

HB

41

<TARGET><BILL>HB 41</BILL><SUBJECT>HB
41</SUBJECT><COMM>HFIN29</COMM></TARGET>

CS FOR HOUSE BILL NO. 41(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES TILTON AND MUÑOZ

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to sport fishing services, sport fishing operators, and sport fishing
2 guides; and providing for an effective date."

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

4 * **Section 1.** AS 16.05.340(a) is amended by adding a new paragraph to read:

5 (27) Fishing services licenses

6 (A) Sport fishing operator license 200

7 (B) Sport fishing guide license 100

8 (C) Sport fishing operator and sport fishing guide combined
9 license 200.

10 * **Sec. 2.** AS 16.05.395 is amended to read:

11 **Sec. 16.05.395. Sport fishing vessel registration.** A [FOR CALENDAR
12 YEAR 2005 AND SUBSEQUENT CALENDAR YEARS, A] person may not use a
13 vessel to provide sport fishing services under AS 16.40.261 - 16.40.300 [AS 16.40.260
14 - 16.40.299] unless the vessel is registered with the department and proof of

1 registration is attached to and clearly visible on the vessel while the vessel is used to
2 provide sport fishing services. The department shall register vessels used to provide
3 sport fishing services, and provide proof of registration, without charge. The
4 department may adopt regulations as the department finds necessary to implement this
5 section.

6 * **Sec. 3.** AS 16.05.395, as amended by sec. 2 of this Act, is amended to read:

7 **Sec. 16.05.395. Sport fishing vessel registration.** A person may not use a
8 vessel to provide sport fishing services [UNDER AS 16.40.261 - 16.40.300] unless the
9 vessel is registered with the department and proof of registration is attached to and
10 clearly visible on the vessel while the vessel is used to provide sport fishing services.
11 The department shall register vessels used to provide sport fishing services, and
12 provide proof of registration, without charge. The department may adopt regulations
13 as the department finds necessary to implement this section.

14 * **Sec. 4.** AS 16.40 is amended by adding new sections to read:

15 **Sec. 16.40.261. Sport fishing operator license.** (a) The department shall issue
16 an annual sport fishing operator license to a person who

17 (1) holds a current business license under AS 43.70 to provide services
18 to sport fishermen;

19 (2) presents proof satisfactory to the department of a general liability
20 insurance policy or marine protection and indemnity insurance policy, covering the
21 services provided by the person and the person's employees to sport fishermen, that
22 provides coverage of at least \$100,000 for each incident, and \$300,000 for all
23 incidents in a year;

24 (3) pays the license fee prescribed by AS 16.05.340(a); and

25 (4) satisfies all additional requirements adopted in regulation by the
26 Board of Fisheries.

27 (b) A person may not provide sport fishing services unless the person holds a
28 current sport fishing operator license and has current insurance coverage as required in
29 (a)(2) of this section.

30 (c) A person who holds a current sport fishing operator license may contract to
31 provide sport fishing guide services to a sport fisherman through an employee who

1 holds a current sport fishing guide license under AS 16.40.271.

2 (d) A person who holds a current sport fishing operator license may not
3 directly provide sport fishing guide services to a sport fisherman unless the person also
4 holds a current sport fishing guide license under AS 16.40.271(b).

5 (e) A person who holds a sport fishing operator license may not aid in the
6 commission of a violation of AS 16.05 - AS 16.40 or a regulation adopted under
7 AS 16.05 - AS 16.40, including regulations relating to the proper method to release
8 fish, by a sport fishing guide who is employed by the person or by a sport fisherman
9 who is a client of the person.

10 **Sec. 16.40.271. Sport fishing guide license.** (a) A natural person may obtain
11 an annual sport fishing guide license if the person

12 (1) is a citizen of the United States, Canada, or Mexico, or is a resident
13 alien;

14 (2) is certified in first aid by the American Red Cross or a similar
15 organization;

16 (3) holds a license to carry passengers for hire issued by the United
17 States Coast Guard if the person operates a vessel in the provision of sport fishing
18 guide services and the license is required by the United States Coast Guard for the area
19 in which the fishing guide provides fishing guide services;

20 (4) holds a current sport fishing license from the state;

21 (5) pays the license fee prescribed by AS 16.05.340(a); and

22 (6) satisfies all additional requirements adopted in regulation by the
23 Board of Fisheries.

24 (b) A natural person may obtain an annual sport fishing operator and sport
25 fishing guide combined license if the person satisfies the requirements for a sport
26 fishing operator license under AS 16.40.261 and for a sport fishing guide license under
27 this section and pays the license fee prescribed by AS 16.05.340(a).

28 (c) A person may not provide sport fishing guide services unless the person

29 (1) holds a current sport fishing guide license; and

30 (2) holds a current sport fishing operator license or is an employee of a
31 person who holds a current sport fishing operator license.

1 (d) A sport fishing guide may provide sport fishing guide services only to
 2 persons who have engaged the services of the sport fishing operator by whom the
 3 sport fishing guide is employed. A sport fishing guide may not contract directly with a
 4 person to provide sport fishing guide services to a person unless the sport fishing
 5 guide also holds a current sport fishing operator license.

6 (e) While engaged in providing sport fishing guide services, a sport fishing
 7 guide shall have readily available for inspection

8 (1) a current sport fishing guide license;

9 (2) the current licenses, tags, and permits that are required to engage in
 10 the sport fishery for which the sport fishing guide services are being provided;

11 (3) a driver's license or similar identification card that is issued by a
 12 state or federal agency and that bears a photograph of the fishing guide; and

13 (4) proof of

14 (A) employment as a sport fishing guide by a person who holds
 15 a current sport fishing operator license; or

16 (B) current licensure as a sport fishing operator.

17 (f) A sport fishing guide may not

18 (1) aid in the commission of a violation of AS 16.05 - AS 16.40 or a
 19 regulation adopted under AS 16.05 - AS 16.40 by a client of the sport fishing guide; or

20 (2) permit the commission by a client of the sport fishing guide of a
 21 violation of AS 16.05 - AS 16.40 or a regulation adopted under AS 16.05 - AS 16.40
 22 that the sport fishing guide knows or reasonably believes is being or will be committed
 23 without

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

25 (B) reporting the violation.

26 **Sec. 16.40.281. Reports.** (a) The department may collect information from
 27 sport fishing guides, including

28 (1) the name and license number of each vessel licensed under
 29 AS 16.05.490 that is used in providing sport fishing guide services;

30 (2) the amount of fishing effort, catch, and harvest by clients of a sport
 31 fishing guide;

1 (3) the locations fished during the provision of sport fishing guide
2 services; and

3 (4) other information that the department or board requires by
4 regulation.

5 (b) A person who holds a license issued under AS 16.40.261 or 16.40.271
6 shall comply with the reporting requirements in this section and reporting
7 requirements adopted in regulation by the department or board. The department and
8 the board may adopt by regulation requirements for timely submission of reports
9 required under this section or under regulations adopted by the department or board.

10 (c) A person who is required to complete reports under this section may not
11 provide false information or omit material facts in a report.

12 (d) A person who is required to complete reports under this section may not be
13 issued a new license under AS 16.40.261 or 16.40.271 unless the department has
14 received all reports required under this section for the preceding year.

15 (e) Information collected under this section is confidential to the extent
16 provided under AS 16.05.815.

17 (f) The department or board may adopt regulations under AS 44.62
18 (Administrative Procedure Act) that it considers necessary to implement this section.

19 **Sec. 16.40.291. Penalty.** (a) Except as provided in (b) and (c) of this section, a
20 person who knowingly violates AS 16.40.261 - 16.40.300 or a regulation adopted
21 under AS 16.40.261 - 16.40.300 is guilty of a class A misdemeanor. However, this
22 subsection does not apply to the failure to hold a current business license under
23 AS 16.40.261(a)(1) as required under AS 43.70.

24 (b) A person who, without any culpable mental state, violates AS 16.40.271(e)
25 is guilty of a violation.

26 (c) A person who knowingly violates AS 16.40.271(e) or who knowingly fails
27 to comply with a requirement for timely submission of reports required by a regulation
28 adopted under AS 16.40.281(b) is, for a

29 (1) first offense in a three-year period, guilty of a violation; and

30 (2) second or subsequent offense in a three-year period, guilty of a
31 class B misdemeanor.

1 (d) In addition to any other penalty provided by law, a court may revoke the
 2 sport fishing guide license of a person who is convicted under (a) or (c)(2) of this
 3 section.

4 (e) In this section, "knowingly" has the meaning given in AS 11.81.900(a).

5 **Sec. 16.40.300. Definitions.** In AS 16.40.261 - 16.40.300,

6 (1) "sport fishing guide" means a person who is licensed to provide
 7 sport fishing guide services to persons who are engaged in sport fishing;

8 (2) "sport fishing guide services" means assistance, for compensation
 9 or with the intent to receive compensation, to a sport fisherman to take or to attempt to
 10 take fish by accompanying or physically directing the sport fisherman in sport fishing
 11 activities during any part of a sport fishing trip; "sport fishing guide services" does not
 12 include

13 (A) sport fishing services; or

14 (B) services provided by an assistant, deckhand, or similar
 15 person who works directly under the supervision of and on the same vessel as a
 16 sport fishing guide;

17 (3) "sport fishing services" means the indirect provision of assistance,
 18 for compensation or with the intent to receive compensation, to a person engaged in
 19 sport fishing in taking or attempting to take fish or shellfish by a business that
 20 employs a sport fishing guide to provide sport fishing guide services to the person
 21 during any portion of a sport fishing trip; "sport fishing services" does not include

22 (A) an activity for which a sport fishing guide license is
 23 required; or

24 (B) booking and other ancillary services provided by a tour
 25 broker or agent to a sport fishing services operator.

26 * **Sec. 5.** AS 25.27.244(s)(2) is amended to read:

27 (2) "license"

28 (A) means, except as provided in (B) of this paragraph, a
 29 license, certificate, permit, registration, or other authorization that, at the time
 30 of issuance, will be valid for more than 150 days and that may be acquired
 31 from a state agency to perform an occupation, including the following:

- 1 (i) license relating to boxing or wrestling under
2 AS 05.10;
- 3 (ii) authorization to perform an occupation regulated
4 under AS 08;
- 5 (iii) teacher certificate under AS 14.20;
- 6 (iv) authorization under AS 18.08 to perform
7 emergency medical services;
- 8 (v) asbestos worker certification under AS 18.31;
- 9 (vi) boiler operator's license under AS 18.60.395;
- 10 (vii) certificate of fitness under AS 18.62;
- 11 (viii) hazardous painting certification under AS 18.63;
- 12 (ix) security guard license under AS 18.65.400 -
13 18.65.490;
- 14 (x) license relating to insurance under AS 21.27;
- 15 (xi) employment agency permit under AS 23.15.330 -
16 23.15.520;
- 17 (xii) registration as a broker-dealer, an agent, a state
18 investment adviser, or an investment adviser representative under
19 AS 45.55.030;
- 20 (xiii) certification as a pesticide applicator under
21 AS 46.03.320;
- 22 (xiv) certification as a storage tank worker or contractor
23 under AS 46.03.375;
- 24 (xv) certification as a water and wastewater works
25 operator under AS 46.30;
- 26 (xvi) commercial crewmember fishing license under
27 AS 16.05.480 other than an entry permit or interim-use permit under
28 AS 16.43;
- 29 (xvii) fish transporter permit under AS 16.05.671;
- 30 (xviii) sport fishing operator license under
31 AS 16.40.261;

(xix) sport fishing guide license under AS 16.40.271;

[REPEALED]

(xix) REPEALED]

(B) does not include

(i) a vessel license issued under AS 16.05.490 or 16.05.530;

(ii) [REPEALED]

(iii)] a business license issued under AS 43.70;

(iii) [(iv)] an entry permit or interim-use permit issued under AS 16.43; or

(iv) [(v)] a driver's license issued under AS 28.15;

* Sec. 6. AS 41.21.506(b) is amended to read:

(b) The commissioner shall adopt regulations under AS 44.62 (Administrative Procedure Act) that are necessary to achieve the purposes of AS 41.21.500 - 41.21.514 and to implement the plan adopted under (a) of this section. The regulations must

(1) designate incompatible uses and prohibit or restrict them; and

(2) establish a registration, licensing, or comparable procedure for professional fishing guides and such additional fishing guide controls as the commissioner considers necessary; notwithstanding the requirements established by the commissioner to implement this paragraph, the commissioner shall establish a procedure by which the holder of a valid sport fishing operator license issued under AS 16.40.261 may petition for, and the director of the division of parks, or the director's designee, shall expeditiously issue, a waiver to allow the sport fishing operator license holder to use the services in the Kenai River Special Management Area of a guide licensed under AS 16.40.271 who has not completed the procedures and additional controls that are required by the department under this paragraph; the waiver authorized in this paragraph applies only for the duration of the sport fishing season during which the waiver application is submitted and only if the sport fishing operator license holder

(A) employing the licensed guide has lost the services of a licensed guide because of unforeseen circumstances; and

1 (B) is unable to hire as a replacement an available licensed
 2 guide who has satisfied all the requirements of this paragraph, including
 3 those required by regulation.

4 * Sec. 7. AS 41.21.506(b), as amended by sec. 6 of this Act, is amended to read:

5 (b) The commissioner shall adopt regulations under AS 44.62 (Administrative
 6 Procedure Act) that are necessary to achieve the purposes of AS 41.21.500 - 41.21.514
 7 and to implement the plan adopted under (a) of this section. The regulations must

8 (1) designate incompatible uses and prohibit or restrict them; and

9 (2) establish a registration, licensing, or comparable procedure for
 10 professional fishing guides and such additional fishing guide controls as the
 11 commissioner considers necessary [; NOTWITHSTANDING THE
 12 REQUIREMENTS ESTABLISHED BY THE COMMISSIONER TO IMPLEMENT
 13 THIS PARAGRAPH, THE COMMISSIONER SHALL ESTABLISH A
 14 PROCEDURE BY WHICH THE HOLDER OF A VALID SPORT FISHING
 15 OPERATOR LICENSE ISSUED UNDER AS 16.40.261 MAY PETITION FOR,
 16 AND THE DIRECTOR OF THE DIVISION OF PARKS, OR THE DIRECTOR'S
 17 DESIGNEE, SHALL EXPEDITIOUSLY ISSUE, A WAIVER TO ALLOW THE
 18 SPORT FISHING OPERATOR LICENSE HOLDER TO USE THE SERVICES IN
 19 THE KENAI RIVER SPECIAL MANAGEMENT AREA OF A GUIDE LICENSED
 20 UNDER AS 16.40.271 WHO HAS NOT COMPLETED THE PROCEDURES AND
 21 ADDITIONAL CONTROLS THAT ARE REQUIRED BY THE DEPARTMENT
 22 UNDER THIS PARAGRAPH; THE WAIVER AUTHORIZED IN THIS
 23 PARAGRAPH APPLIES ONLY FOR THE DURATION OF THE SPORT FISHING
 24 SEASON DURING WHICH THE WAIVER APPLICATION IS SUBMITTED AND
 25 ONLY IF THE SPORT FISHING OPERATOR LICENSE HOLDER

26 (A) EMPLOYING THE LICENSED GUIDE HAS LOST THE
 27 SERVICES OF A LICENSED GUIDE BECAUSE OF UNFORESEEN
 28 CIRCUMSTANCES; AND

29 (B) IS UNABLE TO HIRE AS A REPLACEMENT AN
 30 AVAILABLE LICENSED GUIDE WHO HAS SATISFIED ALL THE
 31 REQUIREMENTS OF THIS PARAGRAPH, INCLUDING THOSE

1 REQUIRED BY REGULATION].

2 * **Sec. 8.** AS 16.05.340(a)(27); AS 16.40.261, 16.40.271, 16.40.281, 16.40.291, 16.40.300;
3 AS 25.27.244(s)(2)(A)(xviii), and 25.27.244(s)(2)(A)(xix) are repealed.

4 * **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to
5 read:

6 REGULATIONS. Notwithstanding AS 44.62.190, the Department of Fish and Game
7 may use and enforce regulations previously adopted to administer former AS 16.40.260 -
8 16.40.299 to the extent those regulations do not conflict with the provisions of this Act. The
9 Department of Fish and Game shall update and readopt those regulations in accordance with
10 AS 44.62 (Administrative Procedure Act) to conform to the provisions of this Act. The
11 regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the
12 effective date of the law implemented by the regulation.

13 * **Sec. 10.** Section 9 of this Act takes effect immediately under AS 01.10.070(c).

14 * **Sec. 11.** Sections 3, 7, and 8 of this Act take effect January 1, 2026.

15 * **Sec. 12.** Except as provided in secs. 10 and 11 of this Act, this Act takes effect January 1,
16 2016.

Fiscal Note

State of Alaska
2015 Legislative Session

Bill Version: HB 41
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB041CS(FIN)-DFG-DSF-04-02-15
Title: SPORT FISHING SERVICES
Sponsor: TILTON, MUNOZ
Requester: House Finance Committee

Department: Department of Fish and Game
Appropriation: Sport Fisheries
Allocation: Sport Fisheries
OMB Component Number: 464

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2016	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2016 Request	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
OPERATING EXPENDITURES	FY 2016	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Personal Services		312.8	312.8	312.8	312.8	312.8	312.8
Travel		5.5	5.5	5.5	5.5	5.5	5.5
Services		58.4	58.4	58.4	58.4	58.4	58.4
Commodities		6.0	6.0	6.0	6.0	6.0	6.0
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	382.7	382.7	382.7	382.7	382.7	382.7

Fund Source (Operating Only)

1024 Fish/Game		382.7	382.7	382.7	382.7	382.7	382.7
Total	0.0	382.7	382.7	382.7	382.7	382.7	382.7

Positions

Full-time		6.0	6.0	6.0	6.0	6.0	6.0
Part-time							
Temporary							

Change in Revenues		361.9	411.2	411.2	411.2	411.2	411.2
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Estimated SUPPLEMENTAL (FY2015) cost: 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2016) cost: 0.0 (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? Yes
If yes, by what date are the regulations to be adopted, amended or repealed? 03/31/16

Why this fiscal note differs from previous version:

The fiscal note reflects the new change in fee structure to be effective Jan. 1, 2016.

Prepared By:	Thomas Brookover, Acting Director	Phone:	(907)267-2150
Division:	Division of Sport Fish	Date:	04/02/2015 12:30 PM
Approved By:	Sunny Haight, Administrative Services Director	Date:	04/02/15
Agency:	Fish and Game		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2015 LEGISLATIVE SESSION

BILL NO. HB 41

Analysis

Committee Substitute for House Bill 41 reinstates the licensing and logbook program, as well as reestablishes some minimum standards for sport fishing guides and sport fishing operators that were in place until December 31, 2014. Under this program the Division of Sport Fish will license all sport fishing business owners and sport fishing guides, register all vessels used in guided sport fishing trips, issue identifying decals, issue logbooks to all sport fishing businesses for the recording of specific harvest and effort data for each guided fishing trip, and record all of this information into appropriate databases. It is estimated that there will be 1,742 guides and 1,185 guide businesses that will fall under the purview of this program.

The total cost of running the current sport fishing services program in FY16 is \$382.7.

Total FY16 Cost Breakdown

Personal Services	\$312.8
Travel	\$ 5.5
Services	\$ 58.4
<u>Commodities</u>	<u>\$ 6.0</u>
Total	\$382.7

Personal services includes one full-time Office Assistant I for 11 months (\$53.9), one full-time Fish and Game Program Technician for 12 months (\$69.8), one full-time Office Assistant II for 6 months (\$33.7), two full-time Office Assistants for 7 months (\$79.4), and one full-time Program Coordinator for 6 months (\$76.0).

Revenue generated under the proposed fee structure:

The licensing fee structure portion of HB 41 would begin on January 1, 2016 (\$100 for Guides only and \$200 for Sport Fish Business or Sport Fish Owner and Guide) and generate approximately \$411.2 in annual revenue which would slightly exceed support for the current program costs. Expenditures are calculated on a fiscal year basis and fees are charged on a calendar year basis with expected revenues to be collected across the two fiscal years, 88% January through June and 12% July through December.

This bill analysis shows the cost of the program under the current logbook program and does not reflect costs once the electronic logbook program is implemented. When the electronic logbook program is implemented we anticipate some level of savings, but at this time we are unable to quantify those savings.

It is anticipated that the regulations relating to the implementation of this program should be in effect by March 31, 2016.

*Adopted
04-03-15*

29-LS0238P
Bullard
3/25/15

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IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

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Offered:

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18 to sport fishermen;

19 (2) presents proof satisfactory to the department of a general liability
20 insurance policy or marine protection and indemnity insurance policy, covering the
21 services provided by the person and the person's employees to sport fishermen, that
22 provides coverage of at least \$100,000 for each incident, and \$300,000 for all
23 incidents in a year;

24 (3) pays the license fee prescribed by AS 16.05.340(a); and

25 (4) satisfies all additional requirements adopted in regulation by the
26 Board of Fisheries.

27 (b) A person may not provide sport fishing services unless the person holds a
28 current sport fishing operator license and has current insurance coverage as required in
29 (a)(2) of this section.

30 (c) A person who holds a current sport fishing operator license may contract to
31 provide sport fishing guide services to a sport fisherman through an employee who

1 holds a current sport fishing guide license under AS 16.40.271.

2 (d) A person who holds a current sport fishing operator license may not
3 directly provide sport fishing guide services to a sport fisherman unless the person also
4 holds a current sport fishing guide license under AS 16.40.271(b).

5 (e) A person who holds a sport fishing operator license may not aid in the
6 commission of a violation of AS 16.05 - AS 16.40 or a regulation adopted under
7 AS 16.05 - AS 16.40, including regulations relating to the proper method to release
8 fish, by a sport fishing guide who is employed by the person or by a sport fisherman
9 who is a client of the person.

10 **Sec. 16.40.271. Sport fishing guide license.** (a) A natural person may obtain
11 an annual sport fishing guide license if the person

12 (1) is a citizen of the United States, Canada, or Mexico, or is a resident
13 alien;

14 (2) is certified in first aid by the American Red Cross or a similar
15 organization;

16 (3) holds a license to carry passengers for hire issued by the United
17 States Coast Guard if the person operates a vessel in the provision of sport fishing
18 guide services and the license is required by the United States Coast Guard for the area
19 in which the fishing guide provides fishing guide services;

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21 (5) pays the license fee prescribed by AS 16.05.340(a); and

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23 Board of Fisheries.

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2 persons who have engaged the services of the sport fishing operator by whom the
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5 guide also holds a current sport fishing operator license.

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7 guide shall have readily available for inspection

8 (1) a current sport fishing guide license;

9 (2) the current licenses, tags, and permits that are required to engage in
10 the sport fishery for which the sport fishing guide services are being provided;

11 (3) a driver's license or similar identification card that is issued by a
12 state or federal agency and that bears a photograph of the fishing guide; and

13 (4) proof of

14 (A) employment as a sport fishing guide by a person who holds
15 a current sport fishing operator license; or

16 (B) current licensure as a sport fishing operator.

17 (f) A sport fishing guide may not

18 (1) aid in the commission of a violation of AS 16.05 - AS 16.40 or a
19 regulation adopted under AS 16.05 - AS 16.40 by a client of the sport fishing guide; or

20 (2) permit the commission by a client of the sport fishing guide of a
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24 (A) attempting to prevent it, short of using force; and

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29 AS 16.05.490 that is used in providing sport fishing guide services;

30 (2) the amount of fishing effort, catch, and harvest by clients of a sport
31 fishing guide;

1 (3) the locations fished during the provision of sport fishing guide
2 services; and

3 (4) other information that the department or board requires by
4 regulation.

5 (b) A person who holds a license issued under AS 16.40.261 or 16.40.271
6 shall comply with the reporting requirements in this section and reporting
7 requirements adopted in regulation by the department or board. The department and
8 the board may adopt by regulation requirements for timely submission of reports
9 required under this section or under regulations adopted by the department or board.

10 (c) A person who is required to complete reports under this section may not
11 provide false information or omit material facts in a report.

12 (d) A person who is required to complete reports under this section may not be
13 issued a new license under AS 16.40.261 or 16.40.271 unless the department has
14 received all reports required under this section for the preceding year.

15 (e) Information collected under this section is confidential to the extent
16 provided under AS 16.05.815.

17 (f) The department or board may adopt regulations under AS 44.62
18 (Administrative Procedure Act) that it considers necessary to implement this section.

19 **Sec. 16.40.291. Penalty.** (a) Except as provided in (b) and (c) of this section, a
20 person who knowingly violates AS 16.40.261 - 16.40.300 or a regulation adopted
21 under AS 16.40.261 - 16.40.300 is guilty of a class A misdemeanor. However, this
22 subsection does not apply to the failure to hold a current business license under
23 AS 16.40.261(a)(1) as required under AS 43.70.

24 (b) A person who, without any culpable mental state, violates AS 16.40.271(e)
25 is guilty of a violation.

26 (c) A person who knowingly violates AS 16.40.271(e) or who knowingly fails
27 to comply with a requirement for timely submission of reports required by a regulation
28 adopted under AS 16.40.281(b) is, for a

29 (1) first offense in a three-year period, guilty of a violation; and

30 (2) second or subsequent offense in a three-year period, guilty of a
31 class B misdemeanor.

1 (d) In addition to any other penalty provided by law, a court may revoke the
2 sport fishing guide license of a person who is convicted under (a) or (c)(2) of this
3 section.

4 (e) In this section, "knowingly" has the meaning given in AS 11.81.900(a).

5 **Sec. 16.40.300. Definitions.** In AS 16.40.261 - 16.40.300,

6 (1) "sport fishing guide" means a person who is licensed to provide
7 sport fishing guide services to persons who are engaged in sport fishing;

8 (2) "sport fishing guide services" means assistance, for compensation
9 or with the intent to receive compensation, to a sport fisherman to take or to attempt to
10 take fish by accompanying or physically directing the sport fisherman in sport fishing
11 activities during any part of a sport fishing trip; "sport fishing guide services" does not
12 include

13 (A) sport fishing services; or

14 (B) services provided by an assistant, deckhand, or similar
15 person who works directly under the supervision of and on the same vessel as a
16 sport fishing guide;

17 (3) "sport fishing services" means the indirect provision of assistance,
18 for compensation or with the intent to receive compensation, to a person engaged in
19 sport fishing in taking or attempting to take fish or shellfish by a business that
20 employs a sport fishing guide to provide sport fishing guide services to the person
21 during any portion of a sport fishing trip; "sport fishing services" does not include

22 (A) an activity for which a sport fishing guide license is
23 required; or

24 (B) booking and other ancillary services provided by a tour
25 broker or agent to a sport fishing services operator.

26 * **Sec. 5.** AS 25.27.244(s)(2) is amended to read:

27 (2) "license"

28 (A) means, except as provided in (B) of this paragraph, a
29 license, certificate, permit, registration, or other authorization that, at the time
30 of issuance, will be valid for more than 150 days and that may be acquired
31 from a state agency to perform an occupation, including the following:

- 1 (i) license relating to boxing or wrestling under
2 AS 05.10;
- 3 (ii) authorization to perform an occupation regulated
4 under AS 08;
- 5 (iii) teacher certificate under AS 14.20;
- 6 (iv) authorization under AS 18.08 to perform
7 emergency medical services;
- 8 (v) asbestos worker certification under AS 18.31;
- 9 (vi) boiler operator's license under AS 18.60.395;
- 10 (vii) certificate of fitness under AS 18.62;
- 11 (viii) hazardous painting certification under AS 18.63;
- 12 (ix) security guard license under AS 18.65.400 -
13 18.65.490;
- 14 (x) license relating to insurance under AS 21.27;
- 15 (xi) employment agency permit under AS 23.15.330 -
16 23.15.520;
- 17 (xii) registration as a broker-dealer, an agent, a state
18 investment adviser, or an investment adviser representative under
19 AS 45.55.030;
- 20 (xiii) certification as a pesticide applicator under
21 AS 46.03.320;
- 22 (xiv) certification as a storage tank worker or contractor
23 under AS 46.03.375;
- 24 (xv) certification as a water and wastewater works
25 operator under AS 46.30;
- 26 (xvi) commercial crewmember fishing license under
27 AS 16.05.480 other than an entry permit or interim-use permit under
28 AS 16.43;
- 29 (xvii) fish transporter permit under AS 16.05.671;
- 30 (xviii) sport fishing operator license under
31 AS 16.40.261;

1 (xix) sport fishing guide license under AS 16.40.271;

2 [REPEALED]

3 (xix) REPEALED]

4 (B) does not include

5 (i) a vessel license issued under AS 16.05.490 or
6 16.05.530;

7 (ii) [REPEALED

8 (iii)] a business license issued under AS 43.70;

9 (iii) [(iv)] an entry permit or interim-use permit issued
10 under AS 16.43; or

11 (iv) [(v)] a driver's license issued under AS 28.15;

12 * **Sec. 6.** AS 41.21.506(b) is amended to read:

13 (b) The commissioner shall adopt regulations under AS 44.62 (Administrative
14 Procedure Act) that are necessary to achieve the purposes of AS 41.21.500 - 41.21.514
15 and to implement the plan adopted under (a) of this section. The regulations must

16 (1) designate incompatible uses and prohibit or restrict them; and

17 (2) establish a registration, licensing, or comparable procedure for
18 professional fishing guides and such additional fishing guide controls as the
19 commissioner considers necessary; **notwithstanding the requirements established**
20 **by the commissioner to implement this paragraph, the commissioner shall**
21 **establish a procedure by which the holder of a valid sport fishing operator license**
22 **issued under AS 16.40.261 may petition for, and the director of the division of**
23 **parks, or the director's designee, shall expeditiously issue, a waiver to allow the**
24 **sport fishing operator license holder to use the services in the Kenai River Special**
25 **Management Area of a guide licensed under AS 16.40.271 who has not completed**
26 **the procedures and additional controls that are required by the department**
27 **under this paragraph; the waiver authorized in this paragraph applies only for**
28 **the duration of the sport fishing season during which the waiver application is**
29 **submitted and only if the sport fishing operator license holder**

30 **(A) employing the licensed guide has lost the services of a**
31 **licensed guide because of unforeseen circumstances; and**

1 **(B) is unable to hire as a replacement an available licensed**
2 **guide who has satisfied all the requirements of this paragraph, including**
3 **those required by regulation.**

4 * Sec. 7. AS 41.21.506(b), as amended by sec. 6 of this Act, is amended to read:

5 (b) The commissioner shall adopt regulations under AS 44.62 (Administrative
6 Procedure Act) that are necessary to achieve the purposes of AS 41.21.500 - 41.21.514
7 and to implement the plan adopted under (a) of this section. The regulations must

8 (1) designate incompatible uses and prohibit or restrict them; and

9 (2) establish a registration, licensing, or comparable procedure for
10 professional fishing guides and such additional fishing guide controls as the
11 commissioner considers necessary [; NOTWITHSTANDING THE
12 REQUIREMENTS ESTABLISHED BY THE COMMISSIONER TO IMPLEMENT
13 THIS PARAGRAPH, THE COMMISSIONER SHALL ESTABLISH A
14 PROCEDURE BY WHICH THE HOLDER OF A VALID SPORT FISHING
15 OPERATOR LICENSE ISSUED UNDER AS 16.40.261 MAY PETITION FOR,
16 AND THE DIRECTOR OF THE DIVISION OF PARKS, OR THE DIRECTOR'S
17 DESIGNEE, SHALL EXPEDITIOUSLY ISSUE, A WAIVER TO ALLOW THE
18 SPORT FISHING OPERATOR LICENSE HOLDER TO USE THE SERVICES IN
19 THE KENAI RIVER SPECIAL MANAGEMENT AREA OF A GUIDE LICENSED
20 UNDER AS 16.40.271 WHO HAS NOT COMPLETED THE PROCEDURES AND
21 ADDITIONAL CONTROLS THAT ARE REQUIRED BY THE DEPARTMENT
22 UNDER THIS PARAGRAPH; THE WAIVER AUTHORIZED IN THIS
23 PARAGRAPH APPLIES ONLY FOR THE DURATION OF THE SPORT FISHING
24 SEASON DURING WHICH THE WAIVER APPLICATION IS SUBMITTED AND
25 ONLY IF THE SPORT FISHING OPERATOR LICENSE HOLDER

26 (A) EMPLOYING THE LICENSED GUIDE HAS LOST THE
27 SERVICES OF A LICENSED GUIDE BECAUSE OF UNFORESEEN
28 CIRCUMSTANCES; AND

29 (B) IS UNABLE TO HIRE AS A REPLACEMENT AN
30 AVAILABLE LICENSED GUIDE WHO HAS SATISFIED ALL THE
31 REQUIREMENTS OF THIS PARAGRAPH, INCLUDING THOSE

1 REQUIRED BY REGULATION].

2 * **Sec. 8.** AS 16.05.340(a)(27); AS 16.40.261, 16.40.271, 16.40.281, 16.40.291, 16.40.300;
3 AS 25.27.244(s)(2)(A)(xviii), and 25.27.244(s)(2)(A)(xix) are repealed.

4 * **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to
5 read:

6 REGULATIONS. Notwithstanding AS 44.62.190, the Department of Fish and Game
7 may use and enforce regulations previously adopted to administer former AS 16.40.260 -
8 16.40.299 to the extent those regulations do not conflict with the provisions of this Act. The
9 Department of Fish and Game shall update and readopt those regulations in accordance with
10 AS 44.62 (Administrative Procedure Act) to conform to the provisions of this Act. The
11 regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the
12 effective date of the law implemented by the regulation.

13 * **Sec. 10.** Section 9 of this Act takes effect immediately under AS 01.10.070(c).

14 * **Sec. 11.** Sections 3, 7, and 8 of this Act take effect January 1, 2026.

15 * **Sec. 12.** Except as provided in secs. 10 and 11 of this Act, this Act takes effect January 1,
16 2016.

Helen Phillips

From: Rep. Steve Thompson
Sent: Tuesday, March 31, 2015 1:20 PM
To: Helen Phillips; Jane Pierson
Subject: FW: Support for House Bill 41

From: Chris Conder [mailto:rumrunnr@alaska.net]
Sent: Wednesday, January 28, 2015 4:54 PM
To: Rep. Steve Thompson
Subject: Support for House Bill 41

	Rum Runner Charters P. O. Box 210954 Auke Bay, AK 99821 907-789-5482 <u>www.rumrunnercharters.net</u> Our 25th Year!	
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January 23, 2015

Re: Support of Sport Fishing Guide License Program HB41

Dear Rep. Steve Thompson:

I am writing you to express my strong support for House Bill 41; reinstatement of the Sport Fishing Guide License Program that sunsetted on December 31, 2014.

* This program has been working well and is not only in the best interests of the industry but also in the best interest of the public as it ensured that fishing guides and operators met certain industry standards and safety requirements. This program had functioned for many years without any issues that I am aware of.

Without approval of HB 41 there will be no avenue in place through ADF&G to properly process applications for Sport Fishing Guide Service providers or operators unless the onerous Fishing Guide Board is established.

Our industry is already fully regulated by NMFS, NOAA, USCG, and ADF&G and HB 41. We simply do not need more red tape and the politics that a Fishing Guide Board would create. Our State does not need the additional expense of establishing and maintaining this board.

The proposed fee structure of the Sport Fishing Guide Program would make the program pay for itself without additional cost to the State. If costs needed to be reduced even further, the Guide Log book would be simple to streamline, saving expense both in production and tabulation.

If you have any questions please don't hesitate to contact me. Thank you for your time.

Sincerely,

Capt. Chris Conder

Rum Runner Charters

P.O.B. 210954

Auke Bay, Alaska

rumrunnr@alaska.net

www.rumrunnercharters.net

Helen Phillips

From: Rep. Steve Thompson
Sent: Tuesday, March 31, 2015 12:12 PM
To: Helen Phillips; Jane Pierson
Subject: FW: House bill 41

-----Original Message-----

From: Paul Johnson [mailto:gull.cove@hotmail.com]
Sent: Tuesday, March 31, 2015 12:01 PM
To: Rep. Steve Thompson; Rep. Mark Neuman; Rep. Bryce Edgmon; Rep. Cathy Munoz; Rep. Tammie Wilson; Rep. Lynn Gattis; Rep. Dan Saddler; Rep. Lance Pruitt; Rep. David Guttenberg; Rep. Scott Kawasaki; Rep. Les Gara
Subject: House bill 41

Hello, I understand you are going to listen to more testimony on house bill 41. Please understand that the dept of sport fish has log books again this year with out this bill. I understand that they feel that the fish board direction allows for this action. So as far as the information is concerned nothing will be lost. Since this whole issue needs a close look at and the bare boat issue, along with a host of other issues please hold it till next year. The resource is safe. Nasty day to be traveling on the boat but spring is here! My best. Paul Johnson.

Fiscal Note

State of Alaska
2015 Legislative Session

Bill Version:	CSHB 41(FSH)
Fiscal Note Number:	2
(H) Publish Date:	2/13/2015

Identifier: HB041-DFG-DSF-02-11-15
 Title: SPORT FISHING SERVICES
 Sponsor: TILTON, MUNOZ
 Requester: House Special Committee on Fisheries

Department: Department of Fish and Game
 Appropriation: Sport Fisheries
 Allocation: Sport Fisheries
 OMB Component Number: 464

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2016	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2016 Request	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
OPERATING EXPENDITURES	FY 2016	FY 2016					
Personal Services		312.8	312.8	312.8	312.8	312.8	312.8
Travel		5.5	5.5	5.5	5.5	5.5	5.5
Services		58.4	58.4	58.4	58.4	58.4	58.4
Commodities		6.0	6.0	6.0	6.0	6.0	6.0
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	382.7	382.7	382.7	382.7	382.7	382.7

Fund Source (Operating Only)

1024 Fish/Game		382.7	382.7	382.7	382.7	382.7	382.7
Total	0.0	382.7	382.7	382.7	382.7	382.7	382.7

Positions

Full-time		6.0	6.0	6.0	6.0	6.0	6.0
Part-time							
Temporary							

Change in Revenues		308.4	411.2	411.2	411.2	411.2	411.2
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Estimated SUPPLEMENTAL (FY2015) cost: 0.0 (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2016) cost: 0.0 (separate capital appropriation required)
 (discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? Yes
 If yes, by what date are the regulations to be adopted, amended or repealed? 03/31/16

Why this fiscal note differs from previous version:

Initial fiscal note.

Prepared By:	Thomas Brookover, Acting Director	Phone:	(907)267-2150
Division:	Division of Sport Fish	Date:	01/23/2015 12:00 PM
Approved By:	Sunny Haight, Administrative Services Director	Date:	02/11/15
Agency:	Fish and Game		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2015 LEGISLATIVE SESSION

Analysis

House Bill 41 reinstates the licensing and logbook program, as well as reestablishes some minimum standards for sport fishing guides and sport fishing operators that was in place until December 31, 2014. Under this program the Division of Sport Fish will license all sport fishing business owners and sport fishing guides, register all vessels used in guided sport fishing trips, issue identifying decals, issue logbooks to all sport fishing businesses for the recording of specific harvest and effort data for each guided fishing trip, and record all of this information into appropriate databases. It is estimated that there will be 1,742 guides and 1,185 guide businesses that will fall under the purview of this program.

The total cost of running the sport fishing services program is \$382.7

Total Cost Breakdown

Personal Services	\$312.8
Travel	\$ 5.5
Services	\$ 58.4
Commodities	\$ 6.0
Total	\$382.7

Personal services includes one full-time Office Assistant I for 11 months (\$53.9), one full-time Fish and Game Program Technician for 12 months (\$69.8), one full-time Office Assistant II for 6 months (\$33.7), two full-time Office Assistants for 7 months (\$79.4), and one full-time Program Coordinator for 6 months (\$76.0).

The licensing fee structure portion of HB 41 would retroactively require fees associated with this program and then raise the fees incrementally over the next two calendar years so that eventually the cost of running the program would be covered entirely by the fees collected. Expenditures are calculated on a fiscal year basis and fees are charged on a calendar year basis with expected revenues to be collected by June 30 of each year.

The 2015 calendar year fees would be retroactive to January 1, 2015 (\$50 for Guides only and \$100 for Sport Fish Business or Sport Fish Owner and Guide) and only support approximately 53% of the current program costs with the rest of the funding coming from fish and game funds. Based on the estimated number of guides and guide businesses this would generate approximately \$205.6 of annual revenue.

The calendar year 2016 fees (\$75 for Guides only and \$150 for Sport Fish Business or Sport Fish Owner and Guide) would generate approximately \$308.4 of annual revenue and only support approximately 80% of the current program costs.

The calendar year 2017 fees (\$100 for Guides only and \$200 for Sport Fish Business or Sport Fish Owner and Guide) would generate approximately \$411.2 of annual revenue and slightly exceed support for the current program costs.

This bill analysis shows the cost of the program under the current logbook program and does not reflect costs once the electronic logbook program is implemented. When the electronic logbook program is implemented we anticipate some level of savings, but at this time we are unable to quantify those savings.

It is anticipated that the regulations relating to the implementation of this program should be in effect by March 31, 2016.

Fiscal Note

State of Alaska
2015 Legislative Session

Bill Version: HB 41
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB041CS(FSH)-DFG-DSF-02-19-15
Title: SPORT FISHING SERVICES
Sponsor: TILTON, MUNOZ
Requester: House Finance Committee

Department: Department of Fish and Game
Appropriation: Sport Fisheries
Allocation: Sport Fisheries
OMB Component Number: 464

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2016	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2016 Request	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
OPERATING EXPENDITURES	FY 2016	FY 2016					
Personal Services		312.8	312.8	312.8	312.8	312.8	312.8
Travel		5.5	5.5	5.5	5.5	5.5	5.5
Services		58.4	58.4	58.4	58.4	58.4	58.4
Commodities		6.0	6.0	6.0	6.0	6.0	6.0
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	382.7	382.7	382.7	382.7	382.7	382.7

Fund Source (Operating Only)

1024 Fish/Game		382.7	382.7	382.7	382.7	382.7	382.7
Total	0.0	382.7	382.7	382.7	382.7	382.7	382.7

Positions

Full-time		6.0	6.0	6.0	6.0	6.0	6.0
Part-time							
Temporary							

Change in Revenues		205.6	308.4	411.2	411.2	411.2	411.2
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Estimated SUPPLEMENTAL (FY2015) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2016) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? Yes
If yes, by what date are the regulations to be adopted, amended or repealed? 03/31/16

Why this fiscal note differs from previous version:

The fiscal note reflects the change of the effective date from Jan. 1, 2015 to Jan. 1, 2016.

Prepared By: <u>Thomas Brookover, Acting Director</u>	Phone: <u>(907)267-2150</u>
Division: <u>Division of Sport Fish</u>	Date: <u>02/18/2015 01:16 PM</u>
Approved By: <u>Sunny Haight, Administrative Services Director</u>	Date: <u>02/19/15</u>
Agency: <u>Fish and Game</u>	

Analysis

Committee Substitute for House Bill 41 reinstates the licensing and logbook program, as well as reestablishes some minimum standards for sport fishing guides and sport fishing operators that were in place until December 31, 2014. Under this program the Division of Sport Fish will license all sport fishing business owners and sport fishing guides, register all vessels used in guided sport fishing trips, issue identifying decals, issue logbooks to all sport fishing businesses for the recording of specific harvest and effort data for each guided fishing trip, and record all of this information into appropriate databases. It is estimated that there will be 1,742 guides and 1,185 guide businesses that will fall under the purview of this program.

The total cost of running the current sport fishing services program in FY16 is \$382.7.

Total FY16 Cost Breakdown

Personal Services	\$312.8
Travel	\$ 5.5
Services	\$ 58.4
<u>Commodities</u>	<u>\$ 6.0</u>
Total	\$382.7

Personal services includes one full-time Office Assistant I for 11 months (\$53.9), one full-time Fish and Game Program Technician for 12 months (\$69.8), one full-time Office Assistant II for 6 months (\$33.7), two full-time Office Assistants for 7 months (\$79.4), and one full-time Program Coordinator for 6 months (\$76.0).

Fish and Game Revenue generated to cover current program with proposed fee structure:

The licensing fee structure portion of HB 41 would begin on January 1, 2016 and increase incrementally over the next two calendar years so that eventually the cost of running the program would be covered entirely by the fees collected. Expenditures are calculated on a fiscal year basis and fees are charged on a calendar year basis with expected revenues to be collected by June 30 of each year.

The 2016 calendar year fees (\$50 for Guides only and \$100 for Sport Fish Business or Sport Fish Owner and Guide) would generate approximately \$205.6 of annual revenue based on the estimated number of guides and guide businesses, and would only support approximately 53% of the current program costs with the rest of the funding coming from fish and game funds.

The calendar year 2017 fees (\$75 for Guides only and \$150 for Sport Fish Business or Sport Fish Owner and Guide) would generate approximately \$308.4 of annual revenue and only support approximately 80% of the current program costs.

The calendar year 2018 fees (\$100 for Guides only and \$200 for Sport Fish Business or Sport Fish Owner and Guide) would generate approximately \$411.2 of annual revenue and slightly exceed support for the current program costs.

This bill analysis shows the cost of the program under the current logbook program and does not reflect costs once the electronic logbook program is implemented. When the electronic logbook program is implemented we anticipate some level of savings, but at this time we are unable to quantify those savings.

It is anticipated that the regulations relating to the implementation of this program should be in effect by March 31, 2016.

Fiscal Note

State of Alaska
2015 Legislative Session

Bill Version:	CSHB 41(FSH)
Fiscal Note Number:	1
(H) Publish Date:	2/13/2015

Identifier: HB41-LEG-SESS-02-04-15
 Title: SPORT FISHING SERVICES
 Sponsor: TILTON, MUNOZ
 Requester: House Fisheries

Department: Alaska Legislature
 Appropriation: Legislative Operating Budget
 Allocation: Session Expenses
 OMB Component Number: 782

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2016 Appropriation Requested	Included in Governor's FY2016 Request	Out-Year Cost Estimates				
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
OPERATING EXPENDITURES	FY 2016	FY 2016					
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 (Operating Only)

None							
Total	0.0	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 (FY2015) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2016) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency?
 If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Initial Version

Prepared By: Jessica Geary, Finance Manager
 Division: Legislative Affairs Agency
 Approved By: Pamela Varni, Executive Director
 Agency: Legislative Affairs Agency

Phone: (907)465-6626
 Date: 02/04/2015 10:40 AM
 Date: 02/04/15

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2015 LEGISLATIVE SESSION

Analysis

This legislation has zero fiscal impact on the Legislative Affairs Agency.



REPRESENTATIVE CATHY TILTON
REPRESENTATIVE CATHY MUÑOZ

SPONSOR STATEMENT HOUSE BILL 41

"An Act relating to sport fishing services, sport fishing operators, and sport fishing guides; and providing for an effective date."

The sport fishing guide and operator licenses were originally adopted by the legislature in 2004 and implemented by the Department of Fish and Game (ADF&G) for the 2005 fishing season. These licenses have proven useful and valuable both to sport fishing businesses and the recreational anglers they serve. The guide and operator licenses help mitigate unmanaged growth of the charter fishing sector while ensuring a basic level of professional certification for individuals who serve the guided recreational fishing public.

HB 41 re-establishes the sport fishing guide and operator licenses which sunsetted on December 31, 2014. In re-establishing this licensing program for recreational fishing guides, it also amends the previously existing fee structure to double licensing fees necessary to ensure the program is budget neutral.

The 2014 sunset was not an intentional policy decision by the 28th Alaska State Legislature, but rather an unintentional oversight arising from a failure to act on a piece of legislation that contained the re-authorization language.

It is the intent of the sponsors to re-establish these licenses that have benefitted the guided sport fishing industry and the general public.

Representative Tilton
Alaska State Capitol, Room 411

Juneau, Alaska 99801

(907) 465-2199

Representative Muñoz
Alaska State Capitol, Room 501

Juneau, Alaska 99801

(907) 465-3744



REPRESENTATIVE CATHY TILTON
REPRESENTATIVE CATHY MUÑOZ

EXPLANATION OF CHANGES HOUSE BILL 41

**"An Act relating to sport fishing services, sport fishing operators, and sport fishing guides;
and providing for an effective date."**

The CS adopted by the House Fisheries committee (version E) moves the effective date back one year. Below is a breakdown of the sections and effective dates that were changed.

- Sections 1, 4, and 6-8 take effect January 1, 2016.
- Section 2 takes effect January 1, 2017.
- Section 3 takes effect January 1, 2018.
- Section 5, 9, and 10 take effect January 1, 2026.

Representative Tilton
Alaska State Capitol, Room 411

Juneau, Alaska 99801

(907) 465-2199

Representative Muñoz
Alaska State Capitol, Room 501

Juneau, Alaska 99801

(907) 465-3744

Section 10 – Effective January 1, 2026; Repealers for the 10 year sunset provision.

Section 11 – Immediate effective date; transitional provision for regulations.

Section 12 – Retroactive provision for sections 1, 4, and 6-8.

Section 13 – Section 2 takes effect January 1, 2017.

Section 14 – Section 3 takes effect January 1, 2018.

Section 15 – Section 5, 9, and 10 take effect January 1, 2026.

Section 16 – Immediate effective date for sections 11 and 12.

Representative Tilton Alaska State Capitol, Room 411	Juneau, Alaska 99801	(907) 465-2199
Representative Muñoz Alaska State Capitol, Room 501	Juneau, Alaska 99801	(907) 465-3744

Lost in Alaska Adventures, LLC
Capt. Kevin Burchfield
1016 Edwin Place
Juneau, AK 99801
907-321-1405 (Phone or text)
www.lostinalaskaadventures.com
lostinalaska@gci.net



January 20, 2015

Re: HB 41

Dear Rep. Cathy Munoz :

I am writing you to express my strong support for HB 41 for the reinstatement of the Sport Fishing Guide License Program.

I firmly believe that this program was not only in the best interests of the industry but also in the best interest of the public as it provided a fully functioning mechanism for ensuring that fishing guides and operators met certain industry standard safety requirements. This program had functioned for many years without any issues and served the public well.

Without this action there will be no avenue in place through ADF&G to properly process applications for Sport Fishing Guide Service providers or operators.

I thank you for your time and consideration...to reiterate I strongly encourage you to support HB 41 and the reinstatement of the Sport Fishing Guide License Program that was allowed to sunset on December 31, 2014.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Kevin Burchfield", is written over a large, faint, circular watermark or background graphic.

Capt. J. Kevin Burchfield

Owner

Lost in Alaska Adventures, LLC

From: duane cummings [<mailto:duane@decmarinc.com>]
Sent: Tuesday, January 20, 2015 11:40 AM
To: Rep. Cathy Munoz
Subject: Sport Fishing Guide License Program

BestDamnCharters
Capt. Duane Cummings
9158 Skywood Lane
Juneau, AK 99801

907-957-4052

www.bestdamcharters.com

January 20, 2015

Re: Sport Fishing Guide License Program

Dear Rep. Cathy Munoz :

I am writing you to express my strong support for the reinstatement of the Sport Fishing Guide License Program that will sunset on December 31, 2014.

I firmly believe that this program was not only in the best interests of the industry but also in the best interest of the public as it provided a fully functioning mechanism for ensuring that fishing guides and operators met certain industry standard safety requirements. This program had functioned for many years without any issues and served the public well.

Without this action there will be no avenue in place through ADF&G to properly process applications for Sport Fishing Guide Service providers or operators.

I thank you for your time and consideration...to reiterate I strongly encourage you to support the reinstatement of the Sport Fishing Guide License Program that will sunset on December 31, 2014.

Sincerely,

Capt. Duane Cummings

Owner

Alaskan Coastal Cruises, dba BestDamnCharters

From: Captain Ed Haney
Sent: Friday, January 30, 2015 10:44:17 AM (UTC-09:00) Alaska
To: Rep. Cathy Tilton
Subject: Support of Sport Fishing Guide License Program HB41

January 30, 2015

Re: Support of Sport Fishing Guide License Program HB41

Dear Rep. Tilton:

I am writing you to express my strong support for House Bill 41; reinstatement of the Sport Fishing Guide License Program that sunset on December 31, 2014.

This program has been working well and is not only in the best interests of the industry but also in the best interest of the public as it ensured that fishing guides and operators met certain industry standards and safety requirements. This program had functioned for many years without any issues that I am aware of.

Without approval of HB 41 there will be no avenue in place through ADF&G to properly process applications for Sport Fishing Guide Service providers or operators unless the onerous Fishing Guide Board is established.

Our industry is already fully regulated by NMFS, NOAA, USCG, and ADF&G and HB 41. We simply do not need more red tape and the politics that a Fishing Guide Board would create. Our State does not need the additional expense of establishing and maintaining this board.

The proposed fee structure of the Sport Fishing Guide Program would make the program pay for itself without additional cost to the State. If costs needed to be reduced even further, the Guide Log book would be simple to streamline, saving expense both in production and tabulation.

If you have any questions please don't hesitate to contact me. Thank you for your time.

Capt. Ed Haney

Lucky Dog Adventure

907-790-1800

Ed@LuckyDogAdventure.com

www.LuckyDogAdventure.com

<http://www.facebook.com/LuckyDogAdventure>

<http://www.Youtube.com/LuckyDogAdventure>

Vice President - Chris Condor
Secretary - Grantley Moore
Treasurer - Jackie Yamada



Ed Haney
Chris White
Richard Yamada
Louis Juergens

January 20, 2015

Re: Sport Fishing Guide License Program

Dear Rep. Cathy Munoz :

The Juneau Charter Boat Operators Association (JCBOA) represents charter fishing and nature viewing operators in the Juneau area. We are writing you to express our strong support for HB 41 for the reinstatement of the Sport Fishing Guide License Program.

We firmly believe that this program was not only in the best interests of the industry but also in the best interest of the public as it provided a fully functioning mechanism for ensuring that fishing guides and operators met certain industry standard safety requirements. This program had functioned for many years without any issues and served the public well.

Without this action there will be no avenue in place through ADF&G to properly process applications for Sport Fishing Guide Service providers or operators.

We thank you for your time and consideration...to reiterate we strongly encourage you to support HB 41 and the reinstatement of the Sport Fishing Guide License Program that was allowed to sunset on December 31, 2014.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Kevin Burchfield", is written over a light blue horizontal line.

J. Kevin Burchfield
President



January 28, 2015

Re: Support of Sport Fishing Guide License Program HB41

Dear Mr. Hilyard:

I am writing you to express my strong support for House Bill 41; reinstatement of the Sport Fishing Guide License Program that sunseted on December 31, 2014.

This program has been working well and is not only in the best interests of the industry but also in the best interest of the public as it ensured that fishing guides and operators met certain industry standards and safety requirements. This program had functioned for many years without any issues that I am aware of.

Without approval of HB 41 there will be no avenue in place through ADF&G to properly process applications for Sport Fishing Guide Service providers or operators unless the onerous Fishing Guide Board is established.

Our industry is already fully regulated by NMFS, NOAA, USCG, and ADF&G and HB 41. We simply do not need more red tape and the politics that a Fishing Guide Board would create. Our State does not need the additional expense of establishing and maintaining this board.

The proposed fee structure of the Sport Fishing Guide Program would make the program pay for itself without additional cost to the State. If costs needed to be reduced even further, the Guide Log book would be simple to streamline, saving expense both in production and tabulation.

If you have any questions please don't hesitate to contact me. Thank you for your time.

Sincerely,
Capt. Chris Conder
Rum Runner Charters
P.O.B. 210954
Auke Bay, Alaska

rumrunnr@alaska.net

www.rumrunnercharters.net



Southeast Alaska Guides Organization
Ryan Makinster
Executive Director
P.O. Box 8331
Ketchikan, Alaska 99901

Dear Representative Munoz,

I am writing you to express my organization's support of House Bill 41; reinstatement of the Sport Fishing Guide License Program that sunset on December 31, 2014.

This program has been working well and it is in the best interest of our industry and all Alaskans to reinstate the program. It will ensure that fishing guides and operators meet industry standards and safety requirements and allows the Department of Fish and Game to track the health of our industry and the economic benefits it confers to the state and our communities.

This program has functioned for many years without any issues and this legislation will ensure that this continues.

If you have any questions please feel free to contact me. I would be would be happy testify or make some of our members available for testimony when the bill is heard in committee.

A handwritten signature in black ink, appearing to read "C. Ryan Makinster", with a long horizontal flourish extending to the right.

Ryan Makinster
Executive Director

From: Crystal Koeneman
Sent: Thursday, March 26, 2015 12:35 PM
To: Jane Pierson; House Finance Legislation
Cc: Heath Hilyard
Subject: FW: Follow up from H-FIN yesterday
Attachments: Sport Fishing Business and Guide Logbook Use Summary.pdf

Jane/Helen,

See the information provided below and attached regarding follow up from yesterday's hearing on HB 41.

From: Mulligan, Ben (DFG) [mailto:ben.mulligan@alaska.gov]
Sent: Thursday, March 26, 2015 12:07 PM
To: Heath Hilyard; Crystal Koeneman
Subject: Follow up from H-FIN yesterday

Heath & Crystal,

In committee we were asked to provide the definition of "compensation". That is found in regulation under 5 AAC 75.995:

"compensation" (1) means direct or indirect payment, remuneration, and other benefits received in return for services, regardless of the source; in this paragraph, "benefits" includes

(A) wages and other employment benefits given directly or indirectly to an individual or organization;
and

(B) dues, payments, fees, and other remuneration given directly or indirectly to a fishing club, business, organization, or individual who provides sport fishing guide services;

(2) does not include reimbursement for the actual daily expenses for fuel, food, or bait.

I've also attached something I thought may be useful is a summary of all the different ways that logbook data is used. Please feel free to use this for your own edification or pass along to the committee. If there's anything else you need please let me know.

Ben

SPORT FISHING BUSINESS AND GUIDE LOGBOOK USE SUMMARY

Prepared by ADF&G Sport Fish Division

All sport fishing business and guides are required by regulation to complete logbooks. ADF&G administers a program to implement the logbook requirements. Freshwater logbook data has been collected by the department from sport fishing businesses and guides since 2005, and saltwater logbook data since 1998. The department summarizes and presents logbook data on guided effort and harvest in an annual comprehensive Fishery Data Series report. Logbook data applicable to specific fisheries and fishery issues is also summarized and presented in many sport fish annual management reports. These reports are publicly available on the department's web site. The purpose of this document is to summarize the uses of logbook data.

Freshwater and saltwater logbooks provide valuable information used by the department and other entities for a variety of purposes. Logbook data provides the only comprehensive accounting of businesses and guides operating in Alaska's fresh- and saltwater sport fisheries. For many sport fisheries, logbooks provide the only sport fishing effort and harvest information available; freshwater logbook data, in particular, is an important source of information for many smaller, more remote fisheries. For fisheries where other programs also provide estimates of fishing effort and harvest, logbooks provide the first available inseason and postseason data and the only fishery data available prior to the next season; this is important for many king salmon and groundfish fisheries. In all cases, logbooks provide more specific information on businesses, guides, anglers, time, area, and species kept and released compared to other sources of fishery information.

Fresh- and saltwater logbook data are used in the following activities:

	Freshwater	Saltwater
Fishery Monitoring	•	•
Board of Fisheries Process	•	•
Advisory Committees	•	•
Emergency Orders	•	•
External Communication	•	•
Statewide Harvest Survey Estimate Verification	•	•
2012 Fishery Disaster Declaration	•	•
Federal Subsistence Board Process	•	•
Land Use Planning and Permitting	•	
Operational Planning		•
Halibut Management		•
NOAA Saltwater Registry		•

Logbook data uses for each activity are described below.

Fishery Monitoring - Area and regional fishery managers review logbook submissions inseason and logbook summaries postseason to monitor and track trends in fishery effort and harvest generally, and more specifically in response to changes in regulations, abundance or species distribution, emergency orders and participation. General monitoring results are used to determine if new research projects and/or new regulatory changes are needed.

Board of Fisheries Process - The department and the Alaska Board of Fisheries (board) use fresh- and saltwater logbook data in the board process. Fishery managers use the catch, harvest and effort data in preparation for each board meeting. The data is used to assess proposal effects, describe fishery trends and characteristics, and develop department positions on proposals. It is referenced in formal staff comments, and presented in tables and figures. The board uses the information at their discretion when considering and acting on proposals.

Advisory Committees – The department uses fresh- and saltwater logbook data in preparation for and during Advisory Committee meetings, similar to board meetings. In addition, fishery managers develop data summaries of the catch, harvest and effort data for use by the advisory committees in developing proposals and in developing their comments and positions on proposals submitted to the board.

Emergency Orders - The department uses fresh- and saltwater logbook data in making pre- and inseason management decisions and issuing emergency orders. Logbook data is often used for this purpose, including the justification of emergency orders, with other information such as salmon escapement data. Examples of inseason fishery management decisions for which logbook data recently provided key information and rationale include:

External Communication – Fresh- and saltwater logbook information is used to address, respond to, and inform a variety of issues, concerns, assertions, and questions raised by members of the public. Examples include:

Statewide Harvest Survey Estimate Verification – The SWHS program used the data captured by the Guide Licensing and Logbook program on an annual basis.

- The SWHS references freshwater and saltwater logbook data annually to help clarify incomplete SWHS survey responses during data entry and cleaning phases. This includes verifying data such as:
 - Locations fished by survey respondents
 - Effort (days fished)
 - Presence of major species (all salmon species, dolly Varden/arctic char, pike, grayling)
 - Timing of effort/catch/harvest (early vs. late runs)

The logbook data increases the number of complete survey records in our annual SWHS database and allows the program to provide more accurate estimates of effort, catch and harvest.

- Logbook data, in combination with annual staff review of specific estimates and formal comparisons of SWHS estimates to onsite creel surveys done on a periodic basis, allows us to assess the relative accuracy of the SWHS data in a cost-effective manner. As a mandatory reporting system for guided

effort and harvest, the logbook program provides independent estimates of guided effort, catch and harvest. This provides staff with the ability to conduct informal comparisons to SWHS guided effort, catch, and harvest as SWHS estimates are developed.

2012 Fishery Disaster Declaration – Data from the SWHS (unguided fishing data) and fresh- and salt water logbook program (guided fishing data) was provided to Department of Commerce and Economic Development (DCED) for use in preparing an economic analysis related to the 2012 fishery disaster declaration. These data were used estimate the economic impacts sustained by sport fishing-related businesses in 2012 as a result of the declining Chinook salmon runs. The analysis was presented in a report titled: “Estimated Economic Impacts of the 2012 Chinook Salmon Sport Fishing Restrictions in the Cook Inlet Region; Cook Inlet Kenai Peninsula Freshwater, Cook Inlet Saltwater and Northern Cook Inlet Freshwater Recreational Fisheries,” prepared by DCED and ADF&G.

Federal Subsistence Board process - Both fresh- and salt water logbook data has been used to characterize guided effort and harvest in response to questions and representations by individuals participating in the Federal Subsistence Board process. In Southeast Alaska, logbook information on the harvest of steelhead, trout and sockeye has documented sport harvest for these species. This information has also been presented in department comments on Federal regulatory proposals.

Land use planning and permitting

- Karluk River Conservation Easement: Angler effort data from logbooks was used to inform discussions in negotiating public access provisions of the Karluk River Conservation Easement Agreement between Koniag Inc., Kodiak National Wildlife Refuge, and the State of the Alaska.
- Gulkana River guide use permitting. Freshwater logbooks have been used to corroborate Bureau of Land Management guide use estimates associated with BLM permits on the Gulkana River. BLM has collected guide/concessionaire data since before logbooks were used. Logbooks have provided verification of the guiding effort documented on the Gulkana River.
- Used in providing analysis/comments on US Forest Service guide use and land management planning decisions. The USFS has prepared Environmental Impact Statements to allocate a portion of the overall visitor capacity to outfitter and guide use within the ranger districts of the Tongass National Forest. The department used logbook information to portray use patterns and assess the effects of proposed allocations and land use decisions.

Operational Planning – Logbook data is used by department biologists to plan fishery research and monitoring projects.

The Kodiak marine sport fishery dockside sampling program, for example, logbook statistics are the only source of information on specific timing of the sport fishery. Logbook data is used to identify the seasonal sampling schedule, including the employment period for the sampler. The logbook harvest by salmon statistical area is also used to determine where to concentrate (and subsequently cross-reference) sampling efforts.

Halibut Management - Reporting of guided marine fishery catch data in logbooks has been required since 1998. Halibut harvest and release information was collected from 1998-2001, and from 2006 to the present. The types and amounts of data collected have changed over the years, reflecting evolution in regulation of the guide industry as well as changes in information needs for management. The most significant change occurred in 2006, when the logbook was structured to collect angler license information and catch by individual angler for each trip. This increased the precision and utility of logbook information. Other improvements were made at this time in an effort to increase data accuracy and reduce the frequency of missing data. The use of logbook data for monitoring and management of the halibut fishery increased dramatically after 2006. The saltwater logbook is now the preferred data source for estimating charter harvest and discard mortality for management of the charter sector under annual catch limits. These data are used in multiple summaries and analyses provided to the International Pacific Halibut Commission (IPHC), North Pacific Fishery Management Council (Council), and National Marine Fisheries Service (NMFS).

NOAA Saltwater Registry - Alaska's exemption from the NOAA saltwater registry is due to the department's SWHS, port sampling, and saltwater vessel registration programs in the NMFS Alaska Region. However, NOAA Marine Recreational Information Program (MRIP) also recognizes that logbook harvest data used to manage some fisheries in Alaska (i.e., charter halibut, DSR in SEAK) are required to properly manage recreational fisheries in Alaska that are under their jurisdiction. The exemption documents lay this out by naming the fisheries for which average weight (port sampling) and harvest data (logbook and SWHS) are needed. Without the state exemption, guide businesses and anglers that participate in saltwater fisheries would likely be required under the Magnuson-Stevens Act to register with NMFS and pay a registration fee.

In summary, the logbook program and logbook data have become integral to sport fishery management in Alaska, and have grown in value with each additional year. Management of the halibut fishery now depends on logbook data collected by the state and the logbook program is critical to the state's exemption from the NOAA saltwater registry. Freshwater and saltwater logbook data is used in fishery management decision-making, including regulatory decisions made by the Alaska Board of Fisheries and inseason emergency orders issued by the department. But it also provides basic fishery data for use in other important activities including fishery monitoring; project and land use planning; permitting; external correspondence, and; a variety of other activities. In a number of cases, logbook data provides the only information existing on fishing effort and harvest, and in all cases, it provides some of the most specific data available. That information now provides an informed basis from which decisions can be made, and its value will continue to grow as the time series expands into the future.