

ALASKA LEGISLATURE COMMITTEE BILL FILES - 1987 - 1988 8879

SB 191

LA. Finance

71

SB

1911

SENATE COMMITTEE REPORT

FURTHER

3/14/88

DATE TURNED INTO OFFICE 3/21/88

Mr. President:

Finance Committee considered SB 191

amending the definition of big game guiding; and prohibiting compensation of an unlicensed person for guiding

and recommended

replace with CS SB 191 (FIN) same title
 or adopt CS new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted _____

Committee attached or adopted fiscal note(s)

new updated or previous

zero fiscal impact

Comm 65.1

Leg Aff 12.9

Pub Prot

ZFD

MEMBERS SIGNING DO PASS
Widie Henry

OTHER RECOMMENDATIONS

Fred T. Shuff No Rec-
Paul Smith No Rec
Tom Duncan No Rec
Rich Kelly (NO REC)
John H. [unclear] (NO REC)

Rich Halford do pass
Chairman signature and recommendation

Committee Backup attached

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: CSSB 191 (Fin)
PUBLISH DATE: 3/14/88

FISCAL NOTE

REQUEST:

Revision Date: 3/14/88 Agency Affected: Dept. of Commerce
Title: An Act relating to the Guide Brd., BRU: Occupational Licensing
the taking of big game, & services to hunters
Sponsor: Senate Resources Committee Components: Administration
Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL		65.1	9.0	9.0	9.0	9.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		65.1	9.0	9.0	9.0	9.0

CAPITAL	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93

REVENUE	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
		65.1	9.0	9.0	9.0	9.0

FUNDING: (Thousands of Dollars)

GENERAL FUND	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
FEDERAL FUNDS						
OTHER		65.1	9.0	9.0	9.0	9.0
TOTAL		65.1	9.0	9.0	9.0	9.0

POSITIONS:

FULL-TIME	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PART-TIME						
TEMPORARY		1.0	0	0	0	0

ANALYSIS : (Attach a separate page if necessary)

Please see attached.

Prepared by: RPB Randall P. Burns Phone: 465-25.5
Division: Occupational Licensing Date: 03/30/88
Approved by Commissioner: Kathy Marshall Anthony Smith Date: 3/30/88
Agency: Department of Commerce & Economic Development

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. Senate Bill 191

The attached two letters regarding this fiscal note are fully explanatory of the problem and the proposed approach to solve the Guide Board's mapping problems. This page summarizes the proposed plan:

First, the Division of Occupational Licensing will RSA the sum of \$23.5 to the Department of Natural Resources' Division of Management, Cartography Section, to provide the Guide Board with revised and updated maps.

Second, the Division of Occupational Licensing will contract with an arbitrator from the American Arbitration Association to fund a series of arbitrations on the guide areas currently permitted in each of the twenty-six (26) game units. The estimated cost of this project is \$41.6.

Finally, the Division of Occupational Licensing will, annually, provide \$9.0 to DNR's Cartography Section to continue the process of updating the Guide Board's display maps.

The entire cost of this fiscal note will be borne by an increase in the licensing fees of licensed guides. The increase in fees for FY 89 will be \$45.00, or \$22.50 per year. This increase will only be necessary for one year, unless the Guide Board subsequently seeks approval of an executive secretary position, in which case the fees would stay at the increased level permanently. The amount needed to fund the ongoing updates by DNR will necessitate a minimal uncrease of \$7.00 in a guide's biennial licensing fee.

There are currently 1,446 licensed guides in Alaska. The fee increase of \$45.00 will bring in \$65.1 in program receipts, which will fully fund the proposed mapping projects.

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: _____
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: CSSB 191 (Finance)
An Act relating to the Guide Board...
Sponsor: Senator Coghill
Requestor: Senate Finance

Agency Affected: Legislative Affairs Agency
BRU: Legislative Council
Components: Council and Subcommittees

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	10.9	0	0	0	0
CONTRACTUAL	0	2.0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	12.9	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	12.9	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL	0	12.9	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS : (Attach a separate page if necessary)

The Task Force on Guiding and Game is established under the jurisdiction of the Legislative Council Committee. The Task Force is composed of thirteen members, three from the Executive Branch, four legislators from the Legislative Branch, and six public members appointed by the Governor.

Prepared by: Pamela A. Stoops, Manager *Pamela Stoops* Phone: 465-3850
Division: Administrative Services Date: March 29, 1988

Approved by: Warren Endicott *Warren Endicott* Date: March 29, 1988
Agency: Legislative Affairs Agency

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

CONTINUATION OF FISCAL ANALYSIS

It is assumed that travel funds for this task force will be paid as follows:

3 Executive Branch members - absorbed within existing executive branch departments.

4 Legislative Branch members - absorbed within existing Legislative Operating Budget.

6 Public members - paid by Legislative Council funds as projected below.

Projected expenses for the Task Force on Guiding and Game are as follows:

Personal services - Staff for the Task Force will come from existing staff under the Legislative Operating Budget.

Travel	- 3 trips @ 366 x 6 members	= 6,588
	3 days per diem (\$80)	
	3 trips x 6 members	= 4,320
Contractual	- Transcription of meetings	1,000
	Printing and binding of report	1,000
Supplies	- Will come from existing Legislative Council and Legislative Operating supplies.	
Equipment	- Will come from existing Legislative Council and Legislative Operating equipment.	

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: CSSB 191 (Fin)

Publish Date: _____

REQUEST

Revision Date: _____

Title: "An Act amending the defini-
tion of big game guiding.."

Sponsor: Senator Coghill

Requestor: Senate Resources

Agency Affected: Public Safety

BRU: Fish & Wildlife Protection

Components: Enforcement

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING:: (Thousands of Dollars)

GENERAL FUNDS		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.



Prepared by: Kyle Weaver

Division: Fish & Wildlife Protection

Phone: 269-5539

Date: 3/23/87

Approved by Commissioner: William R. Nix

Agency: Public Safety

Date: 3/24/87

Distribution (by preparer):

Legislative Finance

Legislative Sponsor

Requestor

Office of Management and Budget

Impacted Agency(ies)

Senate Secretary

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: CS for SB 191(Fin)
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: 3/11/88
Title: An act relating to the Guide Board and Establishing a Task Force on Guiding
Sponsor: Coghill & Faiks
Requestor: _____

Agency Affected: Fish and Game
BRU: Game
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

This analysis includes personal services costs to prepare for and participate in 3 meeting of the Guide Task Force in Anchorage per year and 3 teleconferences. These costs will be borne by existing personnel; no additional costs anticipated.

Prepared by: Donald E. McKnight Phone: 465-4190
Division: Game Date: 3/11/88

Approved by Commissioner: *Norman Albright* Date: 3/11/88
Agency: Fish and Game

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

3/30/88
SFC
Adopted

IN THE SENATE

BY THE FINANCE COMMITTEE

CS FOR SENATE BILL NO. 191 (Finance)
IN THE LEGISLATURE OF THE STATE OF ALASKA
FIFTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to the Guide Board and big game guiding, transporting, outfitting, and hunting and establishing an interim task force on guiding and the commercial taking of big game; ~~and~~ providing for an effective date."

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

* Section 1. AS 08.03.010(c)(20) is amended to read:

(20) Guide Board (AS 08.54.010) -- June 30, 1989 [1988].

* Sec. 2. AS 16.05.407(d) is amended to read:

(d) A nonresident who violates (a) of this section, or who fails to furnish an affidavit under (b) or (e) of this section, is guilty of a misdemeanor and upon conviction is punishable by imprisonment for not more than one year, or by a fine of not more than \$5,000, or by both.

* Sec. 3. AS 16.05.407 is amended by adding a new subsection to read:

(e) An applicant for a nonresident big game tag for the taking of moose or caribou shall first furnish to the state, on a form provided by the state, an affidavit showing where the applicant will be hunting and what guiding, ~~outfitting~~, transportation, or other big game hunting services the applicant will be employing. A person who falsifies an affidavit under this subsection is guilty of perjury under AS 11.56.200.

* Sec. 4. AS 16.05 is amended by adding a new section to read:

Sec. 16.05.786. DUTY OF BIG GAME TRANSPORTERS TO REPORT

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VIOLATIONS. (a) A person who transports a big game hunter to or from the field for compensation, or with the intent or an agreement to receive compensation, shall promptly report to the Department of Public Safety, division of fish and wildlife protection, and in no event later than 30 days, a violation of a state fish, game, or guiding statute or regulation that the person reasonably believes was committed by a client or employee of the person.

(b) A person who violates this section is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$2,000 or by imprisonment for not more than one year, or by both.

* Sec. 5. TASK FORCE ON GUIDING AND GAME. (a) The interim task force on the Guide Board and the commercial taking of big game is established under the jurisdiction of the legislative council. The task force consists of the commissioners of fish and game, commerce and economic development, and public safety, or their designees; two members of the senate appointed by the president of the senate ^{who have (insert)} two members of the house of representatives appointed by the speaker of the house ^{who have (insert)} and six members appointed by the governor as follows: one member of the Guide Board; one big game guide licensed under AS 08.54 who is not a member of the Guide Board; and one person engaged in a business, other than guiding, that includes transporting big game hunters to and from the field; and three public members, at least one of whom has ^(insert) (no financial interest in any business involving or related to the commercial taking of game) The governor shall appoint at least one member from each judicial district in the state.

(b) The task force shall review the operations of the Guide Board and shall study problems and issues concerning the commercial taking of big game in the state and the businesses or professions that provide goods and services to big game hunters in the state. The task force shall submit to the legislative council, not later than January 15, 1989, a report on its

1
2-1 findings and proposed legislation to address the problems and issues
2 covered in the report.

3 (c) The task force terminates January 15, 1989.

4 * Sec. 6. This Act takes effect immediately under AS 01.10.070(c).
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CORRECTED

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: _____
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: CSSB 191 (3d Res)
An Act relating to the Guide Board...
Sponsor: Senate Resources
Requestor: Senator Coghill

Agency Affected: Legislative Affairs
BRU: Legislative Council
Components: Council and Subcommittees

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	7.3	0	0	0	0
CONTRACTUAL	0	2.0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	9.3	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	9.3	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL	0	9.3	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS : (Attach a separate page if necessary)

The Task Force on Guiding and Game is established under the jurisdiction of the Legislative Council Committee. The Task Force is composed of eleven members, three from the Executive Branch, four legislators from the Legislative Branch, and four public members appointed by the Governor.

Prepared by: Pamela Stoops, Manager
Division: Administrative Services

Phone: 465-3850
Date: March 15, 1988

Approved by Warren Endicott
Executive Director
Agency: Legislative Affairs Agency

Date: March 15, 1988

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Pamela Stoops
Warren Endicott
RECEIVED
MAR 17 1988
LEGISLATIVE FINANCE

CONTINUATION OF FISCAL ANALYSIS

It is assumed that travel funds for this task force will be paid as follows:

- 3 Executive Branch members - absorbed within existing executive branch departments.
- 4 Legislative Branch members - absorbed within existing Legislative Operating Budget.
- 4 Public members - paid by Legislative Council funds as projected below.

Projected expenses for the Task Force on Guiding and Game are as follows:

Personal Services - Staff for the Task Force will come from existing staff under the Legislative Operating Budget.

Travel - 3 trips @ 366 x 4 members = 4,392
 3 days per diem (\$80)
 3 trips x 4 members = 2,880

Contractual - Transcription of meetings 1,000
 Printing and Binding of report 1,000

Supplies - Will come from existing Legislative Council and Legislative Operating supplies.

Equipment - Will come from existing Legislative Council and Legislative Operating equipment.

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An Act relating to the Guide Board, the taking of big game...
Sponsor: Senate Resources Committee
Requestor: _____

Agency Affected: Commerce & Economic Dev.
BRU: Occupational Licensing
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Jennifer Strickler, Management Analyst Phone: 465-2144
Division: Occupational Licensing Date: 3/15/88

Approved by Commissioner: J. Anthony Smith Date: 3/16/88
Agency: Commerce and Economic Development

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

MAR 17 1988

LEGISLATIVE FINANCE

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: SB 191 *Res*
Publish Date: _____

REQUEST
Revision Date: _____
Title: "An Act amending the defini-
tion of big game guiding.."
Sponsor: Senator Coghill
Requestor: Senate Resources

Agency Affected: Public Safety
BRU: Fish & Wildlife Protection
Components: Enforcement

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING:: (Thousands of Dollars)

GENERAL FUNDS		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.



Prepared by: Kyle Weaver Phone: 269-5539
Division: Fish & Wildlife Protection Date: 3/23/87

Approved by Commissioner: William R. Nix *W. Nix* Date: 3/24/87
Agency: Public Safety

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

3/28/88
Adopted
as working
document.

1 IN THE SENATE

2 CS FOR SENATE BILL NO. 191 (Finance)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Guide Board and big game
7 guiding, transporting, outfitting, and hunting and
8 establishing an interim task force on guiding and the
9 commercial taking of big game; and providing for an
10 effective date."

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

12 * Section 1. AS 08.01.065 is amended by adding a new subsection to
13 read:

14 (e) Notwithstanding other provisions of this section, the de-
15 partment shall establish the amount of a fee for a nonresident guide
16 license at three times the amount of the fee for a resident guide
17 license.

18 * Sec. 2. AS 08.03.010(c)(20) is amended to read:

19 (20) Guide Board (AS 08.54.010) -- June 30, 1989 [1988].

20 * Sec. 3. AS 08.54.210 is amended to read:

21 Sec. 08.54.210. UNLAWFUL ACTS. (a) It is unlawful for

22 (1) a guide [MASTER GUIDE, REGISTERED GUIDE, SPECIAL GUIDE,
23 CLASS A ASSISTANT GUIDE, OR ASSISTANT GUIDE] to fail to promptly
24 [TIMELY] report to the Department of Public Safety, division of fish
25 and wildlife protection, and in no event later than 30 days, a viola-
26 tion of a state fish, game, or guiding statute or regulation that the
27 guide reasonably believes was committed by a client or an employee of
28 the guide;

29 (2) a guide to commit or aid the commission of a violation

1 of this chapter or of a state game or guiding statute or regulation or
2 to permit the commission of a violation that the guide knows or rea-
3 sonably believes is being or will be committed without attempting to
4 prevent it, short of using force, and without reporting it;

5 (3) a person to guide without having a current valid guide
6 license and resident hunting license in actual possession;

7 (4) a person without a current valid registered or master
8 guide license to advertise as or represent to be

9 (A) a guide; or

10 (B) an outfitter offering big game hunting services

11 [WITHOUT HOLDING A CURRENT VALID GUIDE LICENSE];

12 (5) a guide to intentionally obstruct or hinder or attempt
13 to obstruct or hinder lawful hunting engaged in by a person who is not
14 a client of the guide;

15 (6) a person to guide without being validly licensed as a
16 guide under this chapter and as a resident hunter under AS 16;

17 (7) an assistant guide to contract to conduct a guided
18 hunt;

19 (8) an assistant guide to be in the field on a guided hunt
20 except while employed and supervised by a registered or master guide.

21 (b) A person who violates (a)(1) - (5) of this section is guilty
22 of a misdemeanor and upon conviction is punishable by a fine of not
23 more than \$2,000 [\$1,000] or by imprisonment for not more than one
24 year, or by both, and the person's license may be revoked for a period
25 up to five years. However, a person who engages in guiding activity
26 during the period for which the person's license is suspended or
27 revoked under this chapter, or who violates (a)(6) - (8) of this
28 section, is guilty of a felony punishable, upon conviction, by a fine
29 of not more than \$5,000 and by imprisonment for not less than one year

1 nor more than three years. In addition to punishment for a felony,
2 all guns, fishing tackle, boats, aircraft, automobiles or other vehi-
3 cles, camping gear and other equipment and paraphernalia used in, or
4 in aid of, guiding activity engaged in during the period of suspension
5 or revocation may be seized by persons authorized to enforce this
6 chapter and may be forfeited to the state as provided under AS 16.05.-
7 195.

8 * Sec. 4. AS 08.54.240(3) is repealed and reenacted to read:

9 (3) "guide" or "guiding" means accompanying or being pre-
10 sent with, or providing a camp or personal service for, a big game
11 hunter in the field, personally or through an assistant, for compen-
12 sation or with the intent or an agreement to receive compensation;
13 "guide" or "guiding" does not include accompanying or being present
14 with a hunter

15 (A) in a boat with living quarters;

16 (B) at a lawfully established cabin or permanent
17 lodge;

18 (C) while providing transportation to or from the
19 field; if the persons providing transportation and the persons
20 being transported do not stalk, pursue, track, kill, or attempt
21 to kill big game; or

22 (D) in a camp while attending to horses that are being
23 used to transport big game hunters to or from the field;

24 * Sec. 5. AS 16.05.407 is repealed and reenacted to read:

25 Sec. 16.05.407. NONRESIDENT HUNTING BIG GAME ANIMALS MUST BE
26 ACCOMPANIED. (a) A nonresident may not hunt, pursue, or take a brown
27 bear, grizzly bear, polar bear, goat, or sheep in the state, unless
28 personally accompanied by

29 (1) a guide licensed under AS 08.54; or

1 (2) a resident 20 years of age or older who has hunted in
2 and is familiar with the terrain and environment in the game manage-
3 ment unit in which the hunting takes place and

4 (A) is the spouse of the nonresident; or

5 (B) is related to the nonresident, within and includ-
6 ing the second degree of kindred, by marriage or blood.

7 (b) A nonresident may not hunt, pursue, or take a moose or
8 caribou in the state, unless personally accompanied by

9 (1) a guide licensed under AS 08.54; or

10 (2) a resident 20 years of age or older who

11 (A) does not receive compensation for accompanying the
12 nonresident; and

13 (B) has hunted in and is familiar with the terrain and
14 environment in the game management unit in which the hunting
15 takes place.

16 (c) An applicant for a nonresident big game tag for the taking
17 of an animal specified in (a) or (b) of this section shall first
18 furnish to the state, on a form provided by the state, an affidavit
19 showing that the applicant will be personally accompanied while hunt-
20 ing by a person who is qualified under the terms of (a) or (b) of this
21 section, as appropriate.

22 (d) Before accompanying a nonresident hunter under (a)(2) or
23 (b)(2) of this section, the resident shall furnish to the state, on a
24 form provided by the state, an affidavit showing that the resident
25 meets the requirements of (a)(2) or (b)(2) of this section, as appro-
26 priate.

27 (e) A person who falsifies an affidavit under (c) or (d) of this
28 section is guilty of perjury under AS 11.56.200.

29 (f) A nonresident who violates this section or a resident who

1 violates (d) of this section is guilty of a misdemeanor and upon
2 conviction is punishable by imprisonment for not more than one year,
3 or by a fine of not more than \$5,000, or by both.

4 * Sec. 6. AS 16.05 is amended by adding a new section to read:

5 Sec. 16.05.786. DUTY OF BIG GAME TRANSPORTERS TO REPORT VIO-
6 LATIONS. (a) A person who transports a big game hunter to or from
7 the field for compensation, or with the intent or an agreement to
8 receive compensation, shall promptly report to the Department of
9 Public Safety, division of fish and wildlife protection, and in no
10 event later than 30 days, a violation of a state fish, game, or guid-
11 ing statute or regulation that the person reasonably believes was
12 committed by a client or employee of the person.

13 (b) A person who violates this section is guilty of a misde-
14 meanor and upon conviction is punishable by a fine of not more than
15 \$2,000 or by imprisonment for not more than one year, or by both.

16 * Sec. 7. TASK FORCE ON GUIDING AND GAME. (a) The interim task force
17 on the Guide Board and the commercial taking of big game is established
18 under the jurisdiction of the Legislative Council. The task force consists
19 of the commissioners of fish and game, commerce and economic development,
20 and public safety, or their designees; two members of the senate appointed
21 by the president of the senate; two members of the house of representatives
22 appointed by the speaker of the house; and six members appointed by the
23 governor as follows: one member of the Guide Board; one big game guide
24 licensed under AS 08.54 who is not a member of the Guide Board; and one
25 person engaged in a business, other than guiding, that includes transport-
26 ing big game hunters to and from the field; and three public members.

27 (b) The task force shall review the operations of the Guide Board and
28 shall study problems and issues concerning the commercial taking of big
29 game in the state and the businesses or professions that provide goods and

1 services to big game hunters in the state. The task force shall submit to
2 the Legislative Council, not later than January 15, 1989, a report on its
3 findings and proposed legislation to address the problems and issues
4 covered in the report.

5 (c) The task force terminates January 15, 1989.

6 * Sec. 8. Sections 1, 2, and 4 - 7 of this Act take effect immediately
7 under AS 01.10.070(c).

8 * Sec. 9. Section 3 of this Act takes effect 60 days after the effec-
9 tive date of sec. 1 of this Act.

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FISHING TOUR RESERVATIONS

Reservations should be made as soon as possible, as we can only handle 12 people per week during our very limited fishing season from May 15th to August 15th.

A deposit of 40% is required to confirm a reservation. This deposit is refundable up to 90 days prior to your booking date or if your cancelled dates are later reserved by another party. The balance is due upon arrival.

HUNTING TOUR RESERVATIONS

Reservations should be made as soon as possible, as we are very limited to the number of groups for our spring and fall hunts. The deposit and refund policy are the same as the fishing tours.



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(414) 361-4878

Fishing Consultant - Les Coates
Hunting Consultant - Harold Dowell, Jr.

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3/28/88
Sen. Fanning



INSTANT FUN SPORT FISHING & HUNTING TOURS OF ALASKA



INSTANT FUN HUNTING TOURS



CARIBOU HUNTS!

Your Caribou hunt will be a fly-in hunting tour of a lifetime! You will fly out of Homer, Alaska directly to our hunting grounds the day you arrive, which is a flight of approximately 200 miles. We will travel by float plane over the white snow-capped mountains and glaciers which provide some of the most breath-taking scenery in the world! Upon landing, you will be escorted to our comfortable tent camp.

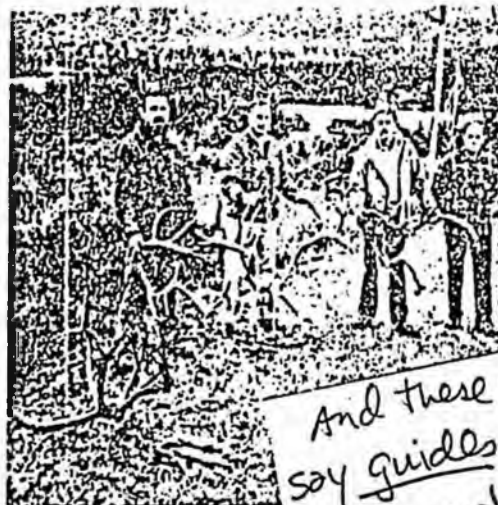
All meals will be supplied by your outfitter. He will also give you assistance with your kill and help in any other way possible. Look forward to hunting for record class Caribou for the next five days.

Upon the completion of your sixth day, you will be flown back to Homer to return home.

MOOSE, BLACK BEAR, AND DUCK HUNTS

This is one of our most interesting hunts. It's here where we board our 27 foot jet boat and start our journey. It is very common to spot seals, sea otter, whales and porpoises while traveling the 25 miles to the river mouth. Then it's 10 exciting miles up the river to camp.

A comfortable camp, all food and help with game is furnished. Be prepared for seven days of real sport hunting 50 in. and larger Kenai bull moose, black bear and superb duck hunting. This is the hunt of a lifetime at affordable prices.



*And these guys
say guides charge
too much!*



HUNTING TOUR RATES INCLUDE

CARIBOU

- Float Plane Travel
- Tent Camp
- Outfitter
- All food
- Help with all game

\$2695.00 per person
Group of 6,

MOOSE, BLACK BEAR, GOATS AND DUCKS

- Jet Boat
- Tent Camp
- Outfitter
- All food
- Help with all game

\$3500.00 per person
Group of 4

NOT INCLUDED

- Sleeping Bags
- Personal Items
- Hunting Licenses
- Weapon
- Alcoholic Beverages

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

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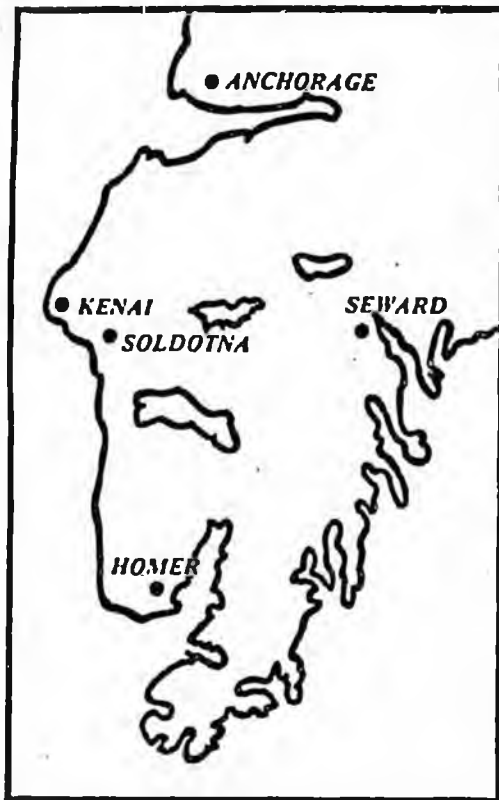
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All fishing and hunting tours are fully outfitted, including lodging, meals, boats and equipment. You will be flying over some of the most fantastic scenery at the top of the world while on your way to the best trophy fishing and hunting you can fathom. Whether it be a hunting or a fishing tour, it will truly be a trip of a lifetime!



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- Mountain Goats
- Caribou
- Black Bear
- Puddle & Diver Ducks



TROPHY FISHING AT ITS BEST!

- The largest King Salmon in the world!
(95 pounds)
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(Over 300 pounds)
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 - Artic Char
 - Dolly Varden



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A comfortable camp, all food and help with game is furnished. Be prepared for seven days of real sport hunting 50 in. and larger Kenai bull moose, black bear and superb duck hunting. This is the hunt of a lifetime at affordable prices.



CARIBOU HUNTS!

Your Caribou hunt will be a fly-in hunting tour of a lifetime! You will fly out of Homer, Alaska directly to our hunting grounds the day you arrive, which is a flight of approximately 200 miles. We will travel by float plane over the white snow-capped mountains and glaciers which provide some of the most breath-taking scenery in the world! Upon landing, you will be escorted to our comfortable tent camp.

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*And these guys
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too much!*



HUNTING TOUR RATES INCLUDE

CARIBOU

- Float Plane Travel
- Tent Camp
- Outfitter
- All food
- Help with all game

\$2695.00 per person
Group of 6

MOOSE, BLACK BEAR, GOATS AND DUCKS

- Jet Boat
- Tent Camp
- Outfitter
- All food
- Help with all game

\$3500.00 per person
Group of 4

NOT INCLUDED

- Sleeping Bags
- Personal Items
- Hunting Licenses
- Weapon
- Alcoholic Beverages

A

HUNT ALASKA: Outfitted Alaskan hunts for Caribou
Black Bear, Moose & Ducks. We furnish round trip air-
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OF ALASKA

248 Mound Street, Berlin, Wisconsin 54923 • (414)361-4878
Fishing Consultant - Les Coates Hunting Consultant - Harold Dowell, Jr.



MOOSE HUNT INFORMATION

SEASON Sept. 1-20

HUNT DURATION- 7 days

INSTANT FUN FURNISHES-

- A. Air fare round trip from ^{Any Major City} ~~Greenock~~ to Homer Ak. via Anch.
- B. Jet boat travel from Homer to camp, round trip.
- C. All camping equip., tents, cots, cooking gear etc.
- D. All food and preparation of same.
- E. Help boning, caping, and transporting game.
- F. Small boat and motor
- G. Jet boat trans. of game to Homer Ak.
- H. Van and driver for land trans. in homer.

Not furnished by instant Fun-

- A. Hunting and Fishing Licenos
- B. Sleeping Bag
- D. Weapons or Fishing Gear
- E. Personal clothing or gear
- F. Meat Processing or freezing
- G. Transportation of trophies or meat from Homer to Osh.
- H. Rooms or meals before or after normal hunt dates.

COST

\$3500.00- 50% at booking , balance payable before Aug. 1, 1988. 100% refund until May 1 1988. Refunds thereafter based upon someone else booking date. 5% A.K. sales tax.



INSTANT FUN

SPORT FISHING & HUNTING TOURS

OF ALASKA

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Dear Friend,

I have just completed another successful year in Alaska. Many large trophies were taken in our 100% kill. One of the best parts of the outfitting business is all of the new friends I've made. I sure am looking forward to seeing them at the sport shows and rehashing all the good times.

This year I have made some changes to better serve my hunting friends. I am no longer furnishing guided hunts. I cannot feel comfortable with situations I have no control over. Sorry to say, I will not have Brown Bear or Dall Sheep hunts available.

I will have outfitted Caribou, Black Bear, Ducks and Geese and something new- trophy Moose. All of my hunts will again include round trip air fare, transportation to camp, all camp gear, food and it's preparation and help packing your game. All you furnish is your weapon, sleeping bag and license.

This moose hunt is really something special! You will be taken across the bay 25 miles and then up the river 10 miles. The ride alone will be a thrill you won't soon forget. Imagine going up a river that is sometimes only 6 inches deep in a 24 foot cabin cruiser Jet Boat at 30 to 40 M.P.H.! The hunt will be 7 days in length for Moose, Black Bear and Silver Salmon. If you're interested let me know soon. I only have room for 3 groups of 4 and one of those groups is already filled.

Last year at the Sports Show you were interested in going to Alaska this year for that dream trip. I am sending this letter to you now to give you the opportunity for preferred hunt dates. I will begin Sports Shows Jan. 9, so time is getting short. I will be at the following shows this year.

Cincinnati, Ohio	Jan. 9-17
St. Paul Minn.	Jan 19-24
Louisville, Ky.	Jan 23-31
Columbus, Ohio	Feb 6-14
Pittsburgh, PA.	Feb. 17-21
Indianapolis, Ind.	Feb 19-28
Toledo, Ohio	Mar. 3-6
Cleveland, Ohio	Mar. 11-20
Minneapolis, Mn.	Mar. 18-27

FEB 12 1983

See you there or call me!!!!

Harold Dowell Jr.

Harold Dowell Jr.

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(414) 361-3599

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"Thanks Cabela's. My dad and I had a great trip. We caught six big bass in one day. I caught two 6 pounders. It was first class all the way." Mark Barre - Age 14



"Thanks for all the good advice for our trip. Best enjoyment of a lifetime. Worth every penny invested." Neil Whitcher



"Our Canadian trip was fantastic. Here is a photo of my 20 pound Pike. We had constant action and I can't wait to go back. Thanks for all the help."

FAMILY VACATIONS



The new Cabela's Outdoor Adventures 32 page catalog, with many new hunting and fishing trips, including African Safaris, is yours free when you order. Add order number AJ-01498-000 (price free) to any merchandise order placed by phone or mail. To order separately, write: Cabela's Outdoor Adventures, Dept. 100, 812 13th Avenue, Sidney, Nebraska 69160. ORDER TODAY.

FISHING IN ALASKA



"What a hunt! I took my largest Whitetail Buck ever of your trips. It was everything you said it would be more. I have never seen so many Mule Deer Bucks 26-30 inch class either. I am looking forward to planning 1988 hunting schedule with you."

WHITETAIL AND MULE DEER HUNTS

REMOTE CANADIAN FLY-IN LAKES



"Thanks for making my first hunting trip to Alaska a success. As you can see in the photo, I am thrilled with my 60 inch bull, taken on an unguided hunt."

ALASKA HUNTS

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Visit Our New Kearney Showroom

See full mounted elk, sheep, goat, bear, deer, mountain lion and much more. Over 50 record class mule deer and whitetail shoulder mounts. Unbelievable collection of trophy big game mounts from all over North America. Magnificent fresh and saltwater fish display. Giant aquarium. Our new showroom store and shipping facility, located on East Hwy 30 in Kearney, Nebraska, opened in November 1987. Don't miss the "Out Back", packed with values on items no longer in our catalog.

Store Hours — Monday-Saturday
 Kearney (CST) 9:00 A.M. - 8:00 P.M.
 Sidney (MST) 9:00 A.M. - 8:00 P.M.
 (1-800-237-4444) Thursday until 6:00 P.M.

Cabela's Home Office and Showroom

The Cabela's catalog "comes alive" in our showroom store. You'll find most everything here that's in the catalog. We have a huge display of mounted trophy big game animals and fish, located throughout the store for your interest and enjoyment. While you're "trolling" for those Cabela's bargains, don't overlook our Bargain basement, where you will find some very special prices on items we no longer list in our current catalogs. We are conveniently located just off Interstate 80 in Sidney, Nebraska. Our friendly staff will be glad to help you, with personal attention to your fishing and hunting needs.



Cabela's Sidney, Nebraska Headquarters Store and Showroom

Sidney

Nota Page 2!!!

Alaska Adventure Planning

3605 Arctic Blvd. #2328, Anchorage, Alaska 99503

Phone: (907) 243-6374

January 14, 1988

North Star Aviation
P.O. Box 193
Willow, Alaska 99688

FEB 1 8 1988

Dear Sirs,

My name is Bruce Nelson, and I have started a new business called Alaska Adventure Planning. I will be planning all aspects of a self-guided trip in Alaska for hunters, fishermen, and other sportsmen. Most importantly I will be selecting a destination and booking any "bush flying".

Perhaps of most interest to flying services such as yourself is the fact that I am asking no commissions of any kind from you. My idea is to get an up-front fee from the client, thus assuring him that there is no bias on my part; I'm looking to find the best, safest, and most economical flying for them.

Hopefully this will work out well for all parties involved; I receive my fee, the hunter or fisherman gets a good trip planned, and the flying service gets "free advertising", and deals with people who are squared away on such things as what to pack, how to pack it, dealing with unavoidable flight delays, etc.

As time allows I would like to talk with you personally. In the meantime I would appreciate any brochures, rate schedules, or any other information you may already have printed up. Things I'd like to know are your experience, safety record, number and type of aircraft, capacity of each, float/gravel bar landing capabilities, areas you fly, packages you already have set up, (such as float trips), any outfitting you may do, past hunter/fisherman success, deposit policy, and insurance.

I'm advertising quite extensively in "Field and Stream", "Outdoor Life", "Petersen's Hunting", etc., and I hope to book about 300 people total this summer, so I could be sending quite a bit of business your way.



One other point I'd like to make that you're no doubt aware of, and that's House Bill 331. The part of most concern to us is obviously Sec. 9. which reads, in part:

"A nonresident may not hunt, pursue, or take a moose, black bear, brown bear, grizzly bear, polar bear, goat, or sheep in the state, unless personally accompanied by a licensed master guide, registered guide, class A assistant guide, or assistant guide."

I don't know about you but that would be a heck of a blow to my business!! Not to mention friends and relatives planning hunts. I plan to let my opinion be heard and the more commotion raised, the better. First it has to go through the house resources committee, judiciary and finance committee, as well as the senate and house. However, I did want to bring it up.

Hope to be talking to you soon!

Sincerely,

A handwritten signature in cursive script that reads "Bruce L. Nelson".

Bruce L. "Buck" Nelson

MOUNTAIN MESA *Saharis*

P.O. Box 15836

Colorado Springs, CO 80935

(303) 597-4062 After April, 1988 (719) 597-4062

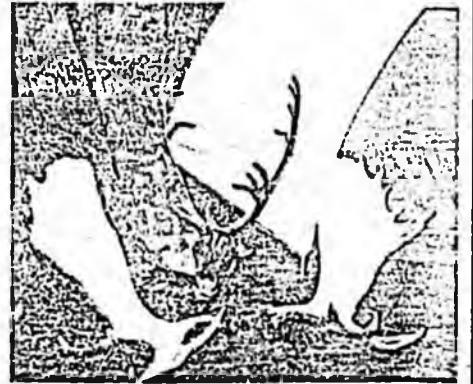
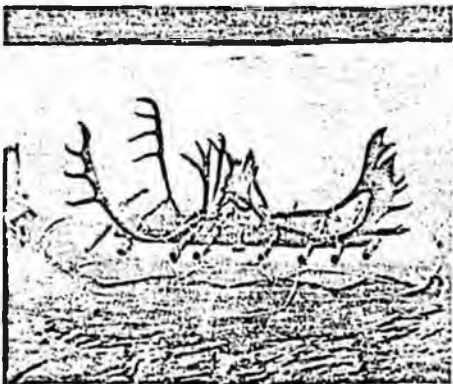
Alaskan Hunting Camp



Jerry L. Snyder
Professional Hunter
Outfitter



Mountain Mesa *Saharis*



"One picture says a thousand words."

About Our Camp!

We have been in the hunting business for over twenty years and what we have done is put together an Alaskan hunting opportunity at an affordable price.

You fly into King Salmon, Alaska, commercially and acquire your hunting licenses there. We pick you up in King Salmon and fly you into our bush camp which consists of comfortable tents with cots, a cook tent, and a staff of three to accommodate your needs. We furnish excellent cooked meals and take care of all camp chores so you can concentrate on hunting. Once you have made a kill, we will do all the caping, packing, and transportation of your meat and trophy back to King Salmon. Most of your hunting will be done on foot within comfortable walking distance from our camp or from river rafts at different locations along the river. We put you in the finest game areas available.

This is not a drop camp where you are left to fend for yourself in the Alaskan wilderness. This is not a guided hunt. What we provide is an inexpensive "middle of the road" hunt that offers the support you need to hunt this vast wilderness safely and successfully without all the high dollar add ons.

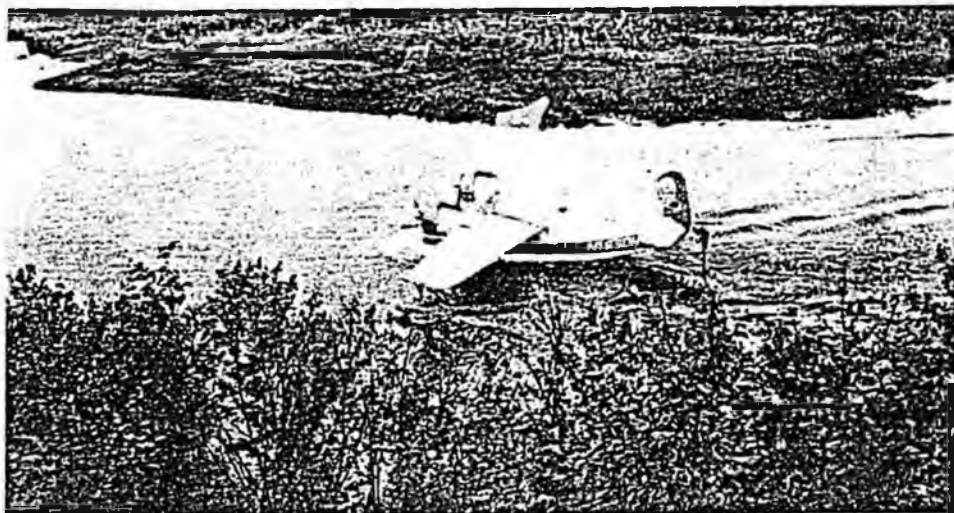
This is a ten day trip. Total cost is \$3400.00, plus licenses, from King Salmon. Licenses available in Anchorage or King Salmon.

About the Outfitter

Jerry Snyder is a native of Colorado and has been in the hunting business for over 15 years. His articles on hunting techniques have appeared in *Outdoor Life* and numerous other publications.

Snyder has been on numerous guided hunts throughout the world which has enabled him to analyze guided hunts from both sides of the fence.

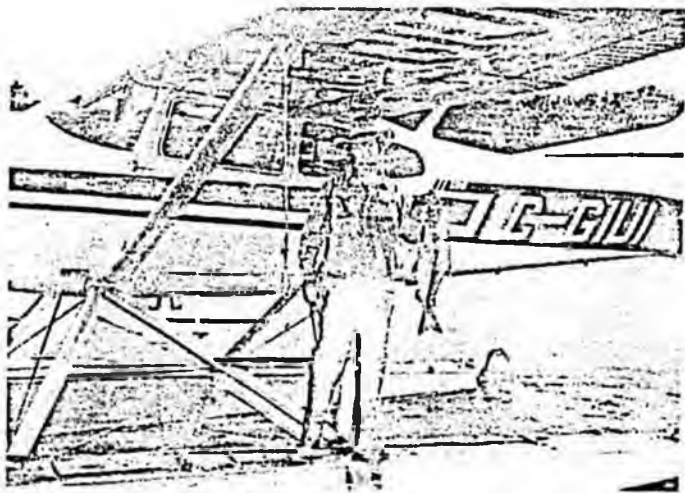
Jerry has been an avid sportsman all his life. Knowledge of the state and specific hunting areas matched with years of experience as a professional hunter will make your hunt with Mountain Mesa Safaris all it should be.



Booking A Hunt

Due to the fact that we have been in business a lot of years, and have a lot of repeat clients, we fill up pretty early. It is recommended that you book a hunt as far in advance as possible to insure the dates and type of hunt that you want.

A 50% non-refundable deposit is required to book a hunt. In the event of cancellation, we will apply your deposit to a future hunt. The Alaskan hunt is an extremely limited hunt.



Don't forget your fishing pole!



Marc Naylor packing out client's caribou.

We also offer trophy whitetail deer hunts in the heart of "Muy Grande" country in south Texas, hunts for all of the exotics, and extremely exciting alligator hunts.

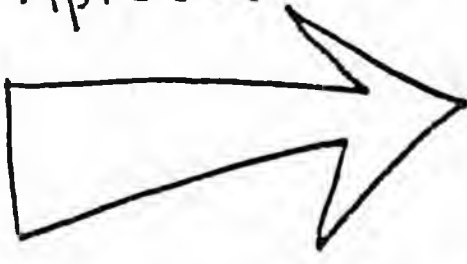
In Colorado, which is our headquarters, we hunt trophy buffalo as well as everything Colorado offers to hunt.

We are not a booking agent. All hunts are conducted by Mountain Mesa Safaris.

their fully-automatic military M16 and M14 counterparts. So what, doesn't a civilian jeep look like a military jeep and doesn't a civilian tent look like a military tent? True, but we have yet to hear of a National Coalition to Ban Jeeps or a Tent Control, Inc. While the "design" argument makes no sense to knowledgeable gun owners, it does have its appeal to

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American Hunter
April '87



Model Four, and much of the 740 series, and the Winchester Model 100—by calling these firearms "military assault weapons" and claiming "the only purpose of these guns is to kill people."

In the last Congress, New Jersey Rep. Robert Torricelli introduced a bill to outlaw the possession of guns which could be "readily converted" to full-auto fire. To Torricelli, a military-style, semi-automatic pistol "has no purpose except to kill people. It's too inaccurate for target shooting, hunting or self-defense. This is an awesome close-range offensive weapon that is being used for contract murders and drug killings by criminal organizations."

Torricelli's newly injected "convertibility" test adds a new twist to shop-worn anti-gun arguments, though it is equally irrelevant and nonsensical. America's law-abiding gunsmiths won't convert semi-autos to full-auto—it is against the law. It is unlawful to convert semi-autos to full-auto, just as it is to convert full-sized rifles and shotguns to short-barrelled, short-stock versions. Yet

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Caribou - ALASKA - Moose

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P.O. Box 545

Jemez Springs, New Mexico 87025

Hurry - Limited 1987 Bookings Available

R
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drew, aimed, and released. He crashed out of sight and within seconds all was quiet. I waited as long as I could and calmly climbed down from my perch. My first step was normal but my second was a dead run! Enough self control!

There's something magical about sitting around a blazing campfire in the middle of the Canadian wilderness telling others about a bear encounter. I'll never forget the way their eyes were riveted on me as I talked. When I finished it was quiet for a few moments before Tom said, "If something eats that bear we're packing up and headin' for home." No one even suggested trying to find him at night this time.

The next morning a following a blood trail. This was and very spotty. If the blood indicated, the big bear didn't hurt badly. A kind of deposit over me—my knees followed grass and me said, "I smell Our noses in direction he smell hit us heap. My success.

Our total



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oper



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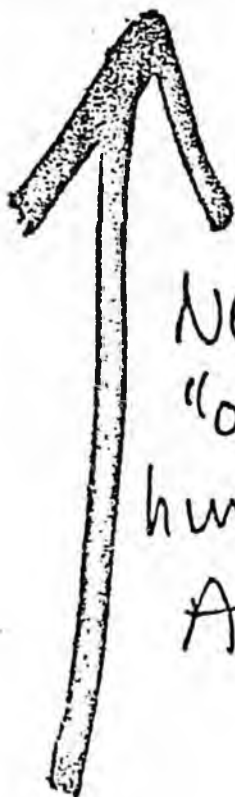
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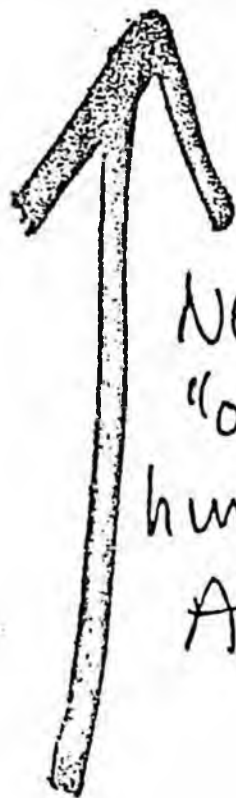
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PARTY OF 3 OR MORE CLIENTS

1987 - \$ 650 ea.

1988 - 700 ea.

PARTY OF 2 CLIENTS

1987 - \$ 800 ea.

1988 - 850 ea.

MOOSE AND CARIBOU COMBINATION - TWO CAMPS

7 to 10 days of hunting recommended
PARTY OF 3 OR MORE CLIENTS

1987 - \$ 895 ea.

1988 - 1,045 ea.

PARTY OF 2 CLIENTS

1987 - \$1,150 ea.

1988 - 1,200 ea.

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CARIBOU TAG

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CRYSTAL CREEK OUTFITTERS

UNITED STATES

ALASKA—Ric Martin of New Mexico recommends his guide Chuck McLaughlin of Vail, Colorado after a brown bear hunt in Alaska with Chuck.

Dr. William Schmidt of Florida recommends guide Lee Todd of Soldotna as capable, though he did not bring home a Dall sheep from his hunt in the Wrangell Mountains.

COLORADO—Ric Martin of Jemez Springs, New Mexico gets a good recommendation from Ted Cohen of Pennsylvania after guiding Ted on a mule deer hunt.

FLORIDA—Wayne King, Jr. of Florida highly recommends the Corsican sheep and wild boar hunt at Lake Wales, offered by Carey Lightsey of the Lightsey Cattle Company.

NEVADA—Jerry Hughes and David Welch of Nevada Wilderness Trophy Hunts get hearty recommendation from Thornton Snider of California.

after his mountain lion hunt at Mo Wilson. Snider says they have excellent dogs and horses.

NEW MEXICO—Also for cougar Ric Martin of North Country Outfitters in Jemez Springs is rated "excellent the best." by Jim Longley of Albuquerque after his successful hunt in Pecos Wilderness. On antelope Martin's outfit also comes highly recommended by Bill and Ingrid Poole of California, who hunted the Magdalen Ranch, and by Karlheinz Bodd, who says, "Ric Martin conducts an excellent hunt. I'm booking again with him in 1982." Martin is nothing if not well rounded: he is also endorsed by Dale Lott of Texas and Paul Rochester of Albuquerque, who hunted elk with him on the Baca Grant; Rochester took black bear and turkey as well. Allen and C. DeVries of Michigan report good turkey hunts with Ric, too.


CANADA

BRITISH COLUMBIA—Ric Martin has been busy. He reports a good moose hunt guided by Dusty Cooper, booked through Gana River Outfitters in Kelowna.

NORTHWEST TERRITORIES—Dogteam spring polar bear and snout mobile muskox hunts booked through Qaivvik Limited in Yellowknife are getting good reports. John Ferche of Minnesota reports a good muskox hunt guided by John Alikamik, who he describes as capable, while Marc Croteau of Quebec says the same of muskox guide George Okheena. Poole of California also endorses Banks Island muskox hunt, now booked through Klineburger Bros. I

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NON-OUTFITTED HUNTS (provided by Steve Dewar)

1986 PRICE LIST

Caribou.....\$250.
Moose\$300.
Moose / Caribou...\$400.
Sheep.....\$400.
Fishing.....\$75.

10% off on return hunters.

SEMI-OUTFITTED HUNTS (provided by Steve Dewar) Bennett strip for those of you that would like a touch of class. I am going to offer a 12x20 tent with room partitions for some privacy. There will be a man stationed there for added security in the outdoors. If you need help in capeing, field dressing, or packing of meat, \$10/hour, just give a holler. Other than that, he is there to help with cooking, cleaning the campsite, and to worry if you are late getting back from hunting. I will be using this strip as my base of operations out in the field. There will be several flights a day arriving and departing with hunters enroute to the hunting camps. The aircraft do not seem to affect the moose or caribou. Last year there was more game shot on this strip than any other strip.

OUTFITTED HUNTS (Granite Mountain Ranch Outfitters) Granite Mountain Ranch Outfitters offer you the hunt of a lifetime in the scenic beauty of interior Alaska. You will be flown in by Dewar Airways of Delta Junction to a pickup point, then transported by horseback to your hunting camp nestled in some of the finest moose and caribou country the Alaska Range can offer. Granite Mountain Ranch Outfitters only takes two clients at a time in order to give them a personal, top quality hunt. We take you out each day of your hunt in search of your trophy. Once you have your trophy down, it will be taken care of with professional hands in the field and in the camp. Other game that may be encountered would be Black Bear, Wolf, Wolverine, and the majestic Grizzly (residents only), so bring your camera and lots of film. Granite Mountain Ranch Outfitters provide comfortable wall tent camps. There will be a good cook and excellent food in camp. The outfitter and wrangler will handle the horses, saddling, packing, etc. The first and ninth day of your hunt will be used for flying in and out of the bush. Only personal gear is required. This

Mike
Bobs

Note this one!

is not a guided hunt, but a professionally outfitted hunt with your success our goal. Experience the thrill of hunting on horseback-the freedom of the pioneers. 50% deposit due by July 1.

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August 31 - Sept. 8..... 2 people at \$3000 per person
 for Moose and CARIBOU.
 Sept. 8 - Sept. 16..... 2 people at \$3000 per person
 for Moose and Caribou.
 Sept. 16 - Sept. 21..... 2 people at \$1800 per person
 for Moose.
 Sept. 21 - Sept. 29..... 2 people at \$2500 per person
 (residents only) Grizzly bear.

OUTFITTED HUNTS (offered by Deltana Outfitters)

Deltana Outfitters provides outfitted hunts in the Alaska Interior with the following features: Transportation into prime game areas, tent camp, food, cooking, etc. We will skin and save your trophy, field dress and pack your meat, prepare and pack the meat for shipping to processor, and provide transportation back to your departure point, in most cases Delta Junction. We will provide additional services on request. As you hunt in remote areas and rough terrain, Deltana Outfitters must know of any health problems and each hunter's general physical condition. We cater to the handicapped. Your hunt can be tailored to meet most conditions if planned in advance. Most hunts are for 7 days which includes flying time of 1 1/2 days and 5 1/2 days of hunting. Due to remote locations, weather, and aircraft availability, all hunters must be prepared to remain in camp up to 2 - 3 days longer, as we use airplanes for most transportation and sometimes it is impossible to come out on time. The hunts are completely outfitted. The only things you, the hunter, must provide are licenses and tags, personal clothes, weapons, and ammo.

PRICE LIST PER HUNTER - 1986
 Minimum of 2 hunters per hunt

	Booked by May 31	Booked after May 31
Caribou.....	\$1000.....	\$1200
Moose.....	\$1200.....	\$1400
Moose /Caribou.....	\$1400.....	\$1600
Sheep (AK. res. only)...	\$1500.....	\$1700

Hunts must be booked with 50% deposit by July 31, as we are in the field preparing camps and scouting after this date. Book early and insure yourself a great hunt in the INTERIOR ALASKAN WILDERNESS and an even greater week of memories that last a lifetime. GUARANTEE - the only guarantee is an honest effort by the outfitter and each member of his crew to show each client game and with the hope we can send each client home as a future reference for Deltana Outfitters. Last year they had 100% success on their hunts. (VISA/MASTERCARD)

ARE THEY REQUIRED TO HAVE...? ALASKA GUIDES "OUTFITTERS"

STATE GUIDE LICENSE	YES	NO .
GAME HARVEST PERMITS	YES	NO .
NATIVE LAND PERMITS	YES	? .
LEGALLY RESPONSIBLE FOR CLIENTS	YES	NO .
MUST SUBMIT HUNTER REPORT TO STATE	YES	NO .
MUST STAY WITH HUNTER	YES	NO .
RECOGNIZED PRACTITIONER BY STATE	YES	NO .
HARVEST (REGULATED ANIMAL KILL)	YES	NO .
BUSINESS LICENSE	YES	YES .
CONSERVATION OF RESOURCE	YES	NO .
INSURANCE	YES	NO .
HUNTING LICENSE	YES	NO .
GAME VIOLATION A FELONY	YES	NO .
PASSED STATE TEST	YES	NO .
CAN TAKE CLIENT ANYWHERE IN STATE	NO	YES .
PASS ORAL TEST BY STATE	YES	NO .
FIRST AID TRAINING REQUIRED	YES	NO .
ALASKA RESIDENCY REQUIRED	NO	NO .
MUST REPORT KNOWN VIOLATIONS	YES	NO .

Sectional Analysis
for
Proposed CS for SB 191 (Finance)

Section 1 extends the guide board for one year.

Section 2 and 3 provides that non-resident applicants for moose and caribou game tags must furnish information on guides, outfitters, transporters employed and the area to be hunted. This is consistent with current law requirements of non-resident applicants of bear and sheep game tags.

Section 4 amends Title 16 by adding a new section to require anyone transporting hunters or their game to report any violations the person reasonably believes have been committed. A penalty of up to \$2,000 fine and one year in jail is included.

Section 5 provides for an interim task force consisting of four legislators, three administration officials, a guide board member, a guide, a transporter, and three public members to investigate the various problems and issues concerning commercial hunting. The task force would report by next January 15.

Section 6 provides an immediate effective date.

Sectional Analysis
for
Proposed CS for SB 191 (Finance)

Section 1 allows the department of commerce to set license fees for nonresident guides at three times that of resident guides. This is comparable to accepted differentials for other licenses and fees of this type.

Section 2 extends the guide board for one year.

Section 3 amends the unlawful acts section of the guide law to: (a)(1) change "timely" to "promptly", a more legally accurate word for the action desired; (a)(4) prohibit the use of the word "outfitter" by nonguides; (b) increase the fine for misdemeanor violations from \$1000 to \$2000.

Section 4 provides a new definition of "guide" or "guiding", to mean being present with, or providing a camp or personal service for, a big game hunter in the field for compensation, but excludes being on a boat with living quarters, at a cabin or lodge, while providing transportation, or while attending to horses.

Section 5 amends Title 16 (fish and game) by adding goat to the present guide-required list for nonresident hunters. It then sets up a new list of guide-required big game to include moose and caribou. The difference between the two lists is that for moose and caribou, a resident, who is not related to the nonresident hunter, may accompany the hunter, if without compensation. For all species, the resident would have to provide an affidavit showing he is familiar with the terrain and environment of the unit in which the hunt will take place.

Section 6 also amends Title 16 by adding a new section to require anyone transporting hunters or their game to report any violations the person reasonably believes have been committed. A penalty of up to \$2000 fine and one year in jail is included.

Section 7 provides for an interim task force consisting of four legislators, three administration officials, a guide board member, a guide, a transporter, and three public members to investigate the various problems and issues concerning commercial hunting. The task force would report by next January 15.

Section 8 provides an immediate effective date for all sections except Sec. 3.

Section 9 provides an effective date for Sec. 3 of 60 days after the effective date of the rest of the bill. This is to allow those businesses currently using the term "outfitter" in their advertising and promotion a transition period to cease using it if they are not licensed guides.

3/28/88
Burns

February 18, 1988

Honorable Jack Coghill
Chairman
Senate Resources Committee
P. O. Box V
Juneau, AK 99811

Dear Senator Coghill:

As you are aware, many of the disputes which the Guide Board routinely faces result from the system of maps that the Guide Board presently uses in its work. There are two sets of maps which the Guide Board utilizes in making determinations regarding the award or transfer of guide area assignments: large display maps and individual file maps.

The first of these, the large display maps, were created to show the boundaries of each restricted or joint use guide area within a particular game unit. There are twenty-six (26) such maps: one for each game unit in the state. These maps are over 15 years old. While once an accurate depiction of existing guide area assignments, the display maps have not been regularly updated to reflect the numerous boundary changes, area transfers, etc., that have occurred since they were first created. In addition, the display maps are in a serious state of disrepair.

The only other source of information concerning the actual delineation of a guide's particular area assignment is the map found in each guide's individual licensing file, which is the second set of maps on which the Board relies. Often times, however, there is more than one map in a guide's file, and there is often disagreement over which map in the file represents the guide's currently assigned area. This problem is further complicated by the fact that many guides have more than one area assignment (a guide may have up to three areas), thus potentially increasing the number of disputed maps in a file.

The Division of Occupational Licensing, in cooperation with the Guide Board, has begun to address this problem. The solution is two-pronged. First, the Division, with the assistance of the Department of Natural Resources' Cartography Section, is working on creating new display maps. Utilizing DNR's computer mapping equipment, guide area assignments will be printed on a series of very accurate overlays which will then be hung over newly created maps of the twenty-six game units. Because the area assignments will be computerized, changes to the areas or transfers of the areas approved by the Guide Board can be readily made and new overlays created within days of a meeting, giving the Board good, up-to-date maps on a regular basis.

DNR's Division of Management will be primarily responsible for this portion of the project, and will work closely with the Division of Occupational Licensing during revision of the display maps. The Management Division have provided a cost statement for your use, which is included with this letter. Their estimate for the cost of the FY 89 project is \$23,500.

The second thrust of this mapping project is to hold a series of arbitration hearings to resolve disputes among the Board and guides over the actual guide area assignments made in each of the twenty-six game units. This project will be directed by the Division of Occupational Licensing, which will contract with a member of the American Arbitration Association (AAA) to assist the Board in settling disputes among the guides who are assigned areas in a particular game unit.

The arbitrator will be given final authority to resolve disputes, should any guides involved in a particular unit, after assistance from the arbitrator, be unable to resolve the dispute. Out of these hearings will come a series of new individual guide area maps, which will be retained in each guide's file and which will reflect the results of the arbitration. These new maps will supercede all previous file maps.

This project will also begin (and hopefully end) in FY 89. Occupational Licensing will give substantial advance notice of the hearings to each affected guide in an area, and will assist in setting up the hearings. However, the skills of an arbitrator are very much in need here, as this is a subject of great emotion which could potentially impact the economic viability of a particular guide's area.

Patrick Mead of the American Arbitration Association has indicated that the current cost of Alaska-based arbitrators ranges between \$100.00 to \$160.00 per hour. Obviously, we have no way to lock in the number of hours it will take per game unit arbitration. The number of guides assigned areas in a particular game unit varies, depending on the size of the unit and the type and availability of the game found in that unit. However, we would like to set up four separate meetings, with the arbitrator handling all twenty-six game unit arbitrations during those four separate (two-week) hearings. We estimate an average of two days per unit, with some unit extending over that average, and some taking less time. Under that estimate, the following costs are anticipated:

2 days @ 8 hours per day = 16 hours per game unit arbitration

16 hours X 26 game units = 416 hours of an arbitrator's time

416 hours X \$100.00 per hour = \$41,600.00 for the arbitrations

Total cost of the two mapping projects in FY 89:

Display Map Revisions (DNR)	\$23.5
Guide Area Arbitrations (Commerce)	<u>41.6</u>
Total Cost	<u>\$65.1</u>

February 18, 1988

Provision of these funds would remove a great deal of the anger and frustration that characterizes the reaction to much of the Guide Board's work. With existing areas clearly defined and accurately represented on the display maps, licensed guides without assigned areas would be able to quickly and efficiently determine whether an area is available for application, or could easily determine who currently holds a particular area and who holds areas adjacent to an area, should the guide be applying for joint or exclusive use of an area already assigned.

Your efforts on behalf of the Guide Board to find a solution to this current problem is greatly appreciated.

Sincerely,

J. Anthony Smith
Commissioner

JAS/RB/v10036o
021888a
Enclosure

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

400 WILLOUGHBY AVE.
JUNEAU, ALASKA 99801-1796
PHONE: (907) 485-2400

February 18, 1988

DRAFT

The Honorable Jack Coghill
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Dear Senator Coghill,

During today's Finance Committee meeting you had asked if the Department of Natural Resources would be able to provide the mapping work required by the Department of Commerce and Economical Development (Commerce) for their Big Game Guide activity. Our people have been in discussions with Randall Burns, Director, Division of Occupational Licensing, Commerce, on this project over the last weeks. Based on our existing computer mapping capabilities, our analysis of our costs and capacity factors, we have proposed a project structure that Director Burns has accepted.

During FY 89, DNR would provide Commerce with an initial set of improved and current computer maps covering all State guide areas. This set will be delivered in late fall for review by the guides, the Board, and for general use by Commerce. After boundary iterations over the next few months, DNR will then revise the initial set of maps with any boundary changes approved and directed by Commerce. After this second map exercise, Commerce will receive the map originals, duplicate map sets for Department use, and file copies for the guides. Additionally, DNR will be providing Commerce with special product capabilities and deliverables based on the fact that the maps will be generated on a computer mapping system. These special products will include summary maps such as all guides within a given game management unit, summary reports on game statistics gathered by Commerce, and regional perspectives such as maps of all southeast guide areas or similar information on a statewide basis.

The Department of Natural Resources has costed this project for FY 89 at \$23.5. This funding will provide additional labor in the form of a temporary position and associated supply materials. DNR is making available the computer equipment, senior technicians, and management necessary to make this a successful project for both DNR and Commerce.

It is our position that this approach is good business for the Department of Natural Resources by allowing us to amortize our fixed costs over more production. Additionally, we are comfortable in that we are providing Commerce with a very attractive project approach and cost for their mapping needs.

This project will be managed by the Division of Management, who will be receiving the necessary project funding into their Data Processing Services Project.

If you have any questions, please feel free to call Sharon Barton at 465-2406.

Sincerely,

Judith M. Brady
Commissioner

cc: Tony Smith, Commissioner
Department of Commerce and Economic Development

Sharon Barton, Director
Division of Management
Department of Natural Resources

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

September 29, 1986

Kathy Marshall, Director
Department of Commerce
and Economic Development
Division of Occupational Licensing
P.O. Box D
Juneau, AK 99811

BILL SHEFFIELD, GOVERNOR

REPLY TO:

1031 W 4th AVENUE
SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: (907) 276-3550

1st NATIONAL CENTER
100 CUSHMAN ST.
SUITE 400
FAIRBANKS, ALASKA 99701
PHONE: (907) 452-1568

POUCH K - STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

1986 Atty Gen Op #02

Re: Resident hunting license
requirement for guides;
AS 08.54.210(a)(3), (a)(6)
Our File: 661-87-0063

Dear Ms. Marshall:

In your memorandum dated July 22, 1986, you asked several questions concerning AS 08.54.210(a)(3) and (a)(6). You asked, first, if the cited sections prohibit a currently licensed registered guide, master guide, class-A assistant guide, or assistant guide from continuing to work as a guide in Alaska if the guide does not possess a resident hunting license. Second, you asked whether the division of occupational licensing must reject new guide license applications filed by persons who do not possess resident hunting licenses. Finally, you asked our opinion regarding the constitutionality of the requirement imposed by AS 08.54.210(a)(3) and (a)(6) that a person must possess a resident hunting license in order to guide in Alaska.

Only your third question need be answered. The short answer to that question, which has been provided to you by

Kathy Marshall, Director
Division of Occupational Licensing
661-87-0063

September 29, 1986
Page 2

memorandum dated August 8, 1986, is that the residency requirement imposed by AS 08.54.210(a)(3) and (a)(6) is unconstitutional as applied to currently licensed or prospective guides in any of the listed guide categories. Your department need not and should not implement or enforce the requirement that a guide must possess a resident hunting license. The relevant sections should be read as if the word "resident" did not appear. Thus, the requirements that a guide be validly licensed as a hunter under AS 16, and have a current (resident or nonresident) hunting license in actual possession while guiding, are valid and should be enforced.

BACKGROUND

The qualifications for a person to receive a master guide license are found at AS 08.54.100, for a registered guide license at AS 08.54.110, for a class-A assistant guide license at AS 08.54.120, and for an assistant guide license at AS 08.54.140. Before July 1983, an applicant for any of these licenses was required by statute to be a resident of the State of Alaska. "Resident" was defined in AS 08.54.240(3) to mean "a person who maintains a place of residence within the state; has not claimed residency in another state for the immediately preceding 12 months; [and] shows by all attending circumstances that his intent is to make this state his permanent residence."

Kathy Marshall, Director
Division of Occupational Licensing
661-87-0063

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Page 3

In 1982, following the Alaska Supreme Court's decision in Noll v. Alaska Bar Association, 649 P.2d 241 (Alaska 1982), the Alaska Attorney General opined that "it is highly likely" that a court would find each of the above-referenced residency requirements unconstitutional. 1982 Inf. Op. Att'y Gen. (Dec 3; 366-357-83). The next year, the legislature repealed each of the guide license residency requirements. Sec. 19, ch. 68, SLA 1983, p. 10, l. 25.

Unlike the repealed residency requirements, AS 08.54.210(a)(3) and (a)(6), which were enacted in 1986 (sec. 20, ch. 71, SLA 1986), do not impose a residency requirement per se on a license applicant. Instead, they require an already licensed guide to possess a resident hunting license in order to act as a guide. Such a license may be obtained only by a person who has maintained a permanent place of abode and a voting residence in the state for 12 consecutive months. See AS 16.05.940(19), "resident" defined. Thus the new provisions, like the repealed provisions, effectively restrict the guiding profession in Alaska to Alaska residents of at least 12 months' duration.

LEGAL ANALYSIS

A. Constitutionality

State-imposed requirements that use residency status to differentiate between classes of persons wishing to pursue an occupation in a state are subject to challenge under several constitutional provisions. For present purposes, only article IV, section 2, clause 1, of the United States Constitution (the "privileges and immunities clause"), need be considered. This clause, which states, "The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states," was "intended to create a national economic union." Supreme Court of New Hampshire v. Piper, 470 U.S. 274, 280, 105 S.Ct. 1272, 1276 (1985). According to the United States Supreme Court, "the pursuit of a common calling is one of the most fundamental of those privileges protected by the Clause." Piper, 470 U.S. at 280, n.9, 105 S.Ct. at 1277, n.9 (quoting United Building & Construction Trades Council v. Mayor & Council of Camden, 465 U.S. 208, 219 (1984)). The Court has stated that "one of the privileges which the Clause guarantees to citizens of State A is that of doing business in State B on terms of substantial equality with the citizens of that State." Piper, 470 U.S. at 280, 105 S.Ct. at 1276 (quoting Toomer v. Witsell, 334 U.S. 385, 396 (1948)).

Kathy Marshall, Director
Division of Occupational Licensing
661-87-0063

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Page 5

Review of a residency requirement under the privileges and immunities clause proceeds in three steps. First, in order for the clause to be implicated, it must be established that the residency requirement infringes a protected privilege of a citizen of another state. Once such infringement is established, the rationale for the discrimination against the nonresident is examined to determine whether there is a substantial justification for it, beyond the mere fact that the person who is discriminated against is a citizen of another state. Finally, if such justification exists, the residency requirement is examined to determine whether it bears a substantial relationship to the particular "evil" posed by the nonresident. A residency requirement which does not pass each of the latter two steps violates the privileges and immunities clause and is constitutionally impermissible. Noll v. Alaska Bar Association, 649 P.2d 241 (Alaska 1982).

Applying the first step of this test to the statute in question, it is clear that the ability to act as a commercial hunting guide is a privilege which is protected under the privileges and immunities clause. The Alaska Supreme Court, in recognizing the practice of law as a protected privilege, noted that privileges protected under the clause include "common callings . . . ordinary livelihoods . . . [and] professional

Kathy Marshall, Director
Division of Occupational Licensing
661-87-0063

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Page 6

pursuits." Sheley v. Alaska Bar Association, 620 P.2d 640, 643 (Alaska 1980). "Guiding" is defined at AS 08.54.240(3) to mean "accompanying or directing a hunter . . . for compensation or with the intent or an agreement to receive compensation" Hunting guides in Alaska generally make their living from their guiding activities. The activity of commercial guiding is, therefore, a protected privilege. Of course, AS 08.54.210(a), which prohibits a nonresident from commercially guiding in Alaska, impinges upon the nonresident's exercise of that privilege.

The next two steps in privileges and immunities clause analysis are closely related to each other. The first requires a determination of whether there is a "substantial justification" for the discrimination against nonresidents. No such justification can exist absent a showing that nonresidents are "a peculiar source of the evil" which the state's action is meant to remedy. Noll, 649 P.2d at 243. The final step requires a determination of whether the discrimination bears a "substantial relationship" to the state's objective. No such relationship exists if the state could accomplish its objective (i.e., elimination of the "evil" posed by nonresidents) through a less restrictive means than the discrimination imposed against nonresidents. Piper, 470 U.S. at 284, 105 S.Ct. at 1279.

These latter two steps pose more difficult questions than the first step, as neither the statute nor the legislative history behind sec. 20, ch. 71, SLA 1986, disclose the legislature's reasons for imposing the residency requirement on guides. The several obvious reasons which may be postulated are examined below. None of the postulated reasons survives scrutiny under the privileges and immunities clause test.

One possible justification for the residency requirement involves the safety of hunters, and is based on the presumption that resident guides are more likely to be familiar with the terrain, hunting conditions, and species likely to be encountered in the field than are nonresidents. This justification was raised by the State of Wyoming when it attempted to defend a similar guide residency requirement from a privileges and immunities clause challenge. Powell v. Daily, 712 P.2d 356 (Wyo. 1986). The Powell court held the justification to be insufficient, finding that it failed both steps of the privileges and immunities test. First, it is not a "substantial" justification, because nonresidents are not a peculiar source of the evil of incompetent or unsafe guides. The Powell court noted:

[Mere] residence in this state does not make a competent guide. If the State's position were to be upheld, a person born and raised in New York City who moved to Cheyenne over a year ago could qualify for a guiding license, while Mr. Powell, who has hunted and fished in Idaho, Montana and

Wyoming for 30 years, cannot qualify because he makes his home in Idaho Falls. The State cannot seriously contend that merely living in Cheyenne for a year makes a prospective guide a better safety risk when guiding hunters in the rugged wilderness areas of our state.

Powell, 712 P.2d at 361. This statement applies equally to the situation in Alaska. This justification fails the final step of the test as well, because the state could guard against incompetent or unsafe guides through less restrictive means than discrimination against nonresidents. In fact, it already does so by requiring each applicant for a registered guide license to pass both written and oral examinations, which test the applicant's knowledge not only of general guiding and hunting matters, but also of the particular terrain and conditions in which the prospective guide is applying to operate. 12 AAC 38.010.

Another justification for the discrimination might be that residents are more likely to know and abide by local laws and regulations than are nonresidents. This justification, too, fails for the reasons discussed above.

Finally, the discrimination might be justified if the state had some definite need to control or police the guiding industry which required that its practitioners be physically located within the confines of the state. The present record, however, discloses no such unique need, nor any greater administrative need to control or police the commercial guiding industry

than the need to control or police the commercial fishing industry or any other industry in which both residents and nonresidents of Alaska participate. 1/

Based on the information available to us, we conclude that the discrimination against nonresidents under AS 08.54.210(a)(3) and (a)(6) cannot be justified, and that the residency requirement imposed by those paragraphs on persons wishing to commercially guide in Alaska violates article IV, section 2, of the United States Constitution. We note that the only courts that have considered this or a similar issue have reached the same conclusion. Powell v. Daily, 712 P.2d. 356 (Wyo. 1986) (residency requirement for applicants for guide license held unconstitutional); Godfrey v. Montana State Fish and Game Commission, 631 P.2d. 1265 (Mont. 1981) (residency requirement for applicants for outfitter license held unconstitutional).

B. Severability

Our conclusion that the residency requirements of AS 08.54.210(a)(3) and (a)(6) are unconstitutional raises the

1/ One other possible rationale, protection of resident guides from competition by nonresidents, is not a valid justification for discrimination against nonresidents, as "[t]he Privileges and Immunities Clause was designed primarily to prevent such economic protectionism." Piper, 470 U.S. at 285, n.18, 105 S.Ct. at 1279, n.18.

issue of whether the requirements are severable from the remaining portions of AS 08.54.210(a). AS 08.54 does not contain an express "savings clause," specifying that any provision found to be invalid is to be severed from the rest of the Act. The general savings clause set forth in AS 01.10.030, however, is applicable. This statute provides as follows:

CONSTITUTIONALITY AND SEVERABILITY. Any law heretofore or hereafter enacted by the Alaska legislature which lacks a severability clause shall be construed as though it contained the clause in the following language, "If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application to other persons or circumstances shall not be affected thereby."

The purpose of this statute is to "preserve to as great an extent as possible all valid portions of enactments by the Alaska State Legislature." Lynden Transport, Inc. v. State, 532 P.2d 700, 711 (Alaska 1975). As the court noted in Lynden, however, a general severability clause creates only a weak presumption in favor of severability. Lyden, 532 P.2d at 712-713.

The test the court announced in Lynden for determining the severability of a statutory provision is as follows: "A provision will not be deemed severable unless it appears both that, standing alone, legal effect can be given to it and that the legislature intended the provision to stand, in case others

included in the act and held bad should fall.'" Lynden, 532 P.2d at 713 (quoting Dorchy v. Kansas, 264 U.S. 286, 290 (1924)).

As to the first issue, it is apparent that if the residency requirements are stricken the relevant paragraphs can still be given complete legal effect. After striking the residency requirements, the subsection would read, in pertinent part:

Sec. 08.54.210. UNLAWFUL ACTS. It is unlawful for

. . . .

(3) a person to guide without having a current valid guide license and . . . hunting license in actual possession;

. . . .

(6) a person to guide without being validly licensed as a guide under this chapter and as a . . . hunter under AS 16[.]

The next issue is whether the legislature intended the remainder of the two paragraphs to stand, absent the residency requirements. It is self-evident that the legislature's intent to prohibit persons from guiding without first obtaining a guide license, which they must carry in their possession while guiding, is completely separate from the residency requirement. The guide license requirements are, therefore, severable from the residency requirements, and should be enforced. The only remaining question is whether the legislature intended to require guides to be licensed as hunters, regardless of the residency requirement. We

conclude that the legislature did so intend, for the following reason. In enacting AS 08.54.210(a)(3) and (a)(6), the legislature imposed requirements that guides be (a) residents of Alaska, and (b) licensed as hunters. Had the legislature intended by this provision to require only that guides be residents of Alaska, it would have said so, and not also required guides to obtain and carry hunting licenses with them while guiding. 2/

CONCLUSION

We have concluded that a court would find AS 08.54.210(a)(3) and (a)(6) to be unconstitutional, insofar as these paragraphs require a commercial hunting guide to be a resident of Alaska, because they unjustifiably discriminate against citizens of other states. Your agency should not implement or enforce the residence requirement provisions of this statute.

We have also concluded that the residency provisions of the paragraphs are severable from the remainder of the statute. You should, therefore, implement and enforce AS 08.54.210(a) as if the word "resident" did not appear therein.

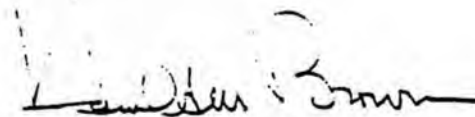
2/ Further evidence of the legislature's intent to require guides to be licensed as hunters may be found at AS 08.54.100(1) and 08.54.110(2) and 12 AAC 38.180(11).

Kathy Marshall, Director
Division of Occupational Licensing
661-87-0063

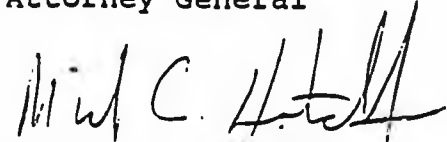
September 29, 1986
Page 13

If you have any questions or comments about this opinion, please do not hesitate to contact us.

Sincerely,



Harold M. Brown
Attorney General



Michael G. Hotchkin
Assistant Attorney General

HMB/MGH/ma

cc: Colonel Robert M. Henderson, Department of Public Safety
Herb Soll, Department of Law
Dennis D. Kelso, Department of Fish and Game
Ray McNutt, Chairman, Guide Board



United States Department of the Interior

NATIONAL PARK SERVICE

ALASKA REGIONAL OFFICE
2525 Gambell Street, Room 107
Anchorage, Alaska 99503 - 2892



IN REPLY REFER TO:

C38(ARO-OC)

29 JAN 1988

Honorable John B. "Jack" Coghill
Chairman, Resources Committee
P.O. Box V
Juneau, AK 99811

Dear Senator Coghill,

As the resource committee hearings on Senate Bill No. 191 will be convening in the near future, Senator Fanning asked us to offer comments for consideration. His request came as the result of a meeting with my concessions staff on January 8.

We are pleased to see the state recognize the problems which can arise by not having a clear definition of "guiding" for the purposes of hunting. We would, however, like to encourage a more restrictive definition than the one proposed. We recommend deleting the word "established" when referring to camps on page 3, line 7 of the bill. The use of the term "established" connotes permanent camps as opposed to temporary camps. The impacts of outfitting for hunting when a camp goes up with the client and down with the client, or when a camp goes up for just several weeks, are not necessarily less than those of an established camp. It has been our experience that the duration of the camp does not, in itself, distinguish between guiding and outfitting. It is the actions of the operator and the management of the camp that makes the distinction.

It has not been our policy to allow outfitting for hunting in the Alaskan national preserves. Unlike many government agencies, we do have the discretion to determine if a commercial activity is both "necessary and appropriate" relative to the purpose of the area. Our current stance will allow any private individual who has the knowledge and expertise to provide his own camp and hunt without a guide. Unguided persons may still rent equipment and charter an air taxi service to transport them to the field, but should be completely self-sufficient in the field. We feel those individuals who are not capable of taking care of all their needs in a wilderness setting are a risk to themselves and to others and probably should hire a registered guide to provide the needed services.

In addition to our concerns for visitor safety, we feel authorization of outfitting of hunting parties within a registered guide's area could have a significant negative impact on that guide's operation and the resources in the unit. Uncontrolled outfitting could lead to overharvesting of game within a guide area. The incentives to practice good game management are less for outfitters than for guides since it is the guides

who have a long-term stake in a guide area. When the game is depleted in an area, the outfitter simply moves on; the guide cannot.

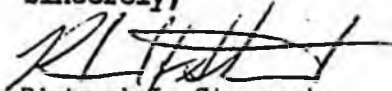
Another issue of concern addressed in the bill is on page 2, lines 16 and 17, whereby it is unlawful for "a person to compensate or agree to compensate another person for guiding..." without being validly licensed as a guide. It seems unrealistic to expect the consumer to be knowledgeable of AS 08.54.210 (a)(9). Keep in mind one of the reasons people hire registered guides is for their knowledge of the game laws. If consumers are duped into believing they have contracted with a legitimate guide, should the state hold the consumers liable?

One last item of concern centers around pilots knowingly dropping hunting parties off in areas closed to hunting. The addition of a statement such as the following would place accountability on air taxi pilots: "It is unlawful for a person to aid and abet a hunting violation by knowingly transporting persons for the purpose of hunting, into areas closed to hunting."

After discussing the various issues and possible resolutions, with our staff and several guides, it seems a simple and viable means to control the conflicts between outfitting and hunting would perhaps be the reinstatement of the transporter license. We found the transporter license to work well with our system of permitting commercial activities and would support its return.

Thank you for the opportunity to comment.

Sincerely,



Richard J. Stenmark
Regional Director

Acting

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 23, 1987

SUBJECT: Regulation of outfitters in
CSSB 191 (Resources)

TO: Senator Jack Coghill
Chairman, Senate Resources Committee

FROM: Edward H. Hein *E.H.*
Legislative Counsel

You have asked whether it is legally permissible to provide in CSSB 191 (Resources) that it is unlawful to advertise as or represent to be an outfitter without holding a current valid guide license. In my opinion, this provision does not present any legal problems.

The term "outfitter" is not defined in the Alaska Statutes or in this bill, nor have I been provided with a definition of outfitting. The changes to the definition of "guiding" made in Sec. 2 of the bill are intended to encompass outfitting activities. In other words, under the new definition of guiding, outfitting would be one form of guiding. Thus, the bill would effectively regulate outfitting by defining it as guiding and requiring a guide license to do it. Therefore, it is not improper to prohibit the use of the term or title of "outfitter" by someone who is not licensed as a guide.

It has been represented to me that in other states the terms "guide" and "outfitter" are synonymous. Outfitters in Alaska, directly or through agents in other states, apparently have capitalized on this public perception and have stated or implied in advertising and personal statements that outfitters can lawfully guide in Alaska. Making it unlawful to advertise as or represent to be an outfitter would at least address part of this problem by making it illegal to do these things in Alaska.

EHH:csh
c7/100

March 27, 1987
Senate Resources Hearing
SB 191

FISH & WILDLIFE PROTECTION
DEPARTMENT OF PUBLIC SAFETY

GUIDING STATISTICS

1. There are 398 documented outfitters in the state of which 35% are non-residents.
2. Seven cases are pending in court on felony unlicensed guiding at this time.
3. Over the last 8 months, Fish & Wildlife Protection has received approximately 40 complaints on unlicensed guides.
4. Fish & Wildlife Protection have approximately 20 people under investigation of which 15 are non-residents.

Examples from 1984-1985 Case Histories:

- a. An unlicensed guide in Western Alaska took approximately 50 moose.
- b. An unlicensed guide in the Susitna area took approximately 50 moose.

DEPARTMENT OF
PUBLIC SAFETY
FISH & WILDLIFE PROTECTION

Alaska State Legislature

Senate Resources Committee



Sen. John B. (Jack) Coghill, Chairman
Sen. Paul Fischer, Vice-Chairman
Sen. Floyd Jones
Sen. Adress Sturgulewski
Sen. Jim Duncan
Sen. Fred Zhatoff
Sen. Dick Eliason

Box V
Juneau, Alaska 99811
(907) 465-1007

LETTER OF INTENT

CS SB 191 (R)

April 1, 1987

It is the intent of the legislature that the following concerns regarding SB 191, "An act relating to guide licensing; prohibiting compensation of an unlicensed person for guiding; and prohibiting a person not licensed as a guide from advertising as or representing to be an outfitter" be addressed by the Department of Commerce and Economic Development and the Guide Board.

The Department of Commerce and Economic Development, Division of Occupational Licensing, should implement higher nonresident guide license fees upon renewal of the license.

The Guide Board should not interpret the phrase "established camp" when applicable to registered guides, as preventing guides from maintaining mobile camps in their areas.

A large, stylized handwritten signature in black ink, appearing to read "John B. Coghill".

John B. Coghill
Chairman Senate Resources

April 3, 1987

SB 191 cont'd

Senator Coghill, Chairman and Senators Jones and Sturgulewski signed "do pass". Senators Eliason, Zharoff and Fischer signed "no recommendation".

Zero fiscal note published today from Department of Public Safety.

Letter of Intent

April 1, 1987

It is the intent of the legislature that the following concerns regarding CSSB 191 (Res), "An Act relating to guide licensing fees; amending the definition of big game guiding; prohibiting compensation of an unlicensed person for guiding; and prohibiting a person not licensed as a guide from advertising as or representing to be an outfitter" be addressed by the Department of Commerce and Economic Development and the Guide Board.

The Department of Commerce and Economic Development, Division of Occupational Licensing, should implement higher nonresident guide license fees upon renewal of the license.

The Guide Board should not interpret the phrase "established camp" when applicable to registered guides, as preventing guides from maintaining mobile camps in their areas.

/s/ J. B. Coghill
John B. Coghill
Chairman, Senate Resources

SENATE BILL NO. 191 was referred to the Rules Committee.

SB 41

The Rules Committee considered SENATE BILL NO. 41 (cabins on state land; efd) and a majority of the committee recommended calendar April 3. The report was signed by Senator Eliason, Chairman and concurred in by Senators Bennett, Binkley and Faiks.

SENATE BILL NO. 41 is on the calendar.

April 3, 1987

INTRODUCTION AND REFERENCE OF SENATE BILLS

SB 233

SENATE BILL NO. 233 by Senator Bennett, entitled:

"An Act relating to sport fishing, hunting, and trapping licenses; and providing for an effective date."

was read the first time and referred to the Resources Committee and the Finance Committee.

CONSIDERATION OF THE CALENDAR

SECOND READING OF SENATE BILLS

SB 41

SENATE BILL NO. 41 (Cabins on state land; efd) was read the second time.

Senator Bennett moved and asked unanimous consent for the adoption of the Finance Committee Substitute offered on page 684. Without objection, CS FOR SENATE BILL NO. 41 (FIN) was adopted.

CS FOR SENATE BILL NO. 41 (FIN) was read the second time.

Senator Szymanski offered Amendment No. 1:

Page 1. line 11: delete "1981" insert "1969"

Senator Szymanski moved and asked unanimous consent for the adoption of Amendment No. 1. Senator Bennett objected.

Senator Halford moved and asked unanimous consent to abstain from voting. Senators Bennett and Kelly objected.

The question being: "Shall Amendment No. 1 be adopted?"
The roll was taken with the following result:

CSSB 41 FIN AM 1

Yeas:	5	Josephson, Kelly, Kerttula, Rodey, Szymanski
Nays:	12	Bennett, Binkley, Coghill, Duncan, Eliason, Fahrenkamp, Faiks, Halford, Hensley, Jones, Uehling, Zharoff
Excused:	3	Abood, Fischer, Sturgulewski

Alaska State Legislature

Senate Resources Committee



Sen. John B. (Jack) Coghill, Chairman
Sen. Paul Fischer, Vice-Chairman
Sen. Lloyd Jones
Sen. Arliss Sturgulewski
Sen. Jim Duncan
Sen. Fred Zharoff
Sen. Dick Eliason

Box V
Juneau, Alaska 99811
(907) 465-4907

Senate Letter of Intent CSSB 191 (Res) 3rd

It is the intent of the Legislature that the task force, set up under the provisions of SB 191, have full investigative powers to research and make recommendations concerning the following issues.

Under the Alaska Constitution all fish and game resources are the common property of the people, managed by the state in trust for their use. How does the taking of Alaskan big game by nonresidents and aliens conform with the needs of Alaskan hunters?

Who can provide commercial hunting services in the field? Shall guides have exclusive control over all hunting services in the field? What role shall outfitters and air taxi operators play in the provision of commercial hunting services?

If outfitters can provide certain hunting services in the field, how should these services be regulated?

The Alaska Supreme Court will soon decide Owsichek vs. the State of Alaska dealing with the constitutionality of restricted guide areas. The task force shall analyze this decision and recommend methods of accommodating the court's decision. If the court finds that the restricted guide areas are unconstitutional, what are the alternatives and how do outfitters and air taxi operators fit into any new schemes for the commercial take of big game.

The task force shall work closely with the Department of Fish and Game to create a linkage between the commercial take of big game and game management.

The Legislative Budget and Audit Committee completed audits of the Guide Board in 1985 and 1987. The task force shall review the audits and recommend what provisions shall be implemented. Specifically the task force shall analyze if the guide board is functioning at a level that ensures that the present allocation system is fair and is following the Administrative Procedures Act. The task force shall also analyze the joint use concept and supporting agreements between guides in joint use areas as to whether these agreements are in the best interest of the state and commercial users. The task force shall also investigate whether there shall be one consistent policy for determining guide areas so that all areas are treated equally.

Original sponsors: Coghill and Faiks

1 IN THE SENATE BY THE RESOURCES COMMITTEE
2 CS FOR SENATE BILL NO. 191 (3d Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL
6 For an Act entitled: "An Act relating to the Guide Board, the taking of
7 big game, and businesses or professions that provide
8 goods and services to big game hunters; and providing
9 for an effective date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 * Section 1. AS 08.03.010(c)(20) is amended to read:

12 (20) Guide Board (AS 08.54.010) -- June 30, 1989 [1988].

13 * Sec. 2. TASK FORCE ON GUIDING AND GAME. (a) The interim task force
14 on the Guide Board and the commercial taking of big game is established
15 under the jurisdiction of the legislative council. The task force consists
16 of the commissioners of fish and game, commerce and economic development,
17 and public safety, or their designees; two members of the senate who are
18 not licensed big game guides, appointed by the president of the senate; two
19 members of the house of representatives who are not licensed big game
20 guides, appointed by the speaker of the house; and four members appointed
21 by the governor as follows: one member of the Guide Board; one big game
22 guide licensed under AS 08.54 who is not a member of the Guide Board; one
23 person engaged in a business, other than guiding, that includes transport-
24 ing big game hunters to and from the field; and one public member.

25 (b) The task force shall review the operations of the Guide Board and
26 shall study problems and issues concerning the commercial taking of big
27 game in the state and the businesses or professions that provide goods and
28 services to big game hunters in the state. The task force shall submit to
29 the legislative council, not later than January 15, 1989, a report on its

1 findings and proposed legislation to address the problems and issues cover-
2 ed in the report.

3 (c) The task force terminates January 15, 1989.

4 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c).

Original sponsors: Coghill and Faiks

1 IN THE SENATE BY THE RESOURCES COMMITTEE
2 CS FOR SENATE BILL NO. 191 (2d Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL
6 For an Act entitled: "An Act relating to guide licensing fees; deleting
7 the requirement that a guide hold and carry a resi-
8 dent hunting license; amending the definition of big
9 game guiding; and prohibiting compensation of an
10 unlicensed person for guiding; and providing for an
11 effective date."

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

13 * Section 1. AS 08.01.065 is amended by adding a new subsection to
14 read:

15 (e) Notwithstanding other provisions of this section, the de-
16 partment shall establish the amount of a fee for a nonresident guide
17 license at three times the amount of the fee for a resident guide
18 license.

19 * Sec. 2. AS 08.54.210 is amended to read:

20 Sec. 08.54.210. UNLAWFUL ACTS. (a) It is unlawful for
21 (1) a master guide, registered guide, special guide,
22 class-A assistant guide, or assistant guide to fail to timely report
23 to the Department of Public Safety, division of fish and wildlife
24 protection, and in no event later than 30 days, a violation of a state
25 fish, game, or guiding statute or regulation that the guide reasonably
26 believes was committed by a client or an employee of the guide;

27 (2) a guide to commit or aid the commission of a violation
28 of this chapter or of a state game or guiding statute or regulation or
29 to permit the commission of a violation that the guide knows or

1 reasonably believes is being or will be committed without attempting
2 to prevent it, short of using force, and without reporting it;

3 (3) a person to guide without having a current valid guide
4 license and [RESIDENT] hunting license in actual possession;

5 (4) a person to advertise as or represent to be a guide
6 without holding a current valid registered or master guide license;

7 (5) a guide to intentionally obstruct or hinder or attempt
8 to obstruct or hinder lawful hunting engaged in by a person who is not
9 a client of the guide;

10 (6) a person to guide without being validly licensed as a
11 guide under this chapter and as a [RESIDENT] hunter under AS 16;

12 (7) an assistant guide to contract to conduct a guided
13 hunt;

14 (8) an assistant guide to be in the field on a guided hunt
15 except while employed and supervised by a registered or master guide;

16 (9) a person to compensate or agree to compensate another
17 person for guiding in violation of (6) of this subsection.

18 (b) A person who violates (a)(1) - (5) or (9) of this section is
19 guilty of a misdemeanor and upon conviction is punishable by a fine of
20 not more than \$2,000 [\$1,000] or by imprisonment for not more than one
21 year, or by both, and the person's license may be revoked for a period
22 up to five years. However, a person who engages in guiding activity
23 during the period for which the person's license is suspended or
24 revoked under this chapter, or who violates (a)(6) - (8) of this
25 section, is guilty of a felony punishable, upon conviction, by a fine
26 of not more than \$5,000 and by imprisonment for not less than one year
27 nor more than three years. In addition to punishment for a felony,
28 all guns, fishing tackle, boats, aircraft, automobiles or other vehi-
29 cles, camping gear and other equipment and paraphernalia used in, or

1 in aid of, guiding activity engaged in during the period of suspension
2 or revocation may be seized by persons authorized to enforce this
3 chapter and may be forfeited to the state as provided under AS 16.05.-
4 195.

5 * Sec. 3. AS 08.54.240(3) is repealed and reenacted to read:

6 (3) "guide" or "guiding" means accompanying or being pre-
7 sent with, or providing an established camp for, a big game hunter in
8 the field, personally or through an assistant, for compensation or
9 with the intent or an agreement to receive compensation; "guide" or
10 "guiding" does not include accompanying or being present with a hunter

11 (A) in a boat with living quarters;

12 (B) at a permanent lodge or structure; or

13 (C) while providing transportation to or from the
14 field, if the persons providing transportation and the persons
15 being transported do not stalk, pursue, track, kill, or attempt
16 to kill big game;

17 * Sec. 4. AS 08.54.240 is amended by adding a new paragraph to read:

18 (7) "compensation" means any money, thing of value, or
19 economic benefit conferred on or received by a person in return for
20 services rendered or to be rendered by the person for another.

21 * Sec. 5. This Act takes effect January 1, 1988.

Original sponsors: Coghill and Faiks

1 IN THE SENATE BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 191 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to guide licensing fees; amending
7 the definition of big game guiding; prohibiting
8 compensation of an unlicensed person for guiding; and
9 prohibiting a person not licensed as a guide from
10 advertising as or representing to be an outfitter."

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

12 * Section 1. AS 08.01.065 is amended by adding a new subsection to
13 read:

14 (e) Notwithstanding other provisions of this section, the de-
15 partment shall establish the amount of a fee for a nonresident guide
16 license at three times the amount of the fee for a resident guide
17 license.

18 * Sec. 2. AS 08.54.210 is amended to read:

19 Sec. 08.54.210. UNLAWFUL ACTS. (a) It is unlawful for

20 (1) a master guide, registered guide, special guide,
21 class-A assistant guide, or assistant guide to fail to timely report
22 to the Department of Public Safety, division of fish and wildlife
23 protection, and in no event later than 30 days, a violation of a state
24 fish, game, or guiding statute or regulation that the guide reasonably
25 believes was committed by a client or an employee of the guide;

26 (2) a guide to commit or aid the commission of a violation
27 of this chapter or of a state game or guiding statute or regulation or
28 to permit the commission of a violation that the guide knows or rea-
29 sonably believes is being or will be committed without attempting to

1 prevent it, short of using force, and without reporting it;

2 (3) a person to guide without having a current valid guide
3 license and resident hunting license in actual possession;

4 (4) a person to advertise as or represent to be an out-
5 fitter or a guide without holding a current valid registered or master
6 guide license;

7 (5) a guide to intentionally obstruct or hinder or attempt
8 to obstruct or hinder lawful hunting engaged in by a person who is not
9 a client of the guide;

10 (6) a person to guide without being validly licensed as a
11 guide under this chapter and as a resident hunter under AS 16;

12 (7) an assistant guide to contract to conduct a guided
13 hunt;

14 (8) an assistant guide to be in the field on a guided hunt
15 except while employed and supervised by a registered or master guide;

16 (9) a person to compensate or agree to compensate another
17 person for guiding in violation of (6) of this subsection.

18 (b) A person who violates (a)(1) - (5) or (9) of this section is
19 guilty of a misdemeanor and upon conviction is punishable by a fine of
20 not more than \$2,000 [\$1,000] or by imprisonment for not more than one
21 year, or by both, and the person's license may be revoked for a period
22 up to five years. However, a person who engages in guiding activity
23 during the period for which the person's license is suspended or
24 revoked under this chapter, or who violates (a)(6) - (8) of this
25 section, is guilty of a felony punishable, upon conviction, by a fine
26 of not more than \$5,000 and by imprisonment for not less than one year
27 nor more than three years. In addition to punishment for a felony,
28 all guns, fishing tackle, boats, aircraft, automobiles or other vehi-
29 cles, camping gear and other equipment and paraphernalia used in, or

1 in aid of, guiding activity engaged in during the period of suspension
2 or revocation may be seized by persons authorized to enforce this
3 chapter and may be forfeited to the state as provided under AS 16.05.-
4 195.

5 * Sec. 3. AS 08.54.240(3) is repealed and reenacted to read:

6 (3) "guide" or "guiding" means accompanying or being pre-
7 sent with, or providing an established camp for, a hunter in the
8 field, personally or through an assistant, for compensation or with
9 the intent or an agreement to receive compensation and for the purpose
10 of directing the hunter to spot, stalk, pursue, track, kill, or
11 attempt to kill big game; "guide" or "guiding" does not include accom-
12 panying or being present with a hunter

13 (A) in a boat with living quarters;

14 (B) at a permanent lodge or a lawfully established
15 cabin; or

16 (C) while providing transportation to or from the
17 field, if the persons providing transportation and the persons
18 being transported do not stalk, pursue, track, kill, or attempt
19 to kill big game, or spot with the intent to stalk, pursue,
20 track, or kill big game, on the way to or from the field;

21 * Sec. 4. AS 08.54.240 is amended by adding a new paragraph to read:

22 (7) "compensation" means any money, thing of value, or
23 economic benefit conferred on or received by a person in return for
24 services rendered or to be rendered by the person for another.

1 IN THE SENATE

BY COGHILL AND FAIKS

2

SENATE BILL NO. 191

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act amending the definition of big game guiding;
7 and prohibiting compensation of an unlicensed person
8 for guiding."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 08.54.210 is amended to read:

11 Sec. 08.54.210. UNLAWFUL ACTS. (a) It is unlawful for

12 (1) a master guide, registered guide, special guide,
13 class-A assistant guide, or assistant guide to fail to timely report
14 to the Department of Public Safety, division of fish and wildlife
15 protection, and in no event later than 30 days, a violation of a state
16 fish, game, or guiding statute or regulation that the guide reasonably
17 believes was committed by a client or an employee of the guide;

18 (2) a guide to commit or aid the commission of a violation
19 of this chapter or of a state game or guiding statute or regulation or
20 to permit the commission of a violation that the guide knows or rea-
21 sonably believes is being or will be committed without attempting to
22 prevent it, short of using force, and without reporting it;

23 (3) a person to guide without having a current valid guide
24 license and resident hunting license in actual possession;

25 (4) a person to advertise as or represent to be a guide
26 without holding a current valid guide license;

27 (5) a guide to intentionall: obstruct or hinder or attempt
28 to obstruct or hinder lawful hunting engaged in by a person who is not
29 a client of the guide;

1 (6) a person to guide without being validly licensed as a
2 guide under this chapter and as a resident hunter under AS 16;

3 (7) an assistant guide to contract to conduct a guided
4 hunt;

5 (8) an assistant guide to be in the field on a guided hunt
6 except while employed and supervised by a registered or master guide;

7 (9) a person to compensate or agree to compensate another
8 person for guiding in violation of (6) of this subsection.

9 (b) A person who violates (a)(1) - (5) of this section is guilty
10 of a misdemeanor and upon conviction is punishable by a fine of not
11 more than \$1,000 or by imprisonment for not more than one year, or by
12 both, and the person's license may be revoked for a period up to five
13 years. However, a person who engages in guiding activity during the
14 period for which the person's license is suspended or revoked under
15 this chapter, or who violates (a)(6) - (9) [(a)(6) - (8)] of this
16 section, is guilty of a felony punishable, upon conviction, by a fine
17 of not more than \$5,000 and by imprisonment for not less than one year
18 nor more than three years. In addition to punishment for a felony,
19 all guns, fishing tackle, boats, aircraft, automobiles or other vehi-
20 cles, camping gear and other equipment and paraphernalia used in, or
21 in aid of, guiding activity engaged in during the period of suspension
22 or revocation may be seized by persons authorized to enforce this
23 chapter and may be forfeited to the state as provided under AS 16.05.-
24 195.

25 * Sec. 2. AS 08.54.240(3) is repealed and reenacted to read:

26 (3) "guide" or "guiding" means accompanying or being pre-
27 sent with, or providing a camp for, a hunter in the field, personally
28 or through an assistant, for compensation or with the intent or an
29 agreement to receive compensation; "guide" or "guiding" does not

1 include accompanying or being present with a hunter
2 (A) in a boat with living quarters;
3 (B) at a permanent lodge or a lawfully established
4 cabin; or
5 (C) in a vehicle of any kind while providing transpor-
6 tation to or from the field, so long as the persons providing
7 transportation and the persons being transported do not stalk,
8 pursue, track, kill, or attempt to kill big game, or spot with
9 the intent to stalk, pursue, track, or kill big game, on the way
10 to or from the field;

SENATE COMMITTEE REPORT

[Handwritten signature]

FURTHER

DATE TURNED INTO OFFICE _____

Mr. President:

RESOURCES _____ Committee considered SB 191 _____

amending the definition of big game guiding; and prohibiting compensation of an unlicensed person for guiding.

and recommended *it be replaced (3rd Res)*

replace with _____ CSSB 191 *(Hest 3rd)* same title
 or adopt _____ CS _____ new title

attached amendment(s) and *and do pass with a ltr. of intent*

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted *Sen. Res.*

Committee attached or adopted fiscal note(s)
 new updated or previous
 zero fiscal impact

*1 OKN
FIN*

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

[Signature]

[Signature]

[Signature]

[Signature]

2 Van Tuining, if amended

[Signature] DO PASS
Chairman signature and recommendation

Committee Backup attached

SENATE COMMITTEE REPORT

FURTHER: *Rules*

DATE TURNED INTO OFFICE 4/30/87

Mr. President:

RESOURCES Committee considered SB 191

amending the definition of big game guiding; and prohibiting compensation of an unlicensed person for guiding.

and recommended:

replace with CS FOR SB 191 (2d Pass) (EPS)) same title
 or adopt _____ CS FOR _____) new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted _____

Committee attached or adopted fiscal note(s)

new updated or previous

zero fiscal impact

MEMBERS SIGNING DO PASS

Curtis J. Zupher
Leslie

OTHER RECOMMENDATIONS

William
Paul
Paul

[Signature] DO PASS
Chairman signature and recommendation

Committee Backup Attached

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 3-18 5-DAY NOTICE
IN ACCORDANCE WITH UNIFORM RULE 23

Fuller

FURTHER:

**FISCAL NOTE(S) ATTACHED **
IN ACCORDANCE WITH AS 24.08.035
(see below)

3/17/87

DATE TURNED INTO OFFICE _____

Mr. President:

RESOURCES _____ Committee considered SB 191

amending the definition of big game guiding; and prohibiting compensation of an unlicensed person for guiding.

and recommended:

replace with CS SB 191 (Res) same title
 attached amendment(s) and new title

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted and attached

** Committee attached or adopted fiscal note(s)
 zero fiscal impact

MEMBERS SIGNING DO PASS

Tom Jones
Archie Stimpel

OTHER RECOMMENDATIONS

Wesley
Paul No Rec
Paul No Rec

John B. ...
Chairman signature and recommendation

Committee Backup Attached