

HB

41

<TARGET><BILL>HB 41</BILL><SUBJECT>HB
41</SUBJECT><COMM>SFIN29</COMM></TARGET>

SENATE FINANCE COMMITTEE REPORT

DATE: 4/17/15

FURTHER:

DATE TURNED
IN TO OFFICE: _____

Finance Committee considered CS FOR HOUSE BILL NO. 41(FIN) am

HB 41-SPORT FISHING SERVICES

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

and recommends:

- be replaced with SCS CS HB 41 (FIN) [] Same Title [] Technical Title Change
[] New Title/SCR No. _____
- [] adopt previous SCS _____ (_____) [] Same Title [] Technical Title Change
[] New Title/SCR No. _____
- [] attached amendment(s)
- [] adopt _____ Letter of Intent
- [] further referral to _____ Committee

Dept Abbr.	
ADM	LWF
CED	LAW
COR	LEG
EED	MVA
DEC	DNR
DFG	DPS
GOV	REV
DHS	DOT
AJS	UA

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
DFG	✓			

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #

[] APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>	MICCICHE			✓	
<i>[Signature]</i>	BISHOP			✓	
<i>[Signature]</i>	DUNLAP			✓	
<i>[Signature]</i>	OLSON			✓	
<i>[Signature]</i>	Hoffman			✓	
CO-CHAIR: <i>[Signature]</i>	helly	✓			
CO-CHAIR: Anna MacKinnon	MacKinnon	✓			

Fiscal Note

State of Alaska
2016 Legislative Session

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

Identifier: CSHB041SCS(FIN)-DFG-SF-4-16-16
Title: SPORT FISHING SERVICES
Sponsor: TILTON, MUNOZ
Requester: Senate 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)

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates					
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES								
Personal Services	39.8		52.9	13.1				
Travel	1.9		2.5	0.6				
Services	8.1		10.8	2.7				
Commodities	2.1		3.0	0.9				
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	51.9	0.0	69.2	17.3	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

1024 Fish/Game	51.9		69.2	17.3				
Total	51.9	0.0	69.2	17.3	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues	174.2	0.0	197.9	23.7	0.0	0.0	0.0
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Estimated SUPPLEMENTAL (FY2016) cost: 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) 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? 03/31/17

Why this fiscal note differs from previous version:

Reflects change in sunset date from five to two years, licensing for salt water sport fishing operators and guides only, and removes reporting costs.

Prepared By: Thomas Brookover, Director Phone: (907)267-2150
Division: Sport Fisheries Date: 04/16/2016 03:00 PM
Approved By: Kevin Brooks, Deputy Commissioner Date: 04/16/16
Agency: Fish and Game

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. HB 41

Analysis

House Bill 41 reinstates licensing (salt water only) and vessel registration requirements for fishing guides and fishing service operators that were in place until December 31, 2014. Under the revised bill, the Division of Sport Fish will: register all vessels used in guided sport fishing trips; issue identifying decals for those vessels, and; license all salt water sport fishing operators and guides. Reporting and fresh water licensing are no longer required by the bill. Sport fishing operators and guides are currently required to fulfill reporting requirements, in addition to operator and guide registration and vessel registration requirements, by regulation. The department issues logbooks to all sport fishing operators for recording harvest and effort data; compiles and analyzes logbook data; and publishes an annual report on vessel registration, operator and guide registration, and logbook activity.

Expenditures:

This fiscal note assumes a January 1, 2017 implementation date, and a program sunset date of December 31, 2018. The estimated cost associated with the revised bill, including operator and guide licensing and vessel registration, is \$69.2 per year. Personnel costs include one Program Coordinator for one month (\$12.6), one Program Technician for 6 months (\$35.4), and one Office Assistant for one month (\$4.9). Additional costs include travel to guide meetings (\$2.5), contractual costs for vessel registration decals, card stock for licenses, printing and mailing license forms (\$10.8), and miscellaneous business and IT supplies to support the program (\$3.0).

There are additional costs associated with the salt water portion of the regulatory reporting program. These include additional personnel costs for positions above as follows: Program Coordinator (5 mm; \$61.3) and Program Technician (1 mm; \$7.3); and four Office Assistants (18 mm; \$105.8). Other reporting program costs include: travel (\$3.0); contractual costs for printing logbooks (\$25.2); and supplies (\$2.0); for a total of \$204.6. When added together with the licensing and registration costs of this bill (\$69.2), the total cost of the program is \$273.8. Revenue generated by this bill will cover program costs associated with salt water licensing and vessel registration, but will not fully cover the costs of reporting.

Revenue:

The bill contains fees of \$200 for a (salt water) sport fishing operator license and \$100 for a (salt water) sport fishing guide license. Combination sport fishing operator and guide pay a (combined) fee of \$200. Licenses will be issued on a calendar year basis. Based on past practices, approximately 12% of fee revenue for a given fiscal year would be collected July through December, and 88% from January through June.

Based on licensing data from 2012-2014, the most recent three years during which sport fishing operators and guides were required to be licensed, we estimate that approximately 646 salt water sport fishing operators and combination sport fishing operator and guides, and 687 salt water sport fishing guides will obtain licenses in 2017. We would expect the fees to generate approximately \$197.9 in annual revenue. We estimate \$174.2 (88% of the annual amount) in revenue for FY2017 and \$23.7 (12% of the annual amount) in revenue for FY2019, during the final six months of the program prior to sunset on December 31, 2018.

Fiscal Note

State of Alaska
2015 Legislative Session

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

Identifier: HB041SCSCS(FIN)-DFG-DSF-04-18-15
Title: SPORT FISHING SERVICES
Sponsor: TILTON, MUNOZ
Requester: Senate 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 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				
Travel		5.5	5.5	5.5				
Services		58.4	58.4	58.4				
Commodities		6.0	6.0	6.0				
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	382.7	382.7	382.7	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

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

Positions

Full-time		6.0	6.0	6.0				
Part-time								
Temporary								

Change in Revenues		361.9	411.2	411.2	0.0	0.0	0.0
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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:

This fiscal note reflects the change from a 5-year sunset to a 2-year sunset.

Prepared By:	Thomas Brookover, Acting Director	Phone:	(907)267-2150
Division:	Division of Sport Fish	Date:	04/18/2015 11:00 AM
Approved By:	Sunny Haight, Administrative Services Director	Date:	04/18/15
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 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.

SENATE CS FOR CS FOR HOUSE BILL NO. 41(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES TILTON AND MUÑOZ

SENATOR Costello

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to sport fishing services, salt water sport fishing operators, and salt
2 water sport fishing 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) Salt water sport fishing operator license 200
- 7 (B) Salt water sport fishing guide license 100
- 8 (C) Salt water sport fishing operator and 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 16.40.260 - 16.40.299] unless the
14 vessel is registered with the department and proof of registration is attached to and
15 clearly visible on the vessel while the vessel is used to provide sport fishing services.

1 The department shall register vessels used to provide sport fishing services, and
2 provide proof of registration, without charge. The department may adopt regulations
3 as the department finds necessary to implement this section.

4 * **Sec. 3.** AS 16.40 is amended by adding new sections to read:

5 **Sec. 16.40.261. Salt water sport fishing operator license.** (a) The department
6 shall issue an annual salt water sport fishing operator license to a person who

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

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

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

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

17 (b) A person may not provide salt water sport fishing services unless the
18 person is licensed and insured under (a) of this section.

19 (c) A person licensed under this section may contract to provide salt water
20 sport fishing guide services to a sport fisherman through an employee who holds a
21 current salt water sport fishing guide license under AS 16.40.271.

22 (d) A person licensed under this section may not directly provide salt water
23 sport fishing guide services to a sport fisherman unless the person is also licensed as a
24 salt water sport fishing guide, or a guide and operator, under AS 16.40.271.

25 (e) A person licensed as a salt water sport fishing operator may not aid in the
26 commission of a violation of AS 16.05 - AS 16.40 or a regulation adopted under
27 AS 16.05 - AS 16.40, including regulations relating to the proper method to release
28 fish, by a salt water sport fishing guide who is employed by the person or by a sport
29 fisherman who is a client of the person.

30 (f) In this section, "salt water sport fishing services" means the indirect
31 provision of assistance, for compensation or with the intent to receive compensation,

1 to a person engaged in sport fishing in salt water in taking or attempting to take fish or
 2 shellfish by a business that employs a salt water sport fishing guide to provide sport
 3 fishing guide services to the person during any portion of a sport fishing trip on salt
 4 water; "salt water sport fishing services" does not include

5 (1) an activity for which a salt water sport fishing guide license is
 6 required; or

7 (2) booking and other ancillary services provided by a tour broker or
 8 agent to a salt water sport fishing services operator.

9 **Sec. 16.40.271. Salt water sport fishing guide license; combined operator**
 10 **and guide license.** (a) A natural person may obtain an annual salt water sport fishing
 11 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 current sport fishing license from the state;

17 (4) pays the license fee prescribed by AS 16.05.340(a); and

18 (5) satisfies all additional requirements adopted in regulation by the
 19 Board of Fisheries.

20 (b) A natural person may obtain an annual salt water sport fishing operator
 21 and guide combined license if the person satisfies the requirements for a salt water
 22 sport fishing operator license under AS 16.40.261 and for a license under this section
 23 and pays the license fee prescribed by AS 16.05.340(a).

24 (c) A person may not provide salt water sport fishing guide services unless the
 25 person

26 (1) holds a current salt water sport fishing guide license under (a) or
 27 (b) of this section; and

28 (2) holds, or is an employee of a person who holds, a current salt water
 29 sport fishing operator license under AS 16.40.261 or (b) of this section.

30 (d) A salt water sport fishing guide may provide salt water sport fishing guide
 31 services only to persons who have engaged the services of the salt water sport fishing

1 operator who employs the salt water sport fishing guide. A salt water sport fishing
 2 guide may not contract directly with a person to provide salt water sport fishing guide
 3 services unless the guide also holds a current salt water sport fishing operator license.

4 (e) While providing salt water sport fishing guide services, a guide shall have
 5 readily available for inspection

6 (1) a current license issued under AS 16.05.340(a)(27)(B) or (C);

7 (2) the current licenses, tags, and permits required to engage in the
 8 sport fishery for which the salt water sport fishing guide is providing services;

9 (3) a driver's license or valid government-issued photographic
 10 identification card; and

11 (4) proof of

12 (A) employment as a salt water sport fishing guide by a person
 13 who holds a current license under AS 16.05.340(a)(27)(A) or (C); or

14 (B) current licensure under AS 16.05.340(a)(27)(A) or (C).

15 (f) A salt water sport fishing guide may not

16 (1) aid in the commission of a violation of AS 16.05 - AS 16.40 or a
 17 regulation adopted under AS 16.05 - AS 16.40 by a client of the guide; or

18 (2) permit a client to commit a violation of AS 16.05 - AS 16.40 or a
 19 regulation adopted under AS 16.05 - AS 16.40 that the guide knows or reasonably
 20 believes is being or will be committed without

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

22 (B) reporting the violation.

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

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

30 (c) A person who knowingly violates AS 16.40.271(e) is, for a

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

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

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

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

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

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

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

16 (A) sport fishing services; or

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

20 * **Sec. 4.** AS 25.27.244(s)(2) is amended to read:

21 (2) "license"

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

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

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

30 (iii) teacher certificate under AS 14.20;

31 (iv) authorization under AS 18.08 to perform

1 emergency medical services;

2 (v) asbestos worker certification under AS 18.31;

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

4 (vii) certificate of fitness under AS 18.62;

5 (viii) hazardous painting certification under AS 18.63;

6 (ix) security guard license under AS 18.65.400 -
7 18.65.490;

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

9 (xi) employment agency permit under AS 23.15.330 -
10 23.15.520;

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

14 (xiii) certification as a pesticide applicator under
15 AS 46.03.320;

16 (xiv) certification as a storage tank worker or contractor
17 under AS 46.03.375;

18 (xv) certification as a water and wastewater works
19 operator under AS 46.30;

20 (xvi) commercial crewmember fishing license under
21 AS 16.05.480 other than an entry permit or interim-use permit under
22 AS 16.43;

23 (xvii) fish transporter permit under AS 16.05.671;

24 (xviii) salt water sport fishing operator license under
25 AS 16.40.261;

26 (xix) salt water sport fishing guide license under
27 AS 16.40.271; [REPEALED

28 (xix) REPEALED]

29 (B) does not include

30 (i) a vessel license issued under AS 16.05.490 or
31 16.05.530;

1 (ii) [REPEALED

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

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

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

6 * **Sec. 5.** AS 16.05.340(a)(27); AS 16.40.261, 16.40.271, 16.40.281, 16.40.291, 16.40.300;
7 AS 25.27.244(s)(2)(A)(xviii), and 25.27.244(s)(2)(A)(xix) are repealed.

8 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
9 read:

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

17 * **Sec. 7.** Section 6 of this Act takes effect immediately under AS 01.10.070(c).

18 * **Sec. 8.** Section 5 of this Act takes effect January 1, 2019.

19 * **Sec. 9.** Except as provided in secs. 7 and 8 of this Act, this Act takes effect January 1,
20 2017.



REPRESENTATIVE CATHY TILTON
REPRESENTATIVE CATHY MUÑOZ

SECTIONAL ANALYSIS SENATE CS FOR CS HOUSE BILL 41 (FIN) VERSION S

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

Section 1 – Establishes license fees for fresh water and salt water; \$200 for operators, \$100 for guides, and \$200 sport fishing operator and guide combined.

Section 2 – Amends 16.05.395 Sport fishing vessel registration; provides that a person may not provide sport fishing services unless the vessel is registered with the department.

Section 3 – Establishes the sport fishing operator license and sport fish guide license for both fresh water and salt water guiding. Provides penalties only for licensure violations and defines sport fishing guide and sport fishing guide services.

Section 4 – Amends AS 25.27.244 Adverse action against delinquent obligor's occupational license; to include sport fishing operator and sport fish guide licenses.

Section 5 – Repeals sections 1, 3, and 4 of the bill to conform with the January 1, 2019 sunset date.

Section 6 – Transitional provision for the department to update and adopt regulations in accordance with the Administrative Procedure Act. Regulations under this section take effect on or after the effective date of the law.

Section 7 – Provides for an immediate effective date of section 6 to allow the department to update regulations.

Section 8 – Provides a sunset date of January 1, 2019 for section 5 of the bill.

Section 9 – Provides for an effective date of January 1, 2017 for sections 1-4 of the bill.

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

SECTIONAL ANALYSIS CS HOUSE BILL 41 (FIN)

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

Section 1 – Effective January 1, 2016; establishes license fees at the rate of \$200 for operators, \$100 for guides, and \$200 combined.

Section 2 – Effective January 1, 2016; Amends 16.05.395 Sport fishing vessel registration; updates the statute references to reflect the reinstated program.

Section 3 – Effective January 1, ²⁰²¹2026; removes the language in Section 4 to reflect the 10 year sunset provision.

Section 4 – Effective January 1, 2016; 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 5 – Effective January 1, 2016; 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 6 – Effective January 1, 2016; Reinserts language into AS 41.21.506 Comprehensive Management Plan, Regulations that was repealed with the sunset provision; This language requires the DNR Commissioner to develop and adopt a management plan for the Kenai River Special Management Area in conjunction with the Borough.

Section 7 – Effective January 1, ²⁰²¹2026; removes the language in Section 8 to reflect the 10 year sunset provision.

Section 8 – Effective January 1, ²⁰²¹2026; Repealers for the 10 year sunset provision.

Sections 9 and 10 – Transitional provision for regulations with an immediate effective date.

Section 11 – Section 3, 7, and 8 take effect January 1, 2026. ²⁰²¹

Section 12 – Effective date of January 1, 2016.

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 COMMITTEE SUBSTITUTE FOR HOUSE BILL 41 (FIN)

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

Section 1 (Pg. 1, lines 4-9) – Different from the earlier versions of HB 41, the Finance version eliminates the three-year phase in of the licensure fees. This change makes the reinstatement of the licensures budget neutral, upon the effective date. The earlier versions it would take 3 years to close any budget gap as a result the difference between the licensure fees and the cost of administering the licensure program.

Remaining sections have been renumbered accordingly.

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

adopted 4/15/16

29-LS0238S
Bullard
4/14/16

SENATE CS FOR CS FOR HOUSE BILL NO. 41(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES TILTON AND MUÑOZ

SENATOR Costello

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 guide combined license 200.

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

10 **Sec. 16.05.395. Sport fishing vessel registration.** A [FOR CALENDAR
11 YEAR 2005 AND SUBSEQUENT CALENDAR YEARS, A] person may not use a
12 vessel to provide sport fishing services [UNDER AS 16.40.260 - 16.40.299] unless the
13 vessel is registered with the department and proof of registration is attached to and
14 clearly visible on the vessel while the vessel is used to provide sport fishing services.
15 The department shall register vessels used to provide sport fishing services, and

1 provide proof of registration, without charge. The department may adopt regulations
2 as the department finds necessary to implement this section.

3 * **Sec. 3.** AS 16.40 is amended by adding new sections to read:

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

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

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

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

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

16 (b) A person may not provide sport fishing services unless the person is
17 licensed and insured under (a) of this section.

18 (c) A person licensed under this section may contract to provide sport fishing
19 guide services to a sport fisherman through an employee who holds a current sport
20 fishing guide license under AS 16.40.271.

21 (d) A person licensed under this section may not directly provide sport fishing
22 guide services to a sport fisherman unless the person is also licensed as a sport fishing
23 guide, or a guide and operator, under AS 16.40.271.

24 (e) A person licensed as a sport fishing operator may not aid in the
25 commission of a violation of AS 16.05 - AS 16.40 or a regulation adopted under
26 AS 16.05 - AS 16.40, including regulations relating to the proper method to release
27 fish, by a sport fishing guide who is employed by the person or by a sport fisherman
28 who is a client of the person.

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

1 that 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 (1) an activity for which a sport fishing guide license is required; or
4 (2) booking and other ancillary services provided by a tour broker or
5 agent to a sport fishing services operator.

6 **Sec. 16.40.271. Sport fishing guide license; combined operator and guide**
7 **license.** (a) A natural person may obtain an annual sport fishing guide license if the
8 person

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

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

13 (3) holds a current sport fishing license from the state;

14 (4) pays the license fee prescribed by AS 16.05.340(a); and

15 (5) satisfies all additional requirements adopted in regulation by the
16 Board of Fisheries.

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

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

22 (1) holds a current sport fishing guide license under (a) or (b) of this
23 section; and

24 (2) holds, or is an employee of a person who holds, a current sport
25 fishing operator license under AS 16.40.261 or (b) of this section.

26 (d) A sport fishing guide may provide sport fishing guide services only to
27 persons who have engaged the services of the sport fishing operator who employs the
28 sport fishing guide. A sport fishing guide may not contract directly with a person to
29 provide sport fishing guide services unless the guide also holds a current sport fishing
30 operator license.

31 (e) While providing sport fishing guide services, a guide shall have readily

1 available for inspection

2 (1) a current license issued under AS 16.05.340(a)(27)(B) or (C);

3 (2) the current licenses, tags, and permits required to engage in the
4 sport fishery for which the sport fishing guide is providing services;

5 (3) a driver's license or valid government-issued photographic
6 identification card; and

7 (4) proof of

8 (A) employment as a sport fishing guide by a person who holds
9 a current license under AS 16.05.340(a)(27)(A) or (C); or

10 (B) current licensure under AS 16.05.340(a)(27)(A) or (C).

11 (f) A sport fishing guide may not

12 (1) aid in the commission of a violation of AS 16.05 - AS 16.40 or a
13 regulation adopted under AS 16.05 - AS 16.40 by a client of the guide; or

14 (2) permit a client to commit a violation of AS 16.05 - AS 16.40 or a
15 regulation adopted under AS 16.05 - AS 16.40 that the guide knows or reasonably
16 believes is being or will be committed without

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

18 (B) reporting the violation.

19 **Sec. 16.40.291. Penalty.** (a) Except as provided in (b) of this section, a person
20 who knowingly violates AS 16.40.261 - 16.40.300 or a regulation adopted under
21 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) is, for a

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

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

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

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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.

* **Sec. 4.** 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;

- 1 (ix) security guard license under AS 18.65.400 -
 2 18.65.490;
 3 (x) license relating to insurance under AS 21.27;
 4 (xi) employment agency permit under AS 23.15.330 -
 5 23.15.520;
 6 (xii) registration as a broker-dealer, an agent, a state
 7 investment adviser, or an investment adviser representative under
 8 AS 45.55.030;
 9 (xiii) certification as a pesticide applicator under
 10 AS 46.03.320;
 11 (xiv) certification as a storage tank worker or contractor
 12 under AS 46.03.375;
 13 (xv) certification as a water and wastewater works
 14 operator under AS 46.30;
 15 (xvi) commercial crewmember fishing license under
 16 AS 16.05.480 other than an entry permit or interim-use permit under
 17 AS 16.43;
 18 (xvii) fish transporter permit under AS 16.05.671;
 19 (xviii) sport fishing operator license under
 20 AS 16.40.261;
 21 (xix) sport fishing guide license under AS 16.40.271;
 22 [REPEALED
 23 (xix) REPEALED]
 24 (B) does not include
 25 (i) a vessel license issued under AS 16.05.490 or
 26 16.05.530;
 27 (ii) [REPEALED
 28 (iii)] a business license issued under AS 43.70;
 29 (iii) [(iv)] an entry permit or interim-use permit issued
 30 under AS 16.43; or
 31 (iv) [(v)] a driver's license issued under AS 28.15;

1 * **Sec. 5.** AS 16.05.340(a)(27); AS 16.40.261, 16.40.271, 16.40.281, 16.40.291, 16.40.300;
2 AS 25.27.244(s)(2)(A)(xviii), and 25.27.244(s)(2)(A)(xix) are repealed.

3 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
4 read:

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

12 * **Sec. 7.** Section 6 of this Act takes effect immediately under AS 01.10.070(c).

13 * **Sec. 8.** Section 5 of this Act takes effect January 1, 2019.

14 * **Sec. 9.** Except as provided in secs. 7 and 8 of this Act, this Act takes effect January 1,
15 2017.

adopted
4/16/16

29-LS0238\S.3
Bullard
4/15/16

AMENDMENT #1

OFFERED IN THE SENATE
TO: SCS CSHB 41(FIN)

BY SENATOR DUNLEAVY

- 1 Page 1, line 1:
2 Following "**services**,"
3 Insert "**salt water**"
4 Following "**and**":
5 Insert "**salt water**"
6
7 Page 1, line 6:
8 Delete "Sport"
9 Insert "Salt water sport"
10
11 Page 1, line 7:
12 Delete "Sport"
13 Insert "Salt water sport"
14
15 Page 1, line 8:
16 Delete "Sport"
17 Insert "Salt water sport"
18
19 Page 2, line 4:
20 Delete "**Sport**"
21 Insert "**Salt water sport**"
22
23 Page 2, line 5, following "annual":

1 Insert "salt water"

2

3 Page 2, line 16, following "provide":

4 Insert "salt water"

5

6 Page 2, line 18, following "provide":

7 Insert "salt water"

8

9 Page 2, line 19, following "current":

10 Insert "salt water"

11

12 Page 2, line 21, following "provide":

13 Insert "salt water"

14

15 Page 2, line 22, following the second occurrence of "a":

16 Insert "salt water"

17

18 Page 2, line 24, following "a":

19 Insert "salt water"

20

21 Page 2, line 27, following the first occurrence of "a":

22 Insert "salt water"

23

24 Page 2, line 29:

25 Delete "sport"

26 Insert "salt water sport"

27

28 Page 2, line 31, following "fishing":

29 Insert "in salt water"

30

31 Page 3, line 1, following "a":

- 1 Insert "salt water"
- 2
- 3 Page 3, line 2:
- 4 Delete "sport fishing trip; "sport fishing services""
- 5 Insert "sport fishing trip on salt water; "salt water sport fishing services""
- 6
- 7 Page 3, line 3, following "a":
- 8 Insert "salt water"
- 9
- 10 Page 3, line 5, following "a":
- 11 Insert "salt water"
- 12
- 13 Page 3, line 6:
- 14 Delete "**Sport**"
- 15 Insert "**Salt water sport**"
- 16
- 17 Page 3, line 7, following "annual":
- 18 Insert "salt water"
- 19
- 20 Page 3, line 17, following "annual":
- 21 Insert "salt water"
- 22
- 23 Page 3, line 18, following "a":
- 24 Insert "salt water"
- 25
- 26 Page 3, line 21, following "provide":
- 27 Insert "salt water"
- 28
- 29 Page 3, line 22, following "current":
- 30 Insert "salt water"
- 31

- 1 Page 3, line 24, following "current":
2 Insert "salt water"
3
- 4 Page 3, line 26:
5 Delete "sport fishing guide may provide"
6 Insert "salt water sport fishing guide may provide salt water"
7
- 8 Page 3, line 27, following "the" in both places:
9 Insert "salt water" in both places
10
- 11 Page 3, line 28, following "A":
12 Insert "salt water"
13
- 14 Page 3, line 29, following "provide":
15 Insert "salt water"
16
- 17 Page 3, line 29, following "current":
18 Insert "salt water"
19
- 20 Page 3, line 31, following "providing":
21 Insert "salt water"
22
- 23 Page 4, line 4, following "the":
24 Insert "salt water"
25
- 26 Page 4, line 8, following the first occurrence of "a":
27 Insert "salt water"
28
- 29 Page 4, line 11, following "A":
30 Insert "salt water"
31

- 1 Page 4, line 30, following "the":
2 Insert "salt water"
3
- 4 Page 5, line 4:
5 Delete "sport"
6 Insert "salt water sport"
7
- 8 Page 5, line 5, following "in":
9 Insert "salt water"
10
- 11 Page 5, line 6:
12 Delete "sport"
13 Insert "salt water sport"
14
- 15 Page 5, line 9:
16 Following "activities":
17 Insert "on salt water"
18 Delete "sport"
19 Insert "salt water sport"
20
- 21 Page 5, line 13, following "a":
22 Insert "salt water"
23
- 24 Page 6, line 19, following "(xviii)":
25 Insert "salt water"
26
- 27 Page 6, line 21, following "(xix)":
28 Insert "salt water"

~~adopted~~
~~4/16/16~~

rescinded
adopting
action
4/16/16

29-LS0238\S.2
Bullard
4/14/16

AMENDMENT #2

OFFERED IN THE SENATE

BY SENATOR OLSON

TO: SCS CSHB 41(FIN), Draft Version "S"

1 Page 5, line 11:

2 Delete "or"

3

4 Page 5, line 14, following "guide":

5 Insert "; or

6

(C) services provided by a person licensed under AS 08.54 that

7

are incidental to big game hunting, guiding, and outfitting services"

2016 SENATE FINANCE COMMITTEE VOTE SHEET

DATE: 4/10

Amendment: 2

MEMBER

Favor

Oppose

MEMBER	Favor	Oppose
SEN. MICCICHE		1
SEN. OLSON	1	
SEN. BISHOP	1	
SEN. DUNLEAVY	1	
SEN. HOFFMAN	1	
SEN. MACKINNON		1
SEN. KELLY	1	

YEA 5 NAY 2

adopted 4/12/16

29-LS0238\G
Bullard
3/18/16

SENATE CS FOR CS FOR HOUSE BILL NO. 41(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES TILTON AND MUÑOZ

SENATOR Costello

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to sport fishing services, salt water sport fishing operators, and salt**
2 **water sport fishing 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) Salt water sport fishing operator license 200

7 (B) Salt water sport fishing guide license 100

8 (C) Salt water sport fishing operator and 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 on fresh or salt water [UNDER AS 16.40.260
14 - 16.40.299] unless the vessel is registered with the department and proof of
15 registration is attached to and clearly visible on the vessel while the vessel is used to

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

5 * **Sec. 3.** AS 16.40 is amended by adding new sections to read:

6 **Sec. 16.40.261. Salt water sport fishing operator license.** (a) The department
7 shall issue an annual salt water sport fishing operator license to a person who

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

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

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

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

18 (b) A person may not provide salt water sport fishing services unless the
19 person is licensed and insured under (a) of this section.

20 (c) A person licensed under this section may contract to provide salt water
21 sport fishing guide services to a sport fisherman through an employee who holds a
22 current salt water sport fishing guide license under AS 16.40.271.

23 (d) A person licensed under this section may not directly provide salt water
24 sport fishing guide services to a sport fisherman unless the person is also licensed as a
25 salt water sport fishing guide, or a guide and operator, under AS 16.40.271.

26 (e) A person licensed as a salt water sport fishing operator may not aid in the
27 commission of a violation of AS 16.05 - AS 16.40 or a regulation adopted under
28 AS 16.05 - AS 16.40, including regulations relating to the proper method to release
29 fish, by a salt water sport fishing guide who is employed by the person or by a sport
30 fisherman who is a client of the person.

31 (f) In this section, "salt water sport fishing services" means the indirect

1 provision of assistance, for compensation or with the intent to receive compensation,
2 to a person engaged in sport fishing in salt water in taking or attempting to take fish or
3 shellfish by a business that employs a salt water sport fishing guide to provide sport
4 fishing guide services to the person during any portion of a sport fishing trip on salt
5 water; "salt water sport fishing services" does not include

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

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

10 **Sec. 16.40.271. Salt water sport fishing guide license; combined operator**
11 **and guide license.** (a) A natural person may obtain an annual salt water sport fishing
12 guide license if the person

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

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

17 (3) holds a current sport fishing license from the state;

18 (4) pays the license fee prescribed by AS 16.05.340(a); and

19 (5) satisfies all additional requirements adopted in regulation by the
20 Board of Fisheries.

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

25 (c) A person may not provide salt water sport fishing guide services unless the
26 person

27 (1) holds a current salt water sport fishing guide license under (a) or
28 (b) of this section; and

29 (2) holds, or is an employee of a person who holds, a current salt water
30 sport fishing operator license under AS 16.40.261 or (b) of this section.

31 (d) A salt water sport fishing guide may provide salt water sport fishing guide

1 services only to persons who have engaged the services of the salt water sport fishing
2 operator who employs the salt water sport fishing guide. A salt water sport fishing
3 guide may not contract directly with a person to provide salt water sport fishing guide
4 services unless the guide also holds a current salt water sport fishing operator license.

5 (e) While providing salt water sport fishing guide services, a guide shall have
6 readily available for inspection

7 (1) a current license issued under AS 16.05.340(a)(27)(B) or (C);

8 (2) the current licenses, tags, and permits required to engage in the
9 sport fishery for which the salt water sport fishing guide is providing services;

10 (3) a driver's license or valid government-issued photographic
11 identification card; and

12 (4) proof of

13 (A) employment as a salt water sport fishing guide by a person
14 who holds a current license under AS 16.05.340(a)(27)(A) or (C); or

15 (B) current licensure under AS 16.05.340(a)(27)(A) or (C).

16 (f) A salt water sport fishing guide may not

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

19 (2) permit a client to commit a violation of AS 16.05 - AS 16.40 or a
20 regulation adopted under AS 16.05 - AS 16.40 that the guide knows or reasonably
21 believes is being or will be committed without

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

23 (B) reporting the violation.

24 **Sec. 16.40.281. Reports.** (a) The department may collect information from salt
25 water sport fishing operators and guides, including

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

28 (2) the amount of fishing effort, catch, and harvest by clients of an
29 operator or guide;

30 (3) the locations fished during the provision of salt water sport fishing
31 guide services; and

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

3 (b) A person licensed under AS 16.40.261 or 16.40.271 shall comply with the
4 reporting requirements in this section and reporting requirements adopted in regulation
5 by the department or board. The department and the board may adopt by regulation
6 requirements for timely submission of reports required under this section or under
7 regulations adopted by the department or board.

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

10 (d) The department and the board shall adopt in regulation a procedure that
11 allows a person to apply for a waiver of the timely submission of reports required
12 under (b) of this section. A person licensed under AS 16.40.261 or 16.40.271 may be
13 granted a waiver and assigned an individualized reporting schedule based on a
14 demonstration of hardship.

15 (e) A salt water sport fishing operator or guide may not be issued a new
16 license under AS 16.40.261 or 16.40.271 unless the department has received all
17 reports required under this section for the preceding year.

18 (f) Information collected under this section is confidential to the extent
19 provided under AS 16.05.815.

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

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

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

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

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

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

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

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

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

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

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

17 (A) sport fishing services; or

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

21 * **Sec. 4.** AS 25.27.244(s)(2) is amended to read:

22 (2) "license"

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

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

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

31 (iii) teacher certificate under AS 14.20;

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

3 (v) asbestos worker certification under AS 18.31;

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

5 (vii) certificate of fitness under AS 18.62;

6 (viii) hazardous painting certification under AS 18.63;

7 (ix) security guard license under AS 18.65.400 -
8 18.65.490;

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

10 (xi) employment agency permit under AS 23.15.330 -
11 23.15.520;

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

15 (xiii) certification as a pesticide applicator under
16 AS 46.03.320;

17 (xiv) certification as a storage tank worker or contractor
18 under AS 46.03.375;

19 (xv) certification as a water and wastewater works
20 operator under AS 46.30;

21 (xvi) commercial crewmember fishing license under
22 AS 16.05.480 other than an entry permit or interim-use permit under
23 AS 16.43;

24 (xvii) fish transporter permit under AS 16.05.671;

25 (xviii) **salt water sport fishing operator license under**
26 **AS 16.40.261;**

27 **(xix) salt water sport fishing guide license under**
28 **AS 16.40.271;** [REPEALED

29 (xix) REPEALED]

30 (B) does not include

31 (i) a vessel license issued under AS 16.05.490 or

1 16.05.530;

2 (ii) [REPEALED

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

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

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

7 * **Sec. 5.** AS 16.05.340(a)(27); AS 16.40.261, 16.40.271, 16.40.281, 16.40.291, 16.40.300;
8 AS 25.27.244(s)(2)(A)(xviii), and 25.27.244(s)(2)(A)(xix) are repealed.

9 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
10 read:

11 REGULATIONS. Notwithstanding AS 44.62.190, the Department of Fish and Game
12 may use and enforce regulations previously adopted to administer former AS 16.40.260 -
13 16.40.299 to the extent those regulations do not conflict with the provisions of this Act. The
14 Department of Fish and Game shall update and readopt those regulations in accordance with
15 AS 44.62 (Administrative Procedure Act) to conform to the provisions of this Act. The
16 regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the
17 effective date of the law implemented by the regulation.

18 * **Sec. 7.** Section 6 of this Act takes effect immediately under AS 01.10.070(c).

19 * **Sec. 8.** Section 5 of this Act takes effect January 1, 2019.

20 * **Sec. 9.** Except as provided in secs. 7 and 8 of this Act, this Act takes effect January 1,
21 2017.

CONCEPTUAL

Amendment
SFIN, 04/18/15, 9:10 AM

9:49:54 AM

[Adopted]

A M E N D M E N T

OFFERED IN THE SENATE

BY

TO: CSHB 41(FIN) am

1 Page 8, line 8, through page 9, line 28:

2 Delete all material and insert:

3 **"* Sec. 6.** AS 41.21.506 is amended by adding new subsections to read:

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

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

17 (2) is unable to hire as a replacement an available licensed guide who
18 has satisfied all the requirements of this subsection, including those required by
19 regulation.

20 (g) If the procedures and additional controls required by the department under
21 (b)(2) of this section include a requirement that a person must take a course designed
22 to train persons to provide professional guide services in the Kenai River Special
23 Management Area in order to work in the Special Management Area as a guide

1 licensed under AS 16.40.271, the course must be made available online."

2

3 Renumber the following bill sections accordingly.

4

5 Page 9, line 30:

6 Delete "and 25.27.244(s)(2)(A)(xix)"

7 Insert "25.27.244(s)(2)(A)(xix); AS 41.21.506(f), and 41.21.506(g)"

8

9 Page 10, line 9:

10 Delete "Section 9"

11 Insert "Section 8"

12

13 Page 10, line 10:

14 Delete "Sections 3, 7, and 8"

15 Insert "Sections 3 and 7"

16

17 Page 10, line 11:

18 Delete "secs. 10 and 11"

19 Insert "secs. 9 and 10"

29-LS0238V
Bullard
4/18/15

SENATE CS FOR 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

SENATOR Costello

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 current sport fishing license from the state;

17 (4) pays the license fee prescribed by AS 16.05.340(a); and

18 (5) satisfies all additional requirements adopted in regulation by the
19 Board of Fisheries.

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

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

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

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

28 (d) A sport fishing guide may provide sport fishing guide services only to
29 persons who have engaged the services of the sport fishing operator by whom the
30 sport fishing guide is employed. A sport fishing guide may not contract directly with a
31 person to provide sport fishing guide services to a person unless the sport fishing

1 guide also holds a current sport fishing operator license.

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

4 (1) a current sport fishing guide license;

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

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

9 (4) proof of

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

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

13 (f) A sport fishing guide may not

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

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

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

21 (B) reporting the violation.

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

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

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

28 (3) the locations fished during the provision of sport fishing guide
29 services; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (A) sport fishing services; or

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

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

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

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

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

23 (2) "license"

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

28 (i) license relating to boxing or wrestling under

29 AS 05.10;

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

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- (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;
- (xiii) certification as a pesticide applicator under AS 46.03.320;
- (xiv) certification as a storage tank worker or contractor under AS 46.03.375;
- (xv) certification as a water and wastewater works operator under AS 46.30;
- (xvi) commercial crewmember fishing license under AS 16.05.480 other than an entry permit or interim-use permit under AS 16.43;
- (xvii) fish transporter permit under AS 16.05.671;
- (xviii) sport fishing operator license under AS 16.40.261;
- (xix) sport fishing guide license under AS 16.40.271;
- [REPEALED
- (xix) REPEALED]
- (B) does not include

- 1 (i) a vessel license issued under AS 16.05.490 or
2 16.05.530;
3 (ii) [REPEALED
4 (iii)] a business license issued under AS 43.70;
5 (iii) [(iv)] an entry permit or interim-use permit issued
6 under AS 16.43; or
7 (iv) [(v)] a driver's license issued under AS 28.15;

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

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

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

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

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

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

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

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

- 4 (1) designate incompatible uses and prohibit or restrict them; and
- 5 (2) establish a registration, licensing, or comparable procedure for

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

22 (A) EMPLOYING THE LICENSED GUIDE HAS LOST THE
 23 SERVICES OF A LICENSED GUIDE BECAUSE OF UNFORESEEN
 24 CIRCUMSTANCES; AND

25 (B) IS UNABLE TO HIRE AS A REPLACEMENT AN
 26 AVAILABLE LICENSED GUIDE WHO HAS SATISFIED ALL THE
 27 REQUIREMENTS OF THIS PARAGRAPH, INCLUDING THOSE
 28 REQUIRED BY REGULATION].

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

31 * **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to

1 read:

2 REGULATIONS. Notwithstanding AS 44.62.190, the Department of Fish and Game
3 may use and enforce regulations previously adopted to administer former AS 16.40.260 -
4 16.40.299 to the extent those regulations do not conflict with the provisions of this Act. The
5 Department of Fish and Game shall update and readopt those regulations in accordance with
6 AS 44.62 (Administrative Procedure Act) to conform to the provisions of this Act. The
7 regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the
8 effective date of the law implemented by the regulation.

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

10 * **Sec. 11.** Sections 3, 7, and 8 of this Act take effect January 1, 2018.

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

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 faint, larger version of the same signature.

Capt. J. Kevin Burchfield

Owner

Lost in Alaska Adventures, LLC

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 25 th 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 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

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.



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: 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

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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,



J. Kevin Burchfield
President

www.ninilchik.com

**Ninilchik Charters
Mike Flores**

P.O. Box 1627
Soldotna, Alaska 99669

Phone: (907) 260-7825
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Senator MacKinnon and members of the Senate Finance Committee

My name is Michael Flores Owner of Ninilchik Charters

The current Log Book Program Is critical to maintain a balance Fishery in the State of Alaska. Without this data Being collected, The fishery Management and the Charter fleet are both running blind, Through the log book program, It gives us insight to the potential problems in the fishery that could impact public access in the future and to protect stock health across the state in both saltwater and freshwater fisheries . The Log Book Is the only tool for the charter fleet has to see how we're doing From month to month.

I currently serve as one of the board member for the Alaska charter association. In January of 2015 I was part of the U.S. caucus for the IPHC in Vancouver; this conference was very important To Alaska Charter fleet, because the information from the log books was used to make regulation changes in the 2015 season. The IPHC takes recommendations from different Sources; one of these sources is Scott Meyer's fishery biologist for Alaska Department of fish and game who uses the Log books to make his recommendation to the IPHC.

I support house bill 41 and rate increases, I believe without this bill there's no accountability for guides in Alaska. I feel it is your job to protect the public from operators that would cut corners and run illegal operations. Unfortunately in the past some people have slipped through the cracks and taken tens of thousands of dollars from would be customer. Only to find out services were not available because their guide was not a guide, in the end the customer loses his money and Alaska ends up with a black eye. I feel it is in the best interest of the public to pass house bill 41 and continued log book program for the state of Alaska.

For the last 22 years I have owned and operated Ninilchik charters which currently holds five CHP permits and operates nine boats in five locations of 3A, Taking 70 people a day out of Seward, Homer, Ninilchik, Kodiak Island and the Kenai River. In the last 22 years I have seen a lot of changes in our fishery and lot of uncertainty in the future ahead. I thank you for your time
Sincerely Michael Flores

Partners
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January 11, 2016

Thor Stacey
Alaska Professional Hunter's Association
PO Box 240971 Anchorage, AK 99524
Phone: 907-929-0619 Fax: 907-868-1562

Re: HB 41, An Act Relating to sport fishing services ...

Dear Thor:

As discussed last week and again in teleconference today, HB41 as currently drafted creates some concerns for the Alaska Professional Hunter's Association (APHA). These concerns generally fall under the topics of public participation, applicability to incidental activities of big game guides, and penalties. Each area is addressed below.

First, as currently drafted, the bill grants both the Department of Fish & Game and the Board of Fisheries power to pass regulations to implement the bill. Section 2 grants the Department the authority to adopt regulations related to sport fishing vessel registration. Section 4 grants the Board the authority to create additional licensing requirements by regulation for operators and guides. My understanding is that APHA has no concerns with these sections. Section 4 also grants the Department and the Board the co-authority to require additional information in reports, require certain timing of reports, or adopt additional necessary regulations relating to reports. APHA has expressed concern that department regulations do not allow for full public participation.

In order to maximize the public process I suggest the following changes. In Section 4, the language that will become AS 16.40.281 be amended as follows:

Sec. 16.40.281. Reports

...

(4) other information that the [DEPARTMENT OR] board requires by regulation.

(b) A person who holds a license issued under AS 16.40.261 or 16.40.271 shall comply with the reporting requirements in this section and reporting requirements adopted in regulation by the [DEPARTMENT OR] board. The [DEPARTMENT AND THE] board may adopt by regulation requirements for

timely submission of reports required under this section or under regulations adopted by the [DEPARTMENT OR] board.”

...

(f) “The [DEPARTMENT OR] board may adopt regulations under AS 44.62 (Administrative Procedure Act) that it considers necessary to implement this section.”

...

These changes clarify that only the Board may adopt regulations related to the contents of reports or the timing of reports. The Department will retain the ability to submit its own regulatory proposals to the Board, but these proposals will undergo the vetting of the public Board process including full participation by the Advisory Committees located throughout Alaska, written public comment, recommendations from the Department and the Department of Public Safety, public testimony before the Board at meetings, and full deliberation by the seven member Board.

Second, the current version of the bill may be interpreted to require licensing for persons licensed to provide big game hunting services under title 8 if any fishing is done on a hunting trip. The following amendments will clarify that separate licensure is not required under AS 16.40 for persons licensed under AS 08.54 for activities taking place during a hunting trip.

In Section 4, the language that will become AS 16.40.300 be amended as follows:

Sec. 16.40.300. Definitions.

...

(2) “sport fishing guide services” means assistance, for compensation or with the intent to receive compensation, to a sport fisherman to take or 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; or

(C) services incidental to big game hunting services (as defined in AS 08.54.790) provided by a person licensed under AS 08.54.610 -.636;

(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 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

...

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

(C) services incidental to big game hunting services (as defined in AS 08.54.790) provided by a person licensed under AS 08.54.610 - .636;

...

These changes make the entirety of the bill inapplicable to big game guides who have clients fishing during a portion of a hunt. These changes would only allow a person on a hunting trip with a licensed big game guide to participate in a sport fishing activity while on a hunt. This exception does not allow a licensed big game guide to provide sport fishing guide services or sport fishing services outside of the hunt context.

Third, the current version of the bill provides for criminal and quasi-criminal penalties for benign record keeping mistakes. The following amendments continue to provide a mechanism to ensure the Department receives the information it needs, without exposing honest business people to criminal punishments.

In Section 4, the language that will become AS 16.40.291 be amended as follows:

Sec. 16.40.291. Penalty. (a) Except as provided in (b) [AND (C)] of this section, a 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.]

(b) [(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] may be assessed a civil penalty by the department as follows:

(1) **for a** first offense in a three-year period, **\$100** [GUILTY OF A VIOLATION]; and

(2) **for a** second or subsequent offense in a three-year period **\$200** [GUILTY OF A CLASS B MISDEMEANOR].

(c) [(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.

(d) [(E)] In this section, "knowingly" has the meaning given in AS 11.81.900(a).

These changes remove record keeping and paperwork error from the criminal law. Substantive offenses such as failing to hold a license or aiding in violations remain misdemeanors.

Sincerely,
DOWNES, TALLERICO, & SCHWALM, LLC

A handwritten signature in black ink, appearing to read 'Kirk Schwalm', written over a horizontal line.

Kirk Schwalm
Partner

Doniece Gott

From: Sen. Anna MacKinnon
Sent: Monday, April 11, 2016 6:09 PM
To: Senate Finance Committee
Subject: FW: HB 137 and HB 41

From: Ricky Gease [mailto:Ricky@krsa.com]
Sent: Monday, April 11, 2016 6:01 PM
To: Sen. Anna MacKinnon <Sen.Anna.MacKinnon@akleg.gov>
Subject: HB 137 and HB 41

Dear Senator MacKinnon and members of the Senate Finance committee;

Kenai River Sportfishing Association (KRSA) would like to provide comment on two bills in Senate Finance, HB 137 and HB 41.

With respect to HB 137, the KRSA board of directors voted to not support the fisheries license and fee increases at this time, based on the following three points.

1. ADFG sport fish division appears to be able to be fully funded with the existing license and fee schedule, so it does not make sense at this junction to increase fees without a corresponding need to do so.
2. ADFG commissioned a recent study by Southwick and Associates that examined the license and fee schedule paid by anglers and their willingness to pay for increased rates. The angler survey indicated that at the low end of the license and fee scale there is room for modest increases, but at the higher end of the scale (for example the annual non-resident king stamp @ \$100) the price point may already be too high, meaning a net loss in revenue as anglers economize with less expensive options (3 or 7 day licenses). The problem will be compounded by raising those upper end fees (going from \$100 to \$150 for a non-resident king stamp), meaning potentially less revenues, not more.
3. The monies raised by the proposed sockeye salmon stamp, although targeting the Kenai and Kasilof River anglers, does not have a designated subaccount within the Fish and Game Fund and hence there is no guarantee that monies collected will benefit anglers in the watershed from which the money is collected.

At this time KRSA does not support moving forward with the fisheries license and fee increases in HB 137 until there is more accountability and transparency in where the monies would be utilized and how the benefits would accrue to anglers who are paying these new rates, especially if a sockeye salmon stamp on anglers is implemented for the Kenai and Kasilof rivers.

Regarding HB 41, KRSA supports minimum standards for the professional fishing guide industry, but has strong reservation again with the fiscal impacts of the bill in its current configuration. The bill appears to double the fees on guides and guide businesses, which then generates an excess of monies above the projected expenses. Additionally, there is no accounting for cost savings based on the implementation of the electronic guide logbook program, which is scheduled to soon replace the less efficient and costlier paper-based guide log book program.

Thus at this time KRSA does not support moving forward with HB 41 until there is more accountability and transparency in how the monies will be utilized, since the program receipts appear to generate more revenues than expenses, especially in light of the upcoming cost savings from the implementation of an electronic guide logbook program.

Thank you for your time and attention to this matter.

Respectfully,

Ricky Gease

Executive Director

Kenai River Sportfishing Association

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