

SB

190

<TARGET><BILL>SB 190</BILL><SUBJECT>SB
190</SUBJECT><COMM>SJUD27</COMM></TARGET>

Senator Linda Menard

Session

State Capitol, Room 9
Juneau, Alaska 99801
Phone: (907) 465-6600
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Interim

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Wasilla, Alaska 99654
Phone: (907) 376-3370
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Alaska State Legislature

To: Senator Hollis French

From: Senator Linda Menard
Alaska State Senate

Date: March 2, 2012

Re: Request for hearing for Senate Bill 190

Honorable Senator Hollis French

I respectfully request a hearing of the Senate Judiciary Committee for Senate Bill 190.

Senate Bill 190 is an act relating to activities, including violations and penalties, under the supervision of the Big Game Commercial Services Board.

Thank you for your consideration.

A handwritten signature in cursive script that reads "Linda Menard".

Sen. Linda Menard

Senator Linda Menard

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Sponsor Statement

Committee Substitute for Senate Bill 190

The Committee Substitute for Senate Bill 190 deals with licensing and disciplinary functions under the supervision of the Big Game Commercial Services Board and creates a retired status master guide-outfitter license. The changes to statute outlined in this sponsor statement were recommended by members of the Big Game Commercial Services Board and numerous other professional hunting guides in the state.

First, the bill would give the Big Game Commercial Services Board the ability to adopt regulations it considers appropriate in addition to regulations already set out in the Board's governing chapter.

The bill would provide retiring guides or outfitters the opportunity to receive, for a one-time payment, a retired master guide-outfitter license. An individual holding a retired status master guide-outfitter license may not guide or outfit in the state under the retire status license, but it will serve as a symbolic recognition of their achievements in the profession. The license is valid for the life of its holder and does not need to be renewed.

The bill also clarifies in statute that a person licensed as a registered guide-outfitter may be employed by another registered guide-outfitter to provide the services of a class-A assistant guide in any game management unit. The purpose is to make the statutes more clear and rid them of ambiguity regarding the relationship between a registered guide who is employed by another registered guide on a specific hunt.

Senate Bill 190 also gives the Big Game Commercial Services Board the ability to suspend or permanently revoke a transporter license or any class of guide license if the board finds, after a hearing, that the licensee engaged in conduct involving unprofessionalism, moral turpitude or gross immorality.

This bill will also allow the Big Game Commercial Services Board to adopt regulations eliminating the need for a contracting registered guide to be present in the field as long as a Class-A assistant guide or other registered guide employed by the contracting guide is conducting the hunt.

Further, the bill will update the statutes in Title 8 that inform the court of which violations by a licensee shall result in board suspension of a license and which violations may result in a board suspension of a license.

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."**

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.

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).

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version SB 190
 Fiscal Note Number _____
 () Publish Date _____

Identifier (file name) SB190-DCCED-CBPL-02-17-12 Dept. Affected DCCED
 Title Big Game Commercial Services Board Appropriation Corps, Bus & Professional Licenses
 Allocation Corps, Bus & Professional Licenses
 Sponsor Senator Menard
 Requester Senate Labor and Commerce 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	0.0		0.0	0.0	0.0	0.0	0.0
Travel	0.0		0.0	0.0	0.0	0.0	0.0
Services	0.0		0.0	0.0	0.0	0.0	0.0
Commodities	0.0		0.0	0.0	0.0	0.0	0.0
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	0.0	0.0	0.0	0.0	0.0	0.0	0.0
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Estimated SUPPLEMENTAL (FY12) operating costs _____ (separate supplemental appropriation required,
 (discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs _____ (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)

Initial version

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

Phone 465-2536
 Date/Time 2/17/12 2:45 PM
 Date 2/18/2012

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. SB 190

Analysis

SB 190 allows individuals that have retired from guiding or outfitting to pay a one-time fee and obtain a retired status master guide-outfitter license which would not require renewal. Individuals that obtains this license may not guide in the state under the retired status license.

This bill has zero fiscal impact.

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 Senator Menard,

I'm writing thank you for sponsoring SB 190 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. SB 190 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 SB 190 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 SB 190 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 SB 190 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

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

Big Game Commercial Services Board

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

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>

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

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
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Juneau, Alaska 99801-1182
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MEMORANDUM

February 29, 2012

SUBJECT: CSSB 190() Sectional Summary
(Work Order No. 27-LS1328\M)

TO: Senator Linda Menard
Attn: Michael Rovito

FROM: Alpheus Bullard *AB*
Legislative Counsel

You have requested a sectional summary of the above-described Work Order.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Expands the range of regulations the Big Game Commercial Services Board ("board") may adopt.

Section 2. Establishes a retired status master guide-outfitter license.

Section 3. Permits a person licensed as a registered guide-outfitter to be employed by another registered guide-outfitter as a class-A assistant guide in any game management unit. Under existing law, a person licensed as a registered guide outfitter could 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 was certified under AS 08.54.600 or as an assistant guide in any game management unit. The bill removes this possibility.

Section 4. Amends the duties, in the field, of a registered guide-outfitter who contracts for a guided hunt.

Section 5. Permits the board to suspend or permanently revoke a transporter license or any class of guide license if the board makes certain findings.

Section 6. Increases the period of time a court may order the board to suspend a guide license or a transporter license for certain violations under AS 08.54.720(a)(8).

Senator Linda Menard

February 29, 2012

Page 2

Section 7. Directs the Department of Commerce, Community, and Economic Development to set fees for a retired status master guide-outfitter license.

Section 8. Adds new definitions (relating to the addition of a retired status master guide-outfitter license at sec. 1) to AS 08.54.

Section 9. Provides a July 1, 2013, effective date for sec. 4 of the bill.

Section 10. Provides an immediate effective date for secs. 1 - 3 and 5 - 8 of the bill.

TLAB:plm
12-138.plm