

LEGISLATIVE FINANCE-HOUSE / SENATE FINANCE COMM. FILES 8879

HB 112 cont.

459

58

FEB 14 1989



# Alaska State Legislature

Please enter into the record my testimony to the Senate Resources  
committee name

committee on SB 140, dated \_\_\_\_\_  
bill/subject

Senator Fahrenkamp:

I very much appreciate being able to present this testimony to the Committee regarding SB 140 and the bill extending the Task Force Study period.

It is very important that action be taken on both these bills. There is a very pertinent consideration that SB 140 does not address - that of determining the legal way to allot commercial use of areas. However, SB 140 should move ahead regardless.

I have several concerns with the bill. First, the composition of the Commercial Services Board - I feel more guides should be on that board. Another point is conservation fees. I believe that the "25% of tag" fee should be added to the tag fee up front. Collecting from the commercial user is going to be extremely cumbersome.

I also would like to see the Master Guide rating retained with perhaps some upgrading of the requirements.

Thank you for considering these points.

Signed: Ray McNutt  
Testifier Ray McNutt, Chairman

Alaska Guide Board

Representing (Optional)

Box 469, Sterling, Ak 99672

Address

262-4678

Phone No.



# Alaska State Legislature

Please enter into the record my testimony to the Senate Resources  
 committee on SB 140 Guide & SB 139 Outfitters, dated 2/13/89  
 bill/subject

I am a registered guide in Kodiak. I have been guiding 9 yrs. I did not have my own area. I would like to make the following remarks on the new G/O bill. 1. I strongly oppose the reduction in penalties from a felony to a misdemeanor. This is only going to encourage people to try to get away with more things than they already do. 2. I don't like the idea of someone who has not put the time in, in the field like I did to get my license to be able to guide a registered licensee just because he outlived for a couple of years. 3. I think on the makeup of the board that 1 member should be a guide from the time when exclusive areas were ~~made~~ legal so that 2 "Outfitters" don't get on. That would be unfair for the guides we have been the only ones who have compromised to be

Signed: William J. Newcomer

Testifier

myself

Representing (Optional)

Box 2204 Kodiak AK 99615

Address

907 - 486 - 6096

Phone No.

Thank you



# Alaska State Legislature

Please enter into the record my testimony to the Resource  
 committee name  
 committee on Guide outfitting dated 2/18/89  
 bill/subject

*In regards to the user fees new & existing that will follow this legislation. These fees except for a minor percentage 10-15% for administration should be delegated to the management of the resources from which they were derived*

Signed: *William P. Schenk* (SCHENK)  
 Testifier

Representing (Optional)  
*Box 1541-2*  
 Address  
*Kenai, AK 99611*  
 Phone No.  
*476-5692*



# Alaska State Legislature

Please enter into the record my testimony to the Resources Committee  
committee name

committee on SB 140, dated Feb 8, 1989  
bill/subject

My husband, Dick has been in Alaska 20 years. He began as a packer 19 yrs ago - he worked his way through the system, becoming a registered guide, then a master guide. His major concern is the transition from outfitter to guides. It would be nice to have more stringent qualifications for outfitters to do, in the year what it took which 19 yrs. to do. By the transition pass, then what about looking into a rating system such as in place already for the guides, that is, assistant guide, registered guide, then master guide. Then clients would know who they are hiring & what their knowledge & experience is.

One 2nd concern is the composition of the new board. We would like to see a person on there who actually represents the guide profession - with the 2 positions for the guide - outfitter available →

Signed: Sue Parker  
Testifier

Park's Bear Camp  
Representing (Optional)

Box 2289 Kodiak Ak 99615  
Address

486.5835  
Phone No.

It would be possible that those 2 positions  
could be filled by those who were rejected,  
thus still representing the same man.

We would recommend retaining the  
Master Guide (rejected) classification.


We may the extension of the Task Force.  
We commend them on all the work they  
have done.

Thank you.

# Alaska Adventures Unlimited

February 8, 1989

Alaska State Legislature  
Sixteenth Legislature  
Senate Resources and House Resources Committee Members



Thomas J. Kirstein  
Registered Guide  
P.O. Box 82808  
Fairbanks, Alaska 99708  
Telephone (907) 455-0111

Dear Members:

*"This Chase"*

I'm here today to testify about my current situation as a Licensed Alaskan Registered Guide and how this Guide Task Force Bill (SB-140) relates to me and my future livelihood.

I started my guiding career 16 years ago as an assistant guide and after gaining the years of experience needed to be able to qualify for the registered guide examination and meeting those qualifications, I successfully passed the exam. That was eleven years ago and I'm still very proud to be an Alaskan Registered Guide today!

Over the years I have seen a lot of changes that have to deal with the guiding industry. The current Guide Board that was established in the early 1970's and shortly thereafter the guide area system which was copied from the British Columbia guiding industry and adapted to Alaska's needs. I remember well the difficulty that was undertaken for all guides to adapt and give into this system of restricted guiding areas and the new regulations for guiding and its activities.

The Guide's Board task to impliment this system was monumental during its first conceptions. As time went on and guides began to settle into the area concepts and guide laws, I recall the atmosphere of guiding to become somewhat more personal with real concerns as to ones future in this guiding industry. The years of D-2 and the land grabs sure hurt Alaskan Residents, and the effect was devistating to hundreds of guides who operated their businesses in these areas. As we now begin to look back on that time period not so long ago I wonder if most Alaskan's are not just begining to realize what was lost in the late 70"s.

The past several years as I have become more involved with a concern for the future and making a living in this guiding business, I have invested like many other guides have, a considerable amount of monies into my business based on the system which has been in place now for 15 years. I have a camp located on the Alaska Peninsual and on Kodiak Island where I conduct my guiding services for my clients. The recent supreme court decision has effected my livilihood considerable, and what a surprise to me to now nave everything I've worked for tossed out and the lawful rug pulled out from under my feet. The supreme courts decision was obviously based on a very narrow view point towards one persons individual rights, and to say it wasn't a game management tool is beyond that judge's comprehension I feel!

Needless to say the supreme court must of realized their fruitful error with this decision because of its effect on a whole industry and hundreds of people's livelihoods, thus granting in early December the courts Stay until June 1. My guess would be that thinking some changes would be made to correct the problems discribed in the courts decision of October 21, 1988.

Through many efforts of individuals concerned with their future livelihoods a panal meeting took place in early December which involved all State, Federal land, and Fish & Game agencies. This was the first ever such a gathering of different and varied agencies to deal with one main concern, the policies for guides in the coming future and those actions. To me this meeting had a very important outcome, the Interior Fish & Wildlife Dept. came forth with their interium plans for all Federal Refuge Lands, thus putting a limit on the number of commercial users to the level of 1988 which deal with services for Big Game Hunting. Because i guide on Kodiak Island Wildlife Refuge this interium decision was very important due to the fact a emergency Board of Game meeting schedualled for mid-January was cancelled which had plans to deal with a crisis situation that had came up because of the supreme courts decision. Its been very obvious that the Federal agencies and our State Fish and Game Dept. recognized the importantct of guide areas as an important management tool for the game resources.

During Governor Sheffield's administration approximately 5 years ago when the guide board was under the sunset review process there was an amendment to delete the portion that addressed transportors, because of a conflict with Federal FAA laws. During this same time period Alaska started a large scale advertising plan to build the tourism industry in Alaska. From that time of revamping the guide laws and all the advertising to have more people interested in coming to Alaska, the door was opened to a group of unregulated commercial users for which Senate Bill 191 would finally recognize for what they are worth. I think Senator Cognill's plan for a task force to deal with this issue was in fact a good one. The undertaking of that job by the Task Force has given proof that the wildlife resources in Alaska are important, and that a part of the commercial tourism industry using those resources is very viable to Alaska's future. The recommendations that the Task Force have come forth with, I feel are in the best interest of Alaska's Wildlife Resources. You would think from the previous years of many numerous teleconferences and now with the undertaking by your own Task Force and with all its public input these past months that the issues have been covered and the problems, with solutions recognized.

This coming March Board of Game hearings in Anchorage will determine my future in the guiding profession for those

seasons greatly affecting me will be determined at that time. I will be faced with the possibilities on the Alaska Peninsula of having my Moose season completely closed and the Brown Bear seasons changed or shortened because of the over reaction by the Dept. of Fish and Game. There are nearly two hundred guides whom are licensed for this region called unit 9, but with only about one-third of these being active in previous years. It doesn't take a master mind to see that the resource could easily suffer if all these commercial users hit this region because of this court decision opening up this State to over harvest. This was the problem in the 60's and is exactly what brought about the Guide Board and the Area Concept in the first place. I don't want to tell my clients they can't plan their hunting trips for this spring or for next fall. I don't like being in the situation of knowing that in thirty days from now I may be put out of business because of new regulations governing the Big Game Seasons in my region, that is not very comforting believe me! How would you like to explain this to your clients and return their deposit for services you have promised but no longer can produce. I don't like to think that the State of Alaska lead me down the path all these years holding a carrot out in front. I by my own choosing got into this guiding profession and I am dam proud for doing so, because I believe in our Alaska Renewable Resources and this professsion is very unique for North America and to Alaska, its one of a kind!

Senate and House Resources Members page 6

I do honestly feel the State in good faith has given me the methods, means, and the rights to conduct my guiding business under the current system which has been in place for some 15 years. Now to only find out that the system has failed the test is really disheartening. I don't for one minute think the State of Alaska in good faith under the direction of the Guide Board set up the guiding industry to its current level and the guiding area system to have it all through out the window! I do feel the State of Alaska has responsibilities to the people in the guiding industry and all Alaskans to address these problems in a fast timely manner. I would like to ask that this 16th legislature take to heart this plea of testimony to deal with these issues quickly in order to get laws and direction in place to protect the Wildlife Resources of Alaska and get some stability back into the guiding industry.

Thank you all for taking the time to listen and for the efforts of the Guide Task Force.

Sincerely,



Thomas J. Kirstein

① For Samantha Casse

Chairperson: Bettye Fahrenkamp -  
- Chairperson - members of the Legislature -

I would like to compliment you and thank each of you for your sincere efforts to protect and provide for our usage of our unique and valuable big game resource.

I wish to specifically compliment Henry Springer and his Task Force for the excellent job they have done. In the beginning I didn't think it was possible to come up with as many sound and workable solutions as their Task Force has. They have literally worked through every facet and turned our piles, as Mr. Springer so well put it, of that "smelled bad and needed aired!"

③

my livelihood and providing for my family

The Alaskan Registered and Master Guides are a unique group of people, in the main dedicated people. Dedicated to the wildlife resource for it is simple, they are completely dependent upon these resources.

I recall men like Hal Wough, Charlie Madsen, Chuck Keim and Mark Jensen - the list goes on - each a great man, each completely dedicated to the big game. At a meeting a good many years ago in Fairbanks when a move to put all bears on the predator list with a bounty was proposed, Hal Wough spoke up to say bears were a unique and

(5)

written record of every animal and person I have guided: Guides are our first line of defense and of sound usage of our wilderness - people resource.

The air-Taxi has little direct interest in wildlife aside as it coincides with travel and we must not confuse the transportation business with the protection of our wildlife resource. They are handy but not dependent and the future of the air-Taxi business is not fully dependent upon the future of our wildlife resource.

The Task Force reports really address all quite well but "nit-picking" can tear almost anything apart. After saying this I have a

⑦

also in good faith.

I'm honored to have been able to  
submit my ideas and I wish to  
thank you all.

Harmon R. (Bud) Helmerich

# *Iniakuk Lake Lodge*

*Finest Lodge in the Brooks Range*

BERND GAEDEKE  
Master Guide

Telephone: (907) 479-6354

P. O. Box 80424  
Fairbanks, Alaska 99708

7 February, 1989

Ms. Bettye Fahrenkamp  
Chairman  
Senate Resource Committee  
P.O.Box V  
Juneau, AK 99811

ref: SB 139  
SB 140

Dear Ms. Fahrenkamp:

I am Bernd Gaedeke, master guide #43, a 28 year resident of Alaska and a full-time guide/outfitter since 1967.

When I first obtained my registered guide license in 1967 I felt extremely proud to become a member of a fairly exclusive group of dedicated and respected professionals. In those days it was still easy to find an area that was not already claimed by another guide. Although there was no exclusive guide area concept at that time, there was a gentlemen's agreement among the guides as to who operated where and any conflicts that arose were usually settled in a gentlemanly fashion. Hunting seasons were much longer and harvest quotas were more generous. I remember when the sheep hunts in the Brooks Range opened on July 15 and the limit was two sheep per hunter.

But within just a few years the number of guides increased rapidly as did the number of hunters. The seasons and bag limits were reduced in order to protect our game resources. Unfortunately there was also an increasing number of guides who were more interested in making big money than in protecting our game populations. These were the so-called vacuum cleaner guides, most of whom are fortunately no longer with us.

Suddenly the guiding industry was out of control and measures had to be taken to not only protect our resource, but to protect a profession that contributes millions of dollars to our economy. The exclusive guide area concept was conceived with the overwhelming support of the guides. The assignment of exclusive guide areas certainly had its flaws, but it was a valuable resource management tool for the Dep't. of Fish & Game as well as for Fish & Wildlife protection. It also gave the guides parameters within which they could operate and plan from year to year how many hunters could be booked in their exclusive areas on a sustained yield basis.

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BERND GAEDEKE  
Master Guide

Telephone: (907) 479-6354

P. O. Box 80424  
Fairbanks, Alaska 99708

Many guides suffered a severe, if not lethal blow when the many new national parks were established under ANILCA in '79. I, for one, lost 50% of my exclusive area to the Gates of the Arctic N.P. I lost my entire sheep hunting area as well as prime bear, moose and caribou habitat. Other guides lost everything and simply gave up.

But despite the numerous set-backs a good number of guides have prevailed and continue to offer some of the best professional services in the world. Guides have always been individuals who could stand on their own two feet and have never depended on the government to bail them out when the chips were falling.

The events that have transpired in recent years have made it evident to all of us and hopefully to all of you that legislation must be enacted in this session if we are to survive as a viable industry. An ever growing number of irresponsible and unethical so-called Outfitters have made a mockery of the guiding industry by being able to pretty much do as they damned well please. I believe that the Legislature should have acted several years ago instead of dragging their feet from one session to the next. We're all getting tired of testifying year after year on the same issues. I personally would like to get on with my life instead of living in limbo from one season to the next, never knowing what tomorrow will bring. I have invested hundreds of thousands of dollars in lodges, camps, inholdings, aircraft and equipment.

I feel it is our state's responsibility to protect our interests as well as those rights granted to us some 15 years ago. We are licensed professionals who have in good faith entered a contractual agreement with our government. We are managing a renewable resource in a responsible manner. Our fees and dues and insurance premiums (as required on all federally managed lands) are climbing at a staggering rate. I often ask myself lately why I'm still in this business, but having invested the best 23 years of my life in an honorable profession, enjoying the outdoors and the many good clients who keep coming back year after year, and especially being totally self-reliant make it all pretty hard to just give up and walk away from. Our backs are to the wall and we're not going to retreat any farther.

# *Iniakuk Lake Lodge*

*Finest Lodge in the Brooks Range*

---

BERND GAEDEKE  
Master Guide

Telephone: (907) 479-6354

P. O. Box 80424  
Fairbanks, Alaska 99708

I know that chairman Springer and his task force have worked very hard at trying to address all the problems that face us. There are some items which I don't fully support, but since time is of the utmost importance in resolving this conflict, I urge you to do so expeditiously.

The bottom line is our resource which must be protected from exploitation. The game board is scheduled to deliberate from March 6 through the 22nd. It is essential that they know laws will be passed during this legislative session which will prevent a total collapse of the present guiding system. Without such assurances they will be forced to place restrictions on the taking of game in numerous critical areas of the state. And this, in turn, will jeopardize the contractual agreements we have signed with our clients.

As a final comment I'd like to recommend that the task force's proposal to re-name the presently licensed master guides and registered guides as Guide/Outfitters, be altered to continue issuance of a Master Guide/Outfitter license to those who are currently licensed as master guides and to allow others the opportunity to achieve the master status under present guidelines. After all, there are master and bachelor degrees issued at our universities and numerous other professions have masters as well as journeymen. I see no valid reason why I should be given a demotion that I did not deserve.

Thank you for your time and PLEASE, resolve this critical issue for once and for all.



# Alaska State Legislature

Please enter into the record my testimony to the TASK FORCE ON GUIDING & OUTFITTING  
committee name

committee on HB #13940, dated 2/8/89  
bill/subject

I SUPPORT THE PASSING OF THOSE BILLS  
EXCEPT FOR SEC 13. I AM AN  
ASSISTANT GUIDE. FOR ME TO QUALIFY  
TO TAKE THE REG. GUIDE EXAM I  
MUST HAVE 3 YRS FIELD EXPERIENCE  
AND SIX LETTERS FROM HUNTERS RECOMMENDING  
ME. THIS IS NOT FAIR ALLOWING  
OUTFITTERS TO WALK IN AND TAKE THE TEST  
I ALSO DISAGREE WITH A COMMERCIAL USE FEE.  
WE NEED AN EXCLUSIVE GUIDE AREA  
SYSTEM I WOULD SUPPORT AN AMENDMENT TO  
THE CONSTITUTION.

Signed: M. A. Roswell  
Testifier

Representing (Optional)  
BOY 3687 KODIAK AK 99615  
Address  
487-2541  
Phone No.



# Alaska State Legislature

Please enter into the record my testimony to the Joe Kratoch  
 committee name  
 committee on SB 140, dated 2-8-89  
 bill/subject

I am an assistant guide on Kodiak and have worked for 3 years as one. Now with SB140 it lets any outfitter with no field experience take a test & become a registered guide which will flood an already overpopulated area, who will be competing with the guides who originally guided in a specific area for game & affecting the livelihood of many people who rely only on guiding as their livelihood.

Signed: Joe Kratoch  
 Testifier

Representing (Optional)  
Box 493 Kodiak, Ak, 94615  
 Address

Phone No.

(2)  
(1)

455-6151

Mary Bishop  
1555 Green Circle  
Apt 99009

My name is Mary Bishop. I represent myself only, although I am especially influenced by my activities as a board member of Alaska Fish & Wildlife Safeguard — which you may recognize as the State's "crimestopper" program for fish & game violations.

I strongly support legislation like SB 140. I believe it's necessary to regulate all businesses that provide services to big game hunters.

I recently read that the illegal taking of wildlife resources is the 2<sup>nd</sup> largest illegal dollar grossing activity — 2<sup>nd</sup> only to drugs. It's an international industry <sup>only to drugs</sup> 2<sup>nd</sup>. I doubt we Alaskans realize what a potential — or real — problem we have ~~on our hands~~.

I strongly support our privilege to hunt — but every illegal or unethical activity related to hunting endangers that privilege. I believe legislation like this will aid our state's enforcement agency in its effort to keep tabs on what's going on out in-the-field & I think that is essential.



# Alaska State Legislature

Please enter into the record my testimony to the JT. Resource  
 committee on SB139+140 Big Game committee name  
Guide, dated 2/6/89  
 bill/subject

Bill 140:

- ① When will INTERIM - OUTFITTERS LICENSES BE AVAILABLE?
- ② When will license fees be set for Guide-Outfitter license + commercial use operator?
- ③ What Business license number (sic) will apply to Guide-Outfitter-Transporter - Commercial Use permits?
- ④ Sec 13.3 - What is "Satisfactory Evidence," to Board of Big Game commercial services, that I have ~~engaged~~ engaged in the business of Big Game outfitting in 1986, 87, +88?

Signed: Bill Gavin

Testifier  
GAVIN'S KENAI RIVER CHARTERS

Representing (Optional)  
PO BOX 3628 SOLDOTNA AK 99669

Address  
262-7746

Phone No.



# Alaska State Legislature

Please enter into the record my testimony to the House & Senate Resource  
 committee name  
 committee on House Bill 112 & Senate Bill 139, dated Feb. 8, 1989  
 bill/subject

I have the following comments on this proposed Legislation:

1. The Big Game Commercial Services board should include representation from Private, Non-native landowners as well as consumer groups.
2. The Big Game Conservation Fee will be passed on to the hunter and will result in increased expense to the hunter. With the increase in license & tag fees also being proposed will make too much of an increase in one year. This fee is due only if an animal is killed, however the increase fees will probably be charged to the hunter if he kills an animal or not.
3. Adding Mountain Goat to the list of species which a nonresident needs a guide is an obvious attempt to increase income to guides in those areas which have goats. Would an outfitted hunt provided by a licensed guide-outfitter but with out a guide being with you when you killed the animal qualify under this provision?
4. This bill adds additional regulation to the providers of these services. This will increase cost to the hunter and will result in fewer hunters in the state. Then the guides will want a non-resident quota for tags to insure ~~profitability~~ profitability for their business.
5. The Big Game Commercial Services Board should only be concerned with the licensing and regulating of providers of services to Big Game hunters let the Fish and Game regulate the wildlife resource. This would be to do away with restricted areas for guides. Fish and Game should regulate the number of animals taken in each game management unit.

Signed: Harry M. Champlin  
 Testifier

Representing (Optional)  
Box 428 Delta Jct. AK 99737  
 Address  
895-4241 Day 895-5004 Home  
 Phone No.

TESTIMONY OF THE ALASKA AIR CARRIERS ASSOCIATION  
REGARDING SENATE BILL 140/HOUSE BILL 112  
BEFORE THE JOINT HOUSE/SENATE  
RESOURCE COMMITTEE  
February 8, 1989  
Juneau, Alaska

Senator Fahrenkamp, Representatives Menard and Jacko, and members of the House and Senate Resource Committees, my name is John Hajdukavich and I am here today on behalf of the Alaska Air Carriers Association.

The bill before you today deals mainly with the regulation of guides and outfitters. It is a carry-over of the debate last year which centered on regulating the outfitters, who were previously unregulated and growing rapidly. We think that the Legislature acted appropriately last year by passing SB 191. Since then, the Supreme Court decided that the existing system of exclusive guide areas was unconstitutional, and the Guide/Outfitters Task Force prepared recommendations which would create a new system of commercial users of big game. Many of the Task Force recommendations are included in SB 140.

The Alaska Air Carriers Association, which currently represents sixty-six carriers, believes that most of the bill seems reasonable, except for two sections. The first is Section 08.54.400, on page 8, which creates a new system of licensed "transporters." We believe this section should be deleted for the following reasons:

1. Air carriers are engaged in the transportation of persons from point to point, regardless of the purpose of one's trip. Almost all carriers charge point-to point fares, not fares

which differ for hunters or other air travelers. ;Most carriers derive a small portion of their revenue from the transportation of hunters. It makes no sense to require carriers to obtain another license specifically for the purpose of transporting hunters to the field. We already have federal 135 certificates and must register all of our aircraft with the Department of Commerce (\$50/aircraft fee) after proof that we have adequate liability insurance (\$150,000/seat).

2. This section also requires transporters to pay a commercial use permit fee. Apparently the theory behind this requirement is that because we derive commercial benefit from game, which is a common property resource, we should pay a fee. We strongly disagree with that theory for the same reason cited above - we simply transport people from point A to point B for the same charter fee, regardless of the intended activity of that person.

If the State wants to tax businesses which benefit from our game resources, then to be fair, the State would have to tax a hunter's trip to Alaska (for non-residents), the sporting goods stores, the grocery stores, the hotels, and any other services that the hunter uses while in Alaska. Arbitrarily singling out the last leg of the trip - the charter to the remote lake or air strip where the hunting takes place - is not reasonable.

The logical extension of this theory, if enacted into statute here for hunting, is to begin charging a transportation tax on any use of state land for any purpose - fishing, hiking,

photography, rafting, etc., as each represent uses of a common property resource. We simply disagree.

3. Another reason cited for these requirements is to "protect the resource." The proposed requirements are a very inefficient means to this end. The best way to "protect the resource" is more effective and frequent field presence of wildlife protection officers. The simplest way to raise money for this purpose is to increase the big game tag fees - because it is the hunters themselves who derive the greatest benefit from the harvest of game - and because it does not require additional administrative costs to collect the increased fees. If air carriers pay the fee for each hunter which harvests game, we will be forced to pass on that fee to the hunter anyway.

4. Existing law already requires air carriers to report activities relating to the transportation of hunters and the harvest of game, and there are stiff fines associated with violation. If there is a problem with compliance of the existing law, it would make more sense to simply increase the fine and do a better job of monitoring the reports, and the same result will be achieved.

AACA's second concern with SB 140 is the proposed repeal of the existing requirement that guides and outfitters obtain Part 135 certificates, just like all other air carriers. The legislature acted responsibly by requiring professional and equal standards for anyone transporting passengers for hire. Guide and outfitters argue that they should not be subject to same require-

ments because their flying is "incidental" to their business. Whether the flying is incidental or not is irrelevant. To protect public safety, anyone who receives compensation is whole or in part for flying people should be subject to the same basic standards of quality and professionalism. Under SB 140, guide/outfitters may fly hunters to the field with only a private pilots' license and an annual plane inspection. There is no requirement for a commercial pilot's license for liability insurance, or other standards required for all other carriers.

We intend to meet with representatives of the guide/outfitters and the Task Force to discuss our continued concerns with SB 140 and to see if there are mutually acceptable solutions which will resolve them.

We thank you for the opportunity to testify on this legislation.

028

ИВ

В

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SENATE COMMITTEE REPORT

FURTHER

4/7/89

DATE TURNED INTO OFFICE

4/19/89

Mr. President:

CSHB 112 (FIN) am

FIN

Committee considered

relating to big game hunting and to the regulation of big game and marine mammal guide-outfitting, transportation, and other commercial services for big game hunters; creating the Big Game Commercial Services Board; etc. and recommended

- replace with 5 CS CSHB 112 (FIN) )  same title
- or adopt CS )  new title
- attached amendment(s) and  technical title change (HB only)
- JFC letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

FISCAL NOTE(S)  zero  fiscal impact  appropriation no FN

new  updated  previous DPS & 4/12/89  
 same as previous fiscal note(s) published DATED 98.94/12/89  
DF&G 30.0 2/15/89  
DNR & 2/15/89

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

*[Handwritten signatures]*  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Paul A. Trimb (No Rec)  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Rich [Signature] (No Rec)  
 Chairman signature and recommendation

Committee Backup attached

John [Signature] Co-CHAIR  
No-PASS

FISCAL NOTE

REQUEST:

Revision Date: 4/12/89  
Title: Big game guiding and commercial hunting  
Sponsor: House Resources  
Requestor: Senate Finance

Agency Affected: Public Safety  
BRU: Fish & Wildlife Protection  
Component: Enforcement & ISU

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

| OPERATING         | FY 89 | FY 90 | FY 91 | FY 92 | FY 93 | FY 94 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES |       |       |       |       |       |       |
| TRAVEL            |       |       |       |       |       |       |
| CONTRACTUAL       |       |       |       |       |       |       |
| SUPPLIES          |       |       |       |       |       |       |
| EQUIPMENT         |       |       |       |       |       |       |
| LAND & STRUCTURES |       |       |       |       |       |       |
| GRANTS, CLAIMS    |       |       |       |       |       |       |
| MISCELLANEOUS     |       |       |       |       |       |       |
| TOTAL OPERATING   | -0-   | -0-   | -0-   | -0-   | -0-   | -0-   |

|         |     |     |     |     |     |     |
|---------|-----|-----|-----|-----|-----|-----|
| CAPITAL | -0- | -0- | -0- | -0- | -0- | -0- |
|---------|-----|-----|-----|-----|-----|-----|

|         |     |     |     |     |     |     |
|---------|-----|-----|-----|-----|-----|-----|
| REVENUE | -0- | -0- | -0- | -0- | -0- | -0- |
|---------|-----|-----|-----|-----|-----|-----|

FUNDING: (Thousands of Dollars)

|               |     |     |     |     |     |     |
|---------------|-----|-----|-----|-----|-----|-----|
| GENERAL FUND  |     |     |     |     |     |     |
| FEDERAL FUNDS |     |     |     |     |     |     |
| OTHER         |     |     |     |     |     |     |
| 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)

Passage of HB 112 would create a nine-member Big Game Commercial Services Board. It is anticipated that travel expenses for Board members would be included in the budget of the Department of Commerce and Economic Development, Division of Occupational Licensing. Department of Public Safety (DPS) staff time will be provided to assist the Board as necessary; no additional fiscal impact on DPS is anticipated.

Prepared by: Captain Conrad Seibel  
Division: Fish & Wildlife Protection

Phone: 269-5509  
Date: 4/12/89

Approved by Commissioner: [Signature] Arthur English  
Agency: Department of Public Safety

Date: 4/12/89

Adopted

**FISCAL NOTE**

**REQUEST:**

Revision Date: \_\_\_\_\_ Agency Affected: Commerce & Economic Dev.  
 Title: An Act relating to big game hunting and to the regulation of big game and marine mammal guide-outfitting...  
 BRU: Occupational Licensing  
 Sponsor: House Resources Components: All  
 Requestor: House Resources

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

| OPERATING              | FY 89 | FY 90 | FY 91 | FY 92 | FY 93 | FY 94 |
|------------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES      |       | 39.8  | 39.8  | 39.8  | 39.8  | 39.8  |
| TRAVEL                 |       | 28.7  | 28.7  | 13.9  | 13.9  | 13.9  |
| CONTRACTUAL            |       | 16.3  | 16.3  | 16.3  | 16.3  | 16.3  |
| SUPPLIES               |       | 2.0   | 2.0   | 2.0   | 2.0   | 2.0   |
| EQUIPMENT              |       | 12.0  |       |       |       |       |
| LAND & STRUCTURES      |       |       |       |       |       |       |
| GRANTS, CLAIMS         |       |       |       |       |       |       |
| MISCELLANEOUS          |       |       |       |       |       |       |
| <b>TOTAL OPERATING</b> |       | 98.8  | 86.8  | 72.0  | 72.0  | 72.0  |

|         |  |  |  |  |  |  |
|---------|--|--|--|--|--|--|
| CAPITAL |  |  |  |  |  |  |
|---------|--|--|--|--|--|--|

|         |  |       |       |       |       |       |
|---------|--|-------|-------|-------|-------|-------|
| REVENUE |  | 103.0 | 105.5 | 108.0 | 110.5 | 113.0 |
|---------|--|-------|-------|-------|-------|-------|

**FUNDING: (Thousands of Dollars)**

|               |  |      |      |      |      |      |
|---------------|--|------|------|------|------|------|
| GENERAL FUND  |  |      |      |      |      |      |
| FEDERAL FUNDS |  |      |      |      |      |      |
| OTHER GF/PR   |  | 98.8 | 86.8 | 72.0 | 72.0 | 72.0 |
| <b>TOTAL</b>  |  | 98.8 | 86.8 | 72.0 | 72.0 | 72.0 |

**POSITIONS:**

|           |  |   |   |   |   |   |
|-----------|--|---|---|---|---|---|
| FULL-TIME |  |   |   |   |   |   |
| PART-TIME |  | 2 | 2 | 2 | 2 | 2 |
| TEMPORARY |  |   |   |   |   |   |

**ANALYSIS : (Attach a separate page if necessary)**

See attached for explanation.

Changes in SCS for CSHB 112 (Fin) have no fiscal impact. This fiscal note is appropriate. *ll*

4/19/89

Prepared by: Jennifer Strickler, Administrative Officer

Phone: 465-2144

Division: Occupational Licensing

Date: April 12, 1989

Approved by Commissioner: Larry Mercurieff *ll*

Date: 4/12/89

Agency: Commerce and Economic Development

**Distribution (by preparer):**

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

Adopted

## BIG GAME COMMERCIAL SERVICES BOARD EXPENSES

The expenses identified in this fiscal note, except where noted, are new costs expected to be incurred by the new Commercial Services Board in addition to those already budgeted for the current Guide Board. The increase in board expenses will be covered by a parallel increase in the division's program receipt authority. The expenses will be paid for by revenues generated by new or increased licensing fees.

### FY 90:

#### PERSONAL SERVICES:

|  |        |
|--|--------|
| Occupational Licensing Examiner I, Range 12A<br>6 months (PPT), Juneau | \$17.3 |
| Investigator II, Range 16A<br>6 months (PPT), Anchorage                | 22.5   |
| Personal Services Sub-Total:   | \$39.8 |

#### BOARD-RELATED TRAVEL:

Travel costs are based on nine (9) members from the following locations:

- 2 Anchorage members
- 2 Fairbanks members
- 1 Juneau member
- 1 Kenai member
- 1 King Salmon member
- 1 Kodiak member
- 1 Kotzebue member

and four (4) staff members (three from Juneau, and one from Anchorage)

Travel to board meetings by board members and staff in the first year is based on:

|                                   |        |
|-----------------------------------|--------|
| 2 Anchorage meetings (\$6330 x 2) | \$12.7 |
| 1 Fairbanks meeting               | 8.6    |
| 1 Juneau meeting                  | 8.5    |
|                                   | \$29.8 |

#### SIAGE TRAVEL (Rural Implementation):

In order to encourage rural resident participation in the big game commercial services industry, it is planned that a Licensing Examiner will travel to seven rural sites for out-reach purposes; Barrow, Kotzebue, McGrath, Bethel, Dillingham, Kodiak, and Ketchikan

\$5.8

#### SIAGE TRAVEL (Investigations):

Primarily to focus on the licensure of transporters and commercial use permit holders, funds are necessary for an Investigator to travel to seven sites for enforcement activity: Fairbanks, King Salmon, Kotzebue, Bethel, Kenai, Cordova, and Bettles

\$4.1

(Travel to be reduced by \$11.0 already built into the Licensing Boards component of the division of occupational licensing operating budget.)

[\$11.0]

Travel Sub-Total:

\$28.7

Page 2 of 5

**CONTRACTUAL**

|  |        |
|--|--------|
| Printing (decals, forms, etc.)         | \$5.0  |
| Advertising (meetings and regulations) | 1.7    |
| Exam consultation                      | 5.0    |
| Phones, postage                        | 3.0    |
| Space rent (for meetings)              | 1.6    |
|  | \$16.3 |

Contractual Sub-Total \$16.3

**COMMODITIES:**

Standard operating supplies such as stationery, envelopes, pens, etc. \$2.0

**EQUIPMENT: (one time costs only)**

|   |        |        |
|---|--------|--------|
| 2 - Phone units                         | .4ea.  | .8     |
| 2 - DP/WP Computer workstations         | 2.2ea. | 4.4    |
| 2 - Desks, double pedestal, 70x36       | .7ea.  | 1.4    |
| 2 - Chairs, swivel with arms            | .7ea.  | 1.4    |
| 2 - Chairs, side without arms           | .2ea.  | .4     |
| 2 - Typewriters, IBM Selectric III      | 1.2ea. | 2.4    |
| 2 - Desk calculators                    | .1ea.  | .2     |
| 2 - Tables, 72x36                       | .2ea.  | .4     |
| 2 - File cabinets, 5 dr legal with lock | .3ea.  | .6     |
|   |        | \$12.0 |

Equipment Sub-Total: \$12.0

**TOTAL FY 90 COSTS: 98.8**

**FY 91:**

Costs in FY 91 are anticipated to be the same as in FY 90, less the one-time FY 90 equipment costs of \$12.0.

**TOTAL FY 91 COSTS: \$86.8**

**FY 92:**

Cost differences between FY 90 and FY 92 result from a reduction in FY 92 of the number of meetings budgeted under travel. FY 92 expense is based on two meetings, one in Anchorage and one in Fairbanks, while FY 90 was based on four.

|                                 |        |        |
|---------------------------------|--------|--------|
| Anchorage Board Meeting Deleted | [6.3]  |        |
| Juneau Board Meeting Deleted    | [8.5]  |        |
|                                 | [14.8] | [14.8] |

**TOTAL FY 92 COSTS: \$72.0**

Costs are the same for FY 93 and FY 94 taking into consideration two meetings to be held each year, one in Anchorage and the other to alternate between Fairbanks and Juneau each fiscal year.

BIG GAME COMMERCIAL SERVICES BOARD PROGRAM RECEIPTS

The current Guide Board already generate program receipts through its licensing fees. The revenues reflected in this fiscal note represent the amount of additional revenue necessary to cover the added costs associated in CSHB 112(Fin)am with sunseting the Guide Board and creating a Big Game Commercial Services Board. The revenues are based on a modest increase of \$50.00 to the fees presently established by regulation and assessed against licensed guides renewing their licenses and against persons seeking initial licensure. Unlike other occupational licensing areas, which renew biennially, CSHB 112(Fin)am requires annual renewal and the revenue reflects that mandate.

FY 90 is based on:

|  |                |
|--|----------------|
| 437 Guide-Outfitters x \$50              | \$21.8         |
| 1224 Class-A and Assistant Guides x \$50 | 61.2           |
| 300 Transporters x \$50                  | 15.0           |
| 100 Outfitters x \$50                    | 5.0            |
| <b>FY 90 Revenue</b>                     | <b>\$103.0</b> |

FY 91 is based on FY 90 calculations with an additional 50 new licensees added:

|  |              |
|--|--------------|
| 437 Guide-Outfitters x \$50              | \$21.8       |
| 1224 Class-A and Assistant Guides x \$50 | 61.2         |
| 325 Transporters x \$50                  | 16.3         |
| 125 Outfitters x \$50                    | 6.2          |
| <b>FY 91 Revenue</b>                     | <b>105.5</b> |

FY 92 is based on FY 91 calculations with an additional 50 new licensees added:

|  |                |
|--|----------------|
| 437 Guide-Outfitters x \$50              | \$21.8         |
| 1224 Class-A and Assistant Guides x \$50 | 61.2           |
| 350 Transporters x \$50                  | 17.5           |
| 150 Outfitters x \$50                    | 7.5            |
| <b>FY 92 Revenue</b>                     | <b>\$108.0</b> |

FY 93 is based on FY 92 calculations with an additional 50 new licensees added:

|  |                |
|--|----------------|
| 437 Guide-Outfitters x \$50              | \$21.8         |
| 1224 Class-A and Assistant Guides x \$50 | 61.2           |
| 375 Transporters x \$50                  | 18.8           |
| 175 Outfitters x \$50                    | 8.7            |
| <b>FY 93 Revenue</b>                     | <b>\$110.5</b> |

FY 94 is based on FY 93 calculations with an additional 50 new licensees added:

|  |                |
|--|----------------|
| 437 Guide-Outfitters x \$50              | \$21.8         |
| 1224 Class-A and Assistant Guides x \$50 | 61.2           |
| 400 Transporters x \$50                  | 20.0           |
| 200 Outfitters x \$50                    | 10.0           |
| <b>FY 94 Revenue</b>                     | <b>\$113.0</b> |

### FISCAL NOTE

**REQUEST:**

Revision Date: \_\_\_\_\_  
Title: An Act Relating to Commercial  
Services for Big Game Hunters  
Sponsor: Resources Committee  
Requestor: \_\_\_\_\_

Agency Affected: Fish and Game  
BRU: Wildlife Conservation  
Components: \_\_\_\_\_

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

| OPERATING              | FY 89       | FY 90       | FY 91       | FY 92       | FY 93       | FY 94       |
|------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| PERSONAL SERVICES      | 31.5        | 75.8        | 67.5        | 58.2        | 58.2        | 58.2        |
| TRAVEL                 | 1.5         | 5.0         | 3.0         | 1.0         | 1.0         | 1.0         |
| CONTRACTUAL            |             | .5          | .5          | .5          | .5          | .5          |
| SUPPLIES               |             | 1.7         | 1.0         | 1.0         | 1.0         | 1.0         |
| EQUIPMENT              |             | 5.0         |             |             |             |             |
| LAND & STRUCTURES      |             |             |             |             |             |             |
| GRANTS, CLAIMS         |             |             |             |             |             |             |
| MISCELLANEOUS          |             |             |             |             |             |             |
| <b>TOTAL OPERATING</b> | <b>33.0</b> | <b>90.0</b> | <b>72.0</b> | <b>60.7</b> | <b>60.7</b> | <b>60.7</b> |

|         |   |   |   |   |   |   |
|---------|---|---|---|---|---|---|
| CAPITAL | 0 | 0 | 0 | 0 | 0 | 0 |
|---------|---|---|---|---|---|---|

|         |  |  |  |  |  |  |
|---------|--|--|--|--|--|--|
| REVENUE |  |  |  |  |  |  |
|---------|--|--|--|--|--|--|

**FUNDING: (Thousands of Dollars)**

|               |  |  |  |  |  |  |
|---------------|--|--|--|--|--|--|
| GENERAL FUND  |  |  |  |  |  |  |
| FEDERAL FUNDS |  |  |  |  |  |  |
| OTHER         |  |  |  |  |  |  |
| TOTAL         |  |  |  |  |  |  |

**POSITIONS:**

|           |   |   |   |   |   |   |
|-----------|---|---|---|---|---|---|
| FULL-TIME | 1 | 1 | 1 | 1 | 1 | 1 |
| PART-TIME |   |   |   |   |   |   |
| TEMPORARY |   |   |   |   |   |   |

**ANALYSIS :** (Attach a separate page if necessary) The FY89, FY90, and FY91 expenditures are necessary to coordinate the development of a computerized area-based management system for use in administering the guide/outfitting industry. The FY92, FY93, and FY94 expenditures would depend on the guide/outfitter area management system which is devised and ADF&G's role in that system.

Prepared by: W. Lewis Pamplin, Jr., Director Phone: 465-4190  
Division: Wildlife Conservation Date: 2/15/89

Approved by Commissioner: [Signature] Date: 2/15/89  
Agency: Fish and Game

**Distribution (by preparer):**

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

Changes in SCS CSHB 112 (Fin) have no fiscal impact. This fiscal note is appropriate. 4/19/89 *ml*

**Adopted**

FISCAL NOTE FOR HOUSE BILL 112  
 Page 2 of 2

|                               | FY89 |      | FY90 |      | FY91 |      | FY92 |       |
|-------------------------------|------|------|------|------|------|------|------|-------|
|                               | Mos. | Cost | Mos. | Cost | Mos. | Cost | Mos. | Cost  |
| LINE 100                      |      |      |      |      |      |      |      |       |
| WB III @ \$4.5/month          | 3    | 13.5 | 11   | 49.5 | 11   | 49.5 | 11   | 49.5  |
| AP II @ \$3.3/month           | 3    | 9.9  | 5    | 16.5 | 3    | 9.9  | 1    | 3.3   |
| DPC II @ \$2.7/month          | 3    | 8.1  | 4    | 10.3 | 3    | 8.1  | 2    | 5.4   |
| TOTAL                         |      | 31.5 |      | 76.8 |      | 67.5 |      | 58.2  |
| LINE 200 TRAVEL               |      | 1.5  |      | 5.0  |      | 3.0  |      | 1.0   |
| LINE 300 CONTRACTUAL SERVICES |      | 0.0  |      | 0.5  |      | 0.5  |      | 0.5   |
| LINE 400 SUPPLIES             |      | 0.0  |      | 1.7  |      | 1.0  |      | 1.0   |
| LINE 500 EQUIPMENT            |      | 0.0  |      | 6.0  |      | 0.0  |      | 0.0   |
| TOTAL                         |      | 33.0 |      | 90.0 |      | 72.0 |      | 60.7* |

\* This total may vary with the role that ADF&G ultimately plays in the guide/outfitter area management system.

STATE OF ALASKA  
1989 LEGISLATIVE SESSION

BILL VERSION CSHB 112 (RES)  
PUBLISH DATE: HOUSE 3/15/89

FISCAL NOTE

REQUEST:

Revision Date: 15-Feb-89  
Title: An Act relating to big game hunting and regulation of commercial services.  
Sponsor: House Resources  
Requestor: House Resources

Agency Affected: Natural Resources  
BRU: Management and Administration  
Components: Commissioners Office

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING         | FY 89 | FY 90 | FY 91 | FY 92 | FY 93 | FY 94 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES |       |       |       |       |       |       |
| TRAVEL            |       |       |       |       |       |       |
| CONTRACTUAL       |       |       |       |       |       |       |
| SUPPLIES          |       |       |       |       |       |       |
| EQUIPMENT         |       |       |       |       |       |       |
| LAND&STRUCTURES   |       |       |       |       |       |       |
| GRANTS,CLAIMS     |       |       |       |       |       |       |
| MISCELLANEOUS     |       |       |       |       |       |       |
| TOTAL OPERATING   | 0.0   | 0.0   | 0.0   | 0.0   | 0.0   | 0.0   |

|         |  |  |  |  |  |  |
|---------|--|--|--|--|--|--|
| CAPITAL |  |  |  |  |  |  |
|---------|--|--|--|--|--|--|

|         |  |  |  |  |  |  |
|---------|--|--|--|--|--|--|
| REVENUE |  |  |  |  |  |  |
|---------|--|--|--|--|--|--|

FUNDING: (Thousands of Dollars)

|               |     |  |  |  |  |  |
|---------------|-----|--|--|--|--|--|
| GENERAL FUND  |     |  |  |  |  |  |
| FEDERAL FUNDS |     |  |  |  |  |  |
| OTHER         |     |  |  |  |  |  |
| TOTAL         | 0.0 |  |  |  |  |  |

POSITIONS:

|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| FULL-TIME |  |  |  |  |  |  |
| PART-TIME |  |  |  |  |  |  |
| TEMPORARY |  |  |  |  |  |  |

ANALYSIS: (Attach a separate page if necessary)

Travel costs for Natural Resources will be included in DCED fiscal note.

Changes in SCS CSHB 112 (Fin) have no fiscal impact. This fiscal note is appropriate.

Prepared by: Carol Wilson Phone: 465-2400  
 Division: Commissioners Office Date: 15-Feb-89

Approved by Commissioner: Lennie Gorsuch Date: 15-Feb-89  
 Agency: Department of Natural Resources

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

Adopted

~~4/18/89~~

Original sponsor: Resources Committee

1 IN THE HOUSE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 112 ( )

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to big game hunting and to the  
7 regulation of big game and marine mammal guide-out-  
8 fitting, transportation, and other commercial ser-  
9 vices for big game hunters; creating the Big Game  
10 Commercial Services Board; relating to presumptive  
11 sentences for violation of certain big game commer-  
12 cial services statutes; and providing for an effec-  
13 tive date."

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

15 \* Section 1. AS 08.01.010(10) is repealed and reenacted to read:

16 (10) Big Game Commercial Services Board (AS 08.54.300);

17 \* Sec. 2. AS 08.03.010(c)(20) is repealed and reenacted to read:

18 (20) Big Game Commercial Services Board (AS 08.54.300) --  
19 June 30, 1993.

20 \* Sec. 3. AS 08.54 is amended by adding new sections to read:

21 ARTICLE 4. BIG GAME COMMERCIAL SERVICES BOARD.

22 Sec. 08.54.300. CREATION AND MEMBERSHIP OF BOARD. (a) For the  
23 purposes of licensing and regulating the activities of providers of  
24 commercial services to big game hunters in the interest of the state's  
25 wildlife resources there is created the Big Game Commercial Services  
26 Board. For administrative purposes, the board is in the Department of  
27 Commerce and Economic Development.

28 (b) The board consists of nine members:

29 (1) two members who are licensed guide-outfitters;

1 (2) two members who are licensed transporters, one of whom  
2 must be engaged in the business of providing air transportation ser-  
3 vices;

4 (3) one member who holds a commercial use permit, but does  
5 not hold any class of guide-outfitter license or a transporter  
6 license;

7 (4) one member of the Board of Game who is chosen by the  
8 Board of Game and who does not hold a commercial use permit;

9 (5) one member who represents Native landholders; and

10 (6) two public members.

11 Sec. 08.54.310. DUTIES AND POWERS. (a) The board shall

12 (1) prepare, grade, and administer

13 (A) a written and oral examination of an applicant for  
14 a guide-outfitter license that requires demonstration that the  
15 applicant is qualified generally to provide guide-outfitted hunts  
16 and, in particular, to guide-outfit in each game management unit  
17 the applicant has selected; if an applicant demonstrates limited  
18 ability to read or write the English language, the entire examin-  
19 ation shall be administered orally; and

20 (B) an oral examination of a guide-outfitter who seeks  
21 an amendment of a game management unit certification; the examin-  
22 ation must require demonstration that the guide-outfitter is  
23 qualified to provide guide-outfitted hunts in each new game  
24 management unit for which the guide-outfitter seeks to be certi-  
25 fied;

26 (2) determine qualifications of applicants for class-A  
27 assistant guide-outfitter, marine mammal guide-outfitter, and assis-  
28 tant guide-outfitter licenses and authorize the issuance of licenses  
29 to those who qualify;

1 (3) establish performance standards for providers of big  
2 game commercial services and regulate the activities of these provid-  
3 ers;

4 (4) compile, maintain, and publish an annual register of  
5 big game commercial service providers subject to this chapter who have  
6 not been convicted of a violation of a state or federal statute or  
7 regulation relating to the provision of big game commercial services;  
8 a big game commercial services provider listed in the register whose  
9 license or permit is revoked or suspended shall be removed from the  
10 register while the provider's license or permit is revoked or sus-  
11 pended;

12 (5) prohibit guide-outfitting, transporting, and other big  
13 game commercial services activities that are unsportsmanlike, uneth-  
14 ical, unsafe, against principles of game conservation, degrading to a  
15 profession subject to this chapter, or that adversely affect natural  
16 resources;

17 (6) after a hearing, revoke, suspend, or deny renewal of a  
18 license or permit under AS 08.54.500 - 08.54.510;

19 (7) authorize issuance of transporter licenses;

20 (8) authorize issuance of commercial use permits;

21 (9) meet at least twice annually, once in Anchorage and  
22 once in another municipality;

23 (10) provide for registration of base camps and facilities  
24 used by persons who are licensed or who hold a permit under this  
25 chapter.

26 (b) The board may

27 (1) establish, subject to the prior approval of the commis-  
28 sioner of fish and game, a resource-based management system for allo-  
29 cating access to big game hunting opportunities among guide-outfitters

1 licensed under this chapter;

2 (2) establish the level of supervision that a guide-out-  
3 fitter shall provide for class-A assistant guide-outfitters and assis-  
4 tant guide-outfitters who are employed by the guide-outfitter.

5 Sec. 08.54.320. BOARD REGULATIONS. The board shall adopt proce-  
6 dural and substantive regulations required by this chapter or reason-  
7 ably necessary for its administration.

8 Sec. 08.54.330. BOARD ASSISTANCE. The Department of Fish and  
9 Game, Department of Natural Resources, and Department of Public Safety  
10 shall provide the board with information, data, or technical assis-  
11 tance requested by the board for the purposes of licensing and reg-  
12 ulating the activities of providers of commercial services to big game  
13 hunters.

14 ARTICLE 5. LICENSING.

15 Sec. 08.54.350. GUIDE-OUTFITTER LICENSE. (a) A natural person  
16 is entitled to a guide-outfitter license if the person

17 (1) is 21 years of age or older;

18 (2) has practical field experience in the handling of  
19 firearms, hunting, judging trophies, field preparation of meat and  
20 trophies, first aid, photography, and related guide-outfitting activi-  
21 ties;

22 (3) is familiar with the terrain and transportation prob-  
23 lems in the game management unit for which the license is requested;

24 (4) has passed the qualification examinations prepared and  
25 administered by the board;

26 (5) has demonstrated to the board sufficient standards of  
27 competence and ethical conduct and has not been convicted of a state  
28 or federal hunting or guide-outfitting statute or regulation within  
29 the last five years for which the person was fined more than \$500 or

1 imprisoned for more than five days;

2 (6) has legally hunted in the state for part of each of any  
3 five years in a manner directly contributing to the person's experi-  
4 ence and competency as a guide-outfitter;

5 (7) has been licensed as and performed the services of a  
6 class-A assistant guide-outfitter or assistant guide-outfitter in the  
7 state for a part of each of three years, or has guide-outfitted in the  
8 state for a part of each of three years under a marine mammal guide-  
9 outfitter license issued under AS 08.54.360;

10 (8) has demonstrated a current knowledge of fishing, hunt-  
11 ing, and guide-outfitting regulations;

12 (9) is capable of performing the essential duties associ-  
13 ated with guide-outfitting;

14 (10) has been favorably recommended in writing by six big  
15 game hunters, two for each year of the person's most recent three  
16 years as a class-A assistant guide-outfitter or assistant guide-out-  
17 fitter, when the person has guide-outfitted or assisted in guide-out-  
18 fitting as a class-A assistant guide-outfitter or assistant guide-out-  
19 fitter, whose recommendations have been solicited by the board from a  
20 list provided by the applicant;

21 (11) possesses a business license to provide guide-out-  
22 fitting services; and

23 (12) has paid the license fee and commercial use permit  
24 fee.

25 *18: (13) part 125 air taxi certification*

26 (b) A person who receives a master guide-outfitter license under  
27 sec. 12 of this Act may use the title master guide-outfitter and may  
28 annually renew the license unless the license has been revoked or  
29 suspended or has lapsed under AS 08.54.440. A master guide-outfitter  
license is for all purposes under this chapter a guide-outfitter

1 license.

2 (c) A guide-outfitter may contract to guide-outfit hunts for big  
3 game and may provide transportation to, from, or in the field that is  
4 incidental to a guide-outfitted hunt.

5 Sec. 08.54.360. MARINE MAMMAL GUIDE-OUTFITTER LICENSE. (a) The  
6 board may issue a marine mammal guide-outfitter license to a natural  
7 person who applies to guide-outfit a hunt for a specific species of  
8 marine mammal in a specifically designated area if the person

9 (1) is 21 years of age or older;

10 (2) has, for at least 10 years, resided and hunted in the  
11 area of the state in which the applicant is to guide-outfit;

12 (3) is able to perform the duties of a marine mammal guide-  
13 outfitter;

14 (4) has demonstrated knowledge of the following areas to an  
15 extent and degree satisfactory to the board:

16 (A) current fish and game laws and regulations;

17 (B) relevant characteristics of the specific species  
18 to be hunted;

19 (C) field preparation of trophies;

20 (D) care of game meat;

21 (E) use of guide-outfitting gear;

22 (F) firearm safety;

23 (G) practical first aid; and

24 (H) booking and contracting hunts;

25 (5) has not been convicted of violating a state or federal  
26 game or guide-outfitting statute or regulation during the previous  
27 five years for which the person was fined more than \$500 or imprisoned  
28 for more than five days;

29 (6) possesses a business license to provide guide-

1 outfitting services; and

2 (7) has paid the license fee and commercial use permit fee.

3 (b) A marine mammal guide-outfitter may contract to guide-outfit  
4 hunts for species of marine mammals for which the marine mammal guide-  
5 outfitter license is issued.

6 Sec. 08.54.370. RENEWAL OF GUIDE-OUTFITTER LICENSE AND MARINE  
7 MAMMAL GUIDE-OUTFITTER LICENSE. (a) An applicant for renewal of a  
8 guide-outfitter license or a marine mammal guide-outfitter license  
9 shall submit with the application for renewal

10 (1) the hunt record required under AS 08.54.550 for the  
11 period covered by the current license;

12 (2) the license fee for the next licensing period; and

13 (3) the commercial use permit fee for the next licensing  
14 period.

15 (b) The department may not renew a license under this section  
16 unless all fees have been paid in full and the hunt record has been  
17 filed.

18 Sec. 08.54.380. CLASS-A ASSISTANT GUIDE-OUTFITTER LICENSE. (a)  
19 A natural person is entitled to a class-A assistant guide-outfitter  
20 license if

21 (1) the person

22 (A) has been employed for at least one season as a  
23 licensed assistant guide-outfitter; and

24 (B) has had at least 10 years hunting experience in  
25 the game management units in which the person is to be employed;  
26 military service outside the state for not more than three years  
27 shall be accepted as part of the required 10 years hunting ex-  
28 perience; or

29 (2) the person

1 (A) physically resides in the game management unit in  
2 which the person is to be employed;

3 (B) has had at least 15 years hunting experience in  
4 the game management unit in which the person is to be employed;  
5 military service outside of the state for not more than three  
6 years shall be accepted as part of the required 15 years hunting  
7 experience; and

8 (C) has passed qualification examinations prepared and  
9 administered by the board.

10 (b) A class-A assistant guide-outfitter

11 (1) may not contract to guide-outfit hunts;

12 (2) shall be under the supervision of a guide-outfitter who  
13 has contracted with the client for whom the class-A assistant guide-  
14 outfitter is conducting the hunt; and

15 (3) may take charge of a camp and conduct guide-outfitter  
16 activities from it without the guide-outfitter being present in the  
17 area if the guide-outfitter is supervising the guide-outfitting activ-  
18 ities.

19 Sec. 08.54.390. ASSISTANT GUIDE-OUTFITTER LICENSE. (a) A  
20 natural person is entitled to an assistant guide-outfitter license if  
21 the person

22 (1) is 18 years of age or older;

23 (2) passes an examination administered by the board;

24 (3) has hunted in the state in two of the last five years;

25 (4) has demonstrated practical knowledge of first aid and  
26 cardiopulmonary resuscitation;

27 (5) is in sound physical condition; and

28 (6) meets additional qualifications that the board may  
29 establish.

1 (b) An assistant guide-outfitter

2 (1) may not contract to guide-outfit hunts; and

3 (2) shall be employed by a guide-outfitter and under the  
4 supervision of a guide-outfitter or class-A assistant guide-outfitter  
5 at all times while the assistant guide-outfitter is in the field on  
6 guide-outfitted hunts.

7 Sec. 08.54.400. TRANSPORTER LICENSE. (a) A person is entitled  
8 to a transporter license if the person

9 (1) applies on a form provided by the department;

10 (2) pays the license fee;

11 (3) pays the commercial use permit fee;

12 (4) provides proof of

13 (A) an air taxi/commercial operator certificate issued  
14 by the Federal Aviation Administration under 14 C.F.R. Part 135,  
15 if the person provides air transportation services to big game  
16 hunters;

17 (B) licensure by the Coast Guard to carry passengers  
18 for hire, if the person provides water transportation services to  
19 big game hunters and if licensure is required by the Coast Guard;  
20 and

21 (5) has a business license to transport big game hunters.

22 (b) A transporter may provide transportation services for com-  
23 pensation to big game hunters and accommodations in the field at a  
24 permanent lodge, house, or cabin owned by the transporter or on a boat  
25 with permanent living quarters located on salt water. A transporter  
26 may also provide, under authority of a commercial use permit, other  
27 big game commercial services as defined under AS 08.54.460. A trans-  
28 porter may not provide big game commercial hunting services without  
29 holding the appropriate license.

1 (c) An applicant for renewal of a transporter license shall  
2 submit with the application for renewal

3 (1) an activity report on a form provided by the department  
4 for the period covered by the current license; an activity report  
5 shall contain information required by the board by regulation;

6 (2) the license fee for the next licensing period;

7 (3) the commercial use permit fee for the next licensing  
8 period; and

9 (4) proof of

10 (A) an air taxi/commercial operator certificate issued  
11 by the Federal Aviation Administration under 14 C.F.R. Part 135,  
12 if the applicant provides air transportation services to big game  
13 hunters;

14 (B) licensure by the Coast Guard to carry passengers  
15 for hire; if the applicant provides water transportation services  
16 to big game hunters and if licensure is required by the Coast  
17 Guard.

18 (d) The department may not renew a transporter license unless  
19 all fees have been paid in full and the activity report required under  
20 (c)(1) of this section and the proof required under (c)(4) of this  
21 section have been filed.

22 (e) A transporter shall place a decal provided by the department  
23 on each plane, boat, vehicle, or other equipment used by the trans-  
24 porter to provide transportation services to big game hunters. The  
25 decal must bear the transporter's license number. The decal is valid  
26 only for the plane, boat, vehicle, or other equipment for which the  
27 decal is issued.

28 Sec. 08.54.410. APPEAL TO COMMISSIONER FROM BOARD ON DENIAL OF  
29 LICENSE. The commissioner of commerce and economic development may

1 order that an applicant for an initial license under AS 08.54.350 -  
2 08.54.400 be allowed to take the license examination or be issued the  
3 license if, after reviewing a petition filed by the applicant, the  
4 commissioner finds that

5 (1) the board denied the applicant an opportunity to take  
6 the license examination or refused to approve issuance of the license;

7 (2) the board's denial or refusal has been upheld by a  
8 final administrative order and the order has not been appealed to the  
9 superior court under AS 44.62.560;

10 (3) the board's denial or refusal was based on

11 (A) an error of fact by the board; or

12 (B) the applicant's failure of the license examination  
13 due to faulty or unfair examination questions or procedures;

14 (4) the applicant is otherwise qualified to take the exam-  
15 ination or to be issued the license; and

16 (5) sustaining the board's denial or refusal would work a  
17 substantial injustice on the applicant.

18 Sec. 08.54.420. RENEWAL OF LICENSES. Notwithstanding AS 08.01.-  
19 100(a), guide-outfitter, marine mammal guide-outfitter, and transport-  
20 er licenses shall be renewed annually on dates set by the department  
21 with the approval of the board.

22 Sec. 08.54.430. EXAMINATIONS FOR GUIDE-OUTFITTER LICENSES. (a)  
23 The board shall administer the qualification examinations required  
24 under this chapter at least twice a year. An examination may not be  
25 given within 90 days after the previous examination. At least once  
26 every other year the board shall give the examination at a location  
27 other than Anchorage.

28 (b) The board shall regularly disseminate information regarding  
29 examinations and other qualifications for all classes of

1 guide-outfitter licenses to residents of the rural areas of the state.

2 Sec. 08.54.440. FAILURE TO RENEW. (a) A license may not be  
3 issued to a guide-outfitter, marine mammal guide-outfitter, class-A  
4 assistant guide-outfitter, or assistant guide-outfitter who has failed  
5 to renew a license issued under this chapter for two consecutive years  
6 unless the guide-outfitter, marine mammal guide-outfitter, class-A  
7 assistant guide-outfitter, or assistant guide-outfitter again meets  
8 the qualifications for initial issuance of the license.

9 (b) Notwithstanding (a) of this section, a guide-outfitter who  
10 fails to renew a license is not required to requalify under AS 08.54.-  
11 350(a)(7), unless the license has been lapsed for three or more years.

12 Sec. 08.54.450. LICENSE AND EXAMINATION FEES. (a) The depart-  
13 ment shall set license fees under AS 08.01.065 for each of the follow-  
14 ing:

- 15 (1) guide-outfitter
- 16 (2) class-A assistant guide-outfitter;
- 17 (3) assistant guide-outfitter;
- 18 (4) marine mammal guide-outfitter;
- 19 (5) transporter.

20 (b) The license fee for the guide-outfitter, marine mammal  
21 guide-outfitter, class-A assistant guide-outfitter, or assistant  
22 guide-outfitter license is in addition to the fee required for a  
23 hunting license.

24 (c) An applicant for a qualifying examination for any class of  
25 guide-outfitter license shall pay a fee established by regulations  
26 adopted under AS 08.01.065.

27 Sec. 08.54.460. COMMERCIAL USE PERMIT HOLDER. (a) A person,  
28 other than a guide-outfitter, marine mammal guide-outfitter, or a  
29 transporter, who provides other big game commercial services for

1 compensation shall register with the board on a form provided by the  
2 board and shall obtain a commercial use permit and pay the annual  
3 commercial use permit fee set under AS 08.54.470. In this section  
4 "other big game commercial services" includes provision of accommoda-  
5 tions in the field at a permanent lodge, house, or cabin owned by the  
6 commercial use permit holder, hunt broker services, gear rental ser-  
7 vices, photographic or videographic services, and services as defined  
8 by the board by regulation.

9 (b) A commercial use permit may not be issued to a hunting club.  
10 A hunting club may not provide other big game commercial services for  
11 compensation.

12 Sec. 08.54.470. COMMERCIAL USE PERMIT AND FEE. (a) A person  
13 who is licensed under this chapter as a guide-outfitter, marine mammal  
14 guide-outfitter, or transporter shall obtain an annual commercial use  
15 permit and pay an annual commercial use permit fee.

16 (b) The department, in consultation with the board, shall set  
17 the amount of the commercial use permit fee.

18 (c) A guide-outfitter, marine mammal guide-outfitter, and trans-  
19 porter shall pay the commercial use permit fee at the time of applica-  
20 tion for issuance or renewal of a guide-outfitter license, marine  
21 mammal guide-outfitter license, or transporter license.

22 (d) The commissioner of administration shall separately account  
23 for commercial use permit fees deposited in the general fund by the  
24 department. The annual estimated balance in the account may be used  
25 by the legislature to make appropriations to the Department of Fish  
26 and Game and the Department of Public Safety to carry out their re-  
27 spective responsibilities for management of game resources and en-  
28 forcement of game laws.

29 ARTICLE 6. PENALTIES.

1           Sec. 08.54.500. DISCIPLINE OF GUIDE-OUTFITTERS. (a) The board  
2 may hold a hearing to determine whether disciplinary action is neces-  
3 sary if a written complaint concerning the guide-outfitting activities  
4 of a licensee who holds any class of guide-outfitter license is filed  
5 with the board. The board shall hold a hearing to determine whether a  
6 licensee should be disciplined within a reasonable time after

7           (1) written complaints concerning a licensee's guide-out-  
8 fitting activities are filed with the board within a two-year period  
9 by three or more of the licensee's clients from separate hunting  
10 parties;

11           (2) a written complaint concerning a licensee's conduct  
12 during a life-threatening situation is filed with the board; or

13           (3) a licensee has been convicted of a violation of a  
14 federal or state statute or regulation relating to hunting or pro-  
15 vision of big game commercial services.

16           (b) After a hearing, the board may revoke, suspend, or deny  
17 renewal of any class of guide-outfitter license, if the board finds  
18 that the licensee

19           (1) engaged in unethical activity, unsafe activity, or  
20 activity that adversely affects the natural resources of the state  
21 when the activity is related to the purposes of providing guide-out-  
22 fitting services, however the board may not discipline a licensee  
23 under this paragraph for unsafe operation of an aircraft; or

24           (2) violated a provision of a federal or state statute or  
25 regulation relating to hunting or provision of big game commercial  
26 services.

27           (c) After a hearing, the board shall revoke any class of guide-  
28 outfitter license if the board finds that the licensee

29           (1) does not meet the qualifications specified by statute

1 or regulation for the license held;

2 (2) is incompetent as a guide-outfitter, marine mammal  
3 guide-outfitter, class-A assistant guide-outfitter, or assistant  
4 guide-outfitter; or

5 (3) during the five years immediately preceding the hearing  
6 has been convicted of a violation of a federal or state statute or  
7 regulation prohibiting

8 (A) waste of a wild food animal;

9 (B) hunting on the same day airborne; .

10 (C) hunting during a closed hunting season; or

11 (D) hunting in an area closed by state or federal  
12 regulation.

13 (d) If a certified copy of a judgment of conviction of a licens-  
14 ee who holds any class of guide-outfitter license for an offense  
15 described under (c)(3) of this section is filed with the board, the  
16 board shall immediately suspend the licensee's license. The suspen-  
17 sion may be ordered even if the conviction resulted from a plea of  
18 nolo contendere or if the conviction is under appeal. The suspension  
19 remains in effect until after the final disposition of the disciplin-  
20 ary proceeding under this section.

21 Sec. 08.54.505. DISCIPLINE OF TRANSPORTERS AND COMMERCIAL USE  
22 PERMITTEES. (a) The board may hold a hearing to determine whether  
23 disciplinary action is necessary if a written complaint concerning the  
24 big game commercial service activities of a transporter who is li-  
25 censed under AS 08.54.400 or a commercial use permittee who holds a  
26 permit issued under AS 08.54.460 is filed with the board. The board  
27 shall hold a hearing to determine whether a licensee or permittee  
28 should be disciplined within a reasonable time after

29 (1) written complaints concerning a licensee's or

1 permittee's activities are filed with the board within a two-year  
2 period by three or more of the licensee's or permittee's clients from  
3 separate hunting parties; or

4 (2) a licensee or permittee has been convicted of a viola-  
5 tion of a federal or state statute or regulation relating to hunting  
6 or provision of big game commercial services.

7 (b) After a hearing, the board may revoke, suspend, or deny  
8 renewal of a transporter license or commercial use permit issued under  
9 this chapter, if the board finds that the licensee or permittee

10 (1) engaged in unethical activity, unsafe activity, or  
11 activity that adversely affects the natural resources of the state  
12 when the activity is related to the purposes of providing big game  
13 commercial services, however the board may not discipline a licensee  
14 or permittee under this paragraph for unsafe operation of an aircraft;  
15 or

16 (2) violated a provision of a federal or state statute or  
17 regulation relating to hunting or provision of big game commercial  
18 services.

19 (c) The board may not revoke, suspend, or deny renewal of a  
20 transporter license or commercial use permit for a violation of a  
21 federal or state statute or regulation relating to game or provision  
22 of big game commercial services committed by an employee of the li-  
23 censee or permittee unless the licensee or permittee participated or  
24 aided in the violation.

25 (d) After a hearing, the board shall revoke a license or permit  
26 if the board finds that the licensee or permittee

27 (1) does not meet the qualifications specified by statute  
28 or regulation for the license held; or

29 (2) during the five years immediately preceding the hearing

1 has been convicted of a violation of a federal or state statute or  
2 regulation prohibiting

- 3 (A) waste of a wild food animal;  
4 (B) hunting on the same day airborne;  
5 (C) hunting during a closed hunting season; or  
6 (D) hunting in an area closed by state or federal  
7 regulation.

8 (e) If a certified copy of a judgment of conviction of a licens-  
9 ee or permittee for an offense described under (d)(2). of this section  
10 is filed with the board, the board shall immediately suspend the  
11 licensee's or permittee's license or permit. The suspension may be  
12 ordered even if the conviction resulted from a pleas of nolo con-  
13 tendere or if the conviction is under appeal. The suspension remains  
14 in effect until after the final disposition of the disciplinary pro-  
15 ceeding under this section.

16 Sec. 08.54.510. DISCIPLINE; GENERAL PROVISIONS. (a) A person  
17 who is disciplined under AS 08.54.500 or 08.54.505 may not engage in  
18 the provision of big game commercial services during the period of  
19 license or permit revocation or other disciplinary action. A person  
20 who is licensed under this chapter, or who holds a permit issued under  
21 this chapter, may not hire a person whose license or permit to provide  
22 big game commercial services is suspended or revoked under AS 08.54.-  
23 500 or 08.54.505. A person whose license or permit is suspended or  
24 revoked may not be employed by a person who is licensed or who holds a  
25 permit under this chapter.

26 (b) If the board revokes a license or permit under AS 08.54.500  
27 or 08.54.505, the person whose license or permit has been revoked  
28 shall surrender immediately the license or permit to the department.

29 (c) A certified copy of a judgment of conviction of a licensee

1 or permittee for an offense is conclusive evidence of the commission  
2 of that offense in a disciplinary proceeding instituted against the  
3 licensee or permittee under AS 08.54.500 or 08.54.505 based on that  
4 conviction, regardless of whether the conviction resulted from a plea  
5 of nolo contendere or the conviction is under appeal, unless the  
6 conviction is overturned on appeal.

7 (d) Within 30 days after conclusion of a hearing under AS 08.-  
8 54.500 or 08.54.505, the board shall notify the complainant of the  
9 results of the hearing, including written reasons justifying a deci-  
10 sion not to take disciplinary action.

11 Sec. 08.54.520. UNLAWFUL ACTS. (a) It is unlawful for a

12 (1) person who is licensed or who holds a commercial use  
13 permit under this chapter to knowingly fail to timely report to the  
14 Department of Public Safety, division of fish and wildlife protection,  
15 and in no event later than 30 days, a violation of a state fish, game,  
16 or big game commercial services statute or regulation that the person  
17 reasonably believes was committed by a client or an employee of the  
18 person;

19 (2) person who is licensed or who holds a commercial use  
20 permit under this chapter to knowingly

21 (A) commit or aid the commission of a violation of  
22 this chapter, a regulation adopted under this chapter, or a state  
23 fish or game statute or regulation; or

24 (B) permit the commission of a violation of this  
25 chapter, a regulation adopted under this chapter, or a state fish  
26 or game statute or regulation that the person knows or reasonably  
27 believes is being or will be committed without

28 (i) attempting to prevent it, short of using  
29 force; and

1 (ii) reporting it;

2 (3) person without a current commercial use permit issued  
3 under this chapter to knowingly provide big game commercial services;

4 (4) person who is licensed or who holds a commercial use  
5 permit issued under this chapter to intentionally obstruct or hinder  
6 or attempt to obstruct or hinder lawful hunting engaged in by a person  
7 who is not a client of the person;

8 (5) class-A assistant guide-outfitter or an assistant  
9 guide-outfitter to knowingly guide-outfit a hunt except while employed  
10 and supervised by a guide-outfitter;

11 (6) person who holds any class of guide-outfitter license  
12 to knowingly enter or remain on ~~state, federal, or~~ private land with-  
13 out prior authorization during the course of providing guide-outfit-  
14 ting services;

15 (7) person to knowingly guide-outfit without having a  
16 current guide-outfitter, marine mammal guide-outfitter, class-A assis-  
17 tant guide-outfitter, or assistant guide-outfitter license and hunting  
18 license in actual possession;

19 (8) person without a current guide-outfitter or marine  
20 mammal guide-outfitter license to knowingly advertise as or represent  
21 to be a guide-outfitter;

22 (9) person to knowingly provide transportation services to  
23 big game hunters without holding a transporter license;

24 (10) class-A assistant guide-outfitter or an assistant  
25 guide-outfitter to knowingly contract for a hunt; or

26 (11) person to knowingly engage in a big game commercial  
27 services activity during the period for which the person's license to  
28 conduct that activity is suspended or revoked.

29 (b) A person who commits an offense set out in (a)(1) - (6) of

1 this section is guilty of a misdemeanor and is punishable by a fine of  
2 not more than \$30,000 or by imprisonment up to one year, or both.

3 (c) A person who commits an offense set out in (a)(7) - (10) of  
4 this section is guilty,

5 (1) for a first offense, of a misdemeanor and is punishable  
6 by a fine of not more than \$30,000 or by imprisonment up to one year,  
7 or both;

8 (2) for a second or subsequent offense, of a class C fel-  
9 ony.

10 (d) A person who violates (a)(11) of this section, is guilty of  
11 a class C felony.

12 (e) In addition to the penalties set out in (b), (c) and (d) of  
13 this section,

14 (1) the court may revoke the person's license to provide  
15 guide-outfitting or transportation services for not more than five  
16 years; and

17 (2) all guns, fishing tackle, boats, aircraft, automobiles  
18 or other vehicles, camping gear, and other equipment and paraphernalia  
19 used in, or in aid of, a violation of (a) of this section may be  
20 seized by persons authorized to enforce this chapter and may be for-  
21 feited to the state as provided under AS 16.05.195.

22 (f) Upon conviction of a person for committing an offense set  
23 out in (a) of this section, the execution of sentence may not be  
24 suspended and probation may not be granted except on the condition  
25 that the minimum term of imprisonment is served. Imposition of sen-  
26 tence may not be suspended.

27 Sec. 08.54.530. INJUNCTION AGAINST UNLAWFUL ACTION. When in the  
28 judgment of the board a person has engaged in an act in violation of  
29 AS 08.54.380(b), 08.54.390(b), 08.54.400(b), 08.54.510(a), and

1 08.54.520 or the regulations adopted under them, the board may apply  
2 to the appropriate court for an order enjoining the action. Upon a  
3 showing by the board that the person is engaging in the act, the court  
4 shall grant injunctive relief or other appropriate order without bond.

5 Sec. 08.54.540. RESPONSIBILITY OF GUIDE-OUTFITTER FOR VIOLA-  
6 TIONS. A guide-outfitter who contracts to guide-outfit a hunt is  
7 equally responsible under AS 08.54.500 for a violation of a federal or  
8 state game or guide-outfitting statute or regulation committed by a  
9 class-A assistant guide-outfitter or an assistant guide-outfitter  
10 while in the course of the class-A assistant guide-outfitter's or  
11 assistant guide-outfitter's employment for the guide-outfitter.

12 ARTICLE 7. GENERAL PROVISIONS.

13 Sec. 08.54.550. HUNT RECORDS; CONFIDENTIALITY OF HUNT RECORDS  
14 AND ACTIVITY REPORTS. (a) The department shall collect and maintain  
15 hunt records provided by guide-outfitters and marine mammal guide-out-  
16 fitters. A hunt record must include a list of all big game hunters  
17 who used the services of the guide-outfitter or marine mammal guide-  
18 outfitter, the number of each big game species taken, and other infor-  
19 mation required by the board. The department shall provide forms for  
20 reporting hunt records.

21 (b) The department shall make hunt records, and activity reports  
22 received under AS 08.54.400, available to state and federal agencies  
23 charged with the enforcement of statutes and regulations relating to  
24 guide-outfitting or game or with management of game if requested for  
25 game management or law enforcement purposes. Aggregated data compiled  
26 from hunt records and activity reports may be included in reports by  
27 the department. For all other purposes, the hunt records and activity  
28 reports are confidential and are not subject to inspection or copying  
29 under AS 09.25.110 - 09.25.125.

1           Sec. 08.54.590. DEFINITIONS. In this chapter

2           (1) "base camp" means a guide-outfitter's or marine mammal  
3 guide-outfitter's primary base of operations in the field; "base camp"  
4 does not include a spike camp;

5           (2) "big game" means brown bear, grizzly bear, caribou,  
6 moose, black bear, bison, Sitka blacktail deer, elk, mountain goat,  
7 musk-ox, wolf, wolverine, mountain or Dall sheep;

8           (3) "big game commercial hunting service" means a service  
9 for which the provider of the service must obtain a guide-outfitter,  
10 marine mammal guide-outfitter, class-A assistant guide-outfitter, or  
11 assistant guide-outfitter license;

12           (4) "big game commercial service" means a service for which  
13 the provider of the service must obtain a commercial use permit;

14           (5) "board" means the Big Game Commercial Services Board;

15           (6) "compensation" means payment for services including  
16 wages or other remuneration but not including reimbursement for actual  
17 expenses incurred;

18           (7) "department" means the Department of Commerce and  
19 Economic Development;

20           (8) "field" means an area outside of established year-round  
21 dwellings, businesses, or other developments usually associated with a  
22 city, town, or village; "field" does not include permanent hotels or  
23 roadhouses on the state road system or state or federally maintained  
24 airports;

25           (9) "game management unit" means one of the 26 geographic  
26 areas defined by the Board of Game for game management purposes;

27           (10) "guide-outfit" means to provide, for compensation or  
28 with the intent or with an agreement to receive compensation, big game  
29 commercial hunting services in the field; "guide-outfit" includes

1 accompanying or being present with a big game hunter in the field  
2 either personally or through an assistant; "guide-outfit" does not  
3 include the provision of transportation to, from, or in the field if  
4 the person providing the transportation and the person being trans-  
5 ported do not stalk, pursue, track, kill, or attempt to kill big game  
6 during the provision of transportation;

7 (11) "hunting club" means an organization that offers use of  
8 property or services to individuals who pay a membership fee for the  
9 privilege of using the property or services for hunting;

10 (12) "spike camp" means a camp in the field other than a  
11 base camp and includes a fly camp or an overnight camp;

12 (13) "transportation services" means the carriage for com-  
13 pensation of big game hunters, their equipment, or big game animals  
14 harvested by hunters to, from, or in the field; "transportation ser-  
15 vices" does not include the carriage by aircraft of big game hunters,  
16 their equipment, or big game animals harvested by hunters

17 (A) on nonstop flights between state or federally  
18 maintained airports; or

19 (B) by an air taxi operator or air carrier for which  
20 the carriage of big game hunters, their equipment, or big game  
21 animals harvested by hunters is only an incidental, as defined by  
22 the board, portion of its business;

23 (14) "unethical activity" means

24 (A) deception or misrepresentation involving prospec-  
25 tive or actual clients either before, during, or following the  
26 provision of big game commercial services, including misrepresen-  
27 tations through private or public advertising of the type, dura-  
28 tion, cost, or conditions of the services;

29 (B) making a guaranty that a species or certain number

1 of species of game will be taken on a hunt;

2 (C) engaging in unsafe or unsportsmanlike activities  
3 that are detrimental to the game resources of the state, as  
4 defined by regulations of the board, including violations of  
5 state hunting or big game commercial services statutes or regu-  
6 lations; or

7 (D) accepting a deposit for big game commercial ser-  
8 vices without providing before the services are rendered a signed  
9 written contract to provide the services.

10 \* Sec. 4. AS 12.55.125(e) is amended to read:

11 (e) A defendant convicted of a class C felony may be sentenced  
12 to a definite term of imprisonment of not more than five years, and  
13 shall be sentenced to the following presumptive terms, subject to  
14 adjustment as provided in AS 12.55.155 - 12.55.175:

15 (1) if the offense is a second felony conviction, two  
16 years;

17 (2) if the offense is a third felony conviction, three  
18 years;

19 (3) if the offense is a first felony conviction, and the  
20 defendant knowingly directed the conduct constituting the offense at a  
21 uniformed or otherwise clearly identified peace officer, fire fighter,  
22 correctional officer, emergency medical technician, paramedic, ambu-  
23 lance attendant, or other emergency responder who was engaged in the  
24 performance of official duties at the time of the offense, one year;

25 (4) if the offense is a first felony conviction, and the  
26 defendant violated AS 08.54.520(a)(7) - (10), one year.

27 \* Sec. 5. AS 16.05.407(a) is amended to read:

28 (a) It is unlawful for a nonresident to hunt, pursue, or take  
29 brown bear, grizzly bear, mountain goat, [POLAR BEAR,] or sheep in

1 this state, unless personally accompanied by

2 (1) a person who is licensed as a guide-outfitter. [MASTER  
3 GUIDE, REGISTERED GUIDE,] class-A assistant guide-outfitter. [GUIDE]  
4 or assistant guide-outfitter [GUIDE] by the Big Game Commercial Ser-  
5 vices [GUIDE] Board; or

6 (2) a resident over 19 years of age who is

7 (A) the spouse of the nonresident; or

8 (B) related to the nonresident, within and including  
9 the second degree of kindred, by marriage or blood.

10 \* Sec. 6. AS 16.05.407(d) is amended to read:

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

16 \* Sec. 7. AS 16.05.407 is amended by adding a new subsection to read:

17 (f) An applicant for a nonresident hunt permit for the taking of  
18 an animal specified in (a) of this section shall, if requested by the  
19 department, first furnish to the department proof of prior authoriza-  
20 tion to use state, federal, or private land where the permit hunt will  
21 occur. The authorization shall be provided to the applicant by the  
22 guide-outfitter with whom the applicant has contracted to guide-outfit  
23 the permit hunt.

24 \* Sec. 8. AS 16.05.408(a) is amended to read:

25 (a) It is a class A misdemeanor for a nonresident alien

26 (1) to hunt, pursue, or take marine mammals unless person-  
27 ally accompanied by a licensed marine mammal guide-outfitter [GUIDE];  
28 or

29 (2) to hunt, pursue, or take a big game animal as defined

1 by the Board of Game unless personally accompanied by a ~~guide-outfitter~~  
2 ~~ter, a~~ [LICENSED MASTER GUIDE, REGISTERED GUIDE, OR] class-A assistant  
3 ~~guide-outfitter, or an assistant guide-outfitter licensed~~ [GUIDE]  
4 under AS 08.54.

5 \* Sec. 9. AS 16.05.408 is amended by adding a new subsection to read:

6 (c) Before obtaining a nonresident hunt permit for the taking of  
7 an animal specified in (a) of this section, a nonresident alien shall,  
8 if requested by the department, first furnish to the department proof  
9 of prior authorization to use state, federal, or private land where  
10 the permit hunt will occur. The authorization shall be provided to  
11 the nonresident alien by the guide-outfitter or marine mammal  
12 guide-outfitter with whom the nonresident alien has contracted to  
13 guide-outfit the permit hunt.

14 \* Sec. 10. AS 39.50.200(b)(48) is amended to read:

15 (48) Big Game Commercial Services [GUIDE] Board AS 08.54.-  
16 300 [(AS 08.54.010)]; and

17 \* Sec. 11. AS 41.23.420(d) is amended to read:

18 (d) The provisions of AS 41.23.400 - 41.23.510 do not affect the  
19 authority of

20 (1) the Department of Fish and Game, the Board of Fisher-  
21 ies, the Board of Game, or the Big Game Commercial Services [GUIDE  
22 LICENSING AND CONTROL] Board under AS 08.54, AS 16, or AS 41.99.010;

23 (2) the Department of Environmental Conservation under AS  
24 46.03; or

25 (3) state agencies and municipalities under AS 44.19.145(a)-  
26 (11) and AS 46.40.100.

27 \* Sec. 12. AS 44.62.330(a)(35) is amended to read:

28 (35) Big Game Commercial Services [GUIDE LICENSING AND  
29 CONTROL] Board

1 \* Sec. 13. TRANSITION; GUIDE-OUTFITTER LICENSES. (a) Notwithstanding  
2 the repeal of AS 08.54.010 - 08.54.240, all licenses issued under AS 08.-  
3 54.010 - 08.54.240 are valid for the period for which the licenses were is-  
4 sued.

5 (b) For the purposes of AS 08.54.300 - 08.54.590 as enacted by sec. 3  
6 of this Act, until new licenses are issued under this section, a

7 (1) master guide license issued under former AS 08.54.100 and a  
8 registered guide license issued under former AS 08.54.110 shall be con-  
9 sidered a guide-outfitter license issued under AS 08.54.350;

10 (2) class-A assistant guide license issued under former AS 08.-  
11 54.120 shall be considered a class-A assistant guide-outfitter license  
12 issued under AS 08.54.380;

13 (3) an assistant guide license issued under former AS 08.54.140  
14 shall be considered an assistant guide-outfitter license issued under  
15 AS 08.54.390.

16 (c) At the time of the next license renewal following the effective  
17 date of this Act, each person licensed as

18 (1) a master guide shall receive a master guide-outfitter li-  
19 cense if the person

20 (A) is in good standing at the time of issuance of the  
21 license; and

22 (B) has paid the guide-outfitter license fee and the com-  
23 mercial use permit fee;

24 (2) a registered guide shall receive a guide-outfitter license  
25 if the person

26 (A) is in good standing at the time of issuance of the  
27 license; and

28 (B) has paid the guide-outfitter license fee and the com-  
29 mercial use permit fee;

1 (3) a class-A assistant guide shall receive a class-A assistant  
2 guide-outfitter license if the person

3 (A) is in good standing at the time of issuance of the  
4 license; and

5 (B) has paid the class-A assistant guide-outfitter license  
6 fee;

7 (4) an assistant guide shall receive an assistant guide-out-  
8 fitter license if the person

9 (A) is in good standing at the time of issuance of the  
10 license; and

11 (B) pays the assistant guide-outfitter license fee.

12 (d) Notwithstanding (c) of this section, the Department of Commerce  
13 and Economic Development may issue a new license under AS 08.54.300 -  
14 08.54.590, without an additional fee, to a person licensed under former  
15 AS 08.54.010 - 08.54.240 before the next renewal period following the  
16 effective date of this Act, if the person satisfies the requirements for  
17 the license and the license is valid only for the same period for which the  
18 replaced license was issued.

19 \* Sec. 14. TRANSITION; OUTFITTERS. (a) Notwithstanding AS 08.54.350,  
20 as enacted by sec. 3 of this Act, a natural person is entitled to receive a  
21 guide-outfitter license if the person

22 (1) applies on a form provided by the Department of Commerce and  
23 Economic Development;

24 (2) lawfully registered a camp, cabin, or lodge under AS 16.-  
25 05.787 during 1988;

26 (3) provides evidence satisfactory to the Big Game Commercial  
27 Services Board that the person has legally engaged in the business of big  
28 game outfitting in 1986, 1987, and 1988;

29 (4) passes the guide-outfitter examination administered by the

1 Big Game Commercial Services Board within two years after the effective  
2 date of this Act;

3 (5) has not been convicted of violating a state or federal game  
4 or guide-outfitting statute or regulation during the previous five years  
5 for which the person was fined more than \$500 or imprisoned for more than  
6 five days;

7 (6) has legally hunted in the state for part of each of any five  
8 years in a manner directly contributing to the person's experience and  
9 competency as a guide-outfitter;

10 (7) has been favorably recommended in writing by six big game  
11 hunters, two for each year of the person's most recent three years as a big  
12 game outfitter, whose recommendations have been solicited by the Big Game  
13 Commercial Services Board from a list provided by the applicant;

14 (8) pays the guide-outfitter license fee and the commercial use  
15 permit fee; and

16 (9) possesses a business license to provide recreational ser-  
17 vices.

18 (b) A person who is denied a guide-outfitter license under (a) of  
19 this section by the Big Game Commercial Services Board may appeal to the  
20 commissioner of commerce and economic development. The commissioner may  
21 order that the applicant be allowed to take the license examination or be  
22 issued the license if, after reviewing a petition filed by the applicant,  
23 the commissioner finds that

24 (1) the board denied the applicant an opportunity to take the  
25 license examination or refused to approve issuance of the license;

26 (2) the board's denial or refusal has been upheld by a final  
27 administrative order and the order has not been appealed to the superior  
28 court under AS 44.62.560;

29 (3) the board's denial or refusal was based on

1 (A) an error of fact by the board; or

2 (B) the applicant's failure of the license examination due  
3 to faulty or unfair examination questions or procedures;

4 (4) the applicant is otherwise qualified to take the examination  
5 or to be issued the license; and

6 (5) sustaining the board's denial or refusal would work a sub-  
7 stantial injustice on the applicant.

8 (c) A guide-outfitter license issued under (a) of this section is for  
9 all purposes a license issued under AS 08.54.350, as enacted by sec. 3 of  
10 this Act.

11 (d) A person who satisfies (a)(1) - (3) of this section, holds a  
12 business license as a big game outfitter, and pays a license fee set by the  
13 Department of Commerce and Economic Development and the commercial use  
14 permit fee is entitled to receive an interim outfitter license pending a  
15 final determination of a person's eligibility for a guide-outfitter license  
16 under (a) of this section. The right to receive and hold an interim out-  
17 fitter license terminates on the earlier of

18 (1) the date of issuance of a guide-outfitter license to the  
19 person;

20 (2) a final determination under (a) of this section that the  
21 person is not eligible to receive a guide-outfitter license; or

22 (3) two years from the effective date of this Act.

23 (e) A person who holds an interim outfitter license, notwithstanding  
24 contrary provisions of AS 08.54, may provide transportation to, from, and  
25 in the field to big game hunters and supply other services in the field to  
26 big game hunters. The person may not provide guiding services.

27 (f) A person who holds an interim outfitter license shall promptly  
28 report to the Department of Public Safety, division of fish and wildlife  
29 protection, but not later than 30 days after the violation, a violation of  
SCS CSHB 112( )

1 a state fish, game, or big game commercial services statute or regulation  
2 that the person reasonably believes was committed by a client or employee  
3 of the person.

4 (g) A person who holds an interim outfitter license may accompany or  
5 be present with a hunter at a base camp, cabin, or permanent lodge in  
6 connection with a big game hunt for compensation only if the person has  
7 furnished an affidavit to the Department of Public Safety, division of fish  
8 and wildlife protection, at least two weeks in advance. The person may not  
9 register more than two base camps. The affidavit must be signed by the  
10 person and must provide the following information:

11 (1) the specific location of the camp, cabin, or lodge;

12 (2) the number of big game hunters in each party that will use  
13 the camp, cabin, or lodge; and

14 (3) the kinds or species of big game that will be hunted.

15 (h) A person who furnishes an affidavit under (g) of this section  
16 shall notify the Department of Public Safety of the amount and kinds or  
17 species of big game taken by each hunter who uses the base camp, cabin, or  
18 permanent lodge to which the affidavit relates. Notice shall be given  
19 within 30 days after the game is taken. The Department of Public Safety  
20 shall provide the information received under this subsection to the Depart-  
21 ment of Fish and Game.

22 (i) A person who

23 (1) violates (f) of this section is guilty of a misdemeanor and  
24 upon conviction is punishable by a fine of not more than \$2,000 or by  
25 imprisonment for not more than one year, or by both; or

26 (2) falsifies an affidavit under (g) of this section is guilty  
27 of unsworn falsification under AS 11.56.210.

28 (j) In this section,

29 (1) "base camp" does not include spike camp, fly camp, or

1 overnight camp;

2 (2) "big game" and "field" have the meaning given in AS 08.54.-  
3 590, as enacted by sec. 3 of this Act;

4 (3) "guiding" means accompanying or being present with a big  
5 game hunter in the field, personally or through an assistant, for compen-  
6 sation or with the intent or an agreement to receive compensation; "guid-  
7 ing" does not include

8 (A) providing transportation to or from the field, if the  
9 person providing transportation and the persons being transported do  
10 not stalk, pursue, track, kill, or attempt to kill big game during the  
11 transportation; or

12 (B) selling, leasing, or renting goods, if the transaction  
13 does not take place in the field;

14 (4) "outfitting" means the provision of services, other than  
15 guiding services, to big game hunters in the field for compensation.

16 \* Sec. 15. INITIAL APPOINTMENTS TO BIG GAME COMMERCIAL SERVICES BOARD.  
17 Notwithstanding AS 08.54.300(b), as enacted by sec. 3 of this Act, the  
18 initial appointments to the Big Game Commercial Services Board under

19 (1) AS 08.54.300(b)(1) may also be filled by the appointment of  
20 a master guide or registered guide licensed under former AS 08.54.010 -  
21 08.54.240 or a person who lawfully registered a camp, cabin, or lodge under  
22 AS 16.05.787 during 1988 and legally engaged in the business of big game  
23 outfitting in 1986, 1987, and 1988;

24 (2) AS 08.54.300(b)(2) may also be filled by the appointment of  
25 a person who engaged in the business of providing transportation to big  
26 game hunters in 1986, 1987, and 1988.

27 \* Sec. 16. TRANSITION. Litigation, hearings, investigations, and other  
28 proceedings pending under a law amended or repealed by this Act continue in  
29 effect and may be continued and completed notwithstanding an amendment or

1 repeal provided for in this Act. Licenses, orders, and regulations issued  
2 or adopted under authority of a law amended or repealed by this Act remain  
3 in effect for the term issued or until revoked, vacated, or otherwise  
4 modified under the provisions of this Act.

5 \* Sec. 17. AS 08.54.010, 08.54.030, 08.54.035, 08.54.040, 08.54.045,  
6 08.54.050, 08.54.060, 08.54.070, 08.54.100, 08.54.110, 08.54.120, 08.54.-  
7 130, 08.54.140, 08.54.141, 08.54.150, 08.54.160, 08.54.170, 08.54.180,  
8 08.54.186, 08.54.190, 08.54.195, 08.54.200, 08.54.210, 08.54.220, 08.54.-  
9 230, 08.54.240; AS 16.05.370(b), 16.05.370(c), 16.05.407(e), 16.05.786, and  
10 16.05.787 are repealed.

11 \* Sec. 18. Sections 4, 6, 12, and 13, ch. 160, SLA 1988 are repealed.

12 \* Sec. 19. AS 08.54.310(b)(1), as enacted by sec. 3 of this Act, takes  
13 effect on the earlier of

14 (1) January 15, 1990; or

15 (2) the date of submission to the legislature of a recommenda-  
16 tion by the Task Force on Guiding and Game for a resource-based management  
17 system for allocating access to big game hunting opportunities among guide-  
18 outfitters licensed under AS 08.54.

19 \* Sec. 20. Except for AS 08.54.310(b)(1), as enacted by sec. 3 of this  
20 Act, this Act takes effect immediately under AS 01.10.070(c).

Letter of Intent  
For  
SCS for CS HB 112 (Fin)

It is the intent of the legislature that the Big Game Commercial Services Board, with recommendations from the Task Force on Guiding and Game, established under provisions of SCS CS HB 112 (Finance) am shall consider the implications of the Owsichek decision issued by the Alaska Supreme Court on October 21, 1988, when establishing the resource-based management system for allocating big game hunting opportunities among guide-outfitters.

It is the intent of the legislature that any management system should:

1. Provide for the conservation of the game resources.
2. Provide for equal opportunity to all qualified guide-outfitters when access to hunting rights are assigned or reassigned.
3. Provide financial compensation to the state for the commercial harvest of Alaska's big game resources to be used for game management purposes.
4. Designate the Alaska Department of Fish and Game as the lead agency to formulate management areas.
5. Provide for long-term stability and economic health of any commercial industry utilizing big game resources.
6. Include recommendations from private and public land owners in order to ensure statewide applicability.

4/19/89 Alternative language  
prepared by Mr.  
Utermohle in lieu  
of that 6-0401Ma  
offered by Sen.  
Utermohle  
Binkley.

Approved by  
Sen. Binkley  
4/19/89  
1:30pm

A M E N D M E N T

OFFERED IN THE HOUSE

TO: SCS CSHB 112 (Finance)

Page 5, line 22:

Delete "and"

Page 5, after line 24:

Insert new paragraphs to read:

"(13) has minimum comprehensive general liability insurance of \$300,000 per occurrence or \$500,000 per annual aggregate; and

(14) if the person personally pilots aircraft to transport clients during the provision of guide-outfitter services,

(A) has a commercial pilot's rating or a minimum of 250 hours of flying time in the state; and

(B) has aviation passenger liability insurance of \$100,000 per seat."

4/19/89  
JBoz  
Adopted

AMENDMENT TO HOUSE BILL 112

p. 5, line 25, insert:

<sup>14</sup>  
~~(13)~~ and meets the following additional requirements if aircraft are used personally to transport clients as part of the operation of the business:

<sup>14-a</sup> • has a commercial pilot's rating ~~and~~ or a minimum of 250 hours flying time in Alaska; and *(most pilot guides should easily meet these)*

<sup>(13)</sup> • has minimum comprehensive general liability insurance of \$300,000 per occurrence or \$500,000 per annual aggregate; and *(this would cost about \$600-1000 per year)*

<sup>14-b</sup> • has aviation passenger liability insurance of <sup>100,000</sup> \$150,000 per seat. *(you could also only require \$100,000 per seat insurance which would make it cheaper)*

The last two are required by the federal agencies, and most companies won't insure the pilot unless they are commercially rated or have hundreds of hours of flying time in Alaska anyway.

It's unclear how much of a financial burden the aircraft liability insurance requirement would be since it depends on the company, the guide's flying history, the type of equipment, etc. etc. It could be about \$2000 per plane or as high as \$5000 per plane. It would also be cheaper if you were only getting insurance for say three months of the year. Most air taxi operators pay \$8-10,000 for insurance for each of their planes.

*Retracted  
already included  
in draft  
SES (Tic)*

*Zhandt*

A M E N D M E N T

OFFERED IN THE SENATE

TO: CSHB 112 (Finance) am

Page 25, after line 14:

Insert a new bill section to read:

"\* Sec. 7. AS 16.05.407 is amended by adding a new subsection to read:

(f) An applicant for a nonresident hunt permit for the taking of an animal specified in (a) of this section shall, if requested by the department, first furnish to the department proof of prior authorization to use state, federal, or private land where the permit hunt will occur. The authorization shall be provided to the applicant by the guide-outfitter with whom the applicant has contracted to guide-outfit the permit hunt."

Renumber the following bill section accordingly.

Page 25, after line 23:

Insert a new bill section to read:

"\* Sec. 9. AS 16.05.408 is amended by adding a new subsection to read:

(c) Before obtaining a nonresident hunt permit for the taking of an animal specified in (a) of this section, a nonresident alien shall, if requested by the department, first furnish to the department proof of prior authorization to use state, federal, or private land where the permit hunt will occur. The authorization shall be provided to the nonresident alien by the guide-outfitter or marine mammal guide-

outfitter with whom the nonresident alien has contracted to guide-  
outfit the permit hunt."

Renumber the following bill sections accordingly.

Rep. NAVARRE  
CC

LETTER OF INTENT  
FOR  
CS HB 112 (FINANCE) *am*

It is the intent of the legislature that the Big Game Commercial Services Board established under the provisions of CS HB 112 (Finance) shall consider the implications of the Owsichuk decision issued by the Alaska Supreme Court on October 21, 1988 when establishing the resource-based management system for allocating big game hunting opportunities among guide-outfitters.

It is the intent of the legislature that the foremost purpose of any management system should be the conservation of game resources. Any system that places restrictions on free market competition between guides must be based on clear findings that such restrictions are needed to prevent harmful impacts on game populations that cannot be prevented through licensing requirements, bag limits, seasonal restrictions, or other traditional game management tools that are now available to the state.

Without a constitution<sup>d</sup> amendment, a system would have to provide the broad access guaranteed by the "common use" clause of the constitution. The system would have to have access rights that are limited in duration, and the system would have to provide equal opportunity to all qualified guide-outfitters when these rights are reassigned. In order to prevent the development of non-uniform policies by various federal, state and private landowners, the system should have statewide applicability.

*Mike Navarre*

*Adopted 35-2*

Alaska State Legislature



SENATOR BETTYE FAHRENKAMP  
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Senate

TO: Senator Rick Uehling  
Senator John Binkley  
Co-Chairmen, Senate Finance Committee

FROM: Senator Bettye Fahrenkamp  
Chair, Senate Resources Committee

RE: CS SB 140 (Res), and CS HB 112 (Fin) am

DATE: April 17, 1989

The CS SB 140 (Resources), and its companion bill, CS HB 112 (Fin) am, relating to the regulation of guide-outfitters and other commercial service providers for big game hunters, are currently before your committee. This memorandum is intended to outline for you the differences between the two bills. For your reference, I will refer to language changes in the CS HB 112 (Fin) am version of the bill.

CSHB112 (Fin) am:

Page 13, Line 9 - 11, add "(b) A commercial use permit may not be issued to a hunting club. A hunting club may not provide other big game commercial services for compensation."

Page 23, Line 6 - 8, add definition, "(11) hunting club means an organization that offers use of property or services to individuals who pay a membership fee for the privilege of using the property or services for hunting."

Page 25, Line 24, delete [Section 8 - Prohibitions].

Page 14, Line 7, after (1) insert "written"

Page 14, Line 11, after (2) insert "written"

Page 15, Line 29, after (1) insert "written"

Page 19, Line 12, 13, after "remain", deleted [unlawfully], and before "private", deleted "[redacted]".

Page 22, Line 20, deleted the definition "[ (8) 'enter or remain unlawfully' has the meaning given in AS 11.46.350 (a); ]"

Page 20, Line 1, and Page 20, Line 5 and 6, after "imprisonment", deleted [for not less than two months or more than], and , inserted "up to".

Page 22, Line 4, Under (2), after "grizzly bear", Deleted "[polar bear]", on Line 6, after "Dall sheep", deleted "[and walrus]".

Page 24, Line 28, after "grizzly bear, mountain goat", deleted "[polar bear]".

Additionally, the House adopted a letter of intent which accompanies the bill (see attachment).

I would like to offer two amendments to HB 112(Fin) am, the house bill before you, as follows:

AMENDMENTS TO CS HB112 (Fin) am:

~~Amendment #1:~~

On Page 19, line 12, after "on":

Insert "~~state, federal, or~~".

This amendment will reinstate the language which was in the CS SB 140(Res). It was removed in the House Finance Committee because a member thought there may be an instance when a guide-outfitter might need to be on state or federal land and may not have acquired the proper permit. The Guide Board considers it to be unethical activity for a guide to be trespassing on land for which he does not hold a permit. This language is necessary for the purposes of consistency of policy.

~~Amendment #2:~~

Page 25, Lines 21 - 23:

Delete "~~guide-outfitter~~ [LICENSED MASTER GUIDE, REGISTERED GUIDE,] or class-A assistant "guide-outfitter"

Insert "guide-outfitter, a [LICENSED MASTER GUIDE, REGISTERED GUIDE, OR] class-A assistant guide-outfitter, or an assistant guide-outfitter"

This amendment is being proposed as a result of many letters I have received from guides in my district that are concerned about having employees who can operate to the fullest extent possible. They do not understand the distinction between having an assistant guide outfitter who is allowed to guide-outfit a non-resident vs. one who is allowed to guide-outfit a non-resident alien. Under current law an assistant guide is absent from the list of guide categories who can accompany a non-resident alien.

This statute was enacted to ensure that non-resident aliens were required to be accompanied by a licensed guide. While both a master and registered guide category were listed, assistant guide was not. I think that was an inadvertent omission which this amendment will correct.

Additionally, this bill will help to ensure, through examination and additional training requirements, an adequate competency level for assistant guide-outfitters.

A M E N D M E N T #1

OFFERED IN THE SENATE

TO: CSHB 112 (Finance) am

Page 19, line 12, after "on":

Insert "state, federal, or"

A M E N D M E N T # 2

OFFERED IN THE SENATE

TO: CSHB 112 (Finance) am

Page 25, lines 21 - 23:

Delete "guide-outfitter [LICENSED MASTER GUIDE, REGISTERED GUIDE,] or class-A assistant guide-outfitter"

Insert "guide-outfitter, a [LICENSED MASTER GUIDE, REGISTERED GUIDE, OR] class-A assistant guide-outfitter, or an assistant guide-outfitter"

LETTER OF INTENT  
FOR  
CS HB 112 (FINANCE)

It is the intent of the legislature that the Big Game Commercial Services Board established under the provisions of CS HB 112 (Finance) shall consider the implications of the Owsichek decision issued by the Alaska Supreme Court on October 21, 1988 when establishing the resource-based management system for allocating big game hunting opportunities among guide-outfitters.

It is the intent of the legislature that the foremost purpose of any management system should be the conservation of game resources. Any system that places restrictions on free market competition between guides must be based on clear findings that such restrictions are needed to prevent harmful impacts on game populations that cannot be prevented through licensing requirements, bag limits, seasonal restrictions, or other traditional game management tools that are now available to the state.

Without a constitution<sup>y</sup> amendment, a system would have to provide the broad access guaranteed by the "common use" clause of the constitution. The system would have to have access rights that are limited in duration, and the system would have to provide equal opportunity to all qualified guide-outfitters when these rights are reassigned. In order to prevent the development of non-uniform policies by various federal, state and private landowners, the system should have statewide applicability.

ADOPTED BY  
The House  
4-6-89

Adopted 35-2



# Alaska State Legislature

HOUSE OF REPRESENTATIVES  
COMMITTEE ON RESOURCES

FOUCH V  
JUNEAU, ALASKA 99811  
(907) 485-3715

## MEMORANDUM

TO: Senate Finance Members

FROM: Representative Curt Menard *Curt Menard*  
Representative Cliff Davidson *Cliff Davidson*  
Co-Chairman, House Resources Committee

RE: CS HB 112 (Finance) AM

DATE: April 12, 1989

CS HB 112 (Fin) am, relating to big game guiding, would sunset the existing Guide Board and create an expanded regulatory board whose powers would include those previously charged to the Guide Board. It would require the board to provide for registration of hunting camps and facilities, and would establish, in consultation with the Departments of Fish and Game or Natural Resources, a resource-based management system for allocating access to big game hunting opportunities among guide-outfitters. Further, the board has authority to establish the level of supervision that guide-outfitters provide to class-A guide-outfitters and assistant guide-outfitters under their employ.

Other provisions in the bill delineate the structure whereby all persons who directly or indirectly receive compensation from the commercial harvest of Alaska's big game would be required to obtain a permit or license. That big game resource belongs to all Alaskans, who value that resource to the extent that a "common use" of game provision is specified in Alaska's constitution.

Several provisions the bill would allow for transition measures for those currently operating as "outfitters" to become licensed as "guide-outfitters".

It would establish a commercial use permit fee, to be paid by all commercial services providers which would be separately accounted for and may be used by the legislature to fund game management and enforcement of game resources.

The bill would provide for disciplinary procedures and penalty provisions for commercial service providers to big game hunters. It adds "mountain goats" to the current species list, brown/grizzly bears and dall sheep, requiring a guide (non-residents and non-resident aliens). The bill defines "guide-outfit" and "field" and provides for confidentiality of hunt records and reports.

A sectional analysis has been prepared by legal services and will explain more fully the provisions in HB 112.

The Senate Finance Committee Substitute would make three changes to CS HB 112 (Finance) am:

1. Under unlawful acts, on Page 19, Line 12, it adds "state and federal" to the language which makes it unlawful to enter or remain on private lands.

This language is necessary for the purpose of consistency for guide-outfitter activities on all lands in Alaska, and refers only to "guide-outfitter" activity on those lands. The Task Force on Guiding and Game recommended the inclusion of this provision in the bill which makes it unlawful for a guide-outfitter to enter or remain on state, federal or private land. Additionally, the Guide Board considers guiding on lands without permission to be "unethical" activity. The addition of this provision in the unlawful section supports that action by the Guide Board.

2. On Page 26, Line 3, after [LICENSED MASTER GUIDE, REGISTERED GUIDE,], delete, "[or]", and add assistant guide-outfitter.

One provision in this bill would require assistant guides to take an examination, and provides additional assurances for competency of assistant guides. This language change would allow the assistant guide, who can currently guide non-resident clients under the supervision of a guide, to also guide non-resident aliens under the supervision of a guide.

3. On Page 25, after line 15, insert a new bill section which would give the Department of Fish and Game discretionary authority to require prior land use authorization before issuing a hunt permit. In some cases, a registration or drawing permit may be limited in number. Without this authorization, hunt permits may be issued to those hunters whose guide does not have the land use permit for the Game Management Unit where the hunt will take place. This language change would ensure that will not occur.

# STATE OF ALASKA

STEVE COWPER, GOVERNOR

## DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

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February 14, 1989

The Honorable Bettye Fahrenkamp, Chairwoman  
Senate Resources Committee  
P.O. Box V  
Juneau, Alaska

Dear Senator Fahrenkamp:

To assist your committee in its consideration of Senate Bill 140, I am writing to provide a synopsis of the Owsichek decision and its implications for creating an area management system for allocating guide access to big game.

### 1. SYNOPSIS OF THE OWSICHEK DECISION.

On October 21, 1988, the Alaska Supreme Court decided that the statutes and regulations that underlie the state's exclusive guide area system ("EGA") are unconstitutional. 1/

On December 8, the court granted the state's request that the effect of this decision be postponed until June 1, 1989. Therefore, the EGA system is currently enforceable. Beginning in June, the system will have no legal effect, and any licensed person may guide hunters in a game management unit for which he or she is certified. 2/

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1/ The court uses the term "exclusive guide areas" to describe not only joint use areas but also "restricted guide areas," a term used to describe EGA's since 1986 when the term appeared in AS 08.54.195.

2/ When a guide is licensed by the Division of Occupational Licensing, he or she is "certified" to conduct hunts in only those game management units where the guide has experience. Except for older guides who were "grandfathered" into more units, most guides are limited by regulation to certification in not more than three game management units. 12 AAC 38.200.

(Footnote Continued)

The supreme court based the Owsichek decision on its interpretation of the "common use clause," i.e., article VIII, section 3 of the Alaska Constitution. This clause says, "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use."

This was the first time the court was called on to interpret the common use clause with respect to wildlife. In earlier decisions, it had discussed the clause in the context of state waters (Wernberg and CWC Fisheries) and in the context of fish (Ostrosky and Johns). In light of its earlier decisions, the court declared that the "common use clause was intended to guarantee broad public access to natural resources."

In order to further clarify the meaning of the common use clause, the court looked at the constitutional history of this clause and at the historic development of wildlife law in general. Concerning the constitutional history, the court said that the purpose of the clause was "anti-monopoly." It also found that the framers of the constitution intended to prohibit "exclusive grants or special privileges" and intended that the public "retain broad access to fish, wildlife and water resources."

In discussing the development of wildlife law, the court said that the common use clause "constitutionalized" the state's public trust duty toward wildlife. This is a duty to manage these resources for the benefit of all the people.

The court summarized its interpretation of the common use clause by stating that the clause was intended to put into the constitution "certain trust principles guaranteeing access to

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(Footnote Continued)

At the time of the court's decision, 256 licensed guides had been assigned either exclusive or joint use guide areas. One hundred and eighty four licensed guides had no area to guide in. Therefore, after June 1 the Owsichek decision means that 184 more guides will be able to guide hunts in any of the game units for which they are certified. The additional hunting pressure, of course, varies from unit to unit. For example, the number of eligible guides in units 1, 2, 3, and 4 (southeast Alaska) will increase three-fold (from 13 to 33) while the number of eligible guides in unit 17 (Togiak - Dillingham area) will increase over six fold (from 17 to 129).

the fish, wildlife and water resources of the state" and, at a minimum, this meant a "prohibition against any monopolistic grants or special privileges." It also stated that the clause makes no distinction between use for personal purposes and use for professional purposes; common use applies to commercial guiding as well as recreational hunting.

In deciding that the EGA's violated these principles, the court noted the following features of the system:

1. The EGA system gave one guide the right to exclude all other guides from conducting hunts in his or her EGA. This right was based on the area holder's seniority, that is, his or her use, occupancy, and investment in the area.
2. EGA rights had no time limit, and the system of transferring them, based as it was on the selling of "improvements" and a holder's designation of his or her successor, allowed the selling of areas as if they were a property interest.
3. The assignment of EGA's was not based primarily on wildlife management concerns. The system could not be justified as a game management tool and therefore was unlike licensing requirements, bag limitations, and seasonal restrictions which were proper and "time-honored methods of conserving the resources." In this regard, it is important to note that the court said that even if used as a wildlife management tool, this would not "save the EGA system from unconstitutionality under the anti-monopolistic common use clause."

Finally, the court had made a distinction between the EGA's on one hand and state leases and exclusive concessions on the other. The latter are permissible because they are of limited duration, because they are subject to competitive bidding, because they are limited by contract terms and restrictions, and because the state receives compensation for them.

## II. IMPLICATIONS FOR A NEW AREA MANAGEMENT SYSTEM

The Legislative Task Force on Guiding and Big Game has recommended that the state develop a new area management system for allocating access to guiding opportunities among licensed guides. It has recommended the establishment of a land-based concession system. While the Department of Law could defend this type of system, we believe that it would ultimately fail a legal challenge.