

HB

41

<TARGET><BILL>HB 41</BILL><SUBJECT>HB
41</SUBJECT><COMM>HFSH29</COMM></TARGET>



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.

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29-LS0238\H
Bullard
2/7/15

CS FOR HOUSE BILL NO. 41()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY

**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 100
- 7 (B) Sport fishing guide license 50
- 8 (C) Sport fishing operator and sport fishing guide combined
- 9 license 100.

10 *** Sec. 2.** AS 16.05.340(a)(27), added by sec. 1 of this Act, is amended to read:

- 11 (27) Fishing services licenses
- 12 (A) Sport fishing operator license 150 [100]
- 13 (B) Sport fishing guide license 75 [50]
- 14 (C) Sport fishing operator and sport fishing guide combined

1 license 150 [100].

2 * **Sec. 3.** AS 16.05.340(a)(27), as amended by sec. 2 of this Act, is amended to read:

3 (27) Fishing services licenses

4 (A) Sport fishing operator license 200 [150]

5 (B) Sport fishing guide license 100 [75]

6 (C) Sport fishing operator and sport fishing guide combined
7 license 200 [150].

8 * **Sec. 4.** AS 16.05.395 is amended to read:

9 **Sec. 16.05.395. Sport fishing vessel registration.** A [FOR CALENDAR
10 YEAR 2005 AND SUBSEQUENT CALENDAR YEARS, A] person may not use a
11 vessel to provide sport fishing services under AS 16.40.261 - 16.40.300 [AS 16.40.260
12 - 16.40.299] unless the vessel is registered with the department and proof of
13 registration is attached to and clearly visible on the vessel while the vessel is used to
14 provide sport fishing services. The department shall register vessels used to provide
15 sport fishing services, and provide proof of registration, without charge. The
16 department may adopt regulations as the department finds necessary to implement this
17 section.

18 * **Sec. 5.** AS 16.05.395, as amended by sec. 4 of this Act, is amended to read:

19 **Sec. 16.05.395. Sport fishing vessel registration.** A person may not use a
20 vessel to provide sport fishing services [UNDER AS 16.40.261 - 16.40.300] unless the
21 vessel is registered with the department and proof of registration is attached to and
22 clearly visible on the vessel while the vessel is used to provide sport fishing services.
23 The department shall register vessels used to provide sport fishing services, and
24 provide proof of registration, without charge. The department may adopt regulations
25 as the department finds necessary to implement this section.

26 * **Sec. 6.** AS 16.40 is amended by adding new sections to read:

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

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

31 (2) presents proof satisfactory to the department of a general liability

1 insurance policy or marine protection and indemnity insurance policy, covering the
2 services provided by the person and the person's employees to sport fishermen, that
3 provides coverage of at least \$100,000 for each incident, and \$300,000 for all
4 incidents in a year;

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

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

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

11 (c) A person who holds a current sport fishing operator license may contract to
12 provide sport fishing guide services to a sport fisherman through an employee who
13 holds a current sport fishing guide license under AS 16.40.271.

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

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

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

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

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

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

1 (4) holds a current sport fishing license from the state;
2 (5) pays the license fee prescribed by AS 16.05.340(a); and
3 (6) satisfies all additional requirements adopted in regulation by the
4 Board of Fisheries.

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

9 (c) A person may not provide sport fishing guide services unless the person
10 (1) holds a current sport fishing guide license; and
11 (2) holds a current sport fishing operator license or is an employee of a
12 person who holds a current sport fishing operator license.

13 (d) A sport fishing guide may provide sport fishing guide services only to
14 persons who have engaged the services of the sport fishing operator by whom the
15 sport fishing guide is employed. A sport fishing guide may not contract directly with a
16 person to provide sport fishing guide services to a person unless the sport fishing
17 guide also holds a current sport fishing operator license.

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

20 (1) a current sport fishing guide license;
21 (2) the current licenses, tags, and permits that are required to engage in
22 the sport fishery for which the sport fishing guide services are being provided;

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

25 (4) proof of
26 (A) employment as a sport fishing guide by a person who holds
27 a current sport fishing operator license; or
28 (B) current licensure as a sport fishing operator.

29 (f) A sport fishing guide may not
30 (1) aid in the commission of a violation of AS 16.05 - AS 16.40 or a
31 regulation adopted under AS 16.05 - AS 16.40 by a client of the sport fishing guide; or

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

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

6 (B) reporting the violation.

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

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

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

13 (3) the locations fished during the provision of sport fishing guide
14 services; and

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

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

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

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

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

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

31 **Sec. 16.40.291. Penalty.** (a) Except as provided in (b) and (c) of this section, a

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person who knowingly violates AS 16.40.261 - 16.40.300 or a regulation adopted under AS 16.40.261 - 16.40.300 is guilty of a class A misdemeanor. However, this subsection does not apply to the failure to hold a current business license under AS 16.40.261(a)(1) as required under AS 43.70.

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

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

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

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

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

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

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

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

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

(A) sport fishing services; or

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

(3) "sport fishing services" means the indirect provision of assistance, for compensation or with the intent to receive compensation, to a person engaged in sport fishing in taking or attempting to take fish or shellfish by a business that

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employs a sport fishing guide to provide sport fishing guide services to the person during any portion of a sport fishing trip; "sport fishing services" does not include

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

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

* Sec. 7. AS 25.27.244(s)(2) is amended to read:

(2) "license"

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

(i) license relating to boxing or wrestling under AS 05.10;

(ii) authorization to perform an occupation regulated under AS 08;

(iii) teacher certificate under AS 14.20;

(iv) authorization under AS 18.08 to perform emergency medical services;

(v) asbestos worker certification under AS 18.31;

(vi) boiler operator's license under AS 18.60.395;

(vii) certificate of fitness under AS 18.62;

(viii) hazardous painting certification under AS 18.63;

(ix) security guard license under AS 18.65.400 - 18.65.490;

(x) license relating to insurance under AS 21.27;

(xi) employment agency permit under AS 23.15.330 - 23.15.520;

(xii) registration as a broker-dealer, an agent, a state investment adviser, or an investment adviser representative under AS 45.55.030;

- 1 (xiii) certification as a pesticide applicator under
 2 AS 46.03.320;
- 3 (xiv) certification as a storage tank worker or contractor
 4 under AS 46.03.375;
- 5 (xv) certification as a water and wastewater works
 6 operator under AS 46.30;
- 7 (xvi) commercial crewmember fishing license under
 8 AS 16.05.480 other than an entry permit or interim-use permit under
 9 AS 16.43;
- 10 (xvii) fish transporter permit under AS 16.05.671;
- 11 (xviii) sport fishing operator license under
 12 AS 16.40.261;
- 13 (xix) sport fishing guide license under AS 16.40.271;
- 14 [REPEALED]
- 15 (xix) REPEALED]
- 16 (B) does not include
- 17 (i) a vessel license issued under AS 16.05.490 or
 18 16.05.530;
- 19 (ii) [REPEALED]
- 20 (iii) a business license issued under AS 43.70;
- 21 (iii) [(iv)] an entry permit or interim-use permit issued
 22 under AS 16.43; or
- 23 (iv) [(v)] a driver's license issued under AS 28.15;

24 * Sec. 8. AS 41.21.506(b) is amended to read:

- 25 (b) The commissioner shall adopt regulations under AS 44.62 (Administrative
 26 Procedure Act) that are necessary to achieve the purposes of AS 41.21.500 - 41.21.514
 27 and to implement the plan adopted under (a) of this section. The regulations must
- 28 (1) designate incompatible uses and prohibit or restrict them; and
- 29 (2) establish a registration, licensing, or comparable procedure for
 30 professional fishing guides and such additional fishing guide controls as the
 31 commissioner considers necessary; notwithstanding the requirements established

1 by the commissioner to implement this paragraph, the commissioner shall
 2 establish a procedure by which the holder of a valid sport fishing operator license
 3 issued under AS 16.40.261 may petition for, and the director of the division of
 4 parks, or the director's designee, shall expeditiously issue, a waiver to allow the
 5 sport fishing operator license holder to use the services in the Kenai River Special
 6 Management Area of a guide licensed under AS 16.40.271 who has not completed
 7 the procedures and additional controls that are required by the department
 8 under this paragraph; the waiver authorized in this paragraph applies only for
 9 the duration of the sport fishing season during which the waiver application is
 10 submitted and only if the sport fishing operator license holder

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

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

16 * Sec. 9. AS 41.21.506(b), as amended by sec. 8 of this Act, is amended to read:

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

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

21 (2) establish a registration, licensing, or comparable procedure for
 22 professional fishing guides and such additional fishing guide controls as the
 23 commissioner considers necessary [; NOTWITHSTANDING THE
 24 REQUIREMENTS ESTABLISHED BY THE COMMISSIONER TO IMPLEMENT
 25 THIS PARAGRAPH, THE COMMISSIONER SHALL ESTABLISH A
 26 PROCEDURE BY WHICH THE HOLDER OF A VALID SPORT FISHING
 27 OPERATOR LICENSE ISSUED UNDER AS 16.40.261 MAY PETITION FOR,
 28 AND THE DIRECTOR OF THE DIVISION OF PARKS, OR THE DIRECTOR'S
 29 DESIGNEE, SHALL EXPEDITIOUSLY ISSUE, A WAIVER TO ALLOW THE
 30 SPORT FISHING OPERATOR LICENSE HOLDER TO USE THE SERVICES IN
 31 THE KENAI RIVER SPECIAL MANAGEMENT AREA OF A GUIDE LICENSED

1 UNDER AS 16.40.271 WHO HAS NOT COMPLETED THE PROCEDURES AND
2 ADDITIONAL CONTROLS THAT ARE REQUIRED BY THE DEPARTMENT
3 UNDER THIS PARAGRAPH; THE WAIVER AUTHORIZED IN THIS
4 PARAGRAPH APPLIES ONLY FOR THE DURATION OF THE SPORT FISHING
5 SEASON DURING WHICH THE WAIVER APPLICATION IS SUBMITTED AND
6 ONLY IF THE SPORT FISHING OPERATOR LICENSE HOLDER

7 (A) EMPLOYING THE LICENSED GUIDE HAS LOST THE
8 SERVICES OF A LICENSED GUIDE BECAUSE OF UNFORESEEN
9 CIRCUMSTANCES; AND

10 (B) IS UNABLE TO HIRE AS A REPLACEMENT AN
11 AVAILABLE LICENSED GUIDE WHO HAS SATISFIED ALL THE
12 REQUIREMENTS OF THIS PARAGRAPH, INCLUDING THOSE
13 REQUIRED BY REGULATION].

14 * **Sec. 10.** AS 16.05.340(a)(27); AS 16.40.261, 16.40.271, 16.40.281, 16.40.291, 16.40.300;
15 AS 25.27.244(s)(2)(A)(xviii), and 25.27.244(s)(2)(A)(xix) are repealed.

16 * **Sec. 11.** The uncodified law of the State of Alaska is amended by adding a new section to
17 read:

18 REGULATIONS. Notwithstanding AS 44.62.190, the Department of Fish and Game
19 may use and enforce regulations previously adopted to administer former AS 16.40.260 -
20 16.40.299 to the extent those regulations do not conflict with the provisions of this Act. The
21 Department of Fish and Game shall update and readopt those regulations in accordance with
22 AS 44.62 (Administrative Procedure Act) to conform to the provisions of this Act. The
23 regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the
24 effective date of the law implemented by the regulation.

25 * **Sec. 12.** Section 11 of this Act takes effect immediately under AS 01.10.070(c).

26 * **Sec. 13.** Section 2 of this Act takes effect January 1, 2017.

27 * **Sec. 14.** Section 3 of this Act takes effect January 1, 2018.

28 * **Sec. 15.** Sections 5, 9, and 10 of this Act take effect January 1, 2026.

29 * **Sec. 16.** Except as provided in secs. 12 - 15 of this Act, this Act takes effect January 1,
30 2016.



REPRESENTATIVE CATHY TILTON
REPRESENTATIVE CATHY MUÑOZ

EXPLANATION OF CHANGES COMMITTEE SUBSTITUTE FOR HOUSE BILL 41

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

Section 16 (Pg. 10, lines 29-30) – There is a change in the effective date of the program from a retroactive date of January 1, 2015 to January 1, 2016. The Department (ADF&G) believes this will be administratively cleaner because they have already started issuing temporary permits with the sunset repeal of the original licensing program.

Sections 12 – 15 (Pg. 10, lines 25-28) – All other effective dates for various sections of the bill have been adjusted back one year to reflect the change in the general effective date of the Act.

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REPRESENTATIVE CATHY TILTON
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SECTIONAL ANALYSIS HOUSE BILL 41

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

Section 1 – Retroactive to January 1, 2015; establishes license fees at the current rate of \$100 for operators, \$50 for guides, and \$100 combined.

Section 2 – Effective January 1, 2016; increases license fees to \$150 for operator, \$75 for guides, and \$150 combined.

Section 3 – Effective January 1, 2017; increases license fees to \$200 for operator, \$100 for guides, and \$200 combined.

Section 4 – Retroactive to January 1, 2015; Amends 16.05.395 Sport fishing vessel registration; updates the statute references to reflect the reinstated program.

Section 5 – Effective January 1, 2025; removes the language in Section 4 to reflect the 10 year sunset provision.

Section 6 – Retroactive to January 1, 2015; Reestablishes the Sport fishing operator license, Sport fish guide license, reporting requirements, penalties, and definitions; only change to original statute language is to reflect the updated statute citations.

Section 7 – Retroactive to January 1, 2015; Reestablishes language in AS 25.27.244(s)(2) as this language was repealed December 31, 2014; cleanup of statute since (ii) was repealed in 2005.

Section 8 – Retroactive to January 1, 2015; Reinserts language into AS 41.21.506 Comprehensive Management Plan, Regulations that was repealed with the sunset provision; This language requires the F&G Commissioner to develop and adopt a management plan for the Kenai River Special Management Area in conjunction with the Borough.

Section 9 – Effective January 1, 2025; removes the language in Section 8 to reflect the 10 year sunset provision.

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Section 10 – Effective January 1, 2025; 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, 2016.

Section 14 – Section 3 takes effect January 1, 2017.

Section 15 – Section 5, 9, and 10 take effect January 1, 2025.

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

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Fiscal Note

State of Alaska
2015 Legislative Session

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

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 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	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		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

BILL NO. HB 41

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: HB041-DFG-DSF-02-6-15
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 Appropriation Requested	Included in Governor's FY2016 Request	Out-Year Cost Estimates					
			FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
OPERATING EXPENDITURES								
Personal Services		312.8	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	5.5
Services		58.4	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	6.0
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	382.7	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	382.7
Total	0.0	382.7	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							
---------------------------	--	--	--	--	--	--	--

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:	02/06/15
Agency:	Fish and Game		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2015 LEGISLATIVE SESSION

BILL NO. HB 41

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: 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	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
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							
---------------------------	--	--	--	--	--	--	--

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

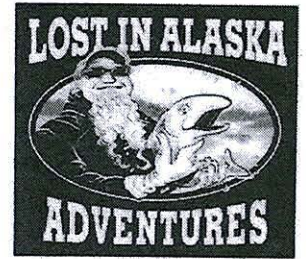
**STATE OF ALASKA
2015 LEGISLATIVE SESSION**

BILL NO. HB 41

Analysis

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

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 light blue horizontal line. The signature is fluid and cursive.

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>

2015 Board of Directors

President - J. Kevin Burchfield

Vice President - Chris Condor

Secretary - Grantley Moore

Treasurer - Jackie Yamada



**Juneau
Charter
Boat
Operators
Association**

P.O. Box 34522, Juneau AK 99803

2015 Members at Large

Toni Wisner

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 'JKB', is written over a horizontal line.

J. Kevin Burchfield
President



P.O. Box 478 • Homer • Alaska • 99603

To Preserve and Protect the Rights and Resources of Alaska's Recreational Anglers

Representative Munoz
State Capitol Room 501
Juneau AK, 99801

February 12, 2014

Comments: HB 41

Dear Representative Munoz,

The Alaska Charter Association (ACA) represents over 150 charter vessels throughout Alaska. It also represents associate members, which consist of community businesses that depend on a viable charter industry.

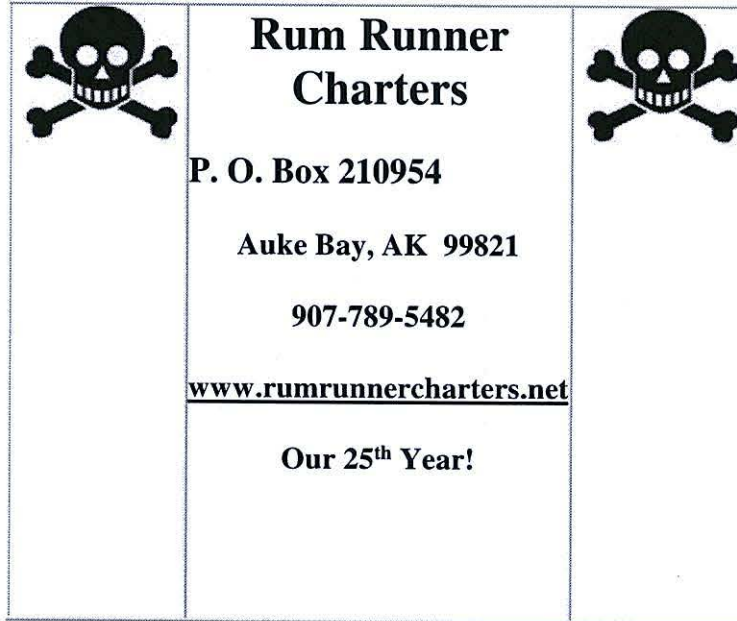
The ACA is in support of HB 41, an Act relating to sport fishing services, sport fishing operators, and sport fishing guides; and providing for an effective date. It is important that the public interest and safety be protected by the guide licensing program which sunset December 31, 2014. Our industry has seen no issues with the program since its inception in 2005 and was surprised to see its disappearance this coming season.

We understand the current budgetary constraints that face the Department of Fish and Game to fund this program within their budget. We feel it's reasonable to raise guide licensing fees to ensure the sustainability of industry professional standards.

Please contact me if I can be of any assistance in moving this Bill forward.

Sincerely,

Richard Yamada
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

CS FOR HOUSE BILL NO. 41(FSH)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY THE HOUSE SPECIAL COMMITTEE ON FISHERIES

**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 100
- 7 (B) Sport fishing guide license 50
- 8 (C) Sport fishing operator and sport fishing guide combined
- 9 license 100.

10 *** Sec. 2.** AS 16.05.340(a)(27), added by sec. 1 of this Act, is amended to read:

- 11 (27) Fishing services licenses
- 12 (A) Sport fishing operator license 150 [100]
- 13 (B) Sport fishing guide license 75 [50]
- 14 (C) Sport fishing operator and sport fishing guide combined

1 license 150 [100].

2 * **Sec. 3.** AS 16.05.340(a)(27), as amended by sec. 2 of this Act, is amended to read:

3 (27) Fishing services licenses

4 (A) Sport fishing operator license 200 [150]

5 (B) Sport fishing guide license 100 [75]

6 (C) Sport fishing operator and sport fishing guide combined
7 license 200 [150].

8 * **Sec. 4.** AS 16.05.395 is amended to read:

9 **Sec. 16.05.395. Sport fishing vessel registration.** A [FOR CALENDAR
10 YEAR 2005 AND SUBSEQUENT CALENDAR YEARS, A] person may not use a
11 vessel to provide sport fishing services under AS 16.40.261 - 16.40.300 [AS 16.40.260
12 - 16.40.299] unless the vessel is registered with the department and proof of
13 registration is attached to and clearly visible on the vessel while the vessel is used to
14 provide sport fishing services. The department shall register vessels used to provide
15 sport fishing services, and provide proof of registration, without charge. The
16 department may adopt regulations as the department finds necessary to implement this
17 section.

18 * **Sec. 5.** AS 16.05.395, as amended by sec. 4 of this Act, is amended to read:

19 **Sec. 16.05.395. Sport fishing vessel registration.** A person may not use a
20 vessel to provide sport fishing services [UNDER AS 16.40.261 - 16.40.300] unless the
21 vessel is registered with the department and proof of registration is attached to and
22 clearly visible on the vessel while the vessel is used to provide sport fishing services.
23 The department shall register vessels used to provide sport fishing services, and
24 provide proof of registration, without charge. The department may adopt regulations
25 as the department finds necessary to implement this section.

26 * **Sec. 6.** AS 16.40 is amended by adding new sections to read:

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

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

31 (2) presents proof satisfactory to the department of a general liability

1 insurance policy or marine protection and indemnity insurance policy, covering the
2 services provided by the person and the person's employees to sport fishermen, that
3 provides coverage of at least \$100,000 for each incident, and \$300,000 for all
4 incidents in a year;

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

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

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

11 (c) A person who holds a current sport fishing operator license may contract to
12 provide sport fishing guide services to a sport fisherman through an employee who
13 holds a current sport fishing guide license under AS 16.40.271.

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

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

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

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

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

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

1 (4) holds a current sport fishing license from the state;
2 (5) pays the license fee prescribed by AS 16.05.340(a); and
3 (6) satisfies all additional requirements adopted in regulation by the
4 Board of Fisheries.

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

9 (c) A person may not provide sport fishing guide services unless the person
10 (1) holds a current sport fishing guide license; and
11 (2) holds a current sport fishing operator license or is an employee of a
12 person who holds a current sport fishing operator license.

13 (d) A sport fishing guide may provide sport fishing guide services only to
14 persons who have engaged the services of the sport fishing operator by whom the
15 sport fishing guide is employed. A sport fishing guide may not contract directly with a
16 person to provide sport fishing guide services to a person unless the sport fishing
17 guide also holds a current sport fishing operator license.

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

20 (1) a current sport fishing guide license;
21 (2) the current licenses, tags, and permits that are required to engage in
22 the sport fishery for which the sport fishing guide services are being provided;
23 (3) a driver's license or similar identification card that is issued by a
24 state or federal agency and that bears a photograph of the fishing guide; and

25 (4) proof of
26 (A) employment as a sport fishing guide by a person who holds
27 a current sport fishing operator license; or
28 (B) current licensure as a sport fishing operator.

29 (f) A sport fishing guide may not
30 (1) aid in the commission of a violation of AS 16.05 - AS 16.40 or a
31 regulation adopted under AS 16.05 - AS 16.40 by a client of the sport fishing guide; or

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

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

6 (B) reporting the violation.

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

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

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

13 (3) the locations fished during the provision of sport fishing guide
14 services; and

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

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

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

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

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

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

31 **Sec. 16.40.291. Penalty.** (a) Except as provided in (b) and (c) of this section, a

1 person who knowingly violates AS 16.40.261 - 16.40.300 or a regulation adopted
 2 under AS 16.40.261 - 16.40.300 is guilty of a class A misdemeanor. However, this
 3 subsection does not apply to the failure to hold a current business license under
 4 AS 16.40.261(a)(1) as required under AS 43.70.

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

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

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

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

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

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

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

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

20 (2) "sport fishing guide services" means assistance, for compensation
 21 or with the intent to receive compensation, to a sport fisherman to take or to attempt to
 22 take fish by accompanying or physically directing the sport fisherman in sport fishing
 23 activities during any part of a sport fishing trip; "sport fishing guide services" does not
 24 include

25 (A) sport fishing services; or

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

29 (3) "sport fishing services" means the indirect provision of assistance,
 30 for compensation or with the intent to receive compensation, to a person engaged in
 31 sport fishing in taking or attempting to take fish or shellfish by a business that

1 employs a sport fishing guide to provide sport fishing guide services to the person
 2 during any portion of a sport fishing trip; "sport fishing services" does not include

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

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

7 * Sec. 7. AS 25.27.244(s)(2) is amended to read:

8 (2) "license"

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

13 (i) license relating to boxing or wrestling under
 14 AS 05.10;

15 (ii) authorization to perform an occupation regulated
 16 under AS 08;

17 (iii) teacher certificate under AS 14.20;

18 (iv) authorization under AS 18.08 to perform emergency
 19 medical services;

20 (v) asbestos worker certification under AS 18.31;

21 (vi) boiler operator's license under AS 18.60.395;

22 (vii) certificate of fitness under AS 18.62;

23 (viii) hazardous painting certification under AS 18.63;

24 (ix) security guard license under AS 18.65.400 -
 25 18.65.490;

26 (x) license relating to insurance under AS 21.27;

27 (xi) employment agency permit under AS 23.15.330 -
 28 23.15.520;

29 (xii) registration as a broker-dealer, an agent, a state
 30 investment adviser, or an investment adviser representative under
 31 AS 45.55.030;

1 (xiii) certification as a pesticide applicator under
2 AS 46.03.320;

3 (xiv) certification as a storage tank worker or contractor
4 under AS 46.03.375;

5 (xv) certification as a water and wastewater works
6 operator under AS 46.30;

7 (xvi) commercial crewmember fishing license under
8 AS 16.05.480 other than an entry permit or interim-use permit under
9 AS 16.43;

10 (xvii) fish transporter permit under AS 16.05.671;

11 (xviii) sport fishing operator license under
12 AS 16.40.261;

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

14 [REPEALED

15 (xix) REPEALED]

16 (B) does not include

17 (i) a vessel license issued under AS 16.05.490 or
18 16.05.530;

19 (ii) [REPEALED

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

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

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

24 * Sec. 8. AS 41.21.506(b) is amended to read:

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

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

29 (2) establish a registration, licensing, or comparable procedure for
30 professional fishing guides and such additional fishing guide controls as the
31 commissioner considers necessary; notwithstanding the requirements established

1 by the commissioner to implement this paragraph, the commissioner shall
 2 establish a procedure by which the holder of a valid sport fishing operator license
 3 issued under AS 16.40.261 may petition for, and the director of the division of
 4 parks, or the director's designee, shall expeditiously issue, a waiver to allow the
 5 sport fishing operator license holder to use the services in the Kenai River Special
 6 Management Area of a guide licensed under AS 16.40.271 who has not completed
 7 the procedures and additional controls that are required by the department
 8 under this paragraph; the waiver authorized in this paragraph applies only for
 9 the duration of the sport fishing season during which the waiver application is
 10 submitted and only if the sport fishing operator license holder

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

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

16 * Sec. 9. AS 41.21.506(b), as amended by sec. 8 of this Act, is amended to read:

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

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

21 (2) establish a registration, licensing, or comparable procedure for
 22 professional fishing guides and such additional fishing guide controls as the
 23 commissioner considers necessary [; NOTWITHSTANDING THE
 24 REQUIREMENTS ESTABLISHED BY THE COMMISSIONER TO IMPLEMENT
 25 THIS PARAGRAPH, THE COMMISSIONER SHALL ESTABLISH A
 26 PROCEDURE BY WHICH THE HOLDER OF A VALID SPORT FISHING
 27 OPERATOR LICENSE ISSUED UNDER AS 16.40.261 MAY PETITION FOR,
 28 AND THE DIRECTOR OF THE DIVISION OF PARKS, OR THE DIRECTOR'S
 29 DESIGNEE, SHALL EXPEDITIOUSLY ISSUE, A WAIVER TO ALLOW THE
 30 SPORT FISHING OPERATOR LICENSE HOLDER TO USE THE SERVICES IN
 31 THE KENAI RIVER SPECIAL MANAGEMENT AREA OF A GUIDE LICENSED

1 UNDER AS 16.40.271 WHO HAS NOT COMPLETED THE PROCEDURES AND
2 ADDITIONAL CONTROLS THAT ARE REQUIRED BY THE DEPARTMENT
3 UNDER THIS PARAGRAPH; THE WAIVER AUTHORIZED IN THIS
4 PARAGRAPH APPLIES ONLY FOR THE DURATION OF THE SPORT FISHING
5 SEASON DURING WHICH THE WAIVER APPLICATION IS SUBMITTED AND
6 ONLY IF THE SPORT FISHING OPERATOR LICENSE HOLDER

7 (A) EMPLOYING THE LICENSED GUIDE HAS LOST THE
8 SERVICES OF A LICENSED GUIDE BECAUSE OF UNFORESEEN
9 CIRCUMSTANCES; AND

10 (B) IS UNABLE TO HIRE AS A REPLACEMENT AN
11 AVAILABLE LICENSED GUIDE WHO HAS SATISFIED ALL THE
12 REQUIREMENTS OF THIS PARAGRAPH, INCLUDING THOSE
13 REQUIRED BY REGULATION].

14 * **Sec. 10.** AS 16.05.340(a)(27); AS 16.40.261, 16.40.271, 16.40.281, 16.40.291, 16.40.300;
15 AS 25.27.244(s)(2)(A)(xviii), and 25.27.244(s)(2)(A)(xix) are repealed.

16 * **Sec. 11.** The uncodified law of the State of Alaska is amended by adding a new section to
17 read:

18 REGULATIONS. Notwithstanding AS 44.62.190, the Department of Fish and Game
19 may use and enforce regulations previously adopted to administer former AS 16.40.260 -
20 16.40.299 to the extent those regulations do not conflict with the provisions of this Act. The
21 Department of Fish and Game shall update and readopt those regulations in accordance with
22 AS 44.62 (Administrative Procedure Act) to conform to the provisions of this Act. The
23 regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the
24 effective date of the law implemented by the regulation.

25 * **Sec. 12.** Section 11 of this Act takes effect immediately under AS 01.10.070(c).

26 * **Sec. 13.** Section 2 of this Act takes effect January 1, 2017.

27 * **Sec. 14.** Section 3 of this Act takes effect January 1, 2018.

28 * **Sec. 15.** Sections 5, 9, and 10 of this Act take effect January 1, 2026.

29 * **Sec. 16.** Except as provided in secs. 12 - 15 of this Act, this Act takes effect January 1,
30 2016.