowingly contract
31 to guide or outfit a hunt; or

32 (13) person to knowingly provide big game guiding or transportation

1 services activity during the period for which the person's license to conduct that activity
2 is suspended or revoked.

3 (b) A person who commits an offense set out in (a)(1) - (6) of this section is
4 guilty of a misdemeanor and is punishable by a fine of not more than \$30,000 or by
5 imprisonment up to one year, or both.

6 (c) A person who commits an offense set out in (a)(7) - (12) of this section is
7 guilty,

8 (1) for a first offense, of a misdemeanor and is punishable by a fine of
9 not more than \$30,000 or by imprisonment up to one year, or both;

10 (2) for a second or subsequent offense, of a class C felony.

11 (d) A person who violates (a)(13) of this section is guilty of a class C felony.

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

13 (1) the court may revoke the person's guide license or transporter license
14 for not more than five years; and

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

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

23 Sec. 08.54.730. INJUNCTION AGAINST UNLAWFUL ACTION. When in
24 the judgment of the department, a person has engaged in an act in violation of
25 AS 08.54.630(b), 08.54.640(b), 08.54.660(b), 08.54.710(f), and 08.54.720(a) or the
26 regulations adopted under these statutes, the department may apply to the appropriate
27 court for an order enjoining the action. Upon a showing by the department that the
28 person is engaging in the act, the court shall grant injunctive relief or other appropriate
29 order without bond.

30 Sec. 08.54.740. RESPONSIBILITY OF GUIDE FOR VIOLATIONS. A
31 registered guide who contracts to guide or outfit a big game hunt is equally responsible
32 under AS 08.54.710 for a violation of a federal or state game or guiding statute or

1 regulation committed by a class-A assistant guide or an assistant guide while in the
2 course of the class-A assistant guide's or assistant guide's employment for the guide.

3 ARTICLE 7. MISCELLANEOUS PROVISIONS.

4 Sec. 08.54.750. USE AREA REGISTRATION. (a) At least 30 days before
5 providing big game hunting services within a guide-outfitter use area, a registered guide
6 shall inform the Department of Public Safety, in person or by registered mail on a
7 registration form provided by the department, that the guide will be providing big game
8 hunting services in the use area.

9 (b) A registered guide may not conduct big game hunting services in more than
10 three guide-outfitter use areas during a calendar year.

11 (c) The Department of Public Safety, with the concurrence of the Department
12 of Fish and Game, may permanently or temporarily amend the boundary of a guide-
13 outfitter use area for a specified location or time or for a specified big game species, if
14 the amendment is in the public interest.

15 (d) In this section, "guide-outfitter use area" means a geographic area of the state
16 identified by the former Big Game Commercial Services Board and described on a set
17 of maps titled Guide-Outfitter Use Area Maps, dated June 22, 1994.

18 Sec. 08.54.760. HUNT RECORDS; CONFIDENTIALITY OF HUNT
19 RECORDS AND ACTIVITY REPORTS. (a) The department shall collect and maintain
20 hunt records provided by a registered guide. A hunt record must include a list of all big
21 game hunters who used the guiding or outfitting services of the registered guide, the
22 number of each big game species taken, and other information required by the
23 department. The department shall provide forms for reporting hunt records.

24 (b) The department shall make hunt records received under this section, and
25 activity reports received under AS 08.54.660, available to state and federal agencies
26 charged with the enforcement of statutes and regulations relating to guiding, outfitting,
27 or game or with management of game if requested for game management or law
28 enforcement purposes. Aggregated data compiled from hunt records and activity reports
29 may be included in reports by the department. For all other purposes, the hunt records
30 and activity reports are confidential and are not subject to inspection or copying under
31 AS 09.25.110 - 09.25.125.

32 Sec. 08.54.770. LICENSE AND EXAMINATION FEES. (a) The department

1 shall set license fees under AS 08.01.065 for each of the following:

- 2 (1) registered guide;
3 (2) class-A assistant guide;
4 (3) assistant guide;
5 (4) transporter.

6 (b) The license fee for the registered guide, class-A assistant guide, or assistant
7 guide license is in addition to the fee required for a hunting license.

8 (c) An applicant for a qualifying examination for a registered guide license shall
9 pay a fee established by regulations adopted under AS 08.01.065.

10 (d) The fee for the transporter license must be equal to the fee for the registered
11 guide license.

12 Sec. 08.54.790. DEFINITIONS. In this chapter,

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

16 (2) "big game hunting service" means a service for which the provider
17 of the service must obtain a registered guide, class-A assistant guide, or assistant guide
18 license; "big game hunting service" includes guiding services and outfitting services;

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

21 (4) "department" means the Department of Commerce and Economic
22 Development;

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

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

29 (7) "guide" means to provide, for compensation or with the intent or with
30 an agreement to receive compensation, services, equipment, or facilities to a big game
31 hunter in the field by a person who accompanies or is present with the big game hunter
32 in the field either personally or through an assistant; "guide" does not include the

1 provision of transportation to, from, or in the field if the person providing the
2 transportation and the person being transported do not stalk, pursue, track, kill, or attempt
3 to kill big game during the provision of transportation; in this paragraph, "services"
4 includes

5 (A) contracting to guide or outfit big game hunts;

6 (B) stalking, pursuing, tracking, killing, or attempting to kill big
7 game;

8 (C) packing, preparing, salvaging, or caring for meat, except that
9 which is required to properly and safely load the meat on the mode of
10 transportation being used by a transporter;

11 (D) field preparation of trophies, including skinning and caping;

12 (E) selling, leasing, or renting goods when the transaction occurs
13 in the field;

14 (F) using guiding or outfitting equipment, including spotting
15 scopes and firearms, for the benefit of a hunter; and

16 (G) providing camping or hunting equipment or supplies which
17 are already located in the field;

18 (8) "outfit" means to provide, for compensation or with the intent to
19 receive compensation, services, supplies, or facilities to a big game hunter in the field,
20 by a person who neither accompanies nor is present with the big game hunter in the field
21 either personally or by an assistant;

22 (9) "transportation services" means the carriage for compensation of big
23 game hunters, their equipment, or big game animals harvested by hunters to, from, or in
24 the field; "transportation services" does not include the carriage by aircraft of big game
25 hunters, their equipment, or big game animals harvested by hunters

26 (A) on nonstop flights between airports listed in the Alaska
27 supplement to the Airmen's Guide published by the Federal Aviation
28 Administration; or

29 (B) by an air taxi operator or air carrier for which the carriage of
30 big game hunters, their equipment, or big game animals harvested by hunters is
31 only an incidental portion of its business; in this subparagraph, "incidental"
32 means transportation provided to a big game hunter by an air taxi operator or air

1 carrier who does not

2 (i) charge more than the usual tariff or charter rate for the
3 carriage of big game hunters, their equipment, or big game animals
4 harvested by hunters; or

5 (ii) advertise transportation services or big game hunting
6 services to the public; in this sub-subparagraph, "advertise" means
7 soliciting big game hunters to be customers of an air taxi operator or air
8 carrier for the purpose of providing air transportation to, from, or in the
9 field through the use of print or electronic media, including advertising
10 at trade shows, or the use of hunt broker services or other promotional
11 services.

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

13 (e) A defendant convicted of a class C felony may be sentenced to a definite
14 term of imprisonment of not more than five years, and shall be sentenced to the
15 following presumptive terms, subject to adjustment as provided in AS 12.55.155 -
16 12.55.175:

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

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

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

24 (4) if the offense is a first felony conviction, and the defendant violated
25 AS 08.54.720(a)(7) - (12) [AS 08.54.520(a)(7) - (10)], one year.

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

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

29 (1) a person who is licensed as a registered guide, master guide, class-
30 A assistant guide, or an assistant guide under AS 08.54 [GUIDE-OUTFITTER.
31 CLASS-A ASSISTANT GUIDE-OUTFITTER, OR ASSISTANT GUIDE-OUTFITTER
32 BY THE BIG GAME COMMERCIAL SERVICES BOARD]; or

- 1 (2) a resident over 19 years of age who is
2 (A) the spouse of the nonresident; or
3 (B) related to the nonresident, within and including the second
4 degree of kindred, by marriage or blood.

5 * Sec. 6. AS 16.05.407(f) is amended to read:

6 (f) An applicant for a nonresident hunt permit for the taking of an animal
7 specified in (a) of this section shall, if requested by the department, first furnish to the
8 department proof of prior authorization to use [STATE, FEDERAL, OR] private land
9 where the permit hunt will occur. The authorization shall be provided to the applicant
10 by the registered guide or master guide [GUIDE-OUTFITTER] with whom the
11 applicant has contracted to guide [GUIDE-OUTFIT] the permit hunt.

12 * Sec. 7. AS 16.05.408(a) is amended to read:

13 (a) It is a class A misdemeanor for a nonresident alien
14 [(1) TO HUNT, PURSUE, OR TAKE MARINE MAMMALS UNLESS
15 PERSONALLY ACCOMPANIED BY A LICENSED MARINE MAMMAL GUIDE;
16 OR
17 (2)] to hunt, pursue, or take a big game animal as defined by the Board
18 of Game unless personally accompanied by a registered guide, master guide, class-A
19 assistant guide, or assistant guide [GUIDE-OUTFITTER, A CLASS-A ASSISTANT
20 GUIDE-OUTFITTER, OR AN ASSISTANT GUIDE-OUTFITTER] licensed under
21 AS 08.54.

22 * Sec. 8. AS 16 05.408(c) is amended to read:

23 (c) Before obtaining a nonresident hunt permit for the taking of an animal
24 specified in (a) of this section, a nonresident alien shall, if requested by the department,
25 first furnish to the department proof of prior authorization to use [STATE, FEDERAL,
26 OR] private land where the permit hunt will occur. The authorization shall be provided
27 to the nonresident alien by the registered guide or master guide [GUIDE-OUTFITTER
28 OR MARINE MAMMAL GUIDE-OUTFITTER] with whom the nonresident alien has
29 contracted to guide [GUIDE-OUTFIT] the permit hunt.

30 * Sec. 9. AS 23.10.055 is amended by adding a new paragraph to read:

31 (14) a person who holds a license under AS 08.54 and who is employed
32 by a registered guide or master guide licensed under AS 08.54, for the first 60 work days

1 in which the person is employed by the registered guide or master guide during a
2 calendar year.

3 * Sec. 10. AS 41.23.420(d) is amended to read:

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

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

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

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

11 * Sec. 11. AS 44.62.330(a)(35) is amended to read:

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

15 * Sec. 12. TRANSITION. (a) Notwithstanding AS 08.54.610, added by sec. 3 of this Act,
16 a person who held a guide-outfitter license in good standing under the provisions of
17 AS 08.54.300 - 08.54.590 on June 30, 1995, shall receive a biennial registered guide license
18 upon payment of the license fee. A license issued under this subsection is for all purposes a
19 registered guide license issued under AS 08.54.610.

20 (b) Notwithstanding AS 08.54.610, added by sec. 3 of this Act, a person who, in
21 reliance upon the apparent authority of the Department of Commerce and Economic
22 Development, obtained a guide-outfitter license from the Department of Commerce and
23 Economic Development after June 30, 1995, and before the effective date of this section shall
24 receive a biennial registered guide license upon payment of the license fee. A license issued
25 under this subsection is for all purposes a registered guide license issued under AS 08.54.610.

26 (c) Notwithstanding AS 08.54.610, added by sec. 3 of this Act, a person who held a
27 master guide-outfitter license in good standing under the provisions of AS 08.54.300 - 08.54.590
28 on June 30, 1995, shall receive a biennial master guide license upon payment of the license fee.
29 A license issued under this subsection is for all purposes a master guide license issued under
30 AS 08.54.610.

31 (d) Notwithstanding AS 08.54.610, added by sec. 3 of this Act, a person who, in
32 reliance upon the apparent authority of the Department of Commerce and Economic

1 Development, obtained a master guide-outfitter license from the Department of Commerce and
2 Economic Development after June 30, 1995, and before the effective date of this section shall
3 receive a biennial master guide license upon payment of the license fee. A license issued under
4 this subsection is for all purposes a master guide license issued under AS 08.54.610.

5 (e) Notwithstanding AS 08.54.630, added by sec. 3 of this Act, a person who held a
6 class-A assistant guide-outfitter license in good standing under the provisions of AS 08.54.300 -
7 08.54.590 on June 30, 1995, shall receive a biennial class-A assistant guide license upon
8 payment of the license fee. A license issued under this subsection is for all purposes a class-A
9 assistant guide license issued under AS 08.54.630.

10 (f) Notwithstanding AS 08.54.630, added by sec. 3 of this Act, a person who, in reliance
11 upon the apparent authority of the Department of Commerce and Economic Development,
12 obtained a class-A assistant guide-outfitter license from the Department of Commerce and
13 Economic Development after June 30, 1995, and before the effective date of this section shall
14 receive a biennial class-A assistant guide license upon payment of the license fee. A license
15 issued under this subsection is for all purposes a class-A assistant guide license issued under
16 AS 08.54.630.

17 (g) Notwithstanding AS 08.54.640, added by sec. 3 of this Act, a person who held an
18 assistant guide-outfitter license in good standing under the provisions of AS 08.54.300 -
19 08.54.590 on June 30, 1995, shall receive a biennial assistant guide license upon payment of the
20 license fee. A license issued under this subsection is for all purposes an assistant guide license
21 issued under AS 08.54.640.

22 (h) Notwithstanding AS 08.54.640, added by sec. 3 of this Act, a person who, in
23 reliance upon the apparent authority of the Department of Commerce and Economic
24 Development, obtained an assistant guide-outfitter license from the Department of Commerce
25 and Economic Development after June 30, 1995, and before the effective date of this section
26 shall receive a biennial assistant guide license upon payment of the license fee. A license issued
27 under this subsection is for all purposes an assistant guide license issued under AS 08.54.640.

28 (i) Notwithstanding AS 08.54.660, added by sec. 3 of this Act, a person who held a
29 transporter license in good standing under the former provisions of AS 08.54.300 - 08.54.590
30 on June 30, 1995, shall receive a biennial transporter license upon payment of the license fee.
31 A license issued under this subsection is for all purposes a transporter license issued under
32 AS 08.54.660.

1 (j) Notwithstanding AS 08.54.660, added by sec. 3 of this Act, a person who, in reliance
2 upon the apparent authority of the Department of Commerce and Economic Development,
3 obtained a transporter license from the Department of Commerce and Economic Development
4 after June 30, 1995, and before the effective date of this section shall receive a biennial
5 transporter license upon payment of the license fee. A license issued under this subsection is
6 for all purposes a transporter license issued under AS 08.54.660.

7 (k) A person may receive only one guide license of any class under (a) - (h) of this
8 section.

9 (l) A person who, before the effective date of this section, has paid a license fee for a
10 transporter license, any class of guide-outfitter license, a commercial use permit, use area
11 registration, or a use area registration application for 1996 or for 1996 and 1997 shall receive
12 credit of the full amount toward the license fee for a license established by this Act. If the
13 amount of credit due to a person under this subsection exceeds the amount of the fee for the
14 license to which the person is entitled, the Department of Commerce and Economic
15 Development shall refund the amount of the difference to the person.

16 (m) A person who, before the effective date of this section, has paid a commercial use
17 permit fee for 1996 and who is not entitled to receive a license under this section shall receive
18 a refund of the amount paid.

19 (n) Pending the adoption of regulations under AS 08.01.065 and (o) of this section to
20 implement this Act, the fee for the

21 (1) biennial registered guide license or biennial master guide license is \$200;

22 (2) biennial class-A assistant guide license is \$100;

23 (3) biennial assistant guide license is \$100;

24 (4) biennial transporter license is \$200.

25 (o) Notwithstanding AS 44.62.250, the Department of Commerce and Economic
26 Development may adopt emergency regulations under AS 44.62.250 and 44.62.260 to implement
27 this Act without making a written finding under AS 44.62.250. The legislature finds that the
28 adoption of emergency regulations necessary to implement this Act is necessary for the
29 immediate preservation of the public peace and general welfare.

30 * Sec. 13. CONSTRUCTION OF ACT. Nothing in this Act shall be construed as ratifying
31 or validating acts of the Department of Commerce and Economic Development or of the
32 governor relating to the licensing or regulation of guide-outfitters and related occupations under

1 former provisions of AS 08.54.300 - 08.54.590.

2 * **Sec. 14.** AS 08.01.010(5); AS 08.03.010(c)(5); AS 08.54.300, 08.54.310, 08.54.320,
3 08.54.330, 08.54.350, 08.54.360, 08.54.370, 08.54.380, 08.54.390, 08.54.393, 08.54.395,
4 08.54.400, 08.54.410, 08.54.420, 08.54.430, 08.54.440, 08.54.450, 08.54.460, 08.54.470,
5 08.54.500, 08.54.505, 08.54.510, 08.54.520, 08.54.530, 08.54.540, 08.54.550, 08.54.590; and
6 AS 39.50.200(b)(48) are repealed.

7 * **Sec. 15.** Sections 5 - 8 of this Act take effect January 1, 1997.

8 * **Sec. 16.** Except as provided by sec. 15 of this Act, this Act takes effect immediately under
9 AS 01.10.070(c).

PROPOSED AMENDMENTS TO SCS CSHB 335 (FIN)
Work Draft "W" Dated 3/7/96

Explanation of Amendments

P. 3
list
Amendment #1 brings the statute into conformance with the department's procedures, removes the requirement for oral examinations and makes the law more self-explanatory for the public.

Amendment #2 makes the requirements that an applicant have no recent convictions or license revocations and maintain a valid first aid and CPR card apply consistently to all categories of guide and assistant guide.

Amendment #3 strengthens and clarifies the requirements for a registered guide license.

Amendment #4 amends the requirements for renewal of a registered guide license.

Amendment #5 amends the requirements for a class-A assistant guide license.

Amendment #6 amends the requirements for an assistant guide license.

Amendment #7 makes the requirements for renewal of a class-A or assistant guide license consistent and complete.

Amendment #8 amends the requirements for a transporter license.

Amendment #9 strengthens the disciplinary process.

Amendment #10 makes registered guides and transporters equally responsible for violations by their employees.

Amendment #11 clarifies the use area registration process.

Amendment #12 requires hunt records to be submitted within 30 days of the hunt.

Amendment #13 makes non-resident license fees double the resident license fees.

Amendment #14 removes the reference to the current number of game management units to allow for future changes by the Board of Game.

Amendment #15 deletes the exemption from wage and hour laws.

Amendment #16 modifies the transition sections so licensees will receive the proper licenses without paying twice for the same license.

Amendment #1: Duties and Powers of Department

Page 3 line 4 following "(A)"

Delete "a written and oral examination of an applicant for a registered guide license"
Insert "an examination"

Page 3 line 6 following "particular,"

Delete "to guide and outfit in each game management unit for which the applicant seeks to be certified"

Insert "possesses current knowledge of fishing, hunting and guiding laws and regulations"

Page 3 line 10 following "(B)"

Delete "an oral examination of a registered guide who seeks amendment of a game management unit certification; the examination must require demonstration that the registered guide is qualified to provide guided and outfitted hunts in each new game management unit for which the registered guide seeks to be certified."

Insert "a certification examination for each game management unit; the examination must require demonstration that the applicant is qualified to provide guided and outfitted hunts in the game management unit for which the applicant seeks to be certified and, in particular, possesses knowledge of the terrain, transportation problems, game and other characteristics of the game management unit."

Page 3 line 18 following "chapter"

Delete "who have not been convicted of a violation of a state or federal statute or regulation relating to the provision of big game hunting services"

Page 3 line 22 following "after a hearing,"

Delete "revoke, suspend or deny renewal of a license"

Insert "impose disciplinary sanctions on a license"

any approp. (SR) Adopted

Page 3 line 27 following "trapping,"

Insert "outfitting, transportation services"

Page 3 line 27 following "revoked or suspended"

Delete "in another state"

Insert "in Alaska or another jurisdiction"

Page 3 line 30 following "required by this chapter."

Insert a new paragraph to read "The department shall administer the qualification examinations for registered guides 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 department shall give the examination at a location other than Anchorage."

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Amendment #2: License Qualifications

Page 3 following line 30

Insert "Section AS 08.54.605 LICENSURE QUALIFICATIONS.

In addition to the qualification requirements in 08.54.610, 08.54.630 and 08.54.640, a natural person may not receive or renew a registered guide license, class-A assistant guide license or assistant guide license if

(1) the person has been convicted of

(A) a state or federal hunting, guiding or transportation services statute or regulation within the last five years for which the person was fined more than \$500 or imprisoned for more than five days; or

(B) a felony within the last 10 years;

(2) the person's right to obtain, or exercise the privileges granted by a sport fishing, hunting, trapping, outfitting, transportation services or guiding license is suspended or revoked in Alaska or another jurisdiction; or

(3) the person does not possess a current first aid card including cardio-pulmonary resuscitation qualification issued by the Red Cross or a similar organization."

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Amendment #3: Registered Guide License

Page 4 lines 5-6

Delete paragraph (3) in its entirety.

Page 4 line 7 following "(4)"

Delete "has passed the qualification examinations prepared and administered by the department;"

Insert "has passed the qualification examination prepared and administered by the department under AS 08.54.600(1)(A);"

Page 4 line 8 following "by the department;"

Insert a new paragraph to read, "has passed at least one game management unit certification examination prepared and administered by the department under AS 08.54.600(1)(B);"

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Page 4 lines 9-13

Delete paragraph (5) in its entirety.

Page 4 line 16 following "has been licensed as and performed the services of"

Insert "a registered guide,"

Page 4 line 17 following "guide or assistant guide, or"

Insert "a guide-outfitter,"

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Page 4 line 18 following "in the state for a part of each of three years"

Insert "within the 10 years preceding the date of application"

Page 4 lines 19-20

Delete paragraph (8) in its entirety.

Page 4 line 24 following "at least two for each year of the person's most recent three years as"

Insert "a registered guide,"

Page 4 line 25 following "assistant guide, or as"

Insert "a guide-outfitter,"

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Page 4 line 28 following "provided by the applicant;"

Insert a new paragraph to read, "has satisfied the requirements of AS 08.54.605;"

Page 4 line 28 following "provided by the applicant;"

Insert a new paragraph to read, "has provided any required proof of financial responsibility in accordance with AS 08.54.670;" *p10 line 24 reference insurance*

Page 4 line 29

Delete "(1) possesses a business license to provide guiding services;"

Page 4 line 30 following "has paid the registered guide license fee"

Insert "and application fee and applied on the form provided by the department"

Page 5 lines 5-9

Delete subparagraph (B) in its entirety.

Page 5 line 18 following "pays the application fee, if any"

Insert "and applies on the form provided by the department."

Page 5 line 18 following "if any"

Delete "; or"

Page 5 lines 19-26

Delete paragraph (2) in its entirety.

Page 5 line 27 following "hunts for big game."

Insert a new subsection to read "a registered guide may be employed by another registered guide to act as a class-A assistant guide in any game management unit for which the employee is certified, or to act as an assistant guide in any game management unit."

Page 5 line 28- page 6 line 18

Delete subsections (d) (e) and (f) in their entirety.

Amendment #4: Renewal of Registered Guide License

Page 6 line 20 following "registered guide license"

Insert "or master guide license"

Page 6 line 22

Delete paragraph (1) in its entirety.

Page 6 following line 27

Insert a new subsection to read "The department may not renew a registered guide license or master guide license under this section unless the applicant for renewal satisfies the requirements of AS 08.54.605."

Page 6 lines 28-30

Delete subsection (c) in its entirety.

Amendment #5: Class-A Assistant Guide License

Page 7 line 3 following "assistant guide"

Insert "or has physically resided in the game management unit in which the person is to be employed as a class-A assistant guide for the year immediately preceding the date of application"

Page 7 following "10 years' hunting experience;"

Delete "and"

Insert a new subparagraph to read "is 18 years of age or older;"

Insert a new subparagraph to read " has satisfied the requirements of AS 08.54.605; and"

Page 7 line 8 following "pays the license fee"

Delete "; or"

Insert "and the application fee and applies on the form provided by the department."

Page 7 lines 9-16:

Delete paragraph (2) in its entirety.

Page 7 line 24 following "supervising the guiding activities."

Insert a new subsection to read "a class-A assistant guide may act as a class-A assistant guide only in the game management unit where the person gained the hunting experience required to qualify for licensure."

Insert a new subsection to read "a class-A assistant guide may act as an assistant guide in any game management unit."

Page 7 lines 25-30:

Delete subsections (c) and (d) in their entirety.

Amendment #6: Assistant Guide License

Page 8 line 1 following "is 18 years of age or older;"

Insert a new paragraph to read "has legally hunted in the state for two years;"

Insert a new paragraph to read "has satisfied the requirements of AS 08.54.605; and"

Page 8 lines 2-6

Delete paragraphs (2), (3) and (4) in their entirety.

Page 8 line 7 following "pays a license fee"

Insert "and the application and applies on the form provided by the department"

Page 8 lines 13-18

Delete subsections (c) and (d) in their entirety.

Amendment #7: Renewal of Class-A and Assistant Guide License

Page 8 line 19

Insert "Section AS 08.54.645 RENEWAL OF CLASS-A AND ASSISTANT GUIDES.

(a) An applicant for renewal of a class-A assistant guide license or an assistant guide license shall submit the application form provided by the department and the license fee for the next licensing period.

(b) The department may not renew a class-A assistant guide license or an assistant guide license under this section unless the applicant for renewal satisfies the requirements of AS 08.54.605."

Amendment #8: Transporter License

Page 9 line 30 following "a state or federal hunting"

Insert ",transportation services"

Page 10 line 1 following " a felony within the last 10 years;"

Insert a new paragraph to read "has not had the right to obtain, or exercise the privileges granted by a sport fishing, hunting, trapping, outfitting, guiding or transportation services license suspended or revoked in Alaska or another jurisdiction;"

Page 10 line 2 following "pays the license fee"

Insert "and application fee"

Page 10 line 3 following "has"

Insert "applied for"

Page 10 line 18 following " filed with the department."

Insert a new subsection to read "The department may not renew a transporter license if the applicant for renewal

(1) has been convicted of a state or federal hunting, guiding or transportation services statute or regulation within the last five years for which the person was fined more than \$500 or imprisoned for more than five days; or

(2) has been convicted of a felony within the last 10 years; or

(3) has the right to obtain, or exercise the privileges granted by a sport fishing, hunting, trapping, outfitting or transportation services license suspended or revoked in Alaska or another jurisdiction."

Page 10 lines 19-23

Delete subsection (f) in its entirety.

Amendment #9: Enforcement

Page 11 lines 10-

Delete lines 10 - 30 in their entirety.

Insert

"Sec. 08.54.710. DISCIPLINE OF GUIDES AND TRANSPORTERS. (a) The department may impose a disciplinary sanction if the department finds after a hearing that a licensee

(1) has been convicted of a violation of a federal or state statute or regulation, other than those enumerated in (c)(2) of this section, relating to hunting or a provision of big game hunting services; or

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

(3) engaged in unsafe activity; or

(4) is incompetent as a registered guide, class-A assistant guide, assistant guide or transporter.

(b) The department may impose the following disciplinary sanctions, singly or in combination:

(1) permanently revoke a license;

(2) suspend a license for a specified period;

(3) censure or reprimand a licensee;

(4) impose limitations or conditions on the professional practice of a licensee;

(5) impose requirements for remedial professional education to correct deficiencies in the education, training, and skill of the licensee;

(6) impose probation requiring a licensee to report regularly to the department on matters related to the grounds for probation;

(7) impose a civil fine not to exceed \$10,000.

(c) The department shall revoke a transporter license or any class of guide license if the department finds after a hearing that the licensee

(1) does not meet the qualifications specified by statute or regulations 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.

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Page 11 line 32 following "offense described under"

Delete "(b)(3)"

Insert "(c)(2)"

Page 12 lines 10-13

Delete subsection (e) in its entirety.

Page 12 line 21 following "to the department"

Insert a new subsection to read

The department may summarily suspend a licensee from the practice of the profession before a final hearing is held or during an appeal if the department finds that the licensee poses a clear and immediate danger to the public health and safety. A person is entitled to a hearing before the department to appeal the summary suspension within seven days after the order of suspension is issued. A person may appeal an adverse decision of the department on an appeal of summary suspension to a court of competent jurisdiction.

Page 12 line 23 following "knowingly fail to"

Delete "timely"

Insert "promptly"

Page 12 line 25 following "in no event later than"

Delete "30 days"

Insert "10 days"

Page 14 line 4 following "a fine of not more than \$30,000"

Delete "or by imprisonment up to one year, or both"

Insert ",revocation of their license for not more than five years, or by imprisonment up to one year, or any combination of the preceding."

Amendment #10: Responsibility for Violations

Page 14 line 32 following "a violation of a federal or state game":

Insert ",transportation services"

Page 15 line 1 following "regulation committed by a":

Delete "class-A assistant guide or an assistant guide while in the course of the class-A assistant guide's or assistant guide's"

Insert "person while in the course of the person's."

Insert a new subsection to read "A transporter who provides transportation services is equally responsible under AS 08.54.710 for a violation of a federal or state game, transportation or guiding statute or regulation committed by a person while in the course of the person's employment for the transporter."

Amendment # 11: Use Area Registration

Page 15 line 9 following "A registered guide may not"

Insert "register for or"

Page 15 line 10 following "calendar year"

Insert a new subsection to read "A registered guide may not register for a guide use area in a game management unit for which the guide is not certified."

Amendment # 12: Hunt Records

Page 15 line 20 following "hunt records provided by a registered guide."

Insert "A registered guide shall submit to the department a hunt record for each contracted hunt within 30 days of the completion of the hunt."

Amendment # 13: License and Examination Fees

Page 16 line 2 following "registered"

Insert "or master"

Page 16 line 5 following "transporter"

Insert a new paragraph to read ";application"

Page 16 line 11 following "guide license."

Insert a new subsection to read "The license fee for an applicant who is not a resident of the state shall be double the license fee for a resident."

Amendment # 14: Definitions

Page 16 line 27 following "means one of the"
Delete "26"

Amendment # 15: Wage and Hour Requirements

Page 19 line 30 through page 20 line 2
Delete Sec. 9 in its entirety.

Amendment # 16: Transition

Page 20 line 17 following "on June 30, 1995"

Insert "who did not renew the license between June 30, 1995 and the effective date of this section"

Page 20 line 17 following "shall receive a"

Delete "biennial registered guide license upon payment of the license fee."

Insert "registered guide license valid until December 31, 1996 upon payment of \$60."

Page 20 line 24 following "receive a"

Delete "biennial registered guide license upon payment of the license fee."

Insert "registered guide license valid until December 31, 1996 without payment."

Page 20 line 28 following "on June 30, 1995"

Insert "who did not renew the license between June 30, 1995 and the effective date of this section"

Page 20 line 28 following "shall receive a"

Delete "biennial master guide license upon payment of the license fee."

Insert "master guide license valid until December 31, 1996 upon payment of \$60."

Page 21 line 3 following "receive a"

Delete "biennial master guide license upon payment of the license fee."

Insert "master guide license valid until December 31, 1996 without payment."

Page 21 line 7 following "shall receive a"

Delete "biennial class-A assistant guide license upon payment of the license fee."

Insert "class-A assistant guide license valid until December 31, 1996 without payment."

Page 21 line 14 following "receive a"

Delete "biennial class-A assistant guide license upon payment of the license fee."

Insert "class-A assistant guide license valid until December 31, 1996 without payment."

Page 21 line 19 following "shall receive"

Delete "a biennial assistant guide license upon payment of the license fee."

Insert "an assistant guide license valid until December 31, 1996 without payment."

Page 21 line 26 following "shall receive"

Delete "a biennial assistant guide license upon payment of the license fee."

Insert "an assistant guide license valid until December 31, 1996 without payment."

Page 21 line 30 following "June 30, 1995"

Insert "who did not renew the license between June 30, 1995 and the effective date of this section"

Page 21 line 30 following "shall receive a"

Delete "biennial transporter license upon payment of the license fee."

Insert "transporter license valid until December 31, 1996 upon payment of ____???"

Page 22 line 4 following "shall receive a"

Delete "biennial transporter license upon payment of the license fee."

Insert "transporter license valid until December 31, 1996 without payment."

Page 22 line 9 following "has paid a license fee for a"

Delete "transporter license, any class of guide-outfitter license"

Page 22 line 10 following "a commercial use permit"

Delete "use area registration,"

Page 22 line 11 following "or a use area registration for 1996"

Delete "or for 1996 and 1997"

Page 22 line 11 following "shall receive"

Delete "credit of the full amount toward the license fee for a license established by this Act. If the amount of credit due to a person under this subsection exceeds the amount of the fee for the license to which the person is entitled, the Department of Commerce and Economic Development shall refund the amount of the difference to the person."

Insert "a refund from the Department of Commerce and Economic Development of the full amount paid."

Page 22 lines 16-18

Delete subsection (m) in its entirety.

SENATE FINANCE
COMMITTEE
Amendment Number: _____
Bill Number: _____
Sponsor: _____ Date: _____
Logged In By: _____

AMENDMENT

OFFERED IN THE SENATE
TO: SCS CSHB 335(FIN)

BY SENATOR HALFORD

Page 4

Delete all material on line 29.

Page 8, line 4, after "(3)":

Delete "possesses," and
Insert "submits"

SENATE FINANCE
COMMITTEE
Amendment Number: _____
Bill Number: _____
Sponsor: _____ Date: _____
Logged In By: _____

AMENDMENT

OFFERED IN THE SENATE
TO: SCS CSHB 335(FIN)

BY SENATOR HALFORD

Page 7, line 2, after "at least":
Delete "one season," and
Insert "three seasons"

Page 7, line 4, after "at least":
Delete "10," and
Insert "5"



ROB HOLT
REGISTERED GUIDE/OUTFITTER
P.O. Box 489, Talkeetna, Alaska 99676, (907) 733-2723

*copied and delivered
to all members.*

3/19/96

March 19, 1996

Senate Finance Committee
Co-Chair Senator Frank
Co-Chair Senator Halford

Re: For distribution to the Senate finance committee members

Dear Senate Finance Committee Members:

In general I disapprove of the direction HB 335 takes the guiding industry. HB 335 made it through the house unanimously as an extension of the Big Game Commercial Services Board. It has since been gutted and now serves to eliminate the Board, put regulating authority under the Department of Commerce and Economic Development (regulations will now be administered by an appointed commissioner) and basically return our statues and regulations to the less restrictive, post Owsicheck decision, but pre Big Game Commercial Services era. The task force that came up with the Big Game Commercial Services Board did so after exhaustive meetings with ample public input. Their conclusion was that a restrictive resource based area system for guides was essential and in the best interest of the resource and every user group in the State, consumptive and non-consumptive alike.

The Board went about setting regulations to provide industry stability and resource protection with the guides working very closely with the Board. Unfortunately within a few years it became apparent that other "big game commercial service providers", transporters and air taxis did not show the same willingness to work on limiting controls of their segment of the industry. The problems created by an unregulated segment of commercial service provider has not gone away, they have only escalated and this new bill does not allow for further consideration of this problem. Specifically, this bill reduces the effectiveness of the guide area system by allowing for registration just thirty days prior to going into the field and allowing the applicant to move to another area each year reducing the possibility for accountability and consequences for over harvest (page 15 sec 08.54.750). There has been much discussion in the public forum about length of time a guide should be "locked" into an area and five years was arrived at as a minimum due to the constraints and considerations of the Owsicheck decision that denied exclusive use areas. HB 335 while stepping in as a band-aid for the gaping wound left by losing the BGCSB and it's statues and regulation, will virtually guarantee unregulated pressure on our resources and also necessitate need for more legislation as this bill does not address the issues. What do the framers of HB 335 see as the results of their efforts in five to ten years?

Our wild resources are by far our most fragile and valued renewable resource, all commercial service providers must be well regulated to allow for its protection as well as to allow for the preservation of a small but important resource dependant industry. At some point in the future, there will have to be some limit to the entry of participants into this industry on State land. The Federal Government has taken control of guide access to their lands, and will not consider returning that control until the State is able to limit entrants to guide areas. Sport fishing guides are long past due in limiting entry into their "commercial" fishery and there is a bill in the legislature proposing a referendum to that effect. If Alaska wishes to have fish and wildlife resources for its residents to enjoy we need to move in the direction of controlled use and limits, not in the direction of HB 335.

Sincerely,

Rob Holt
Rob Holt

A L A S K A

FISCAL NOTE

No. 1

Bill Version: CSHB 335 (RES)

(H) Publish Date: 5/9/95

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Revision Date: May 8, 1995 Department: Commerce and Economic Development
 Title: An Act relating to the Big Game Commercial BRU: Occupational Licensing
 Services Board..... Component: Operations
 Sponsor: Representative Ogan
 Requestor: Representative Ogan COMPONENT SERIAL #: 1844

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	174.0	174.0	174.0	174.0	174.0	174.0
TRAVEL	17.3	27.5	27.5	27.5	27.5	27.5
CONTRACTUAL	53.8	53.8	53.8	53.8	53.8	53.8
SUPPLIES	1.2	1.2	1.2	1.2	1.2	1.2
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	246.3	256.5	256.5	256.5	256.5	256.5

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES	321.2	185.2	321.2	188.2	321.2	191.8
---------------------------	--------------	--------------	--------------	--------------	--------------	--------------

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts	246.3	256.5	256.5	256.5	256.5	256.5
1006 GF/MHTIA						
Other						
TOTAL	246.3	256.5	256.5	256.5	256.5	256.5

Estimate of any current year (FY 95) cost: \$ 219.6

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

CSHB 335 extends the termination date of the Big Game Commercial Services Board to June 30, 1999 and makes two significant changes having fiscal impact which are included in this fiscal note. The expenditures shown are in the FY 96 operating budget request. The changes consist of the following: 1) An average of 143 assistant guide candidates are tested each fiscal year at a cost of \$20.00 per exam. Elimination of the written test requirement for assistant guides will therefore reduce contractual costs and revenue by \$2.9 each fiscal year. (Continued on next page)

Prepared by: Jennifer Strickler, Admin. Officer Phone: 465-2144
 Division: Occupational Licensing Date: 5/8/95
 Approved by Commissioner: William L. Hensley Date: 5/8/95
 Agency: Commerce and Economic Development

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. CSHB 335

ANALYSIS: (Continued)

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT FISCAL NOTE CALCULATIONS FOR CSHB 335

2.) CSHB 335 also proposes to eliminate the Commercial Use Permit. The Division of Occupational Licensing annually collects the commercial use permit fee as general fund/program receipt revenue which is then transferred to the Department of Fish and Game or the Department of Public Safety for enforcement purposes. Since CSHB 335 proposes to eliminate the commercial use permits, the division anticipates a revenue loss of \$55.5 for enforcement purposes. The revenue is based on 586 commercial use permit applicants paying \$100.00 annually. *(Note: Since this revenue is only collected by the Division of Occupational Licensing, it is not included as part of the board's revenue projections for self-sufficiency purposes.)*

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. CSHB 335(RES)

Revision Date: 5/8/95 Dept. Affected: Fish and Game
 Title: Extend Big Game Commerical Services Board BRU: Wildlife Conservation
 Component: Wildlife Conservation
 Sponsor: Representative Ogan
 Requester: House Resources **COMPONENT SERIAL NO. 473**

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
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 (1005)	(45.0)	(22.5)	(22.5)	(22.5)	(22.5)	(22.5)

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	(45.0)	(22.5)	(22.5)	(22.5)	(22.5)	(22.5)
1006 GF/MHTIA						
Other 1024 Fish/Game						
TOTAL	(45.0)	(22.5)	(22.5)	(22.5)	(22.5)	(22.5)

Estimate of any current year (FY95) 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)

Assumption: If "commercial use permit fees" (AS 08.54.470(d)) were not repealed, they would remain constant.

Note: Actual impact on ADF&G for FY96 would be \$0.0, because of an agreement with Department of Public Safety allocating all revenues to that agency for that year. Total fees received annually for use by ADF&G and DPS are approximately \$40.0-45.0. Beginning in FY97, those fees would be equally divided between the two agencies.

Prepared by: Wayne L. Regellin, Acting Director
 Division: Wildlife Conservation
 Approved by Commissioner: [Signature]
 Agency: Alaska Department of Fish and Game

Phone: 465-4192
 Date: 5/8/95
 Date: 5.9.95

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FISCAL NOTE

STATE OF ALASKA

BILL NO. HB335

1995 LEGISLATIVE SESSION

Revision Date: Original Dept Affected: Natural Resources
 Title: An Act extending the termination date of the Big BRU: Resource Development
Game Commercial Services Board; eliminating the requirement for ... Component: Land Development
 Sponsor: Representative(s) Ogan, Toohey, Rokeberg
 Requestor: _____ Component Serial No. 431

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY96	FY97	FY98	FY99	FY00	FY01
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)					
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: \$ None

POSITIONS	FY96	FY97	FY98	FY99	FY00	FY01
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 fiscal impact to the Department of Natural Resources associated with implementation of this legislation.

Proposed Amendment:
 Sec. 16. AS 16.05.407(f). Add back "STATE OR" to the sentence "first furnish to the department proof of prior authorization to use STATE OR private land where the permit hunt will occur".

Prepared by: Ron Swanson, Director Phone: 762-2692
 Division: Land Date: 10-May-95
 Approved by Commissioner: *[Signature]* Date: 5-10-95
 Agency: Natural Resources

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4-2-96
SFC-96

Division of Land Testimony on CSHB 335
Senate Finance Committee 4-2-96
Jane Angvik, Director Division of Land

The Department of Natural Resources, Division of Lands is concerned about the sections of the bill that eliminate the requirement that guides furnish proof of prior authorization to use state land where the permit hunt will occur. Based on our past experience, we believe that if it is not required as part of the guide license, it is highly likely that commercial guides will not seek a state land use permit for use of state lands in excess of 14 days. Existing statute and regulations allow the use of lands without a permit for short term camp for commercial recreation purposes if a guide registers the location of the camp with the Division, agrees that the site will not be used longer than 14 days, and agrees it will be left vacant and clean after the use. The Division believes the volume of trespass activities on state lands will increase and the potential for conflict among users will be heightened.

While it is true that Title 38 provides the Division with the authority to require land use permits for all commercial uses, it does not provide an incentive for people to come and secure a permit, nor does it provide the Division with any enforcement capability against those who fail to secure one. Under Title 38, when the identity of the individual in trespass is known, the Division's only recourse is to take the individual to civil court. The Division does not have the authority to issue citations with financial penalties, as does the Dept. of Fish and Game or the Division of Parks.

The most significant management issue is the inability to identify individuals who have left garbage and solid waste on lands which they have used. I have some photographs to share with the committee, which depict several commercial hunting camps which required restoration by the Division. The area was between McGrath and the southwest boundary of Denali National Park. All solid waste and debris was transported to a larger airstrip and then flown to Merrill Field by a 206. The approximate cost of the project was \$ 8,000, not including employee wages or expenses for the five days of the clean up. The identity of the guides responsible for trashing the land remains unknown.

The Division currently issues permits to over 350 commercial guides who pay an average of \$350 for their permit, depending on the duration of the use of the camp. Approximately 10 guides have longer term uses and have permits that cost \$1,000. The fiscal impact of the elimination of this provision will therefore be the loss of the income from guides who fail to secure a land use permit. The income for 1995 for these permits was \$132,500. Based on the number of guides who came to get land use permits after the '93 implementation of the regulations requiring the guide/outfitter to secure land owner authorization prior to entering upon state owned land to conduct big game hunting, it is estimated that previously 75% of the guides who used state lands were in trespass.

In conclusion, the Division of Land requests the committee to amend sections ^{7 + 9} ~~14, 16, and 17~~ of the bill to restore the requirement that guides provide proof of prior authorization to use state lands as a condition to receive a guide license under Title 8 or Title 16. These sections of the statutes provide the only incentive the Division has to compel compliance with Title 38. This provision will allow the Division to better manage state lands.

3/29/96

Hold
per Kelly.
Do not place
in members'
Files.

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSHB335(RES)
(TITLE AM)

Revision Date: 28-Mar-96
 Title: An act extending the date of the Big Game
Commercial Services Board
 Sponsor: Representative(s) Ogan, Toohey, Rokeberg
 Requestor: Senate Finance

Dept Affected: Natural Resources
 BRU: Resource Development
 Component: Land Development
 Component Serial No. 431

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES	10.0	10.0	10.0	10.0	10.0	10.0
TRAVEL	20.0	20.0	20.0	20.0	20.0	20.0
CONTRACTUAL	20.0	20.0	20.0	20.0	20.0	20.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	50.0	50.0	50.0	50.0	50.0	50.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES (1004)	(82.7)	(82.7)	(82.7)	(82.7)	(82.7)	(82.7)
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	50.0	50.0	50.0	50.0	50.0	50.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	50.0	50.0	50.0	50.0	50.0	50.0

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

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)

There are currently 300 guides who have secured permits. With the loss of the ability for DNR to require hunting guides to obtain land use authorizations (permits or leases) before entering the field, it is expected that most guides will not seek authorization. Rather they say they will move their camps every 14 days which is the limit for a generally allowed activity. This will result in an estimated loss of \$82.7 in permit and lease fees, and it may result in operating costs associated with cleaning debris from abandoned guide camps.

Prepared by: Jane Angvik, Director
 Division: Land
 Approved by Commissioner: [Signature]
 Agency: Natural Resources

Phone: 269-8503
 Date: 28-Mar-96
 Date: 28-Mar-96