

HB

229

<TARGET><BILL>HB 229</BILL><SUBJECT>HB
229</SUBJECT><COMM>SJUD27</COMM></TARGET>

Cindy Smith

From: Michael Paschall
Sent: Monday, March 26, 2012 11:31 AM
To: Cindy Smith
Subject: HB 229
Attachments: AAC Chapter 75 Big Game Commercial Services Board.pdf; AS Chapter 08 Big Game Commercial Services Board.pdf; BGCS Fact Sheet.pdf; BGCS Roster.pdf; HB 229 Letter - Kubat.pdf; HB 229 Letter - Vrem.pdf; HB 229 e-mail Comments Combined.pdf; HB 229 Letter APHA.pdf; HB 229 Letter BGCSB Johnson.pdf; HB 229 Request for Hearing SJUD.pdf; HB 229 Sectional Analysis HB 229(JUD) Ver E.pdf; HB 229 SPONSOR STATEMENT.pdf; HB 229 Ver 27-LS0764E CSHB(JUD).pdf; HB 229-DCCED-CBPL-02-24-12.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Cindy,

Here is the information for HB 229. Let me know if you need printed versions.

I have provided existing statute and administrative code. I'm not sure if you want to print them for the committee or not.

Mike

Michael Paschall
Office of Rep. Eric Feige
House District 12

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Room 126 – State Capitol
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Juneau, Alaska 99801

HB229

As amended in HB 229, AS.08.54.610(e) will provide the guiding industry with greater operational flexibility though further reduce the already minimal supervisory requirements for assistant guides. When considered relative to “supervision”⁽¹⁾ and “participation”⁽²⁾, as currently defined in regulation, the net effect will be to increase to potential pool of licensed guides that will **not have** to “supervise” assistant guides accompanying clients. If the words “participation” and “supervision” were defined in regulation in accordance with generally accepted meanings concerns would be reduced. However, “supervision”⁽¹⁾ as currently defined permits the following by an assistant guide:

- Have no direct (face to face) contact with the contracting guide for the entire hunting season
- If hunt less than five days in duration no contact with the “supervising” guide is required
- Without input from a “supervising” guide make all decisions regarding daily methods for conducting the hunt, including:
 - o Hunting methods
 - o Trophy judging
 - o Stalking
 - o Harvest methods
 - o Trophy care .

The requirement for the contracting or supervising guide to “participate” in the hunt when the assistant guide is alone in camp with the client can be met by a variety of methods. These include (12 AAC 75.250(c)⁽³⁾ “...in-person contact, radio contact, telephone contact, and signaling.” The term “signaling” provides a multitude of options such as smoke signals, signal mirror, or, just flying several thousand feet above the camp (assuming someone is in camp) and tilting the wings. It is doubtful any of these, other than “in-person contact”, would conform to general perceptions of “participation”.

The minimal requirements for “supervision” and “participation” might be rationalized if the requirements for an assistant guide license were high. However, the current regulatory requirements are:

- 18 years old
- Have first card
- Be recommended by a guide (*may substitute an approved guide school for requirement*)
- Have hunted in Alaska for 30 days for each of two years.
- Have harvested one big game animal (*small moose run over by “pick-up truck” would count*).

An individual meeting these qualifications for an assistant guide license, with the exception of booking hunts, can provide most if not all services allowed by a registered guide license. The latitude afforded assistant guides to provide services is considerably greater for than in such licensed or “Certificate of Fitness” professions such as barber/hairdresser or plumbers or electricians. With these professions a minimum of 2000 hours for barber/hairdressers, and 8000 hours for

electricians and plumbers, of training and supervision are required before assuming the professional responsibilities accorded to assistant guides. Please see table 1.

<u>State issued License</u>	<u>Direct Supervision</u>	<u>Class-room Instr.</u>	<u>Test</u>	<u>Source</u>
Plumber Cert. of	8000 hours ^(a)	1000 hours (may be part of 8000 hrs)	Yes ^(b)	8 AAC 90.130(1) ^(a) 8 AAC.90.115 ^(b)
Electrician	8000 hours ^(c)	1000 hours (may be part of 8000 hrs)	Yes ^(b)	8 AAC 90.160. ^(c) 8 AAC.90.115 ^(b)
Hairdresser/Barber	1650 ^(d)	350	Yes ^(e)	12 AAC 09.0029(B) ^(d) 12 AAC 09.005 ^(e)
Assistant Guide	<u>None</u>	<u>None</u>	<u>None</u>	

Table 1.

By Statute the State of Alaska requires non-residents of various classes to be accompanied by a class of licensed guide while hunting for sheep or goats or brown/grizzly bears. With the exception of "second degree of kindred" a non-resident must engage the services of a licensed guide before harvesting any of these species. As previously indicated, HB 229, AS.08.54.610(e) will essentially increase the "pool" of licensed guide the **DO NOT** have to supervise assistant guides providing a State mandated service. The already weak "participation" and "supervisory" definitions in regulation contribute in part to the follow:

1. Assistant guides conducting hunts for species they have never seen
2. Assistant guides having to "learn as they go" (at the expense of the client and resource)
3. Assistant guides failing the guiding examination at higher than to be expected rates.

As currently structured in regulation, a lifelong resident of Alaska, regardless of hunting experience can not accompany a non-resident friend for sheep or goats or brown/grizzly. However, an eighteen year-old that has never seen or hunted any of the species can as an assistant guide satisfy the requirement of a non-resident being accompanied by a guide for certain species. **With this situation it is difficult to understand how it is in the best interest of the resource or the well-being of the non-resident hunter to be required to use the services of a licensed professional guide.**

In Conclusion

If the current construction of the regulations regarding "qualifications" and "supervision" and "participation" are consistent with legislative intent there:

1. May be no need for requiring non-residents to be accompanied by a class of licensed guide.
2. May be other licensing processes that would be less cumbersome to administer and regulate and more suited to the intended purposes of licensing guides. An example might be the Commercial Driver's License ((CDL).

If the current construction of the regulations regarding “qualifications” and “supervision” and “participation” are inconsistent with legislative intent then:

1. Empanel a over-sight committee to review the current regulatory structure
2. Convey to the guiding industry, through a resolution, what is expected by way of standards and objectives.

I would like to take this opportunity to thank Representative Eric Feige (R) and his staff for their efforts in developing HB299 and this committee for taking the time to hear the bill.

Again, thank you.

Joe Want
(907-457-4736)
wantj43@gmail.com

2.

(1)

12 AAC 75.250. PARTICIPATION IN A HUNT. (a) Repealed 6/2/2011.

(b) A registered guide-outfitter who contracts to guide a hunt and who is participating in a hunt as required in AS 08.54.630(b)(3) shall be in communication, either personally or through an agent, with the assistant guide, who is in the field with the client, at least once during the hunt if the hunt is longer than five days.

(c) In this section, "communication" includes in-person contact, radio contact, telephone contact, and signaling.

(d) A registered guide-outfitter who contracts to outfit a hunt shall

(1) before leaving a client in the field, advise the client of the date, time, and location at which the registered guide-outfitter will pick up the client and the course of action the client should follow if the registered guideoutfitter is unable to pick up the client as planned;

(2) either personally or through a class-A assistant guide, an assistant guide, or a licensed transporter, transport the client into and out of the field at the planned date, time, and location, unless prevented by weather, mechanical problems, or other safety concerns; and

(3) check on or communicate with a client in the field as agreed to before transporting that client.

(2)

12 AAC 75.240. SUPERVISION. (a) A registered guide-outfitter who contracts to guide a hunt shall plan, direct, and monitor the big game hunting services provided to the client.

(b) At the conclusion of the hunt, a registered guide-outfitter who contracts to guide a hunt shall evaluate the performance of the assistant guide, class-A assistant guide, or registered guide-outfitter involved in the hunt to determine whether the big game hunting services provided to the client were satisfactory.

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(c) To comply with (b) of this section, the contracting registered guide-outfitter shall verbally communicate, by telephone or radio, or in person, with the client and the assistant guide, class-A assistant guide, or registered guideoutfitter involved in the hunt, separately or together, at least once within 10 days after the conclusion of the hunt.

The contracting registered guide-outfitter shall obtain the necessary information to evaluate the performance of the assistant guide, the class-A assistant guide, or registered guide-outfitter and determine whether the big game hunting services were provided safely, in accordance with state and federal law, and to the satisfaction of the client.

(d) The contracting registered guide-outfitter shall make a good faith effort to verbally communicate with the client to obtain the necessary information to evaluate the performance of the assistant guide, class-A assistant guide, or registered guide-outfitter. If the attempt to verbally communicate with the client is unsuccessful, the contracting registered guide-outfitter shall write to the client and request the necessary information to evaluate the performance of the assistant guide, the class-A assistant guide, or registered guide-outfitter. The contracting registered guideoutfitter shall write to the client within 60 days after the conclusion of the hunt.

(e) A registered guide-outfitter shall document on the hunt record the date the registered guide-outfitter complied with the verbal, or if applicable the written, client communication requirements in (c) and (d) of this section.

(f) The contracting registered-guide outfitter or a noncontracting registered guide-outfitter or class-A assistant guide supervising an assistant guide shall be available in the same guide use area, or an adjacent guide use area with a common border, to direct and monitor the big game hunting services provided to the client, except during times when

(1) an emergency situation exists that requires the guide's assistance; or

(2) the contracting registered guide-outfitter or noncontracting registered guide-outfitter or class-A assistant guide supervising the hunt is outside the guide use area or neighboring guide use area while

(A) in transit with meat or trophies in that or a neighboring guide use area;

(B) in transit with food, supplies, or clients directly associated with conducting guided hunts in that or a neighboring guide use area; or

(C) conducting important duties that are essential for completion of current contracted hunts.

(g) Repealed 7/30/2006.

(h) In this section, "emergency situation" means a situation in which a person is in a remote area and

(1) is involuntarily experiencing an absence of food, water, shelter, or medical care required to sustain life or health;

(2) is lost;

(3) is unable to perform the functions necessary for survival, leading to a high risk of death or serious and permanent health problems without the assistance of the guide; or

(4) the guide's presence is necessary for a family medical condition.

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
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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
Joint Armed Services Committee



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Juneau, Alaska 99801-1182
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House of Representatives

Sectional Analysis – HB 229(JUD) Version E

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 retiree status license that recognizes those that have earned a guide 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 primarily 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 as regulated by the board.

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 guide license may not guide.

Sec. 9: Provides an effective date for Sections 3, 4, and 5 of the bill of April 1, 2013.

Sec. 10: Provides for an immediate effective date for sections of the bill other than Sections 3, 4, and 5.

Prepared by Michael Paschall, Office of Rep. Eric Feige, March 26, 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

We appreciate your interest in Boards and Commissions. For further information contact the Boards and Commissions staff at (907) 465-3500 or at boards@alaska.gov.

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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	

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							
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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.

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



STATE OF ALASKA
DEPARTMENT OF
COMMERCE
COMMUNITY AND
ECONOMIC DEVELOPMENT

Division of Corporations, Business and Professional Licensing

Big Game Commercial Services Board

Sean Parnall, 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,

Paul Johnson
Chair, BGCSB

P.O. Box 110806, Juneau, AK 99811-0806

Telephone: (907) 465-2543 Fax: (907) 465-2974 Website: <http://www.commerce.state.ak.us/occ/pgui.htm>

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