

HB

229

<TARGET><BILL>HB 229</BILL><SUBJECT>HB
229</SUBJECT><COMM>HJUD27</COMM></TARGET>

House Judiciary ~ Friday, March 2nd, 2012

(GAVEL IN) Let's call this meeting of the House Judiciary Committee to order.

It is 1:05 p.m. Friday, March 2nd, 2012.

Present are:

Rep. Gatto (Previously Excused)

Representative Lynn

Representative Keller

+ Rep. Hawker

Representative Pruitt

Representative Gruenberg

Representative Holmes

and Myself, Representative Thompson

Let's start with Housekeeping: Please disable your electronic devices, if they're left on, even on vibrate, they may interfere with the recording system. Thank you.

We have one new bill -

HB 229 BIG GAME COMMERCIAL SERVICES

HB 229 "An Act relating to activities, including violations and penalties, under the supervision of the Big Game Commercial Services Board."

Sponsored by Rep. Eric Fiege.

Q. Rep. Gruenberg
★ copies of opinions
or stmt. of no."

Here to introduce HB 229 is Rep. Fiege and/or Legislative Aide Mike Paschall.

Rep. Fiege, please come to the table, put your name on the record and give us some background on your bill.

Bill
Presentation

Does the committee have any questions for the sponsor?

Seeing there are no further questions for the sponsor.

Open Public testimony.

Witness List:

Guide
✓ • *Wayne Kubut, Wasilla*
difficult understanding

- ✓ • Paul Johnson, Chair, Big Game Commercial Services Board

Available for Questions:

- ✓ • Thor Stacy, Alaska Professional Hunters *(@ Board of Game mtg.)*
✓ • Lt. Bernard Chastain, Alaska State Troopers, Wildlife Enforcement
269-5509 (off net)

Admin/Law: (on offnet)

authority to regulate
(terminology)

- ✓ • Kevin Saxby, AAG - who advises the Big Game Cml. Svs. Board
• *Alpheus Bullard, Leg. Legal - terms are not currently defined.*
Similar to pharmacists, not defined in ss. Case law.

_____ please put your name and affiliation on the record
and begin your testimony.

✓ Does the committee have any questions for _____.

✓ Close public testimony.

((Rep. Holmes has three amendments))

Rep. Holmes would you like to Move your amendment, which will be
Amendment #1? ... *(all in packet)*

Object for discussion.

Remove objection.

That brings HB 229 back before the committee for discussion. Are there any further questions for the sponsor?

Can I have a motion to move CS HB 229 (27-LS0764/D), as amended, from committee?

Rep. Keller: I move to report CS HB 229 (27-LS0764/D), as amended, from committee with individual recommendations and the attached fiscal note.

Susan, call the roll.

...

Having concluded our scheduled business for today... At _____ p.m., I adjourn today's meeting of the House Judiciary Committee (GAVEL OUT).

ordered
final 3/2/12 (2:20 p.m.)

27-LS0764\D.3
Bullard
3/1/12

AMENDMENT

1 ✓ 3/2/12

OFFERED IN THE HOUSE
TO: CSHB 229(RES)

BY REPRESENTATIVE HOLMES

1 Page 1, lines 3 - 4:

2 Delete "**master guide-outfitter license**"

3 Insert "**license for certain retired guides and outfitters**"

+ #5 sec. 9
effective date
April (w/d)

5 Page 2, lines 3 - 12:

6 Delete all material and insert:

7 "Sec. 08.54.608. Retired status license. (a) On retiring from guiding or
8 outfitting, or both, and on payment of an appropriate one-time fee, an individual who
9 has held a license issued under AS 08.54.610, 08.54.620, or 08.54.630 that has not
10 been suspended or revoked under AS 08.54.710 may apply for a retired status license.
11 The retired status license shall indicate whether the individual was licensed as a master
12 guide-outfitter, registered guide-outfitter, class-A assistant guide, or assistant guide.
13 An individual holding a retired status license may not guide, outfit, or take charge of a
14 camp in the state under the retired status license. A retired status license is valid for
15 the life of the license holder and does not require renewal.

16 (b) An individual with a retired status license issued under (a) of this section
17 may apply for a new registered guide-outfitter license under AS 08.54.610, a new
18 class-A assistant guide license under AS 08.54.620, or a new assistant guide license
19 under AS 08.54.630."
20

21 Page 3, line 28:

22 Delete "master guide-outfitter"
23

- 1 Page 4, line 1:
- 2 Delete "master guide-outfitter license"
- 3 Insert "license issued under AS 08.54.608"
- 4
- 5 Page 4, line 3:
- 6 Delete "master guide-outfitter"

Rep. Holmes m

27-LS0764/D.2
Bullard
3/1/12

AMENDMENT

#3

O.K. ✓

OFFERED IN THE HOUSE
TO: CSHB 229(RES)

BY REPRESENTATIVE HOLMES

1 Page 2, line 16:

2 Delete "a class-A"

3 Insert "

4 (1) a class-A assistant guide in a game management unit if the
5 registered guide-outfitter providing the services of a class-A assistant guide is
6 able to demonstrate, to the satisfaction of the board, adequate knowledge of and
7 experience in the game management unit; and

8 (2) an"

AMENDMENT

#13 #4 as amnd. ✓

OFFERED IN THE HOUSE
TO: CSHB 229(RES)

BY REPRESENTATIVE HOLMES

OK

1 Page 2, lines 20 - 28:
2 Delete all material and insert:
3 ** Sec. 4. AS 08.54.610(e) is amended to read:
4 (e) A registered guide-outfitter who contracts for a guided hunt shall be
5 [(1) PHYSICALLY PRESENT IN THE FIELD WITH THE CLIENT
6 AT LEAST ONCE DURING THE CONTRACTED HUNT; AND
7 (2)] ^{Primarily} in the field supervising and participating in the contracted hunt,
8 The contracting registered guide-outfitter shall also conduct the hunt, unless the
9 hunt, under regulations adopted by the board, is being conducted by a class-A
10 assistant guide or a registered guide-outfitter employed by the contracting registered
11 guide-outfitter."

① amnd. 1 to #4 OK

AMENDMENT # 4

OFFERED IN THE HOUSE
TO: CSHB 229(RES)

(Conceptual)
#6 y
title Δ's

1 Page 1, line 3:

2 Delete "and"

3

4 Page 1, line 4, following "license":

5 Insert "; and providing for an effective date"

6

7 Page 4, following line 3:

8 Insert new bill sections to read:

9 ~~"* Sec. 9. Section 4 of this Act takes effect July 1, 2013.~~ Sec. April 1, 2013.

10 * ~~Sec. 10. Except as provided in sec. 9 of this Act, this Act takes effect immediately under~~

11 AS 01.10.070(c)."

Amend. 10
#6 2nd Sec! 1, 2, 6, 7 effect. immediate. under AS 05.01

OK, 1st) Sec. 9 / 3, 4, 5 April 1, 2013.

concept

A M E N D M E N T

#2 w/d

OFFERED IN THE HOUSE
TO: CSHB 229(RES)

BY REPRESENTATIVE KELLER

(covered)

1 Page 1, line 3:

2 Delete "**master**"

3

4 Page 2, lines 3 - 12:

5 Delete all material and insert:

6 "Sec. 08.54.608. Retired status license. (a) On retiring from guiding or
7 outfitting, or both, and on payment of an appropriate one-time fee, an individual who
8 has held a license issued under AS 08.54.610 that has not been suspended or revoked
9 under AS 08.54.710 may apply for a retired status license. The retired status license
10 shall indicate whether the individual was licensed as a master guide-outfitter or as a
11 registered guide-outfitter. An individual holding a retired status license may not guide
12 or outfit in the state under the retired status license. A retired status license is valid for
13 the life of the license holder and does not require renewal.

14 (b) An individual with a retired status license issued under (a) of this section
15 may apply for a new registered guide-outfitter license under AS 08.54.610."
16

17 Page 3, line 28:

18 Delete "master guide-outfitter"

19

20 Page 4, line 1:

21 Delete "master guide-outfitter license"

22 Insert "license issued under AS 08.54.608"

23

- 1 Page 4, line 3:
- 2 Delete "master guide-outfitter"

REPRESENTATIVE
ERIC FEIGE
House District 12

House Resources Committee Co-Chair
Education Committee
Transportation Committee
Joint Armed Services Committee

Alaska State Legislature



During Session:
State Capitol Room 126
Juneau, Alaska 99801-1182
(907) 465-4859
Fax (907) 465-3799
1-888-465-4859

House of Representatives

SPONSOR STATEMENT – HB 229

An Act relating to activities, including violations and penalties, under the supervision of the Big Game Commercial Services Board.

HB 229 makes changes in statute recommended by members of the Big Game Commercial Services Board addressing changes to rules regarding the administration and licensing of guides.

Big game guides are regulated under statute and regulation and oversight is provided by the Big Game Commercial Service Board. The proposed changes provide more flexibility in where guides can work when contracting with another guide, allows a registered guide-outfitter more flexibility in the use of class-A guides, and changes penalties for minor procedural violations by guides.

Alaska State Legislature

REPRESENTATIVE
ERIC FEIGE
House District 12

House Resources Committee Co-Chair
Education Committee
Transportation Committee
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House of Representatives

Sectional Analysis – HB 229 Version I

Sec. 1: Provides additional authority to the Big Game Commercial Services Board to create regulations to administer the regulation of big game guides. Under current statute, the board is limited to regulations that are “required” under statute.

Sec. 2: Creates a provision in statute for a retired master guide-outfitter license that recognizes those that have earned a master guide-outfitter license. No privileges are granted under the license to provide guiding services.

Sec. 3: Clarifies language to specify that a guide-outfitter may provide the services of a class-A assistant guide under the control of a contracting guide-outfitter anywhere the contracting guide-outfitter is licensed to contract hunts.

Sec. 4: Changes the requirements for a registered guide-outfitter to require them to be in the field supervising, participating in, and conducting a hunt as defined under regulation by the board, unless a class-A assistant guide is conducting the hunt.

Sec. 5: Provides the board with the power to suspend or revoke a license of someone engaged in conduct involving unprofessionalism, moral turpitude, or gross immorality.

Sec. 6: Changes penalties for certain violations to allow a court to order the board to suspend a license instead of requiring a court to order the board to suspend a license.

Sec. 7: Authorizes the department to set a fee for the new retired master guide-outfitter license.

Sec. 8: Conforming language to specify the holder of a retired master guide-outfitter license may not guide.

Prepared by Michael Paschall, Office of Rep. Eric Feige, February 14, 2012

Boards & Commissions Factsheets

BIG GAME COMMERCIAL SERVICES

Board: Big Game Commercial Services Board
Board identification number: 042

Department: DEPARTMENT OF COMMERCE COMMUNITY AND ECONOMIC DEV

Authority: AS 08.54.591; Const. Art III Section 26

Status: Active

Sunset date: 6/30/2012

Requirements: Legislative Confirmation and Financial Disclosure

Prohibitions: None

Term: 4 years

Description: 9 members - 8 appointed by Governor: 2 members who are licensed registered guide-outfitters; 2 members who are licensed transporters, 1 member of the Board of Game chosen by the Board of Game and who does not hold a guide or transport license, 2 members who represent private landholders affected by guided hunting or transportation activities/services and who do not hold a license under this board, and 2 public members.

Function: Licenses and regulates the activities of providers of commercial services to big game hunters in the interest of the state's wildlife resources.

Chair: Governor selects

Special facts: Big Game Commercial Services Board replaced the Guide Board which was repealed on 6/30/89. Serve at the pleasure of the governor. The governor may select the chair. A majority constitutes a quorum. A member who has served all or part of two successive terms may not be reappointed unless four years have elapsed since the person last served on the Board.

Compensation: Standard Travel and Per Diem. No additional compensation.

Meetings: At least twice annually, plus panel meetings; 14 days maximum.

For further information contact:

Karl Marx

Occupational Licensing Examiner
Corporations, Business, and Professional Licensing
DCCED, P.O. Box 110806 M/S 0806
Juneau, AK 99811-0806
Phone: (907) 465-2543, FAX: (907) 465-2974

Big Game Commercial Services Roster

Go to the Big Game Commercial Services Home page

Big Game Commercial Services Board

Roster of Board Members

Member/Address	Position	Date Appointed	Date Reappointed	Term Expires
Brenda Rebne 1928 Kulik Circle Anchorage, AK 99504	Private Landholder	1/28/2008	3/1/2012	3/01/2016
Dirk Nickisch 2199 Nottingham Dr. Fairbanks, AK 99709	Licensed Transporter	11/19/2008	3/1/2009	3/01/2013
Paul E. Johnson Gull Cove Lodge P.O. Box 22 Elfin Cove, AK 99825	Board Chair License Registered Guide-Outfitter	7/24/2005	3/1/2009	3/01/2013
Don Quarberg HC 60 Box 3070 Delta Junction, AK 99737	Public Member	6/20/2011		3/01/14
Kelly Vrem P.O. Box 56 Palmer, AK 99645	Licensed Master Guide-Outfitter	3/1/2011		3/01/2015
Karen Polley 17315 Lena Loop Juneau, AK 99801	Public Member	3/1/2011		3/01/2013
Ted H. Spraker - Link to Bio 49230 Victoria Avenue Soldotna, AK 99669	Board of Game	3/1/2005	3/1/2012	3/1/2016
Michele Metz One Sealaska Plaza, Suite 400 Juneau, AK 99801	Private Landholder	3/1/2012		3/01/2014
Michael Meekin P.O. Box 491 Palmer, AK 99645	Licensed Transporter	3/1/2012		3/01/2015



STATE OF ALASKA
DEPARTMENT OF
COMMERCE
COMMUNITY AND
ECONOMIC DEVELOPMENT

Division of Corporations, Business and Professional Licensing

Big Game Commercial Services Board

Sean Parnell, Governor
Susan Bell, Commissioner
Don Habeger, Director

February 9, 2012

Dear Senator Menard and Representative Feige,

The Big Game Commercial Serves Board supports House Bill 229 and Senate Bill 190 for improving the guide industry in Alaska. The Board was reinstated 7 years ago and has worked on these concerns during the meetings. These changes are housekeeping measures the board feels are needed for a healthy industry. The Board was unanimous in the vote in support of submitting this Bill and its contents. We respectfully ask for the passage of this legislation.

Sincerely,

A handwritten signature in cursive script that reads "Paul Johnson".

Paul Johnson
Chair, BGCSB

ALASKA

PROFESSIONAL HUNTERS ASSOCIATION, INC.

HC 60 Box 229C, Copper Center, AK 99573

Phone: 907-822-3755 Fax: 907-822-3752

Email: office@alaskaprohunter.org www.alaskaprohunter.org

Dear Representative Feige,

I'm writing thank you for sponsoring HB 229 and affirm the support of the Alaska Professional Hunters Association for this important bill. As the sitting president of the APHA and a lifelong Alaskan and second generation Registered Guide I know firsthand how burdensome unclear and, or, contradictory statutes and regulations can be. HB 229 will alleviate some of this burden by clarifying the relationship between Registered Guides when they work for each other and, at the same time, protecting the value of the Class A Assistant Guide license. The APHA also appreciates the creation of a retired, non-active, license so that respected, retired guides can stay licensed and not cut into fixed, retirement incomes. This is essential to maintaining the social continuity, of an industry that respects its elders and provides a career path that includes substantial time as an apprentice.

The APHA has always pushed for greater professional competency and accountability. For this reason we vigorously support giving the Big Game and Commercial services board the ability to suspend or revoke guide or transporter licensed for unprofessional behavior, moral turpitude and gross immorality. Having operators, representing themselves as guides, who are amoral or chronically immoral or unprofessional hurts our membership in a business that relies on reputation and word of mouth business. Alaska deserves to have the best and most ethical guides harvesting its big game resource.

In closing I want to once again thank the honored members or the legislature that have taken the time to consider HB 229 and carry it through the process on the behalf of me and my organizations livelihoods! I also want to state that many APHA members have spent their personal time advising and working on drafting HB 229 as recognition of the collaborated effort between your office and our membership. For the sake of brevity I have only used a few examples of the positive aspects of HB 229 but we do support the bill in its entirety.

Thank You,

Gary LaRose

Gary LaRose, President Alaska Professional Hunters Association

Dear Representative Feige,

Thank you for your sponsorship and support of HB229 which will provide for a retired status master guide-outfitter license. I initially proposed this provision some 2-3 years ago and had about given up hope for the possibility of passage. While it has not yet passed, hope springs eternal?

I will support passage of the combined HB 229 / SB 190 in any manner possible. Please call on me if I can help.

Sincerely,
dickgun

Dick Gunlogson
Master Guide / Outfitter (Ret)
Willow, Alaska

Received via e-mail 08 Feb. 2012

Linda Hay

From: Wayne <args@mtaonline.net>
Sent: Friday, February 10, 2012 12:16 PM
To: Sen. Linda Menard; Sen. Charlie Huggins
Cc: Rep. Eric Feige
Subject: SB 190 and HB 229

Senator Menard and Senator Huggins,

Thank you for Sponsoring SB190. I've lived in Wasilla since 1984, got my registered guide license in 1986, started our family run business – Alaska Remote Guide Service in 1987, and upgraded my registered guide-outfitter license to master guide-outfitter status a few years back. To my knowledge, there have been no changes to the Big Game Commercial Service Board Statutes since 1994 or before. I think your bill and Representative Feige's HB229 help address some key issues in bringing the statutes current with several changes that have taken place since then in the guide industry. Most of us in the industry want to do what is right, but it is very hard to understand what that is, even after reading the statutes and regulations several times. In fact I was in a working group at the BGCSB meeting in Fairbanks two years ago, when we were discussing supervision and participation issues. Several guides were present along with some top level enforcement personnel. I think it's fair to say that all of us were at least some what confused about what was expected by us in the statutes.

I've been in attendance at every commercial service board meeting for the past several years, and worked in and led several committees that dealt with several issues in this bill. The key concerns that most interested me personally were 08.54.610 (d) and (e). The current requirement in 08.54.610 (e) (1) that the bill asks to delete, works fine for large operations that are lucky enough to have a lodge or main camp in the same Guide Use Area where they hunt. Everybody gets flown to the lodge to start with and then head out hunting from there. By so doing, this requirement has been met. In operations where the main camp or lodge is in a different guide use area or in many smaller operations, meeting this requirement can be a lot more complicated, and requiring the guide to do so can actually impact the quality of the client's hunt and the service that the guide is able to provide.

While the above mentioned points in the bill are my main focus, I fully agree with and support every provision that your bill deals with. I have spent a lot of personal time and effort to help get these issues put forward. As this bill moves forward, feel free to contact me concerning any questions or concerns that may arise, and let me know how I can help. Thank you again for you help!

Sincerely,

Wayne Kubat
Alaska Remote Guide Service
PO Box 874867
Wasilla, Alaska 99687
Phone/Fax:907-376-9568

Linda Hay

From: Kelly Vrem <kelly@vrem.com>
Sent: Tuesday, February 07, 2012 3:48 PM
To: Rep. Eric Feige
Subject: HB 229

Hello,

I would like to express my support for HB 229. As you know I am Master Guide and a resident of your House district. In addition I am on the Big Game Commercial Services Board. HB 229 will benefit the guide industry. It clarifies some regulations and allows the board to deal with misbehaving guides. We appreciate your efforts.

Kelly Vrem

Sutton AK

Sent from my iPad

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version CSHB 229 (RES)
 Fiscal Note Number _____
 () Publish Date _____

Identifier (file name) HB229-DCCED-CBPL-02-24-12 Dept. Affected DCCED
 Title Big Game Commercial Services Board Appropriation Corps, Bus & Professional Licensing
 Allocation Corps, Bus & Professional Licensing
 Sponsor Representative Feige
 Requester House Judiciary Committee OMB Component Number 2360

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
			FY14	FY15	FY16	FY17	FY18
OPERATING EXPENDITURES	FY13	FY13	FY14	FY15	FY16	FY17	FY18
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	0.0	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/Prgm (DGF)						
1037	GF/MH (UGF)						
1156	Rcpt Svcs (DGF)						
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							
---------------------------	--	--	--	--	--	--	--

Estimated SUPPLEMENTAL (FY12) operating costs 0.0 (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs 0.0 (separate capital appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

This fiscal note is revised to reflect CS for HB 229 adding a new section that creates a new licensing type.

Prepared by Don Habeger, Director
 Division Corporations, Business and Professional Licensing
 Approved by JoEllen Hanrahan, Director Administrative Services
Commerce, Community, and Economic Development

Phone 465-2538
 Date/Time 2/24/12 10:30am
 Date 2/25/2012

FISCAL NOTE

**STATE OF ALASKA
2012 LEGISLATIVE SESSION**

BILL NO. CSHB 229 (RES)

Analysis

HB 229 makes changes in statute recommended by members of the Big Game Commercial Services Board addressing changes to rules regarding the administration and licensing of guides. The proposed changes provide more flexibility in where guides can work when contracting another guide, allows a registered guide-outfitter more flexibility in the use of class-A guides, and changes penalties for minor procedural violations by guides.

The CS for HB 229 adds a new section to include a new type of license category: Retired Master Guide-Outfitter.

There is no anticipated fiscal impact to the Division as a result of this legislation.

Chapter 08.54. BIG GAME GUIDES AND RELATED OCCUPATIONS

Cross References -

For provisions relating to forfeiture of equipment for fish and game violations, see AS 16.05.195. For provisions relating to the requirement that certain hunters be accompanied by a licensed guide, see AS 16.05.407 and 16.05.408.

Administrative Code -

For big game commercial services board, see 12 AAC 75.

Article 01. BIG GAME GUIDES AND TRANSPORTERS

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

Repealed or Renumbered

Article Notes -

Cross References. For transitional provisions, see Sec. 13 and 14, ch. 33, SLA 1996 in the Temporary and Special Acts. For requirement that certain big game hunters engage a big game guide, see AS 16.05.407 and 16.05.408.

Sec. 08.54.020. Appointment and term of office. [Repealed, Sec. 49 ch 94 SLA 1987].

Repealed or Renumbered

Sec. 08.54.030. - 08.54.141. Board powers and duties, etc.; licensing. [Repealed, Sec. 18 ch 37 SLA 1989].

Repealed or Renumbered

Sec. 08.54.142. - 08.54.146. Transporter licensing. [Repealed, Sec. 27 ch 71 SLA 1986].

Repealed or Renumbered

Sec. 08.54.150. - 08.54.180. Miscellaneous licensing provisions. [Repealed, Sec. 18 ch 37 SLA 1989].

Repealed or Renumbered

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

Repealed or Renumbered

Sec. 08.54.186. - 08.54.240. Exams; restricted areas; prohibitions; general provisions. [Repealed, Sec. 18 ch 37 SLA 1989].

Repealed or Renumbered

Sec. 08.54.300. - 08.54.590. Guides and related occupations. [Repealed, Sec. 16 ch 33, SLA 1996].

Repealed or Renumbered

Sec. 08.54.591. Creation and membership of board.

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

(b) The board consists of nine members as follows:

(1) two members who are current, licensed registered guide-outfitters;

(2) two members who are licensed transporters;

(3) one member of the Board of Game who is chosen by the Board of Game and who does not hold a guide or transport license;

(4) two members who represent private landholders affected by guided hunting activities or transportation services and who do not hold a license issued under this chapter; and

(5) two public members.

History -

(Sec. 3 ch 84 SLA 2005)

Sec. 08.54.595. Board assistance.

State agencies shall provide the board with information, data, or technical assistance requested by the board for the purposes of licensing and regulating the activities of providers of commercial services to big game hunters.

History -

(Sec. 3 ch 84 SLA 2005)

Sec. 08.54.600. Duties of board.

(a) The board shall

(1) prepare and grade

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

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

(2) authorize the issuance of registered guide-outfitter, master guide-outfitter, class-A assistant guide, assistant guide, and transporter licenses after the applicant for the license satisfies the requirements for the license;

(3) impose appropriate disciplinary sanctions on a licensee under AS 08.54.600 - 08.54.790;

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

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

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

(7) provide for administration of examinations for registered guide-outfitters at least twice a year;

(8) meet at least twice annually.

(b) The board shall provide for administration of an oral examination for a registered guide-outfitter license or for a game management unit certification if requested at the time of application for the license.

(c) The board may adopt regulations as the board considers appropriate to

(1) establish a code of ethics for professions regulated by the board;

(2) establish requirements for the contents of written contracts to provide big game hunting services and transportation services to clients;

(3) authorize the department to request a copy of a big game hunting services or transportation services contract entered into by a person licensed under this chapter.

History -

(Sec. 3 ch 33 SLA 1996; am Sec. 1 ch 61 SLA 1997; am Sec. 4, 5 ch 84 SLA 2005)

Revisors Notes -

In 1999, "Department of Commerce and Economic Development" was changed to "Department of Community and Economic Development" in this section in accordance with Sec. 88, ch. 58, SLA 1999.

In 2004, "Department of Community and Economic Development" was changed to "Department of Commerce, Community, and Economic Development" in (a) of this section, in accordance with Sec. 3, ch. 47, SLA 2004.

Amendment Notes -

The 2005 amendment, effective December 5, 2005, substituted "guide-outfitter" for "guide" throughout subsections (a) and (b) and otherwise rewrote those subsections; and added subsection (c).

Sec. 08.54.605. Eligibility for licenses.

(a) Notwithstanding AS 08.54.610, 08.54.620, 08.54.630, 08.54.650, and 08.54.660, a person may not receive or renew a registered guide-outfitter license, master guide-outfitter license, class-A assistant guide license, assistant guide license, or transporter license if

(1) the person has been convicted of

(A) a violation of a state or federal hunting, guiding, or transportation services statute or regulation for which

(i) the person was imprisoned for more than five days within the previous five years;

(ii) an unsuspended fine of more than \$2,000 was imposed in the previous 12 months;

(iii) an unsuspended fine of more than \$3,000 was imposed in the previous 36 months; or

(iv) an unsuspended fine of more than \$5,000 was imposed in the previous 60 months;

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

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

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

(b) Notwithstanding (a) of this section, (a)(1)(B) and (C) of this section are not applicable to offenses committed by a person who receives or received any class of guide license or a transporter license under sec. 13, ch. 33, SLA 1996, if the offense was committed before May 23, 1996. This subsection does not apply when a person applies for a license that is different from the class of guide license or the transporter license received under sec. 13, ch. 33, SLA 1996.

(c) A person may not receive a certification for a game management unit if the person is prohibited by (a) of this section from receiving or renewing a registered guide-outfitter license or master guide-outfitter license.

History -

(Sec. 3 ch 33 SLA 1996; am Sec. 2, 3 ch 61 SLA 1997; am Sec. 1 ch 33 SLA 1999; am Sec. 6, 7 ch 84 SLA 2005)

Amendment Notes -

The 2005 amendment, effective December 5, 2005, substituted "guide-outfitter" for "guide" in two places each in the introductory language of subsection (a) and in subsection (c) and rewrote subparagraph (a)(1)(A).

Decisions -

Constitutionality. - It is not a violation of equal protection to deny license renewals to those convicted of violating state, but not federal, hunting and guiding statutes, since those who are convicted of violating state laws have committed a different crime from those convicted of parallel federal offenses. *Boyd v. State, Dep't of Commerce & Economic Dev.*, 977 P.2d 113 (Alaska 1999).

Construction with other statutes. - Where an assistant district attorney erroneously informed the defendant that a payment was not a fine under this section, referring to AS 12.55.035 rather than AS 12.55.100, his statement was not technically inconsistent with the licensing commission's rejection of the defendant's license renewal application. *Boyd v. State, Dep't of Commerce & Economic Dev.*, 977 P.2d 113 (Alaska 1999).

Effect of violating fish and game statutes. - For case discussing connection between competence to continue as a guide and violation of fish and game regulations and statutes designed to conserve these state resources, see *Herscher v. State, Dep't of Commerce*, 568 P.2d 996 (Alaska 1977) (decided under former AS 08.54.350).

Notice and hearing required for license suspension. - In the suspension of a hunting guide license, adequate notice and opportunity for a hearing were required. *Herscher v. State, Dep't of Commerce*, 568 P.2d 996 (Alaska 1977) (decided under former AS 08.54.350).

Payment of fines. - Since AS 12.55.100 specifically authorizes fines as conditions of probation, and since the defendant's own counsel and the assistant district attorney acknowledged at a sentencing hearing their understanding that a payment constituted a fine, these facts, coupled with the fact that the supreme court has treated such payments as "fines," regardless of the particular language used by the sentencing court, led to the conclusion that the defendant's payment constituted a fine. *Boyd v. State, Dep't of Commerce & Economic Dev.*, 977 P.2d 113 (Alaska 1999).

Since an assistant district attorney did not have the authority to change the laws of the state as written, his written assurances to the defendant that a payment was not a "fine" within the meaning of this statute did not alter the fact that the defendant's payment was a fine. *Boyd v. State, Dep't of Commerce & Economic Dev.*, 977 P.2d 113 (Alaska 1999).

Sec. 08.54.610. Registered guide-outfitter license.

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

(1) is 21 years of age or older;

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

(3) either

(A) has passed the qualification examination prepared by the board under AS 08.54.600; or

(B) provides evidence of 25 years of experience as a class-A assistant guide or class-A assistant guide-outfitter;

(4) has passed a certification examination prepared by the board under AS 08.54.600 for at least one game management unit;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

History -

(Sec. 3 ch 33 SLA 1996; am Sec. 4 ch 61 SLA 1997; am Sec. 8 ch 84 SLA 2005)

Amendment Notes -

The 2005 amendment, effective December 5, 2005, substituted "guide-outfitter" for "guide" throughout the section; and in subsection (a) in subparagraph (3)(A) and paragraph (4) substituted "prepared by the board" for "prepared and administered by the department" and inserted "big game" in paragraph (5).

Sec. 08.54.620. Class-A assistant guide license.

(a) A natural person is entitled to a class-A assistant guide license if the person

(1) is 21 years of age or older;

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

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

(4) either

(A) has

(i) been employed during at least three calendar years as any class of licensed guide in the game management unit for which the license is sought; and

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

(B) provides

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

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

(iii) a written recommendation from a registered guide-outfitter who intends to employ the person as a class-A assistant guide; or

(C) provides evidence that the person

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

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

(iii) has passed a class-A assistant guide training course approved by the board.

(b) A class-A assistant guide

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

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

(3) may take charge of a camp and provide guide services from the camp without the contracting registered guide-outfitter being in the field and participating in the contracted hunt if the contracting registered guide-outfitter is supervising the guiding activities;

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

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

History -

(Sec. 3 ch 33 SLA 1996; am Sec. 9 ch 84 SLA 2005)

Amendment Notes -

The 2005 amendment, effective December 5, 2005, in subsection (a) added paragraph (3), redesignated former paragraph (3) as paragraph (4), rewrote item (4)(B)(iii), and added subparagraph (4)(C); and in subsection (b) substituted "guide-outfitter" for "guide" throughout and "provide guide services" for "conduct guide activities" in paragraph (3).

Sec. 08.54.630. Assistant guide license.

(a) A natural person is entitled to an assistant guide license if the person

(1) is 18 years of age or older;

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

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

(4) either

(A) obtains a written recommendation from a registered guide-outfitter who intends to employ the person as an assistant guide; or

(B) provides evidence that the person passed an assistant guide training course approved by the board; and

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

(b) An assistant guide

- (1) may not contract to guide or outfit a big game hunt;
- (2) shall be employed by a registered guide-outfitter and under the supervision of a registered guide-outfitter or class-A assistant guide while the assistant guide is in the field on guided hunts; and
- (3) may not take charge of a camp or provide guide services unless the contracting registered guide-outfitter is in the field and participating in the contracted hunt or a registered guide-outfitter or class-A assistant guide employed by the contracting guide is physically present and supervising the hunt.

History -

(Sec. 3 ch 33 SLA 1996; am Sec. 10 ch 84 SLA 2005)

Amendment Notes -

The 2005 amendment, effective December 5, 2005, in subsection (a) inserted "big game" in paragraph (2) and rewrote paragraph (4); and in subsection (b) substituted "guide-outfitter" for "guide" throughout and "provide guide services" for "conduct guide activities" in paragraph (3).

Sec. 08.54.640. Law enforcement officers and game biologists.

(a) Notwithstanding AS 08.54.610 - 08.54.630 and except as provided in (b) of this section, a person may not hold, or earn experience credits to apply for, a registered guide-outfitter 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-outfitter 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 department of the fact that the person is no longer a law enforcement officer. A person whose license is suspended under this subsection is not required to renew the license or pay license renewal fees for the period of suspension. Once a suspension of a license is terminated, the licensee may provide, without further payment of a guide license fee, the guide services authorized by the license for the remainder of the licensing period in which the suspension is terminated. Notwithstanding other provisions of this subsection, if a person whose license is suspended under this subsection fails to notify the department within one year after the person is no longer a law enforcement officer, the person's license lapses and the person is eligible for reissuance of the license only as provided in AS 08.54.670. The board may adopt regulations to implement this subsection.

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

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

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

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

History -

(Sec. 3 ch 33 SLA 1996; am Sec. 11, 12 ch 84 SLA 2005)

Amendment Notes -

The 2005 amendment, effective December 5, 2005, substituted "guide-outfitter" for "guide" in subsection (a) and the first sentence in subsection (b); and substituted "board" for "department" in the last sentence in subsection (b).

Sec. 08.54.650. Transporter license.

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

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

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

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

(c) A transporter shall provide an annual activity report on a form provided by the department.

An activity report must contain all information required by the board by regulation.

History -

(Sec. 3 ch 33 SLA 1996; am Sec. 13 ch 84 SLA 2005)

Amendment Notes -

The 2005 amendment, effective December 5, 2005, in the second sentence in subsection (c) inserted "all" and substituted "board" for "department".

Sec. 08.54.660. Renewal of guide and transporter licenses.

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

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

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

(b) The department may not renew a registered guide-outfitter license under this section unless all fees have been paid in full and the registered guide-outfitter has signed an affidavit that all hunt records due during the term of the current license have been filed with the department.

(c) The department may not renew a transporter license unless all fees have been paid in full and the transporter has signed an affidavit that all activity reports due during the term of the current license have been filed with the department.

History -

(Sec. 3 ch 33 SLA 1996; am Sec. 14 ch 84 SLA 2005)

Amendment Notes -

The 2005 amendment, effective December 5, 2005, substituted "guide-outfitter" for "guide" in subsections (a) and (b); inserted "the registered guide-outfitter has signed an affidavit that" in subsection (b); and inserted "the transporter has signed an affidavit that" in subsection (c).

Sec. 08.54.670. Failure to renew.

The department may not issue a license to a person who held a registered guide-outfitter, class-A assistant guide, or assistant guide license and who has failed to renew the license under this chapter for four consecutive years unless the person again meets the qualifications for initial issuance of the license.

History -

(Sec. 3 ch 33 SLA 1996; am Sec. 15 ch 84 SLA 2005)

Amendment Notes -

The 2005 amendment, effective December 5, 2005, substituted "guide-outfitter" for "guide".

Sec. 08.54.680. Financial responsibility and other requirements for guides and transporters.

(a) The department may require a registered guide, who contracts to guide or outfit a big game hunt, or a transporter to provide proof of financial responsibility up to the amount of \$100,000. A registered guide or transporter may demonstrate financial responsibility by assets, insurance, or a bond in the requisite amount.

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

(c) On or after January 1, 2006, a registered guide-outfitter may not provide big game hunting services and a transporter may not provide transportation services unless the registered guide-outfitter or transporter has entered into a written contract with the client for the provision of those services. A contract to provide big game hunting services must include at least the following information: the name and guide license number of the registered guide-outfitter, the name of the client, a listing of the big game to be hunted, the approximate time and dates that the client will be in the field, a statement as to what transportation is provided by the registered guide-outfitter, a statement as to whether accommodations and meals in the field are provided by the registered guide-outfitter, and a statement of the amount to be paid for the big game hunting services provided. A contract to provide transportation services must include at least the following information: the name and transporter license number of the transporter, the name of the client, a listing of the big game to be hunted, the approximate time and dates that the client will be in the field, and a statement of the amount to be paid for the transportation services provided. A registered guide-outfitter or transporter shall provide a copy of contracts to provide big game hunting services or transportation services, as appropriate, to the department upon the request of the department. Except as necessary for disciplinary proceedings conducted by the board and as necessary for law enforcement purposes by the Department of Public Safety and the Department of Law, a copy of a contract provided to the department is confidential. The department may provide a copy of contracts in the possession of the department to the Department of Fish and Game or the Department of Natural Resources upon the request of that department if the department receiving the copy agrees to maintain the confidentiality of the contracts.

History -

(Sec. 3 ch 33 SLA 1996; am Sec. 16, 17 ch 84 SLA 2005)

Amendment Notes -

The 2005 amendment, effective December 5, 2005, substituted "guide-outfitter" for "guide" in two places in subsection (b); and, effective July 26, 2005, added subsection (c).

Article 02. ENFORCEMENT

Sec. 08.54.710. Discipline of guides and transporters.

(a) The board may impose a disciplinary sanction in a timely manner under (c) of this section if the board finds that a licensee

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

(2) has failed to file records or reports required under this chapter;

(3) has negligently misrepresented or omitted a material fact on an application for any class of guide license or a transporter license; or

(4) has breached a contract to provide big game hunting services or transportation services to a client.

(b) [Repealed, Sec. 4 ch 49 SLA 2008].

(c) The board 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 board on matters related to the grounds for probation;

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

(d) The board shall permanently revoke a transporter license or any class of guide license if the board finds after a hearing that the license was obtained through fraud, deceit, or misrepresentation.

(e) The board shall suspend or permanently revoke a transporter license or any class of guide license without a hearing if the court orders the board to suspend or permanently revoke the license as a penalty for conviction of an unlawful act. If the board suspends or permanently revokes a license under this subsection, the board may not also impose an administrative disciplinary sanction of suspension or permanent revocation of the same license for the same offense for which the court ordered the suspension or permanent revocation under AS 08.54.720.

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

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

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

(i) [Repealed, Sec. 4 ch 49 SLA 2008].

History -

(Sec. 3 ch 33 SLA 1996; am Sec. 15 ch 163 SLA 2004; am Sec. 18 - 24 ch 84 SLA 2005; am Sec. 1, 4 ch 49 SLA 2008)

Revisors Notes -

In 2005, in the second sentence of former subsection (i), the revisor substituted "conducted by the office of administrative hearings (AS 44.64.010)" for "before the board" in order to reconcile sec. 15, ch. 163, SLA 2004 and sec. 24, ch. 84, SLA 2005 and to correct a manifest error in sec. 24, ch. 84, SLA 2005.

Cross References -

For disciplinary powers of boards generally, see AS 08.01.075.

Amendment Notes -

The 2005 amendment, effective December 5, 2005, substituted "board" for "department" in subsections (a)-(e), (h), and (i); in subsection (a) substituted "any state or federal statute" for "a state statute" in paragraph (1) and added paragraphs (3) and (4); in subsection (b) substituted "has acted unethically as a registered guide-outfitter" for "is incompetent as a registered guide"; increased the fine from \$1,000 to \$5,000 in paragraph (c)(7); deleted "innocent" preceding "misrepresentation" in subsection (d); and deleted "under AS 08.54.720" from the end of the first sentence in subsection (e).

The 2008 amendment, effective August 26, 2008, deleted "after a hearing" following "if the board finds" in the introductory language of subsection (a), and repealed paragraphs (b) and (i), relating to unethical behavior by licensees and summary suspension of licenses.

Decisions -

Effect of violating fish and game statutes. - For case discussing connection between competence to continue as a guide and violation of fish and game regulations and statutes designed to conserve these state resources, see *Herscher v. State*, Dep't of Commerce, 568 P.2d 996 (Alaska 1977) (decided under former AS 08.54.500).

Notice and hearing required for license suspension. - In the suspension of a hunting guide license, adequate notice and opportunity for a hearing were required. *Herscher v. State*, Dep't of Commerce, 568 P.2d 996 (Alaska 1977) (decided under former AS 08.54.500).

Sec. 08.54.720. Unlawful acts.

(a) It is unlawful for a

(1) person who is licensed under this chapter to knowingly fail to promptly report, unless a reasonable means of communication is not reasonably available, to the Department of Public Safety, and in no event later than 20 days, a violation of a state or federal wildlife or game, guiding, or transportation services statute or regulation that the person reasonably believes was committed by a client or an employee of the person;

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

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

(4) person who holds any class of guide license or transporter license to knowingly enter or remain on private, state, or federal land without prior authorization during the course of providing big game hunting services or transportation services;

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

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

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

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

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

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

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

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

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

(ii) reporting the violation;

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

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

(11) person without a current registered guide-outfitter license to knowingly outfit a big game hunt, provide outfitting services, advertise as an outfitter of big game hunts, or represent to be an outfitter of big game hunts;

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

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

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

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

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

(17) registered guide-outfitter, except in the defense of life or property, to knowingly personally take

(A) big game while accompanying a client in the field; or

(B) a species of big game if the registered guide-outfitter is under contract with a client to provide a guided hunt for that species of big game and the client is in the field;

(18) person who is licensed as a registered guide-outfitter, a class-A assistant guide, or an assistant guide, except in the defense of life or property, to knowingly personally take big game while a client of the registered guide-outfitter by whom the person is employed is in the field unless the person is not participating in, supporting, or otherwise assisting in providing big game hunting services to a client of the registered guide-outfitter by whom the person is employed; or

(19) person who is licensed as a transporter, or who provides transportation services under a transporter license, to knowingly accompany or remain in the field with a big game hunter who is a client of the person except as necessary to perform the specific duties of embarking or disembarking big game hunters, their equipment, or big game animals harvested by hunters; this paragraph does not apply to a person who holds both a transporter license and a registered guide-outfitter license issued under this chapter when the person has a contract to provide guiding services for the client.

(b) In addition to a disciplinary sanction imposed under AS 08.54.710, a person who commits an offense set out in (a)(1) - (7), (17), (18), or (19) of this section is guilty of a misdemeanor and is punishable by a fine of not more than \$10,000 or by imprisonment up to one year, or both.

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

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

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

(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 board to suspend the guide license or transporter license of a person who commits a misdemeanor offense set out in (a)(1), (3) - (5), (7), (17), (18), or (19) of this section for a specified period of not more than three years;

(2) the court shall order the board 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 board 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.

History -

(Sec. 3 ch 33 SLA 1996; am Sec. 5 - 7 ch 61 SLA 1997; am Sec. 25, 26 ch 84 SLA 2005)

Amendment Notes -

The 2005 amendment, effective December 5, 2005, in subsection (a), substituted "guide-outfitter" for "guide" and inserted "or federal wildlife or" throughout, in paragraph (1) inserted ", unless a reasonable means of communication is not reasonably available," and deleted "Division of Fish and Wildlife Protection" following "Department of Public Safety", in paragraph (4) inserted "or transporter license", "state, or federal", and "or transportation services", in paragraph (6) inserted "a valid Alaska", in paragraph (11) inserted "provide outfitting services", and in paragraph (19) substituted "a registered guide-outfitter license" for "any class of guide license" and added "when the person has a contract to provide guiding services for the client" at the end of the paragraph; and substituted "board" for "department" in three places in subsection (f).

Decisions -

Constitutionality of former provisions punishing guiding without valid license as felony. - See *Maeckle v. State*, 792 P.2d 686 (Alaska Ct. App. 1990) (decided under former AS 08.54.520).

Application of former statute to person guiding with expired license. - See *Romero v. State*, 792 P.2d 679 (Alaska Ct. App. 1990) (decided under former AS 08.54.520).

Forfeiture of airplane. - Forfeiture of an airplane worth \$40,000 was not grossly disproportionate to defendant's offense of possessing and transporting illegally taken game, because under this section when a licensed guide violates a hunting statute or regulation, or aids another person in doing so, the penalty for a first offense includes a fine of not more than \$30,000, while the penalty for a second or subsequent offense includes a fine of up to \$50,000. *Baum v. State*, 24 P.3d 577 (Alaska Ct. App. 2001).

Sentence not excessive. - It was not excessive where the judge placed defendant on probation for 10 years and, as a condition of his probation, ordered defendant not to apply for a hunting or guiding license, because a sentencing court has the power to impose a condition of probation that prohibits a defendant from pursuing a licensed activity for longer than the maximum period of license suspension or revocation that might be imposed as a direct term of the defendant's sentence. *Baum v. State*, 24 P.3d 577 (Alaska Ct. App. 2001).

Sec. 08.54.730. Injunction against unlawful action.

When, in the judgment of the board, 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(g), or 08.54.720(a) or the regulations adopted under these statutes, the board may apply to the appropriate court for an order enjoining the action. Upon a showing by the board that the person is engaging in the act, the court shall grant injunctive relief or other appropriate order without bond.

History -

(Sec. 3 ch 33 SLA 1996; am Sec. 27 ch 84 SLA 2005)

Amendment Notes -

The 2005 amendment, effective December 5, 2005, substituted "board" for "department" in three places.

Sec. 08.54.740. Responsibility of guide or transporter for violations.

(a) A registered guide-outfitter who contracts to guide or outfit a big game hunt is equally responsible under AS 08.54.710 for a violation of a state or federal wildlife or game or guiding statute or regulation committed by a person while in the course of the person's employment for the registered guide-outfitter.

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

History -

(Sec. 3 ch 33 SLA 1996; am Sec. 28 ch 84 SLA 2005)

Amendment Notes -

The 2005 amendment, effective December 5, 2005, substituted "guide-outfitter" for "guide" in two places in subsection (a); inserted "or federal wildlife or" in subsections (a) and (b); and deleted ", or transportation services" following "guiding" in subsection (a).

Sec. 08.54.750. Use area registration.

(a) At least 30 days before conducting big game hunting services within a guide use area, a registered guide-outfitter shall inform the department, in person or by registered mail on a registration form provided by the department, that the guide-outfitter will be conducting big game hunting services in the use area. A registered guide-outfitter may not withdraw or amend a guide use area registration during the calendar year in which the registration was submitted to the department.

(b) A registered guide-outfitter may not register for, or conduct big game hunting services in,

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

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

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

(d) Notwithstanding (b) of this section, a registered guide-outfitter who is registered in three guide use areas may also register for and conduct big game hunting services in a portion of one additional guide use area on federal land adjacent to a guide use area in which the registered guide-outfitter is already registered if the board finds that the portion of the adjacent guide use area for which the registered guide-outfitter is seeking to be registered would otherwise remain unused by a registered

guide-outfitter because the boundaries of guide use areas do not coincide with boundaries of federal big game guide concession or permit areas.

(e) Notwithstanding (b) of this section, a registered guide-outfitter who is registered in three guide use areas may also register for and conduct big game hunting services for wolf, black bear, brown bear, or grizzly bear in guide use areas within a game management unit or portion of a game management unit where the Board of Game has identified predation by wolf, black bear, brown bear, or grizzly bear as a cause of the depletion of a big game prey population or a reduction of the productivity of a big game prey population that is the basis for the establishment of an intensive management program in the game management unit or portion of the game management unit or for the declaration of the biological emergency in the game management unit or portion of the game management unit. A registered guide-outfitter may only conduct hunts in a guide use area under this subsection for the big game species identified by the Board of Game as the cause of the depletion or reduction of productivity of a big game prey population.

(f) At least 60 days before providing transportation services to, from, or in an area as may be determined by the board, a transporter shall inform the department, in person or by registered mail on a registration form provided by the department, that the transporter will be providing transportation services to, from, or in the use area. The board may establish transporter use areas and adopt regulations to implement this subsection as the board considers necessary.

(g) In this section, "guide use area" means a geographic area of the state identified as a guide-outfitter use area by the former Big Game Commercial Services Board established under former AS 08.54.300 and described on a set of maps titled Guide-Outfitter Use Area Maps, dated June 22, 1994, as amended by the board as the board considers necessary.

History -

(Sec. 3 ch 33 SLA 1996; am Sec. 8 ch 61 SLA 1997; am Sec. 29, 30 ch 84 SLA 2005)

Revisors Notes -

Subsection (d) was enacted as (e). Relettered in 1997. Subsection (g) was enacted as (d) and relettered as (e) in 1997 and as (g) in 2010. Subsections (e) and (f) were enacted as (f) and (g) and relettered in 2010.

Cross References -

For limitation on certification for game management units, see AS 08.54.605(c).

Amendment Notes -

The 2005 amendment, effective December 5, 2005, substituted "guide-outfitter" for "guide" throughout; added the second sentence in subsection (a); substituted "board" for "department" in subsection (d); in subsection (e) (now (g)) inserted "established under former AS 08.54.300" and ", as amended by the board as the board considers necessary"; and added subsections (f) and (g) (now (e) and (f)).

Sec. 08.54.760. Hunt records; confidentiality of hunt records and activity reports.

(a) The department shall collect and maintain hunt records provided by a registered guide-outfitter. A registered guide-outfitter shall submit to the department a hunt record for each contracted hunt within 60 days after the completion of the hunt. A hunt record must include a list of all big game hunters who used the guiding or outfitting services of the registered guide-outfitter, the number of each

big game species taken, and other information required by the board. The department shall provide forms for reporting hunt records.

(b) The department shall make hunt records received under this section, and activity reports received under AS 08.54.650, available to state agencies, federal law enforcement agencies, and other law enforcement agencies if requested. Aggregated data compiled from hunt records and activity reports may be included in reports by the department. For all other purposes, the hunt records and activity reports are confidential and are not subject to inspection or copying under AS 40.25.110 - 40.25.125.

(c) Forms, records, and reports required under this chapter may be distributed, received, and stored electronically.

History -

(Sec. 3 ch 33 SLA 1996; am Sec. 31, 32 ch 84 SLA 2005)

Revisors Notes -

In 2000, "AS 40.25.110 - 40.25.125" was substituted for "AS 09.25.110 - 09.25.125" to reflect the 2000 renumbering of AS 09.25.110 - 09.25.125.

Amendment Notes -

The 2005 amendment, effective December 5, 2005, in subsection (a) substituted "guide-outfitter" for "guide" in three places, "60 days" for "30 days", and "board" for "department"; in subsection (b) rewrote the first sentence; and added subsection (c).

Sec. 08.54.770. License and examination fees.

(a) The department shall set fees under AS 08.01.065 for each of the following:

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

(b) The license fee for the registered guide-outfitter, class-A assistant guide, or assistant guide license is in addition to the fee required for a hunting license issued by the Department of Fish and Game under AS 16.05.340.

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

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

(e) The amount of the license fee for a nonresident shall be two times the amount of the license fee for a resident.

History -

(Sec. 3 ch 33 SLA 1996; am Sec. 33 ch 84 SLA 2005)

Amendment Notes -

The 2005 amendment, effective December 5, 2005, substituted "guide-outfitter" for "guide" in subsections (a)-(d); added "issued by the Department of Fish and Game under AS 16.05.340" at the end

of subsection (b); and deleted "For licenses issued under this chapter for 1997 and subsequent years" from the beginning of subsection (e).

Decisions -

Higher rates for nonresidents. - Interstate fee differentials which were not predicated on movement of articles of interstate commerce across state lines, but rather upon the residency status of those applying for permits, were to be analyzed under the privileges and immunities or the equal protection clauses, not under the commerce clause. *Carlson v. State, Com. Fisheries Entry Comm'n*, 919 P.2d 1337 (Alaska 1996).

Case challenging validity of higher nonresident rates for nonresident commercial fishermen was remanded for application of the "per capita formula" in determining whether the higher fees charged to nonresidents are equivalent to the burden borne by residents as measured by the residents' pro rata shares of state revenues to which nonresidents make no contribution. *Carlson v. State, Com. Fisheries Entry Comm'n*, 919 P.2d 1337 (Alaska 1996).

Sec. 08.54.785. Chapter not applicable.

The provisions of this chapter do not apply to a person providing, for compensation or with the intent to receive compensation, only accommodations to a big game hunter in the field at

- (1) a permanent lodge, house, or cabin on private land owned by the person; or
- (2) a state or federal cabin on state or federal land.

History -

(Sec. 2 ch 49 SLA 2008)

Sec. 08.54.790. Definitions.

In this chapter,

(1) "big game" means brown bear, grizzly bear, caribou, moose, black bear, bison, Sitka blacktail deer, elk, mountain goat, musk ox, and mountain or Dall sheep; "big game" includes wolf and wolverine when taken under hunting regulations;

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

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

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

(5) "department" means the Department of Commerce, Community, and Economic Development;

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

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

(8) "guide" means to provide, for compensation or with the intent or with an agreement to receive compensation, services, equipment, or facilities to a big game hunter in the field by a person

who accompanies or is present with the big game hunter in the field either personally or through an assistant; in this paragraph, "services" includes

- (A) contracting to guide or outfit big game hunts;
- (B) stalking, pursuing, tracking, killing, or attempting to kill big game;
- (C) packing, preparing, salvaging, or caring for meat, except that which is required to properly and safely load the meat on the mode of transportation being used by a transporter;
- (D) field preparation of trophies, including skinning and caping;
- (E) selling, leasing, or renting goods when the transaction occurs in the field;
- (F) using guiding or outfitting equipment, including spotting scopes and firearms, for the benefit of a hunter; and
- (G) providing camping or hunting equipment or supplies that are already located in the field;
- (9) "outfit" means to provide, for compensation or with the intent to receive compensation, services, supplies, or facilities, excluding the provision of accommodations by a person described in AS 08.54.785, to a big game hunter in the field, by a person who neither accompanies nor is present with the big game hunter in the field either personally or by an assistant;
- (10) "transportation services" means the carriage for compensation of big game hunters, their equipment, or big game animals harvested by hunters to, from, or in the field; "transportation services" does not include the carriage by aircraft of big game hunters, their equipment, or big game animals harvested by hunters

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

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

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

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

History -

(Sec. 3 ch 33 SLA 1996; am Sec. 34 ch 84 SLA 2005; am Sec. 3 ch 49 SLA 2008)

Revisors Notes -

In 1999, "Department of Commerce and Economic Development" was changed to "Department of Community and Economic Development" in this section in accordance with Sec. 88, ch. 58, SLA 1999.

In 2004, "Department of Community and Economic Development" was changed to "Department of Commerce, Community, and Economic Development" in this section, in accordance with Sec. 3, ch. 47, SLA 2004.

Amendment Notes -

The 2005 amendment, effective December 5, 2005, substituted "guide-outfitter" for "guide" in paragraph (2), added paragraph (3), redesignated subsequent paragraphs accordingly, deleted "usually" preceding "associated" in paragraph (6); and made a stylistic change.

The 2008 amendment, effective August 26, 2008, inserted "excluding the provision of accommodations by a person described in AS 08.54.785" in paragraph (9).

Authority: AS 08.54.600 AS 08.54.720 AS 08.54.790
AS 08.54.680

12 AAC 75.265. GUIDE USE AREA BOUNDARY CHANGES. (a) The board may propose to amend guide use area boundaries

- (1) on its own motion;
- (2) upon the recommendation of the Department of Fish and Game; or
- (3) in response to a petition from another person.

(b) At least 90 days before the date of a board meeting at which guide use area boundaries changes are proposed, the department will publish, in a newspaper of general circulation, a notice soliciting petitions to propose amendments to guide use area boundaries. To be considered for proposal by the board at the board's next meeting, a petition must be received by the department no later than 60 days after the notice is published.

(c) If the board proposes to amend guide use area boundaries, the board will mail notice of the proposed amendment to

(1) each registered guide-outfitter with a valid license who is registered for a guide use area the boundaries of which are proposed for amendment;

- (2) the Department of Natural Resources;
- (3) the Department of Fish and Game; and
- (4) the Department of Public Safety.

(d) The board may amend guide use area boundaries after considering whether

- (1) the Department of Fish and Game objects to the proposed amendment; and
- (2) amendment of existing guide use area boundaries is necessary in order to respond to

(A) big game conservation and management concerns, including

- (i) abundance and diversity of big game;
- (ii) the historical harvest of big game in an area; and
- (iii) existing administrative boundaries established for wildlife management purposes;

(B) law enforcement concerns;

(C) land ownership in an area;

(D) administrative restrictions;

(E) the existence of boundaries that can be readily identified in the field;

(F) the accessibility of an area and other transportation considerations;

(G) the existence of complementary and noncomplementary land uses within an area;

(H) recommendations of the Department of Natural Resources;

(I) the existing facilities within the area;

(J) any public comment received; and

(K) other considerations relevant to the drawing of guide use area boundaries.

Authority: AS 08.54.600 AS 08.54.750

ARTICLE 3. PROFESSIONAL ETHICS STANDARDS FOR GUIDES.

Section

300. (Repealed)

310. (Repealed)

320. (Repealed)

330. (Repealed)

340. Professional ethics standards for guides

12 AAC 75.300. PROFESSIONAL COMPETENCE STANDARDS FOR GUIDES. *Repealed 7/30/2006.*

12 AAC 75.310. RESPONSIBILITIES OF GUIDES. *Repealed 7/30/2006.*

12 AAC 75.320. TRANSPORTING MEAT. *Repealed 4/6/2001.*

12 AAC 75.330. DUTIES OF A REGISTERED GUIDE. *Repealed 4/6/2001.*

12 AAC 75.340. PROFESSIONAL ETHICS STANDARDS FOR GUIDES. (a) **Unethical activities.** As used in AS 08.54.710(b) and this chapter in reference to a registered guide-outfitter, assistant guide, or class-A assistant guide, "unethical"

(1) means failing to or being unfit to meet a professional standard of conduct that satisfactorily and safely implements, under field conditions, the knowledge, skills, qualifications, and judgment required for the license held; and

- (2) includes
- (A) failing to comply with the standards set out in (b) – (f) of this section;
 - (B) failing to fulfill a condition or requirement established as a disciplinary sanction under AS 08.54.710;
 - (C) failing to fulfill the supervision, hunt participation, and other requirements of this chapter; and
 - (D) failing to report to the board, within 30 days after the date of conviction, a conviction in this state, another state, or the United States for a
 - (i) violation of a state or federal statute or regulation related to hunting;
 - (ii) violation of a state or federal statute or regulation relating to guiding, outfitting, transportation, or other hunting services; or
 - (iii) felony.
- (b) **Compliance with law.** All classes of guides shall
- (1) comply with applicable state and federal statutes and regulations; and
 - (2) obtain prior authorization as appropriate before entering or remaining on private, state, or federal land during the course of providing big game hunting services.
- (c) **Client and employee care standards.** All classes of guides shall
- (1) take every reasonable measure to assure the safety and comfort of the client, including ensuring that during the hunt
 - (A) adequate supplies are present to provide first aid for injuries that are reasonably expected in the field;
 - (B) sufficient supplies are present to provide for emergencies, including food, clothing, and a source of heat; and
 - (C) food and shelter are present that are normally considered satisfactory under field conditions;
 - (2) avoid intentionally, recklessly, or carelessly exposing an employee or client to undue hazards;
 - (3) advise clients and employees involved in a hunt of the applicable state and federal statutes and regulations relating to hunting, land use, wildlife, big game hunting services, and conservation;
 - (4) ensure that the proper hunting licenses, hunt record, game tags, and harvest reports for the big game species being hunted are in the client's possession before the hunt begins;
 - (5) ensure that the appropriate tags are attached to any game taken by a client and all game is sealed or marked as required by 5 AAC 92;
 - (6) advise a client before a hunt of the game population in the hunting area; and
 - (7) provide remuneration in a complete and timely manner of debts or refunds owed to clients or contracting guides, or wages owed to an employee.
- (d) **Field craft standards.** All classes of guides shall
- (1) use every lawful means at the licensee's disposal to bag a wounded animal while it is in danger of escaping, or, in a serious emergency, while human life or well-being is endangered;
 - (2) barring unforeseen conditions, properly prepare according to generally accepted procedures, all antlers, horns, hides, and capes to be delivered to the taxidermist or to the client at the conclusion of a hunt in a satisfactory and unspoiled condition, unless the guide is providing only outfitting and transportation services for the client;
 - (3) endeavor to salvage all meat of animals taken by clients, in accordance with state statutes and regulations;
 - (4) except for brown bear, grizzly bear, wolves, and wolverine, transport the meat of a big game animal taken by the client in accordance with 5 AAC 92;
 - (5) respect gear, equipment, food, shelter, and camps established by other users;
 - (6) avoid staging unused or unattended camps and gear to discourage other users from utilizing a location;
 - (7) allow appropriate buffer areas between hunters and camps in order to avoid disrupting hunts and hunting experiences; in Game Management Unit 9, a person holding any class of guide license may not place a camp within two miles of a permanent structure or permanent camp being used for big game guiding purposes, unless agreed upon in a written agreement between the involved parties;
 - (8) avoid using an aircraft in any manner to spot big game for the purpose of taking a specific animal, unless specifically authorized under statute or regulation;
 - (9) avoid utilizing, in any manner, global positioning system (GPS) or other electronic devices to assist in the taking of a big game animal; and
 - (10) respond personally or through an assistant to requests for assistance communicated during the hunt; a contracting or employing guide must respond within a reasonable time based on the urgency of the request, weather conditions, and other safety factors.
- (e) **Standards for cooperation with law enforcement officers and for conservation awareness.** All classes of guides shall
- (1) cooperate with state or federal law enforcement officers;
 - (2) provide any information to assist law enforcement or state and federal wildlife officials; and
 - (3) practice sound wildlife conservation and create an awareness of conservation needs and practices when dealing with the public.
- (f) **Standards of professionalism.** A guide of any class may not
- (1) make guarantees as to the success of a hunt or the number of animals to be taken on a hunt;

(2) shall provide supervision as required from a guide of that class, and make a good faith effort to make the verbal or, if applicable, the written client communication as required in 12 AAC 75.240;

(3) if permitted to advertise or sell big game hunts under AS 08.54, may not advertise or sell big game hunts to be conducted solely on tidelands; in this paragraph, "tidelands" has the meaning given in AS 38.05.965; and

(4) if permitted to advertise under AS 08.54, may not misrepresent services by false or misleading advertising.

Authority: AS 08.54.600 AS 08.54.680 AS 08.54.710

ARTICLE 4. TRANSPORTATION SERVICES.

Section

- 395. Distribution and use of transporter activity report booklets
- 400. Transporter activity report
- 410. Term of transporter license
- 420. Proof of transporter's financial responsibility
- 430. (Repealed)
- 440. Professional ethics standards for providers of transportation services
- 450. Transporter contract requirements
- 460. Species-specific licensing

12 AAC 75.395. DISTRIBUTION AND USE OF TRANSPORTER ACTIVITY REPORT BOOKLETS.

(a) Upon request, the department will issue a booklet of pre-numbered transporter activity reports to a transporter with a valid license. Once the department issues the booklet, the board

(1) will consider it to be in the possession of the transporter until it is returned; and

(2) may discipline the transporter under AS 08.54.710(a)(2) if the

(A) transporter loses or misplaces the booklet, or fails to return it as required under this section or upon the department's request;

(B) booklet is damaged or destroyed while in the transporter's possession; or

(C) booklet, while in the transporter's possession, is used in a manner that violates AS 08.54.650, this section, or 12 AAC 75.400.

(b) The pre-numbered transporter activity reports must be used sequentially in numerical order and only by the assigned transporter. Transporter activity reports may not be shared.

(c) All four copies of a transporter activity report must be completed in accordance with 12 AAC 75.400. The first three copies must be distributed in accordance with 12 AAC 75.400. The fourth copy must remain in the booklet.

(d) A voided transporter activity report must remain in the booklet.

(e) Once all pre-numbered transporter activity reports contained in a booklet have been used, the booklet with the remaining copies must be returned to the department.

(f) A maximum of 150 pre-numbered transporter activity reports will be issued to a transporter and may be in the transporter's possession at any given time. Upon return of a completed booklet, an additional booklet of pre-numbered transporter activity reports may be issued. However, upon a written request and showing of good cause, as determined by the department, a transporter may have more than 150 pre-numbered transporter activity reports assigned and in the transporter's possession.

(g) A transporter who misplaces or loses a transporter activity report booklet shall submit to the department

(1) a notarized statement documenting the loss of the booklet; and

(2) client information not already submitted to the department under 12 AAC 75.400.

Authority: AS 08.54.600 AS 08.54.650 AS 08.54.660

12 AAC 75.400. TRANSPORTER ACTIVITY REPORT. (a) Each activity report required by AS 08.54.650 must be on a form provided by the department. On or after January 1, 2008, a transporter shall use a pre-numbered transporter activity report booklet issued under 12 AAC 75.395. On or before February 1 of each year, a transporter shall submit to the department completed activity reports for each client transported during the previous calendar year.

(b) On the day a client is transported, a transporter shall complete the portions of the transporter activity report that provide the

(1) name, address, and license number of the transporter;

(2) client's name, address, and hunting license number;

(3) date the client was transported into the field;

(4) specific location to which the client was transported and the game management unit, and subunit if applicable, of each location; and

AMENDMENT

#2

OFFERED IN THE HOUSE
TO: CSHB 229(RES)

BY REPRESENTATIVE HOLMES

1 Page 2, line 16:

2 Delete "a class-A"

3 Insert "

*are unit specific
licensed*

4 (1) a class-A (assistant guide) in ^{any} game management unit if the
5 registered guide-outfitter providing the services of a class-A assistant guide (is
6 able to demonstrate, to the satisfaction of the board, adequate knowledge of and
7 experience in the game management unit; and

8 (2) an"

*MP: + (the Board may
establish)*

*(not regulated
at this time)*

*James = make it
Q. more permissive*

Thor = w/ check y Paul ★

3

AMENDMENT

OFFERED IN THE HOUSE
TO: CSHB 229(RES)

BY REPRESENTATIVE HOLMES

1 Page 2, lines 20 - 28:

2 Delete all material and insert:

3 **"* Sec. 4.** AS 08.54.610(e) is amended to read:

4 (e) A registered guide-outfitter who contracts for a guided hunt shall be

5 [(1) PHYSICALLY PRESENT IN THE FIELD WITH THE CLIENT
6 AT LEAST ONCE DURING THE CONTRACTED HUNT; AND

7 (2)] in the field supervising and participating in the contracted hunt,
8 The contracting registered guide-outfitter shall also conduct the hunt, unless the
9 hunt, under regulations adopted by the board, is being conducted by a class-A
10 assistant guide or a registered guide-outfitter employed by the contracting registered
11 guide-outfitter."

definitions

Melanie Lesh

From: Apache <apache@wwwjnu02.legis.state.ak.us>
Sent: Thursday, March 01, 2012 1:32 PM
To: LIO Juneau; Melanie Lesh
Subject: Teleconference Order Form

Meeting: existing

Sponsor and/or Committee Name: Judiciary Committee

Date of Teleconference: March 2, 2012

Start Time: 1:00 p.m.

End Time: 3:00 p.m.

Chairing Site: Capitol Bldg., Juneau

Juneau Room: 120

Bill Information:

HB 229, Public, 3 min

Streamed to akl.tv: yes

Executive Session: no

Contact Person: Melanie Lesh

Telephone Number: 465-4990

Email Address: melanie.lesh@legis.state.ak.us

LIO Sites:

all lios

May other LIO's add: yes

Offnet Name(s):

Thor Stacy, Alaska Professional Hunters

Lt. Bernard Chastain, Alaska State Troopers, Wildlife Enforcement 269-5509 (off net)

Kevin Saxby, Department of Law, 269-5250 (off net)

Alaska

Big Game Commercial Services Board

Board Members

<u>Member Address</u>	<u>Position</u>	<u>Term Expires</u>
Ralph Andersen Bristol Bay Native Corporation P.O. Box 1177 Dillingham, AK 99576	Private Landholder	6/20/08
Roy Ashenfelter Kawerak Inc. P.O. Box 1969 Nome, AK 99762	Private Landholder	6/30/06
Colin B. Brown Yukon Eagle Air P.O. Box 203 Galena, AK 99741	Licensed Transporter	6/30/09
Paul E. Johnson Gull Cove Lodge P.O. Box 22 Elfin Cove, AK 99825	Board Chair License Registered Guide-Outfitter	6/30/09
Bob Mumford 13391 Baywind Drive Anchorage, AK 99615	Public Member	3/01/10
Richard A. Rohrer P.O. Box 2219 Kodiak, AK 99615	Licensed Registered Guide-Outfitter	6/30/07
Betty Jo Schmitz P.O. Box 57268 North Pole, AK 99705	Public Member	6/30/09
Ted H. Spraker 49230 Victoria Avenue Soldotna, AK 99669	Board of Game	6/30/08
Vacant	Licensed Transporter	

CS FOR HOUSE BILL NO. 229(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered: 2/20/12

Referred: Judiciary

Sponsor(s): REPRESENTATIVE FEIGE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the duties of the Big Game Commercial Services Board; relating to
2 activities, including violations and penalties, under the supervision of the Big Game
3 Commercial Services Board; and creating a retired status master guide-outfitter
4 license." "and providing for an effective date."

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

6 * Section 1. AS 08.54.600(c) is amended to read:

7 (c) In addition to the regulations required under (a) of this section, the
8 [THE] board may adopt regulations [AS] the board considers appropriate, including
9 regulations to

10 (1) establish a code of ethics for professions regulated by the board;

11 (2) establish requirements for the contents of written contracts to
12 provide big game hunting services and transportation services to clients;

13 (3) authorize the department to request a copy of a big game hunting
14 services or transportation services contract entered into by a person licensed under this

1 chapter.

2 * **Sec. 2.** AS 08.54 is amended by adding a new section to read:

3 **Sec. 08.54.608. Retired status master guide-outfitter license.** (a) On retiring
4 from guiding or outfitting, or both, and on payment of an appropriate one-time fee, an
5 individual who has held a master guide-outfitter license issued under AS 08.54.610
6 that has not been suspended or revoked under AS 08.54.710 may apply for a retired
7 status master guide-outfitter license. An individual holding a retired status master
8 guide-outfitter license may not guide or outfit in the state under the retired status
9 license. A retired status license is valid for the life of the license holder and does not
10 require renewal.

11 (b) An individual with a retired status master guide-outfitter license may apply
12 for a new registered guide-outfitter license under AS 08.54.610.

13 * **Sec. 3.** AS 08.54.610(d) is amended to read:

14 (d) Notwithstanding AS 08.54.750, a [A] person who is licensed as a
15 registered guide-outfitter may be employed by another registered guide-outfitter to
16 provide the services of a class-A [PERFORM THE FUNCTIONS OF A
17 REGISTERED GUIDE-OUTFITTER OR CLASS-A ASSISTANT GUIDE IN THE
18 GAME MANAGEMENT UNIT FOR WHICH THE PERSON IS CERTIFIED
19 UNDER AS 08.54.600 OR OF AN] assistant guide in any game management unit.

20 * **Sec. 4.** AS 08.54.610(e) is amended to read:

21 (e) A registered guide-outfitter who contracts for a guided hunt shall be
22 [(1) PHYSICALLY PRESENT IN THE FIELD WITH THE CLIENT
23 AT LEAST ONCE DURING THE CONTRACTED HUNT; AND
24 (2)] in the field supervising and participating in the contracted hunt
25 and conducting the hunt, unless the board adopts regulations permitting [HUNT
26 IS BEING CONDUCTED BY] a class-A assistant guide or a registered guide-outfitter
27 employed by a [THE] contracting registered guide-outfitter to conduct a hunt for a
28 contracting registered guide-outfitter.

29 * **Sec. 5.** AS 08.54.710 is amended by adding a new subsection to read:

30 (j) The board may suspend or permanently revoke a transporter license or any
31 class of guide license if the board finds after a hearing that the licensee engaged in

1 conduct involving unprofessionalism, moral turpitude, or gross immorality.

2 * **Sec. 6.** AS 08.54.720(f) is amended to read:

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

5 (1) the court may order the board to suspend the guide license or
6 transporter license of a person who commits a misdemeanor offense set out in (a)(1),
7 (3) - (5), (7), (8), (17), (18), or (19) of this section for a specified period of not more
8 than three years;

9 (2) the court shall order the board to suspend the guide license or
10 transporter license of a person who commits a misdemeanor offense set out in (a)(2) or
11 (9) - (14) [(8) - (14)] of this section for a specified period of not less than one year and
12 not more than five years;

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

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

21 * **Sec. 7.** AS 08.54.770(a) is amended to read:

22 (a) The department shall set fees under AS 08.01.065 for each of the
23 following:

- 24 (1) registered guide-outfitter license;
25 (2) class-A assistant guide license;
26 (3) assistant guide license;
27 (4) transporter license;
28 (5) retired status master guide-outfitter license;
29 (6) license application fee.

30 * **Sec. 8.** AS 08.54.790 is amended by adding new paragraphs to read:

31 (11) "any class of guide license" does not include a retired status

1 master guide-outfitter license;
2 (12) "licensee" means a person to whom a license, other than a retired
3 status master guide-outfitter license, has been issued under this chapter.

27-LS1328\M
Bullard
2/21/12

CS FOR SENATE BILL NO. 190()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS MENARD, Huggins

A BILL
FOR AN ACT ENTITLED

1 **"An Act relating to the duties of the Big Game Commercial Services Board; relating to**
2 **activities, including violations and penalties, under the supervision of the Big Game**
3 **Commercial Services Board; creating a retired status master guide-outfitter license; and**
4 **providing for an effective date."**

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8 **[THE] board may adopt regulations [AS] the board considers appropriate, including**
9 **regulations to**

- 10 (1) **establish a code of ethics for professions regulated by the board;**
- 11 (2) **establish requirements for the contents of written contracts to**
12 **provide big game hunting services and transportation services to clients;**
- 13 (3) **authorize the department to request a copy of a big game hunting**
14 **services or transportation services contract entered into by a person licensed under this**

1 chapter.

2 * **Sec. 2.** AS 08.54 is amended by adding a new section to read:

3 **Sec. 08.54.608. Retired status master guide-outfitter license.** (a) On retiring
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5 individual who has held a master guide-outfitter license issued under AS 08.54.610
6 that has not been suspended or revoked under AS 08.54.710 may apply for a retired
7 status master guide-outfitter license. An individual holding a retired status master
8 guide-outfitter license may not guide or outfit in the state under the retired status
9 license. A retired status license is valid for the life of the license holder and does not
10 require renewal.

11 (b) An individual with a retired status master guide-outfitter license may apply
12 for a new registered guide-outfitter license under AS 08.54.610.

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18 GAME MANAGEMENT UNIT FOR WHICH THE PERSON IS CERTIFIED
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24 (2)] in the field supervising and participating in the contracted hunt
25 and conducting the hunt, unless the board adopts regulations permitting [HUNT
26 IS BEING CONDUCTED BY] a class-A assistant guide or a registered guide-outfitter
27 employed by a [THE] contracting registered guide-outfitter to conduct a hunt for a
28 contracting registered guide-outfitter.

29 * **Sec. 5.** AS 08.54.710 is amended by adding a new subsection to read:

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5 (1) the court may order the board to suspend the guide license or
6 transporter license of a person who commits a misdemeanor offense set out in (a)(1),
7 (3) - (5), (7), (8), (17), (18), or (19) of this section for a specified period of not more
8 than three years;

9 (2) the court shall order the board to suspend the guide license or
10 transporter license of a person who commits a misdemeanor offense set out in (a)(2) or
11 (9) - (14) [(8) - (14)] of this section for a specified period of not less than one year and
12 not more than five years;

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

17 (4) all guns, fishing tackle, boats, aircraft, automobiles, or other
18 vehicles, camping gear, and other equipment and paraphernalia used in, or in aid of, a
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30 * Sec. 8. AS 08.54.790 is amended by adding new paragraphs to read:

31 (11) "any class of guide license" does not include a retired status

1 master guide-outfitter license;
2 (12) "licensee" means a person to whom a license, other than a retired
3 status master guide-outfitter license, has been issued under this chapter.
4 * **Sec. 9.** Section 4 of this Act takes effect July 1, 2013.
5 * **Sec. 10.** Except as provided by sec. 9 of this Act, this Act takes effect immediately under
6 AS 01.10.070(c).

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Region 33

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