

LEGISLATIVE FINANCE-HOUSE/SENATE FINANCE COMM. FILES 8879

SB 139 cont. - SB 144 623

CONTINUATION OF FISCAL ANALYSIS

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

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

2 Legislative Branch members - absorbed within existing Legislative Operating Budget or Session Expenses.

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

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

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

Travel-	4 trips @ 366 x 8 members	11,712
	2 days per diem (\$80)	
	4 trips x 8 members	5,120

Contractual-	Transcription of meetings	300
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Supplies- Will come from existing Legislative Council and Legislative Operating supplies.

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

FY 89 costs are for one-half year.
FY 90 costs are for full fiscal year.
FY 91 costs are for one-half year.

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SENATE COMMITTEE REPORT

FURTHER

3/20/89

DATE TURNED INTO OFFICE _____

Mr. President:

Finance

Committee considered

SB 140

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; efd and recommended

- replace with _____ CS _____) same title
- or adopt _____ CS _____) new title
- attached amendment(s) and technical title change (HB only)
- _____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

*Hearing 4-13-89 in conjunction w/ Q3 HB 112 (Fix) am.
Bill died in committee.*

FISCAL NOTE(S) zero fiscal impact appropriation no FN
 new updated previous
 same as previous fiscal note(s) published _____

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Chairman signature and recommendation

Committee Backup attached

SENATE COMMITTEE REPORT

(b)
6-0626h

FIRST COMMITTEE OF REFERRAL

Date of 5-DAY NOTICE 2-2-89
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER

FINANCE

**FISCAL NOTE(S) MUST BE ATTACHED
IN ACCORDANCE WITH AS 24.08.035

DATE TURNED INTO OFFICE 3-17-89

1/24/89

Mr. President:

RESOURCES Committee considered SB 140

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; efd

and recommended:

- replace with CS SB 140 (Resources) same title
- attached amendment(s) and new title
- _____ letter of intent adopted *majority do pass*

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

*2 FN
2 FN* 

FISCAL NOTE(S) attached zero
 appropriation no FN attached

fiscal impact
 Gov. FN introduced w/ bill

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

1 *Julius Stangulowski*
 1 *Paul [unclear]*
 1 *Don French*

2 *Keith Halford* NO REC
 2 *[unclear]* NO REC

[Signature] Chairman signature and recommendation

Committee backup attached

Original sponsor: Resources Committee

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 140 (Resources)

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 exami-
19 nation 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 exami-
22 nation 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. 08.54.320. 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 (b) A person who receives a master guide-outfitter license under
26 sec. 12 of this Act may use the title master guide-outfitter and may
27 annually renew the license unless the license has been revoked or
28 suspended or has lapsed under AS 08.54.440. A master guide-outfitter
29 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 person, other
28 than a guide-outfitter, marine mammal guide-outfitter, or a trans-
29 porter, 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 Sec. 08.54.470. COMMERCIAL USE PERMIT AND FEE. (a) A person
10 who is licensed under this chapter as a guide-outfitter, marine mammal
11 guide-outfitter, or transporter shall obtain an annual commercial use
12 permit and pay an annual commercial use permit fee.

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

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

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

26 ARTICLE 6. PENALTIES.

27 Sec. 08.54.500. DISCIPLINE OF GUIDE-OUTFITTERS. (a) The board
28 may hold a hearing to determine whether disciplinary action is neces-
29 sary if a written complaint concerning the guide-outfitting activities

1 of a licensee who holds any class of guide-outfitter license is filed
2 with the board. The board shall hold a hearing to determine whether a
3 licensee should be disciplined within a reasonable time after

4 (1) complaints concerning a licensee's guide-outfitting
5 activities are filed with the board within a two-year period by three
6 or more of the licensee's clients from separate hunting parties;

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

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

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

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

20 (2) violated a provision of a federal or state statute or
21 regulation relating to hunting or provision of big game commercial
22 services.

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

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

27 (2) is incompetent as a guide-outfitter, marine mammal
28 guide-outfitter, class-A assistant guide-outfitter, or assistant
29 guide-outfitter; or

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

4 (A) waste of a wild food animal;

5 (B) hunting on the same day airborne;

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

7 (D) hunting in an area closed by state or federal
8 regulation.

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

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

25 (1) complaints concerning a licensee's or permittee's
26 activities are filed with the board within a two-year period by three
27 or more of the licensee's or permittee's clients from separate hunting
28 parties; or

29 (2) a licensee or permittee has been convicted of a

1 violation of a federal or state statute or regulation relating to
2 hunting or provision of big game commercial services.

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

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

12 (2) violated a provision of a federal or state statute or
13 regulation relating to hunting or provision of big game commercial
14 services.

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

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

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

25 (2) during the five years immediately preceding the hearing
26 has been convicted of a violation of a federal or state statute or
27 regulation prohibiting

28 (A) waste of a wild food animal;

29 (B) hunting on the same day airborne;

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

2 (D) hunting in an area closed by state or federal
3 regulation.

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

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

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

25 (c) A certified copy of a judgment of conviction of a licensee
26 or permittee for an offense is conclusive evidence of the commission
27 of that offense in a disciplinary proceeding instituted against the
28 licensee or permittee under AS 08.54.500 or 08.54.505 based on that
29 conviction, regardless of whether the conviction resulted from a plea

1 of nolo contendere or the conviction is under appeal, unless the
2 conviction is overturned on appeal.

3 (d) Within 30 days after conclusion of a hearing under AS 08.-
4 54.500 or 08.54.505, the board shall notify the complainant of the
5 results of the hearing, including written reasons justifying a deci-
6 sion not to take disciplinary action.

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

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

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

17 (A) commit or aid the commission of a violation of
18 this chapter, a regulation adopted under this chapter, or a state
19 fish or game statute or regulation; or

20 (B) permit the commission of a violation of this
21 chapter, a regulation adopted under this chapter, or a state fish
22 or game statute or regulation that the person knows or reasonably
23 believes is being or will be committed without

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

26 (ii) reporting it;

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

29 (4) person who is licensed or who holds a commercial use

1 permit issued under this chapter to intentionally obstruct or hinder
2 or attempt to obstruct or hinder lawful hunting engaged in by a person
3 who is not a client of the person;

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

7 (6) person who holds any class of guide-outfitter license
8 to knowingly enter or remain unlawfully on state, federal, or private
9 land without prior authorization during the course of providing guide-
10 outfitting services;

11 (7) person to knowingly guide-outfit without having a
12 current guide-outfitter, marine mammal guide-outfitter, class-A assis-
13 tant guide-outfitter, or assistant guide-outfitter license and hunting
14 license in actual possession;

15 (8) person without a current guide-outfitter or marine
16 mammal guide-outfitter license to knowingly advertise as or represent
17 to be a guide-outfitter;

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

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

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

25 (b) A person who commits an offense set out in (a)(1) - (6) of
26 this section is guilty of a misdemeanor and is punishable by a fine of
27 not more than \$30,000 or by imprisonment for not less than two months
28 or more than one year, or both.

29 (c) A person who commits an offense set out in (a)(7) - (10) of

1 this section is guilty,

2 (1) for a first offense, of a misdemeanor and is punishable
3 by a fine of not more than \$30,000 or by imprisonment for not less
4 than two months or more than one year, or both;

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

7 (d) A person who violates (a)(1) of this section, is guilty of
8 a class C felony.

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

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

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

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

24 Sec. 08.54.530. INJUNCTION AGAINST UNLAWFUL ACTION. When in the
25 judgment of the board a person has engaged in an act in violation of
26 AS 08.54.380(b), 08.54.390(b), 08.54.400(b), 08.54.510(a), and 08.54.-
27 520 or the regulations adopted under them, the board may apply to the
28 appropriate court for an order enjoining the action. Upon a showing
29 by the board that the person is engaging in the act, the court shall

1 grant injunctive relief or other appropriate order without bond.

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

9 ARTICLE 7. GENERAL PROVISIONS.

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

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

27 Sec. 08.54.590. DEFINITIONS. In this chapter

28 (1) "base camp" means a guide-outfitter's or marine mammal
29 guide-outfitter's primary base of operations in the field; "base camp"

1 does not include a spike camp;

2 (2) "big game" means brown bear, grizzly bear, polar bear,
3 caribou, moose, black bear, bison, Sitka blacktail deer, elk, mountain
4 goat, musk-ox, wolf, wolverine, mountain or Dall sheep, and walrus;

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

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

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

12 (6) "compensation" means payment for services including
13 wages or other remuneration but not including reimbursement for actual
14 expenses incurred;

15 (7) "department" means the Department of Commerce and
16 Economic Development;

17 (8) "enter or remain unlawfully" has the meaning given in
18 AS 11.46.350(a);

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

21 (10) "guide-outfit" means to provide, for compensation or
22 with the intent or with an agreement to receive compensation, big game
23 commercial hunting services in the field; "guide-outfit" includes
24 accompanying or being present with a big game hunter in the field
25 either personally or through an assistant; "guide-outfit" does not
26 include the provision of transportation to, from, or in the field if
27 the person providing the transportation and the person being trans-
28 ported do not stalk, pursue, track, kill, or attempt to kill big game
29 during the provision of transportation;

1 (11) "field" means an area outside of established year-round
2 dwellings, businesses, or other developments usually associated with a
3 city, town, or village; "field" does not include permanent hotels or
4 roadhouses on the state road system or state or federally maintained
5 airports;

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

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

13 (A) on nonstop flights between state or federally
14 maintained airports; or

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

19 (14) "unethical activity" means

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

25 (B) making a guaranty that a species or certain number
26 of species of game will be taken on a hunt;

27 (C) engaging in unsafe or unsportsmanlike activities
28 that are detrimental to the game resources of the state, as
29 defined by regulations of the board, including violations of

1 state hunting or big game commercial services statutes or regu-
2 lations; or

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

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

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

11 (1) if the offense is a second felony conviction, two
12 years;

13 (2) if the offense is a third felony conviction, three
14 years;

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

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

23 * Sec. 5. AS 16 05.407(a) is amended to read:

24 (a) It is unlawful for a nonresident to hunt, pursue, or take
25 brown bear, grizzly bear, polar bear, mountain goat, or sheep in this
26 state, unless personally accompanied by

27 (1) a person who is licensed as a guide-outfitter, [MASTER
28 GUIDE, REGISTERED GUIDE,] class-A assistant guide-outfitter, [GUIDE]
29 or assistant guide-outfitter [GUIDE] by the Big Game Commercial

1 Services [GUIDE] Board; or

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

3 (A) the spouse of the nonresident; or

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

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

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

12 * Sec. 7. AS 16.05.408(a) is amended to read:

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

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

17 (2) to hunt, pursue, or take a big game animal as defined
18 by the Board of Game unless personally accompanied by a guide-outfit-
19 ter [LICENSED MASTER GUIDE, REGISTERED GUIDE,] or class-A assistant
20 guide-outfitter licensed [GUIDE] under AS 08.54.

21 * Sec. 8. AS 16.05 is amended by adding a new section to read:

22 Sec. 16.05.783. PROHIBITION. (a) A hunting club may not

23 (1) engage in activities in direct support of big game
24 hunting, including transportation or guide-outfitting of big game
25 hunters; or

26 (2) provide facilities or services for big game hunting.

27 (b) In this section "hunting club" means

28 (1) an organization that offers use of property or services
29 to individuals who pay a membership fee for the privilege of using the

1 property or services for hunting; or

2 (2) a partnership, limited partnership, corporation, or
3 unincorporated association through which property is jointly owned,
4 leased, or otherwise held by members of the entity and through which
5 the members are entitled to use the property for hunting.

6 * Sec. 9. AS 39.50.200(b)(48) is amended to read:

7 (48) Big Game Commercial Services [GUIDE] Board AS 08.54.-
8 300 [(AS 08.54.010)]; and

9 * Sec. 10. AS 41.23.420(d) is amended to read:

10 (d) The provisions of AS 41.23.400 - 41.23.510 do not affect the
11 authority of

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

15 (2) the Department of Environmental Conservation under AS
16 46.03; or

17 (3) state agencies and municipalities under AS 44.19.145(a)-
18 (11) and AS 46.40.100.

19 * Sec. 11. AS 44.62.330(a)(35) is amended to read:

20 (35) Big Game Commercial Services [GUIDE LICENSING AND
21 CONTROL] Board

22 * Sec. 12. TRANSITION: GUIDE-OUTFITTER LICENSES. (a) Notwithstanding
23 the repeal of AS 08.54.010 - 08.54.240, all licenses issued under AS 08.-
24 54.010 - 08.54.240 are valid for the period for which the licenses were is-
25 sued.

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

28 (1) master guide license issued under former AS 08.54.100 and a
29 registered guide license issued under former AS 08.54.110 shall be

1 considered a guide-outfitter license issued under AS 08.54.350;

2 (2) class-A assistant guide license issued under former AS 08.-
3 54.120 shall be considered a class-A assistant guide-outfitter license
4 issued under AS 08.54.380;

5 (3) an assistant guide license issued under former AS 08.54.140
6 shall be considered an assistant guide-outfitter license issued under
7 AS 08.54.390.

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

10 (1) a master guide shall receive a master guide-outfitter li-
11 cense if the person

12 (A) is in good standing at the time of issuance of the
13 license; and

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

16 (2) a registered guide shall receive a guide-outfitter license
17 if the person

18 (A) is in good standing at the time of issuance of the
19 license; and

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

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

24 (A) is in good standing at the time of issuance of the
25 license; and

26 (B) has paid the class-A assistant guide-outfitter license
27 fee;

28 (4) an assistant guide shall receive an assistant guide-out-
29 fitter license if the person

1 (A) is in good standing at the time of issuance of the
2 license; and

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

4 (d) Notwithstanding (c) of this section, the Department of Commerce
5 and Economic Development may issue a new license under AS 08.54.300 -
6 08.54.590, without an additional fee, to a person licensed under former
7 AS 08.54.010 - 08.54.240 before the next renewal period following the
8 effective date of this Act, if the person satisfies the requirements for
9 the license and the license is valid only for the same period for which the
10 replaced license was issued.

11 * Sec. 13. TRANSITION; OUTFITTERS. (a) Notwithstanding AS 08.54.350,
12 as enacted by sec. 3 of this Act, a natural person is entitled to receive a
13 guide-outfitter license if the person

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

16 (2) lawfully registered a camp, cabin, or lodge under AS 16.-
17 05.787 during 1988;

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

21 (4) passes the guide-outfitter examination administered by the
22 Big Game Commercial Services Board within two years after the effective
23 date of this Act;

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

28 (6) has legally hunted in the state for part of each of any five
29 years in a manner directly contributing to the person's experience and

1 competency as a guide-outfitter;

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

6 (8) pays the guide-outfitter license fee and the commercial use
7 permit fee; and

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

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

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

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

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

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

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

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

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

29 (c) A guide-outfitter license issued under (a) of this section is for

1 all purposes a license issued under AS 08.54.350, as enacted by sec. 3 of
2 this Act.

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

10 (1) the date of issuance of a guide-outfitter license to the
11 person;

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

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

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

19 (f) A person who holds an interim outfitter license shall promptly
20 report to the Department of Public Safety, division of fish and wildlife
21 protection, but not later than 30 days after the violation, a violation of
22 a state fish, game, or big game commercial services statute or regulation
23 that the person reasonably believes was committed by a client or employee
24 of the person.

25 (g) A person who holds an interim outfitter license may accompany or
26 be present with a hunter at a base camp, cabin, or permanent lodge in
27 connection with a big game hunt for compensation only if the person has
28 furnished an affidavit to the Department of Public Safety, division of fish
29 and wildlife protection, at least two weeks in advance. The person may not

1 register more than two base camps. The affidavit must be signed by the
2 person and must provide the following information:

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

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

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

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

14 (i) A person who

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

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

20 (j) In this section,

21 (1) "base camp" does not include spike camp, fly camp, or over-
22 night camp;

23 (2) "big game" and "field" have the meaning given in AS 08.54.-
24 590, as enacted by sec. 3 of this Act;

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

29 (A) providing transportation to or from the field, if the

1 person providing transportation and the persons being transported do
2 not stalk, pursue, track, kill, or attempt to kill big game during the
3 transportation; or

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

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

8 * Sec. 14. INITIAL APPOINTMENTS TO BIG GAME COMMERCIAL SERVICES BOARD.
9 Notwithstanding AS 08.54.300(b), as enacted by sec. 3 of this Act, the
10 initial appointments to the Big Game Commercial Services Board under

11 (1) AS 08.54.300(b)(1) may also be filled by the appointment of
12 a master guide or registered guide licensed under former AS 08.54.010 -
13 08.54.240 or a person who lawfully registered a camp, cabin, or lodge under
14 AS 16.05.787 during 1986 and legally engaged in the business of big game
15 outfitting in 1986, 1987, and 1988;

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

19 * Sec. 15. TRANSITION. Litigation, hearings, investigations, and other
20 proceedings pending under a law amended or repealed by this Act continue in
21 effect and may be continued and completed notwithstanding an amendment or
22 repeal provided for in this Act. Licenses, orders, and regulations issued
23 or adopted under authority of a law amended or repealed by this Act remain
24 in effect for the term issued or until revoked, vacated, or otherwise
25 modified under the provisions of this Act.

26 * Sec. 16. AS 08.54.010, 08.54.030, 08.54.035, 08.54.040, 08.54.045,
27 08.54.050, 08.54.060, 08.54.070, 08.54.100, 08.54.110, 08.54.120, 08.54.-
28 130, 08.54.140, 08.54.141, 08.54.150, 08.54.160, 08.54.170, 08.54.180,
29 08.54.186, 08.54.190, 08.54.195, 08.54.200, 08.54.210, 08.54.220,

1 08.54.230, 08.54.240, AS 16.05.370(b), 16.05.370(c), 16.05.407(e), 16.05.-
2 786, and 16.05.787 are repealed.

3 * Sec. 17. Sections 4, 6, 12, and 13, ch. 160, SLA 1988 are repealed.

4 * Sec. 18. AS 08.54.310(b)(1), as enacted by sec. 3 of this Act, takes
5 effect on the earlier of

6 (1) January 15, 1990; or

7 (2) the date of submission to the legislature of a recom-
8 mendation by the Task Force on Guiding and Game for a resource-based man-
9 agement system for allocating access to big game hunting opportunities
10 among guide-outfitters licensed under AS 08.54.

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

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1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 SENATE BILL NO. 140

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; and providing for an
11 effective date."

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

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

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

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

16 (20) Big Game Commercial Services Board (AS 08.54.300) --

17 June 30, 1993.

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

19 ARTICLE 4. BIG GAME COMMERCIAL SERVICES BOARD

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

26 (b) The board consists of nine members:

27 (1) the commissioner of fish and game or the commissioner's
28 designee;

29 (2) the commissioner of natural resources or the
S

1 commissioner's designee;

2 (3) the commissioner of public safety or the commissioner's
3 designee;

4 (4) two members who are either a licensed guide-outfitter
5 or class-A guide-outfitter;

6 (5) one member who is a licensed transporter;

7 (6) one member of the Board of Game who is chosen by the
8 Board of Game;

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

10 (8) one public member.

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 guide-outfitter, marine mammal guide-outfitter, and assistant guide-
28 outfitter licenses and authorize the issuance of licenses to those who
29 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 statute or regulation
7 relating to the provision of big game commercial services; a big game
8 commercial services provider listed in the register whose license or
9 permit is revoked or suspended shall be removed from the register
10 while the provider's license or permit is revoked or suspended;

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

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

18 (7) authorize issuance of transporter licenses;

19 (8) authorize issuance of commercial use permits;

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

22 (b) The board may

23 (1) provide for registration of hunting camps and facil-
24 ities used by persons who are licensed or who hold a permit under this
25 chapter;

26 (2) establish, in consultation with the Department of Fish
27 and Game or Department of Natural Resources, a resource-based manage-
28 ment system for allocating access to big game hunting opportunities
29 among guide-outfitters licensed under this chapter;

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

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

7 ARTICLE 5. LICENSING.

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

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

11 (2) has practical field experience in the handling of
12 firearms, hunting, judging trophies, field preparation of meat and
13 trophies, first aid, photography, and related guide-outfitting activi-
14 ties;

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

17 (4) has passed the qualification examinations prepared and
18 administered by the board;

19 (5) has demonstrated to the board sufficient standards of
20 competence and ethical conduct and has not been convicted of a state
21 or federal hunting or guide-outfitting statute or regulation within
22 the last five years for which the person was fined more than \$500 or
23 imprisoned for more than five days;

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

27 (7) has been licensed as and performed the services of a
28 class-A guide-outfitter or assistant guide-outfitter in the state for
29 a part of each of three years, or has guide-outfitted in the state for

1 a part of each of three years under a marine mammal guide-outfitter
2 license issued under AS 08.54.360;

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

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

7 (10) has been favorably recommended in writing by six big
8 game hunters, two for each year of the person's most recent three
9 years as a class-A guide-outfitter or assistant guide-outfitter, when
10 the person has guide-outfitted or assisted in guide-outfitting as a
11 class-A guide-outfitter or assistant guide-outfitter, whose recommen-
12 dations have been solicited by the board from a list provided by the
13 applicant;

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

16 (12) has paid the license fee and commercial use permit
17 fee.

18 (b) A guide-outfitter may contract to guide-outfit hunts for big
19 game.

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

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

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

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

29 (4) has demonstrated knowledge of the following areas to an

1 extent and degree satisfactory to the board:

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

3 (B) relevant characteristics of the specific species
4 to be hunted;

5 (C) field preparation of trophies;

6 (D) care of game meat;

7 (E) use of guide-outfitting gear;

8 (F) firearm safety;

9 (G) practical first aid; and

10 (H) booking and contracting hunts;

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

15 (6) possesses a business license to provide guide-out-
16 fitting services; and

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

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

21 Sec. 08.54.370. RENEWAL OF GUIDE-OUTFITTER LICENSE AND MARINE
22 MAMMAL GUIDE-OUTFITTER LICENSE. (a) An applicant for renewal of a
23 guide-outfitter license or a marine mammal guide-outfitter license
24 shall submit with the application for renewal

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

27 (2) the big game conservation fees due for the period
28 covered by the current license;

29 (3) the license fee for the next licensing period; and

1 (4) the commercial use permit fee for the next licensing
2 period.

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

6 Sec. 08.54.380. CLASS-A GUIDE-OUTFITTER LICENSE. (a) A natural
7 person is entitled to a class-A guide-outfitter license if the person

8 (1) has been employed for at least one season as a licensed
9 assistant guide-outfitter; and

10 (2) has had at least 10 years hunting experience in the
11 game management unit in which the person is to be employed; military
12 service outside the state for not more than three years shall be
13 accepted as part of the required 10 years hunting experience.

14 (b) A class-A guide-outfitter

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

16 (2) shall be under the supervision of a guide-outfitter who
17 has contracted with the client for whom the class-A guide-outfitter is
18 conducting the hunt; and

19 (3) may take charge of a camp and conduct guide-outfitter
20 activities from it without the guide-outfitter being present in the
21 area if the guide-outfitter is supervising the guide-outfitting activ-
22 ities.

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

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

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

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

29 (4) has demonstrated practical knowledge of first aid and

1 cardiopulmonary resuscitation;

2 (5) is in sound physical condition; and

3 (6) meets additional qualifications that the board may
4 establish.

5 (b) An assistant guide-outfitter

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

7 (2) shall be employed by a guide-outfitter and under the
8 supervision of a guide-outfitter or class-A guide-outfitter at all
9 times while the assistant guide-outfitter is in the field on guide-
10 outfitted hunts.

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

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

14 (2) pays the license fee;

15 (3) pays the commercial use permit fee;

16 (4) provides proof of

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

21 (B) licensure by the Coast Guard to carry passengers
22 for hire, if the person provides water transportation services to
23 big game hunters; and

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

25 (b) A transporter may provide transportation services for com-
26 pensation to big game hunters. A transporter may not provide any
27 service in the field to big game hunters other than transportation,
28 except that a transporter may provide accommodations in the field at a
29 permanent lodge, house, or cabin owned by the transporter or on a boat

1 with permanent living quarters owned by the transporter used for over-
2 night commercial hunts for Sitka blacktail deer, elk, and marine
3 mammals.

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

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

9 (2) the big game conservation fees due for the period
10 covered by the current license;

11 (3) the license fee for the next licensing period;

12 (4) the commercial use permit fee for the next licensing
13 period; and

14 (5) proof of

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

19 (B) licensure by the Coast Guard to carry passengers
20 for hire, if the applicant provides water transportation services
21 to big game hunters.

22 (d) The department may not renew a transporter license unless
23 all fees have been paid in full and the activity report required under
24 (c)(1) of this section and the proof required under (c)(5) of this
25 section have been filed.

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

1 only for the plane, boat, vehicle, or other equipment for which the
2 decal is issued.

3 Sec. 08.54.410. APPEAL TO COMMISSIONER FROM BOARD ON DENIAL OF
4 LICENSE. The commissioner of commerce and economic development may
5 order that an applicant for an initial license under AS 08.54.350 -
6 08.54.400 be allowed to take the license examination or be issued the
7 license if, after reviewing a petition filed by the applicant, the
8 commissioner finds that

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

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

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

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

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

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

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

22 Sec. 08.54.420. RENEWAL OF LICENSES. Notwithstanding AS 08.01.-
23 100(a), guide-outfitter, marine mammal guide-outfitter, and transport-
24 er licenses shall be renewed annually on dates set by the department
25 with the approval of the board.

26 Sec. 08.54.430. EXAMINATIONS FOR GUIDE-OUTFITTER LICENSES. (a)
27 The board shall administer the qualification examinations required
28 under this chapter at least twice a year. An examination may not be
29 given within 90 days after the previous examination. At least once

1 every other year the board shall give the examination at a location
2 other than Anchorage.

3 (b) The board shall regularly disseminate information regarding
4 examinations and other qualifications for all classes of guide-out-
5 fitter licenses to residents of the rural areas of the state.

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

13 (b) Notwithstanding (a) of this section, a guide-outfitter who
14 fails to renew a license is not required to requalify under AS 08.54.-
15 350(a)(7), unless the license has been lapsed for three or more years.

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

- 19 (1) guide-outfitter
20 (2) class-A guide-outfitter;
21 (3) assistant guide-outfitter;
22 (4) marine mammal guide-outfitter;
23 (5) transporter.

24 (b) The license fee for the guide-outfitter, marine mammal
25 guide-outfitter, class-A guide-outfitter, or assistant guide-outfitter
26 license is in addition to the fee required for a hunting license.

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

1 Sec. 08.54.460. COMMERCIAL USE PERMIT HOLDER. A person, other
2 than a guide-outfitter, marine mammal guide-outfitter, or a trans-
3 porter, who provides other big game commercial services for compen-
4 sation shall register with the board on a form provided by the board
5 and shall obtain a commercial use permit and pay the annual commercial
6 use permit fee set under AS 08.54.470. In this section "other big
7 game commercial services" includes provision of accommodations, hunt
8 broker services, gear rental services, photographic or videographic
9 services, expediter services, and services as defined by the board by
10 regulation.

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

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

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

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

28 ARTICLE 6. PENALTIES.

29 Sec. 08.54.500. DISCIPLINE OF GUIDE-OUTFITTERS. (a) The board

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

7 (1) complaints concerning a licensee's guide-outfitting
8 activities are filed with the board by three or more of the licensee's
9 clients from separate hunting parties;

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

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

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

18 (1) engaged in unethical activity, unsafe activity, or
19 activity that adversely affects the natural resources of the state
20 when the activity is related to the purposes of providing guide-out-
21 fitting services; or

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

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

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

29 (2) is incompetent as a guide-outfitter, marine mammal

1 guide-outfitter, class-A guide-outfitter, or assistant guide-out-
2 fitter; or

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

6 (A) waste of a wild food animal;

7 (B) hunting on the same day airborne;

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

9 (D) hunting in an area closed by federal regulation.

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

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

27 (1) complaints concerning a licensee's or permittee's
28 activities are filed with the board by three or more of the licensee's
29 or permittee's clients from separate hunting parties; or

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

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

7 (1) engaged in unethical activity, unsafe activity, or
8 activity that adversely affects the natural resources of the state
9 when the activity is related to the purposes of providing big game
10 commercial services; or

11 (2) violated a provision of a federal or state statute or
12 regulation relating to hunting or provision of big game commercial
13 services.

14 (c) After a hearing, the board shall revoke a license or permit
15 if the board finds that the licensee or permittee

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

18 (2) during the five years immediately preceding the hearing
19 has been convicted of a violation of a federal or state statute or
20 regulation prohibiting

21 (A) waste of a wild food animal;

22 (B) hunting on the same day airborne;

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

24 (D) hunting in an area closed by federal regulation.

25 (d) If a certified copy of a judgment of conviction of a licens-
26 ee or permittee for an offense described under (c)(2) of this section
27 is filed with the board, the board shall immediately suspend the
28 licensee's or permittee's license or permit. The suspension may be
29 orderd even if the conviction resulted from a pleas of nolo

1 contendere or if the conviction is under appeal. The suspension
2 remains in effect until after the final disposition of the
3 disciplinary proceeding under this section.

4 Sec. 08.54.510. DISCIPLINE; GENERAL PROVISIONS. (a) A person
5 who is disciplined under AS 08.54.500 or 08.54.505 may not engage in
6 the provision of big game commercial services during the period of
7 license or permit revocation or other disciplinary action. A person
8 who is licensed under this chapter, or who holds a permit issued under
9 this chapter, may not hire a person whose license or permit to provide
10 big game commercial services is suspended or revoked under AS 08.54.-
11 500 or 08.54.505. A person whose license or permit is suspended or
12 revoked may not be employed by a person who is licensed or who holds a
13 permit under this chapter.

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

17 (c) A certified copy of a judgment of conviction of a licensee
18 or permittee for an offense is conclusive evidence of the commission
19 of that offense in a disciplinary proceeding instituted against the
20 licensee or permittee under AS 08.54.500 or 08.54.505 based on that
21 conviction, regardless of whether the conviction resulted from a plea
22 of nolo contendere or the conviction is under appeal, unless the
23 conviction is overturned on appeal.

24 (d) Within 30 days after conclusion of a hearing under AS 08.-
25 54.500 or 08.54.505, the board shall notify the complainant of the
26 results of the hearing, including written reasons justifying a deci-
27 sion not to take disciplinary action.

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

29 (1) person who is licensed or who holds a commercial use

1 permit under this chapter to fail to timely report to the Department
2 of Public Safety, division of fish and wildlife protection, and in no
3 event later than 30 days, a violation of a state fish, game, or big
4 game commercial services statute or regulation that the person reason-
5 ably believes was committed by a client or an employee of the person;

6 (2) person who is licensed or who holds a commercial use
7 permit under this chapter to

8 (A) commit or aid the commission of a violation of
9 this chapter, a regulation adopted under this chapter, or a state
10 fish or game statute or regulation; or

11 (B) permit the commission of a violation of this
12 chapter, a regulation adopted under this chapter, or a state fish
13 or game statute or regulation that the person knows or reasonably
14 believes is being or will be committed without

15 (i) attempting to prevent it, short of using
16 force; and

17 (ii) reporting it;

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

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

24 (5) guide-outfitter, marine mammal guide-outfitter, or
25 transporter to fail to transmit to the department big game conserva-
26 tion fees due under AS 16.05.344;

27 (6) class-A guide-outfitter or an assistant guide-outfitter
28 to provide guide-outfitting services in the field on a
29 guided-outfitted hunt except while employed and supervised by a

1 guide-outfitter; or

2 (7) person to provide guide-outfitter services without
3 having a current guide-outfitter marine mammal guide-outfitter,
4 class-A guide-outfitter, or assistant guide-outfitter license and
5 hunting license in actual possession;

6 (8) person without a current guide-outfitter or marine
7 mammal guide-outfitter license to advertise as or represent to be a
8 guide-outfitter;

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

11 (10) class-A guide-outfitter or an assistant guide-outfitter
12 to contract for a hunt;

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

16 (b) A person who commits an offense set out in (a)(1) - (6) of
17 this section is guilty of a misdemeanor and is punishable by a fine of
18 not more than \$30,000 or by imprisonment for not less than two months
19 or more than one year, or both.

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

22 (1) for a first offense, of a misdemeanor and is punishable
23 by a fine of not more than \$30,000 or by imprisonment for not less
24 than two months or more than one year, or both;

25 (2) for a second or subsequent offense, of a felony and is
26 punishable by a fine of not more than \$50,000 or by imprisonment for
27 not more than three years.

28 (d) A person who violates (a)(11) of this section, is guilty of
29 a felony punishable, upon conviction, by a fine of not more than

1 \$50,000 and by imprisonment for not more than three years.

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

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

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

12 (f) Upon conviction of a person for committing an offense set
13 out in (a) of this section, the court may not suspend imposition of
14 sentence.

15 Sec. 08.54.530. INJUNCTION AGAINST UNLAWFUL ACTION. When in the
16 judgment of the board a person has engaged in an act in violation of
17 AS 08.54.380(b), 08.54.390(b), 08.54.400(b), 08.54.510(a), and 08.54.-
18 520 or the regulations adopted under them, the board may apply to the
19 appropriate court for an order enjoining the action. Upon a showing
20 by the board that the person is engaging in the act, the court shall
21 grant injunctive relief or other appropriate order without bond.

22 Sec. 08.54.540. RESPONSIBILITY OF GUIDE-OUTFITTER FOR VIOLA-
23 TIONS. A guide-outfitter who contracts to guide-outfit a hunt is
24 equally responsible under AS 08.54.500 for a violation of a federal or
25 state sport fish, game, or guide-outfitting statute or regulation
26 committed by a class-A guide-outfitter or an assistant guide-outfitter
27 while in the course of the class-A guide-outfitter's or assistant
28 guide-outfitter's employment for the guide-outfitter.

29 **ARTICLE 7. GENERAL PROVISIONS.**

1 Sec. 08.54.550. HUNT RECORDS; CONFIDENTIALITY OF HUNT RECORDS
2 AND ACTIVITY REPORTS. (a) The department shall collect and maintain
3 hunt records provided by guide-outfitters or marine mammal guide-out-
4 fitters. A hunt record must include a list of all big game hunters
5 who used the services of the guide-outfitter or marine mammal guide-
6 outfitter, the number of each big game species taken, and other infor-
7 mation required by the board. The department shall provide forms for
8 reporting hunt records.

9 (b) The department shall make hunt records, and activity reports
10 received under AS 08.54.400, available to state and federal agencies
11 charged with the enforcement of statutes and regulations relating to
12 guide-outfitting or game or with management of game if requested for
13 game management or law enforcement purposes. Aggregated data compiled
14 from hunt records and activity reports may be included in reports by
15 the department. For all other purposes, the hunt records and activity
16 reports are confidential and are not subject to inspection or copying
17 under AS 09.25.110 - 09.25.125.

18 Sec. 08.54.590. DEFINITIONS. In this chapter

19 (1) "big game" means brown bear, grizzly bear, polar bear,
20 caribou, moose, black bear, bison, Sitka blacktail deer, elk, mountain
21 goat, musk-ox, wolf, wolverine, mountain or Dall sheep, and walrus;

22 (2) "board" means the Big Game Commercial Services Board;

23 (3) "department" means the Department of Commerce and
24 Economic Development;

25 (4) "guide-outfit" means to provide big game commercial
26 hunting services, for compensation, in the field but does not include
27 transportation services;

28 (5) "field" means an area outside of established year-round
29 dwellings, businesses, or other developments usually associated with a

1 city, town, or village; "field" does not include permanent hotels or
2 roadhouses on the state road system;

3 (6) "transportation services" means the carriage for com-
4 pensation of big game hunters, their equipment, or big game animals
5 harvested by hunters to, from, or in the field;

6 (7) "unethical activity" means

7 (A) deception or misrepresentation involving prospec-
8 tive or actual clients either before, during, or following the
9 provision of big game commercial services, including misrepresen-
10 tations through private or public advertising of the type, dura-
11 tion, cost, or conditions of the services;

12 (B) making a guaranty that a species or certain number
13 of species of game will be taken on a hunt;

14 (C) engaging in unsafe or unsportsmanlike activities
15 that are detrimental to the game resources of the state, as
16 defined by regulations of the board, including violations of
17 state hunting or big game commercial services statutes or regu-
18 lations; or

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

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

23 Sec. 16.05.344. BIG GAME CONSERVATION FEE. (a) A big game
24 conservation fee is due to the state for each animal taken by a hunter
25 who

26 (1) takes an animal for which the hunter is required to
27 have a big game tag under AS 16.05.340; and

28 (2) utilizes the services of a guide-outfitter, marine
29 mammal guide-outfitter, or transporter licensed under AS 08.54 to

1 facilitate the taking of that animal.

2 (b) The big game conservation fee is equal to 25 percent of the
3 big game tag fee set out in AS 16.05.340.

4 (c) The big game conservation fee shall be paid by the guide-
5 outfitter or marine mammal guide-outfitter who contracted to guide-
6 outfit the hunt on which the animal was taken. If the animal was not
7 taken on a guide-outfitted hunt, then the fee shall be paid by the
8 transporter who transports the animal from the field.

9 (d) A guide-outfitter, marine mammal guide-outfitter, or trans-
10 porter shall pay fees due under this section to the Department of
11 Commerce and Economic Development at the time of application for
12 renewal of a guide-outfitter license, marine mammal guide-outfitter
13 license, or transporter license. If the person who owes the fee due
14 under this section does not apply for renewal of a license under AS
15 08.54, the person shall pay the fee to the Department of Commerce and
16 Economic Development by the end of the calendar year in which the
17 animal was taken.

18 (e) The commissioner of administration shall separately account
19 for big game conservation fees deposited in the general fund by the
20 Department of Commerce and Economic Development. The annual estimated
21 balance in the account may be used by the legislature to make appro-
22 priations to the Department of Fish and Game and the Department of
23 Public Safety to carry out their respective responsibilities for
24 management of game resources and enforcement of game laws.

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

26 (a) It is unlawful for a nonresident to hunt, pursue, or take
27 brown bear, grizzly bear, polar bear, mountain goat, or sheep in this
28 state, unless personally accompanied by

29 (1) a person who is licensed as a guide-outfitter, [MASTER

1 GUIDE, REGISTERED GUIDE,] class-A guide-outfitter, [ASSISTANT GUIDE]
2 or assistant guide-outfitter [GUIDE] by the Big Game Commercial Ser-
3 vices [GUIDE] Board; or

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

5 (A) the spouse of the nonresident; or

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

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

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

14 * Sec. 7. AS 16.05.408(a) is amended to read:

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

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

19 (2) to hunt, pursue, or take a big game animal as defined
20 by the Board of Game unless personally accompanied by a guide-outfit-
21 ter [LICENSED MASTER GUIDE, REGISTERED GUIDE,] or class-A guide-ou-
22 fitter licensed [ASSISTANT GUIDE] under AS 08.54.

23 * Sec. 8. AS 16.05 is amended by adding a new section to read:

24 Sec. 16.05.783. BIG GAME HUNTING CLUBS PROHIBITED. (a) A
25 hunting club may not

26 (1) engage in activities in direct support of big game
27 hunting, including transportation or guide-outfitting of big game
28 hunters; or

29 (2) provide facilities or services for big game hunting.

1 (b) In this section "hunting club" means

2 (1) an organization that offers use of property or services
3 to individuals who pay a membership fee for the privilege of using the
4 property or services for hunting; or

5 (2) a partnership, limited partnership, corporation, or
6 unincorporated association through which property is jointly owned,
7 leased, or otherwise held by members of the entity and through which
8 the members are entitled to use the property for hunting.

9 * Sec. 9. AS 39.50.200(b)(48) is amended to read:

10 (48) Big Game Commercial Services [GUIDE] Board AS 08.54.-
11 300 [(AS 08.54.010)]; and

12 * Sec. 10. AS 41.23.420(d) is amended to read:

13 (d) The provisions of AS 41.23.400 - 41.23.510 do not affect the
14 authority of

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

18 (2) the Department of Environmental Conservation under AS
19 46.03; or

20 (3) state agencies and municipalities under AS 44.19.145(a)-
21 (11) and AS 46.40.100.

22 * Sec. 11. AS 44.62.330(a)(35) is amended to read:

23 (35) Big Game Commercial Services [GUIDE LICENSING AND
24 CONTROL] Board

25 * Sec. 12. TRANSITION: GUIDE-OUTFITTER LICENSES. (a) Notwithstanding
26 the repeal of AS 08.54.010 - 08.54.240, all licenses issued under AS 08.-
27 54.010 - 08.54.240 are valid for the period for which the licenses were is-
28 sued.

29 (b) For the purposes of AS 08.54.300 - 08.54.590 as enacted by sec. 3

1 of this Act, until new licenses are issued under this section, a

2 (1) master guide license issued under former AS 08.54.100 and a
3 registered guide license issued under former AS 08.54.110 shall be con-
4 sidered a guide-outfitter license issued under AS 08.54.350;

5 (2) class-A assistant guide license issued under former AS 08.-
6 54.120 shall be considered a class-A guide-outfitter license issued under
7 AS 08.54.380;

8 (3) an assistant guide license issued under former AS 08.54.140
9 shall be considered an assistant guide-outfitter license issued under
10 AS 08.54.390.

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

13 (1) a master guide or registered guide shall receive a guide-
14 outfitter license, if the person

15 (A) is in good standing at the time of issuance of the
16 license; and

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

19 (2) a class-A assistant guide shall receive a class-A guide-
20 outfitter license, if the person

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

23 (B) has paid the class-A guide-outfitter license fee;

24 (3) an assistant guide shall receive an assistant guide-out-
25 fitter license, if the person

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

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

29 (d) Notwithstanding (c) of this section, the Department of Commerce

1 and Economic Development may issue a new license under AS 08.54.300 -
2 08.54.590, without an additional fee, to a person licensed under former
3 AS 08.54.010 - 08.54.240 before the next renewal period following the
4 effective date of this Act, if the person satisfies the requirements for
5 the license and the license is valid only for the same period for which the
6 replaced license was issued.

7 * Sec. 13. TRANSITION; OUTFITTERS. (a) Notwithstanding AS 08.54.350,
8 as enacted by sec. 3 of this Act, a natural person is entitled to receive a
9 guide-outfitter license if the person

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

12 (2) registered a camp, cabin, or lodge under AS 16.05.787 during
13 1988;

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

17 (4) passes the guide-outfitter examination administered by the
18 Big Game Commercial Services Board within one year after the effective date
19 of this Act;

20 (5) pays the guide-outfitter license fee and the commercial use
21 permit fee; and

22 (6) possesses a business license to provide guide-outfitting
23 services.

24 (b) A guide-outfitter license issued under (a) of this section is for
25 all purposes a license issued under AS 08.54.350, as enacted by sec. 3 of
26 this Act.

27 (c) A person who satisfies (a)(1) - (3) of this section, holds a
28 business license as a big game outfitter, and pays a license fee set by the
29 Department of Commerce and Economic Development is entitled to receive an

1 interim outfitter license pending a final determination of a person's
2 eligibility for a guide-outfitter license under (a) of this section. The
3 right to receive and hold an interim outfitter license terminates on the
4 earlier of

5 (1) the date of issuance of a guide-outfitter license to the
6 person;

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

9 (3) one year from the effective date of this Act.

10 (d) A person who holds an interim outfitter license, notwithstanding
11 contrary provisions of AS 08.54, may provide transportation to, from, and
12 in the field to big game hunters and supply other services in the field to
13 big game hunters. The person may not provide guiding services. The person
14 is responsible for paying to the Department of Commerce and Economic Devel-
15 opment the big game conservation fee due under AS 16.05.344.

16 (e) A person who holds an interim outfitter license shall promptly
17 report to the Department of Public Safety, division of fish and wildlife
18 protection, but not later than 30 days after the violation, a violation of
19 a state fish, game, or big game commercial services statute or regulation
20 that the person reasonably believes was committed by a client or employee
21 of the person.

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

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

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

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

4 (g) A person who furnishes an affidavit under (f) of this section
5 shall notify the Department of Public Safety of the amount and kinds or
6 species of big game taken by each hunter who uses the base camp, cabin, or
7 permanent lodge to which the affidavit relates. Notice shall be given
8 within 30 days after the game is taken. The Department of Public Safety
9 shall provide the information received under this subsection to the Depart-
10 ment of Fish and Game.

11 (h) A person who

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

15 (2) falsifies an affidavit under (f) of this section is guilty
16 of perjury under AS 11.56.200.

17 (i) In this section,

18 (1) "big game" and "field" have the meaning given in AS 08.54.-
19 590, as enacted by sec. 3 of this Act;

20 (2) "base camp" does not include spike camp, fly camp, or over-
21 night camp;

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

26 (A) providing transportation to or from the field, if the
27 person providing transportation and the persons being transported do
28 not stalk, pursue, track, kill, or attempt to kill big game during the
29 transportation; or

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

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

5 * Sec. 14. INITIAL APPOINTMENTS TO BIG GAME COMMERCIAL SERVICES BOARD.
6 Notwithstanding AS 08.54.300(b), as enacted by sec. 3 of this Act, the
7 initial appointments to the Big Game Commercial Services Board under

8 (1) AS 08.54.300(b)(4) may also be filled by the appointment of
9 a master guide, registered guide, or a class-A assistant guide licensed
10 under former AS 08.54.010 - 08.54.240 or a person who registered a camp,
11 cabin, or lodge under AS 16.05.787 during 1988 and engaged in the business
12 of big game outfitting in 1986, 1987, and 1988;

13 (2) AS 08.54.300(b)(5) may also be filled by the appointment of
14 a person who engaged in the business of providing transportation to big
15 game hunters in 1986, 1987, and 1988.

16 * Sec. 15. TRANSITION. Litigation, hearings, investigations, and other
17 proceedings pending under a law amended or repealed by this Act continue in
18 effect and may be continued and completed notwithstanding an amendment or
19 repeal provided for in this Act. Licenses, orders, and regulations issued
20 or adopted under authority of a law amended or repealed by this Act remain
21 in effect for the term issued or until revoked, vacated, or otherwise
22 modified under the provisions of this Act.

23 * Sec. 16. AS 08.54.010, 08.54.030, 08.54.035, 08.54.040, 08.54.045,
24 08.54.050, 08.54.060, 08.54.070, 08.54.100, 08.54.110, 08.54.120, 08.54.-
25 130, 08.54.140, 08.54.141, 08.54.150, 08.54.160, 08.54.170, 08.54.180,
26 08.54.186, 08.54.190, 08.54.195, 08.54.200, 08.54.210, 08.54.220, 08.54.-
27 230, 08.54.240; AS 16.05.370(b), 16.05.370(c), 16.05.407(e), 16.05.786, and
28 16.05.787 are repealed.

29 * Sec. 17. Sections 4, 6, 12, and 13, ch. 160, SLA 1988 are repealed.

* Sec. 18. This Act takes effect immediately under AS 01.10.070(c).

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FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Big game guiding and commercial
hunting.
Sponsor: Resources
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	76.8	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		6.0				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	33.0	90.0	72.0	60.7	60.7	60.7
CAPITAL						
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: Warren W. Wiley Phone: 465-4100
Division: Commissioner's Office Date: 3/16/89

Approved by Commissioner: [Signature] Date: 3/16/89
Agency: Fish and Game

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

FISCAL NOTE FOR CSSB 140
 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	10.8	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.

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: Senate Resources Components: All
 Requestor: Senate 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						
TOTAL OPERATING		98.8	86.8	72.0	72.0	72.0

CAPITAL						
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REVENUE		103.0	105.5	108.0	110.5	113.0
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER		98.8	86.8	72.0	72.0	72.0
TOTAL		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.

Prepared by: Jennifer Strickler, Administrative Officer Phone: 465-2144
 Division: Occupational Licensing Date: March 14, 1989

Approved by Commissioner: Larry Mercurieff Date: _____
 Agency: Commerce and Economic Development

Distribution (by preparer):

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

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 6 months (PPT), Juneau	\$17.3
Investigator II, Range 16A 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

STAFF 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

STAFF 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

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)	1.4
	\$16.3

Contractual Sub-Total	\$16.3
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COMMODITIES:

Standard operating supplies such as stationery, envelopes, pens, etc.	\$2.0
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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
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TOTAL FY 90 COSTS:	98.8
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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
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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	[12.5]	
	[14.8]	[14.8]

TOTAL FY 92 COSTS:	\$72.0
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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 CSSB 140(Res) 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, CSSB 140(Res) 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
FY 90 Revenue	\$103.0

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
FY 91 Revenue	105.5

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
FY 92 Revenue	\$108.0

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
FY 93 Revenue	\$110.5

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

FY 94 Revenue	\$113.0
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STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: CSSB 140 (Resources)

PUBLISH DATE: 3/20/89

FISCAL NOTE

REQUEST:

Revision Date: <u>15-Mar-89</u>	Agency Affected: <u>Natural Resources</u>
Title: <u>An Act relating to big game hunting and regulation of commercial services.</u>	BRU: <u>Management and Administration</u>
Sponsor: <u>Senate Resources</u>	Components: <u>Commissioners Office</u>
Requestor: <u>Senate Resources</u>	

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						
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REVENUE						
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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.

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

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

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

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: CSSB 140 (Res)
PUBLISH DATE: 3/20/89

FISCAL NOTE

REQUEST:

Revision Date: 3/14/89
Title: Big game guiding and commercial hunting
Sponsor: Senate Resources
Requestor: Senate Resources

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-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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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 SB 140 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: 3/14/89

Approved by Commissioner: D. H. English
Agency: Department of Public Safety

Date: 3/14/89

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Fish and Game
 Title: Big game guiding and
commercial hunting BRU: Wildlife
 Sponsor: Resources Components: _____
 Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES	0	0	0	0	0	0
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						

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

This note did not accompany the bill into committee.

Prepared by: Walter W. Wiley Phone: 465-4100
 Division: Commissioner's Office Date: _____
 Approved by Commissioner: Orin Collinsworth Date: 3.13.89
 Agency: Fish and Game

Distribution (by preparer):

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

RECEIVED
MAR 14 1989

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SENATE COMMITTEE REPORT

FURTHER

2/14/89

DATE TURNED INTO OFFICE 4/10/89

Mr. President:

FINANCE Committee considered SB 144

relocation assistance for federally assisted projects and programs; efd

and recommended

- replace with _____ CS _____) same title
- or adopt _____ CS _____) new title
- attached amendment(s) and technical title change (HB only)
- _____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

FISCAL NOTE(S) ^{DOT/PF (2/15/89)} zero fiscal impact appropriation no FN
 new updated previous
 same as previous fiscal note(s) published _____

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

[Signature]
[Signature]
[Signature]

[Signature]
 Chairman signature and recommendation

Committee Backup attached

740 JFC 4-10-89

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: SB 144
PUBLISH DATE:

REQUEST: FISCAL NOTE

Revision Date:
Title: An Act relating to the Relocation Assistance
for Federal Assisted Programs
Sponsor: DOT&PF
Requestor: Governor

Agency Affected: DOT&PF
BRU: Engineering & Operations
Standards
Components:

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

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

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (THOUSANDS OF DOLLARS)

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

POSITIONS:

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

ANALYSIS: While this bill is estimated to raise annual relocation costs by as much as \$50.0, these payments would come out of individual capital project appropriations and no additional funding is required. These additional costs would be in the form of higher payments to relocates, based upon the schedule of payments authorized in the bill and required by federal law.

Prepared by: Jeffery C. Oates
Division: Engineering and Operations Standards

Phone: 465-2951
Date: February 14, 1989

Approved by Commissioner: *[Signature]*
Agency: Department of Transportation and Public Facilities

Date: 2/15/89

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

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2

SENATE BILL NO. 144

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 relocation assistance for
7 federally assisted projects and programs; and provid-
8 ing for an effective date."

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

10 * Section 1. AS 34.60.040 is amended to read:

11 Sec. 34.60.040. RELOCATION PAYMENTS. (a) When the acquisition
12 of real property for a federally assisted program or project under-
13 taken by a state agency will result in the displacement of a person
14 [ON OR AFTER JANUARY 2, 1971], the state agency responsible for the
15 program or project shall make payment to the displaced person, upon
16 proper application as approved by the state agency, for

17 (1) actual reasonable expenses in moving a person, the
18 person's family, business, farm operation, or other personal property;

19 (2) actual direct losses of tangible personal property as a
20 result of moving or discontinuing a business or farm operation, but
21 not to exceed an amount equal to the reasonable expenses that would
22 have been required to relocate the property as determined by the state
23 agency; and

24 (3) actual reasonable expenses in searching for a replace-
25 ment business or farm.

26 (b) A displaced person eligible for payments under (a) of this
27 section who is displaced from a dwelling and who elects to accept the
28 payments authorized by this subsection in place of payments authorized
29 by (a) of this section may receive a moving expense allowance,

1 determined according to a schedule established by the state agency[,
2 NOT TO EXCEED \$300 AND A DISLOCATION ALLOWANCE OF \$200].

3 (c) A displaced person eligible for payments under (a) of this
4 section who is displaced from a place of business or from a farm
5 operation and who elects to accept the payment authorized by this
6 subsection in place of the payment authorized by (a) of this section,
7 may receive a fixed payment in an amount equal to the average annual
8 net earnings of the business or farm operation, except that this pay-
9 ment shall not be less than \$1,000 [\$2,500] or more than \$20,000. For
10 purposes of this subsection, "average annual net earnings" means
11 one-half of the net earnings of the business or farm operation, before
12 federal and state income taxes, during the two taxable years immedi-
13 ately preceding the taxable year in which the business or farm opera-
14 tion moves from the real property acquired for the project, or during
15 any other period the state agency determines to be more equitable for
16 establishing the earnings, and includes any compensation paid by the
17 business or farm operation to the owner, spouse, or dependents during
18 the applicable period [\$10,000]. In the case of a business, a payment
19 may not be made under this subsection unless the state agency is
20 satisfied that the business

21 (1) cannot be relocated without a substantial loss of its
22 existing patronage; [AND]

23 (2) is not a part of a commercial enterprise having at
24 least one other establishment not being acquired by the state agency
25 or by the United States, which is engaged in the same or similar
26 business; and

27 (3) is not an enterprise whose sole business on the real
28 property acquired is the rental of the real property to others.

29 (d) In addition to the moving expenses allowed under this

1 section, a displaced farm or business may receive a payment, not to
2 exceed \$10,000, for the actual reasonable expenses necessary to rees-
3 tablish the operation at a new site [FOR PURPOSES OF THIS SUBSECTION,
4 "AVERAGE ANNUAL NET EARNINGS" MEANS ONE-HALF OF THE NET EARNINGS OF
5 THE BUSINESS OR FARM OPERATION, BEFORE FEDERAL AND STATE INCOME TAXES,
6 DURING THE TWO TAXABLE YEARS IMMEDIATELY PRECEDING THE TAXABLE YEAR IN
7 WHICH THE BUSINESS OR FARM OPERATION MOVES FROM THE REAL PROPERTY
8 ACQUIRED FOR THE PROJECT, OR DURING ANY OTHER PERIOD THE STATE AGENCY
9 DETERMINES TO BE MORE EQUITABLE FOR ESTABLISHING THE EARNINGS, AND
10 INCLUDES ANY COMPENSATION PAID BY THE BUSINESS OR FARM OPERATION TO
11 THE OWNER, SPOUSE, OR DEPENDENTS DURING THE APPLICABLE PERIOD].

12 * Sec. 2. AS 34.60.050(a) is amended to read:

13 (a) In addition to payments otherwise authorized by this chap-
14 ter, the state agency shall make an additional payment not to exceed
15 \$22,500 [IN EXCESS OF \$15,000], to a displaced person who is displaced
16 from a dwelling actually owned and occupied by the person for not less
17 than 180 days before the initiation of negotiations for the acquisi-
18 tion of the property. This additional payment shall include the
19 following elements:

20 (1) the amount, if any, which, when added to the acquisi-
21 tion cost of the dwelling acquired by the state agency, equals the
22 reasonable cost of a comparable replacement dwelling which is a de-
23 cent, safe and sanitary dwelling adequate to accommodate the displaced
24 person, is reasonably accessible to public services and places of
25 employment and is available on the private market; all determinations
26 required to carry out this paragraph shall be made in accordance with
27 standards established by the state agency making the additional pay-
28 ment;

29

1 (2) the amount, if any, which will compensate the displaced
2 person for any increased interest costs which the displaced person is
3 required to pay for financing the acquisition of the comparable re-
4 placement dwelling; this amount may be paid only if the dwelling
5 acquired by the state agency was encumbered by a bona fide mortgage
6 which was a valid lien on the dwelling for not less than 180 days
7 before the initiation of negotiations for the acquisition of the
8 dwelling; and [THIS AMOUNT SHALL BE EQUAL TO THE EXCESS IN THE AGGRE-
9 GATE INTEREST AND OTHER DEBT SERVICE COSTS OF THAT AMOUNT OF THE
10 PRINCIPAL OF THE MORTGAGE ON THE REPLACEMENT DWELLING WHICH IS EQUAL
11 TO THE UNPAID BALANCE OF THE MORTGAGE ON THE ACQUIRED DWELLING, OVER
12 THE REMAINDER TERM OF THE MORTGAGE ON THE ACQUIRED DWELLING, REDUCED
13 TO DISCOUNTED PRESENT VALUE; THE DISCOUNT RATE SHALL BE THE PREVAILING
14 INTEREST RATE PAID ON SAVINGS DEPOSITS BY COMMERCIAL BANKS IN THE
15 GENERAL AREA IN WHICH THE REPLACEMENT DWELLING IS LOCATED;]

16 (3) reasonable expenses incurred by the displaced person
17 for evidence of title, recording fees, and other closing costs inci-
18 dent to the purchase of the replacement dwelling, but not including
19 prepaid expenses.

20 * Sec. 3. AS 34.60.060 is amended to read:

21 Sec. 34.60.060. REPLACEMENT HOUSING FOR TENANTS AND OTHERS. In
22 addition to amounts otherwise authorized by this chapter, the state
23 agency shall make a payment to or for a displaced person displaced
24 from a dwelling, who is not eligible to receive a payment under
25 AS 34.60.050, if the [WHICH] dwelling was actually and lawfully oc-
26 cupied by the displaced person for not less than 90 days before the
27 initiation of negotiations for acquisition of the dwelling. The
28 payment shall be either

29 (1) the amount necessary to enable the displaced person to

1 lease or rent for a period not to exceed three [FOUR] years and six
2 months, a decent, safe, and sanitary dwelling of standards adequate to
3 accommodate the displaced person in areas not generally less desirable
4 in regard to public utilities and public and commercial facilities,
5 and reasonably accessible to the person's place of employment, but not
6 to exceed \$5,250 [\$4,000]; or

7 (2) the amount necessary to enable the displaced person to
8 make a down payment, including incidental expenses described in
9 AS 34.60.050(a)(3), on the purchase of a decent, safe, and sanitary
10 dwelling of standards adequate to accommodate the displaced person in
11 areas not generally less desirable in regard to public utilities and
12 public and commercial facilities, but not to exceed \$5,250 [\$4,000,
13 EXCEPT THAT IF THIS AMOUNT EXCEEDS \$2,000, THE DISPLACED PERSON MUST
14 EQUALLY MATCH ANY AMOUNT IN EXCESS OF \$2,000 IN MAKING THE DOWN PAY-
15 MENT].

16 * Sec. 4. AS 34.60.140 is amended to read:

17 Sec. 34.60.140. REGULATIONS. State agencies are authorized to
18 adopt regulations to implement this chapter. These regulations [REGU-
19 LATION] shall include provisions relating to

20 (1) a moving expense allowance for displaced persons who
21 move from a dwelling, determined according to a schedule[, NOT TO
22 EXCEED \$300];

23 (2) procedures for an aggrieved person to have a determina-
24 tion of eligibility or amount of payment reviewed by the state agency;

25 (3) eligibility of a displaced person for relocation assis-
26 tance payment, the procedure for displaced persons to claim the pay-
27 ments, amount of the payments; and

28 (4) other regulations necessary to implement the provisions
29 of this chapter.

1 * Sec. 5. This Act takes effect immediately under AS 01.10.070(c).