

ALASKA LEGISLATURE

1379

HOUSE and SENATE FINANCE COMMITTEE FILES, 1995-1996

22

SCS CSFB 335(FIN), continued

SUMMARY:

The adjustments described in this fiscal note will provide the following FY 97 funding for the Guide-Outfitter licensing program:

	<u>FY 95</u>	<u>Fiscal Note Adj.</u>	<u>FY 97</u>
Personal Services	141,159.00	{ 13,800.00}	127,359.00
Travel	11,196.00	{ 7,396.00}	3,800.00
Contractual Services	53,333.00	5,550.00	58,883.00
Supplies	<u>594.00</u>	<u>0.00</u>	<u>594.00</u>
TOTAL:	\$206,282.00	{ 15,646.00}	190,636.00

REVENUE:

Licensing fees from all categories within the guide-outfitter licensing program will have to be adjusted to ensure sufficient fees are collected to fund the program. The following factors are considered in adjusting fees for the program:

- Elimination of the assistant guide-outfitter exams at \$50.00 per examinee x 143 candidates. {7,150.00}
 - Elimination of the Commercial Use Permit (CUP) Holder Application (\$50) x 13 applicants {650.00}
 - Elimination of the CUP Holder (\$100) fees x 36 CUP Holders {3,600.00}
 - Elimination of the Use Area Application (\$50) x 50 applicants {2,500.00}
 - Elimination of Use Area Registration (\$100) fees x 732 registrants {73,200.00}
- Sub-Total Annual Revenue Reduction: {87,100.00}

In addition, elimination of the Commercial Use Permits (CUP) will reduce FY 97 revenue by up to \$68,100.00. The CUP is a fee collected by this department, then transferred to the Departments of Fish and Game, or Public Safety for enforcement. No part of the CUP fee is used to support licensing operations in the Department of Commerce and Economic Development.

SCS CSHB 335(FIN), continued

Section 12, subsection (l) of the bill refers to refunding fees paid in 1996. If refund of the Commercial Use Permit fees collected in 1996 is truly intended under Section 12, subsection (l), then CUP revenue collected by the Department of Commerce and Economic Development to fund enforcement by the Departments of Fish and Game, and Public Safety in FY 96 will not be transferred, using the assumption that the CUP fees will be refunded upon the effective date of the bill. In FY 96, the Department of Fish and Game is anticipating CUP receipts of \$49.6 with approximately half to be shared with the Department of Public Safety.

Section 12, subsection (l) also addresses other 1996 fees that may be subject to refund. If refunds become necessary, greater reductions in revenue can be anticipated as a result.

The following photographs are of a few of the eighty to ninety guide/outfitter sites that were either permitted and left trashed season after season or trespass prior to the implementation of regulations requiring land owner authorization

All of these sites have been either cleaned up or authorized since the 1993 implementation of the regulations requiring the guide/outfitter to secure land owner authorization prior to entering upon state owned land to conduct big game hunting.

George Palmer site (SCR 92-045) at

Site Location: T32N, R21W, SEC. 11 NW/4, SEWARD MERIDIAN
Muskokwim Area Plan
Mgmt. Unit #13 - North Alaska Range
SUBUNIT 13a - Post River

Accessibility: Super Cub (185 with ideal weather conditions)

Permit Status: Issued

Permit Term: June 29, 1992 - November 1, 1992

Aerial Inspection Findings: No camp established - No evidence of unauthorized caching

Departed Palmer site (SCR 92-045) at 2:45PM

Arrived at George Palmer site (SCR 92-046) at 2:55PM

Site Location: T30N, R20W, SEC. 30 SW/4, SEWARD MERIDIAN
Muskokwim Area Plan
Mgmt. Unit #13 - North Alaska Range
(SUBUNIT 13a - Post River

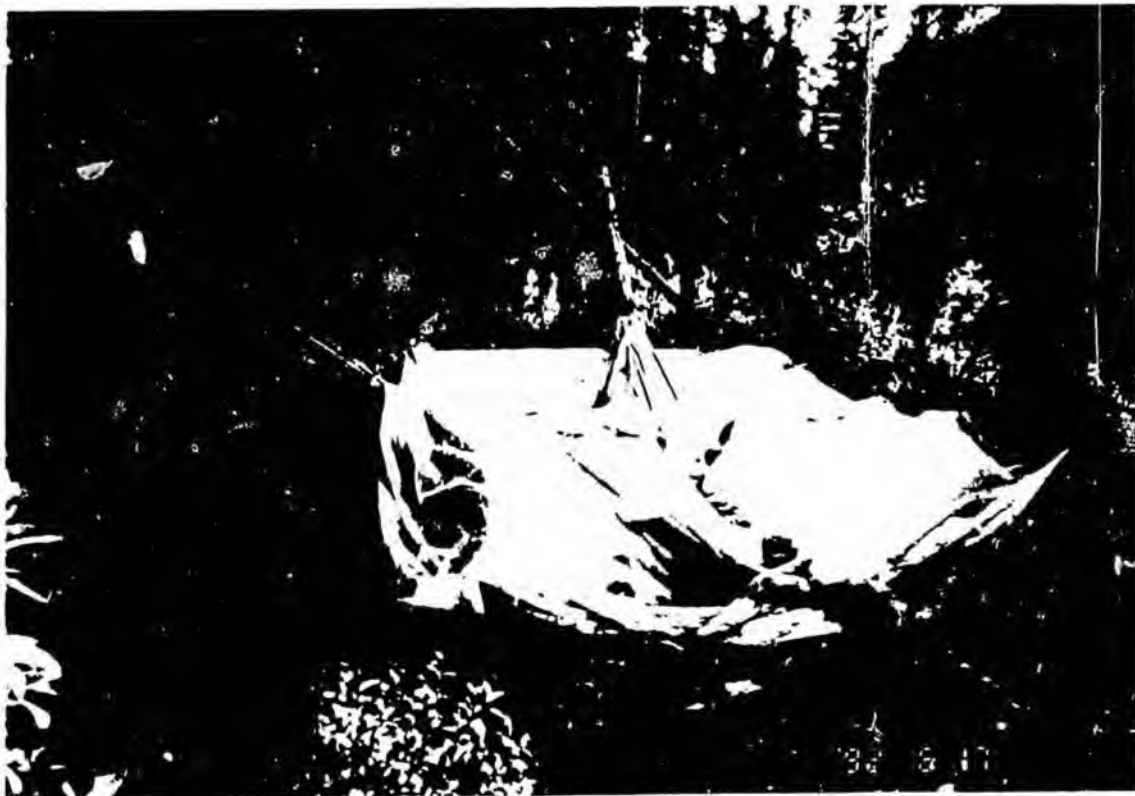
Accessibility: Super Cub (185 with ideal weather conditions)

Permit Status: Issued

Permit Term: June 29, 1992 - November 1, 1992

Aerial Inspection Findings: 1 - wall tent with platform (collapsed)
- cabinets & counters

The privy for this site was not acceptable. It is a 2"x4" nailed between two trees with no pit.





Departed Palmer site (SCR 92-046) at 3:15PM

Aerial survey of a trespass cabin at 5:40PM

Site Location: T23N, R18W, SEC. 07, NW1/4 SM
Susitna Area Plan - Alaska Range
(Subunit 1c- Kichatna Mtns.)

GPS reading: -----

Accessibility - Helicopter & horseback

Status: TRESPASS

Findings:

- log cabin

Comments: In the vicinity of Rainy Pass Lodge which is owned by Vern Humble.
Will contact Mr. Humble in an attempt to identify owner.



Aerial survey of a trespass cabin at 5:40PM

Site Location: T23N, R18W, SEC. 07, NW1/4 SM

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Arrived at abandoned Branham trespass camp at 2:45 PM

Site Location: T17N, R21W, SEC. 06, SE1/4 SW
Kuskokwim Area Plan - Unit #13 - North Alaska Range
Subunit A - Post River)

GPS reading: 61.34.18
153.06.15

Accessibility - Gravel bar landing strip; Super Cub accessible

Status: TRESPASS

Findings:

- abandoned wall tent (no platform)

Comments: Information provided by other commercial operators identified this site as Branham owned. Camp is similar to other Branham camps (single wall tents with no platform).

Will contact Branham and request a proposal on how they intent to come inot compliance with state land use guidelines. They will be required to remove this structure prior to receiving any authorization from the Division of Land authorizing entry upon state owned land to conduct guided hunts.



Arrived at abandoned Branham (trespass camp) at 1:50 PM

Site Location: T12N, R21W, SEC. 08, SE1/4 SM
Kuskokwim Area Plan - Unit #13 - North Alaska Range
Subunit A - Post River)

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Arrived at abandoned Branham (trespass camp) at 2:50PM

Site Location: T17N, R01W, SEC. 08, SE1/4 3M
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Subunit A - Post River)

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Arrived at abandoned Branham (trespass camp) at 2:30PM

Site Location: T17W, R21W, SEC. 08, SE1/4 SM
Kuskokwim Area Plan - Unit #13 - North Alaska Range
Subunit A - Post River)

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Arrived at abandoned Branham (trespass camp, at 2:50PM

Site Location: T17N, R21W, SEC. 08, SE1/4 SM
Kuskokwim Area Plan - Unit #13 - North Alaska Range
Subunit A - Post River)

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Arrived at abandoned Branham trespass camp, at 2:30PM

Site Location: T17N, R21W, SEC. 13, SE1/4 SM
Muskokwim Area Plan - Unit #13 - North Alaska Range
(Subunit A - Post River)

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George Falmer site (SCR 92-044)

Location: TOWN, 311W, SEC. 5 SW, SEWARD MERIDIAN
Kuskokwim Area Plan
Camp. Unit #11 - North Alaska Range
SUBUNIT 13a - Post River

Artifacts: 1 - Digger Two, 135, & 205

Permit Status: Pending payment of additional performance bond
requirement and land use permit fee

Permit Term: July, 1992 - November 1, 1992

Site Inspection Findings: 3 - assembled wall tents (no wood
constructed platforms used) with
sleeping accommodations
1 - large wall tent serving as the mess
hall and furnished kitchen
1 - cabin filled with assorted types of
maintenance equipment
1 - meat shed
1 - two (2) pit privy
1 - jeep with trailer

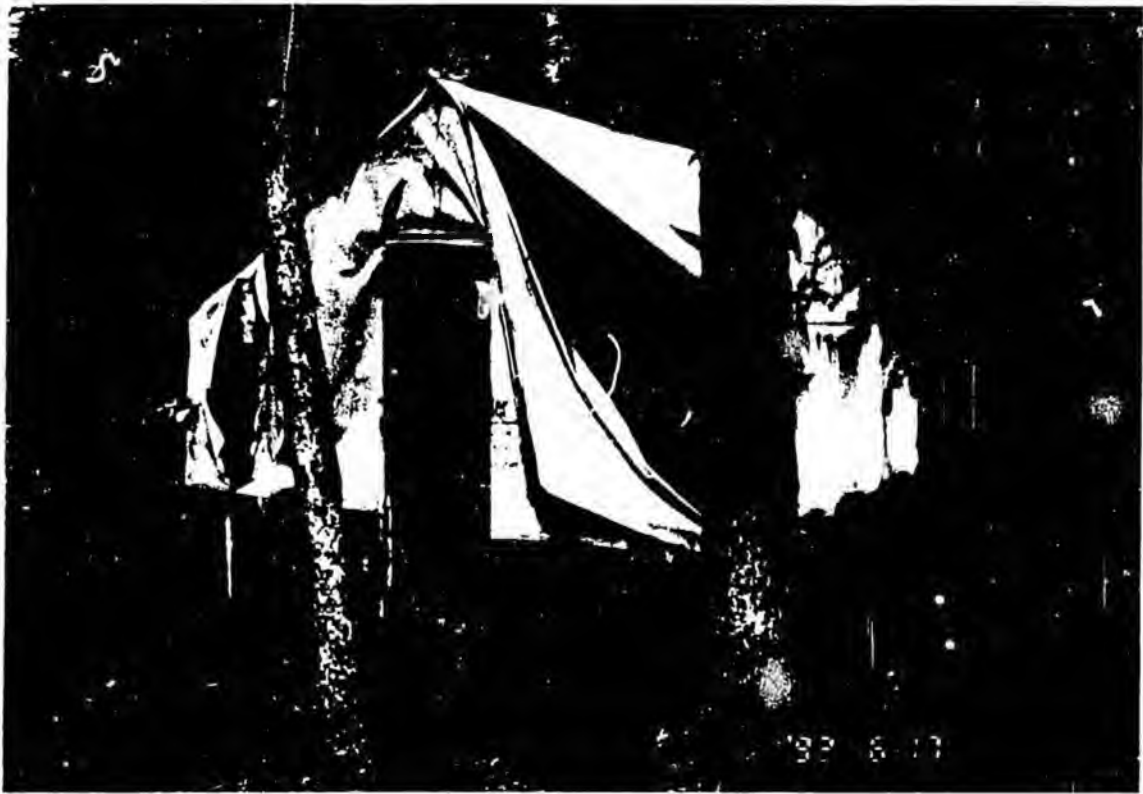
All of the structures found on-site are permanent in nature.

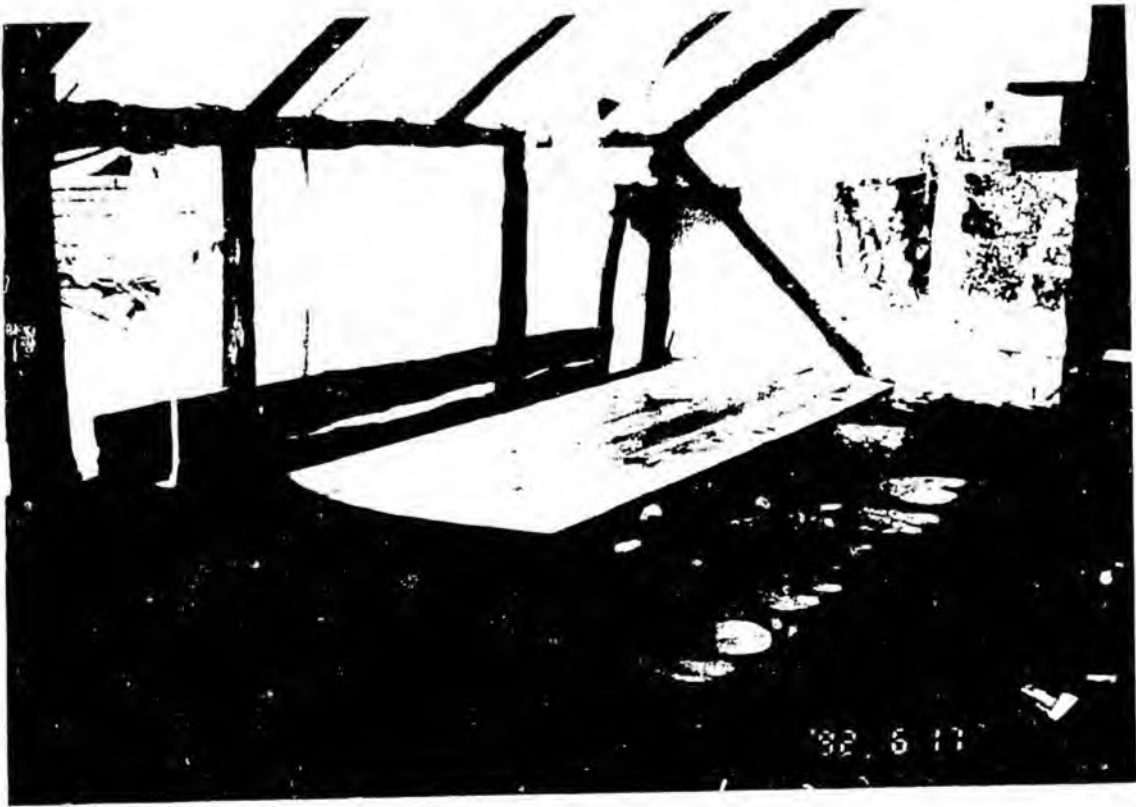
The site was heavily littered with piles of solid waste consisting
of: scrap metal, plastic, fuel containers, and paper.

Food was not removed from the site. Signs of bears frequenting the
area. All food items left on-site have been pillaged by bears.

This camp is occupying more than one acre.

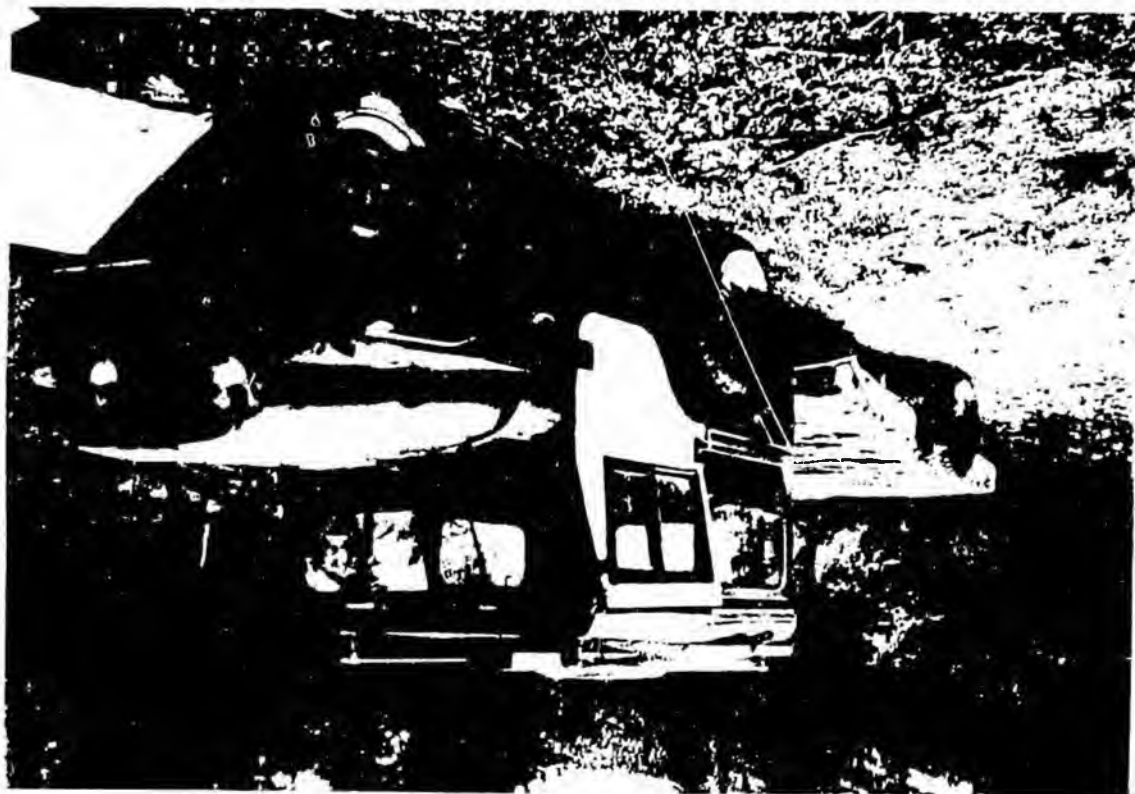








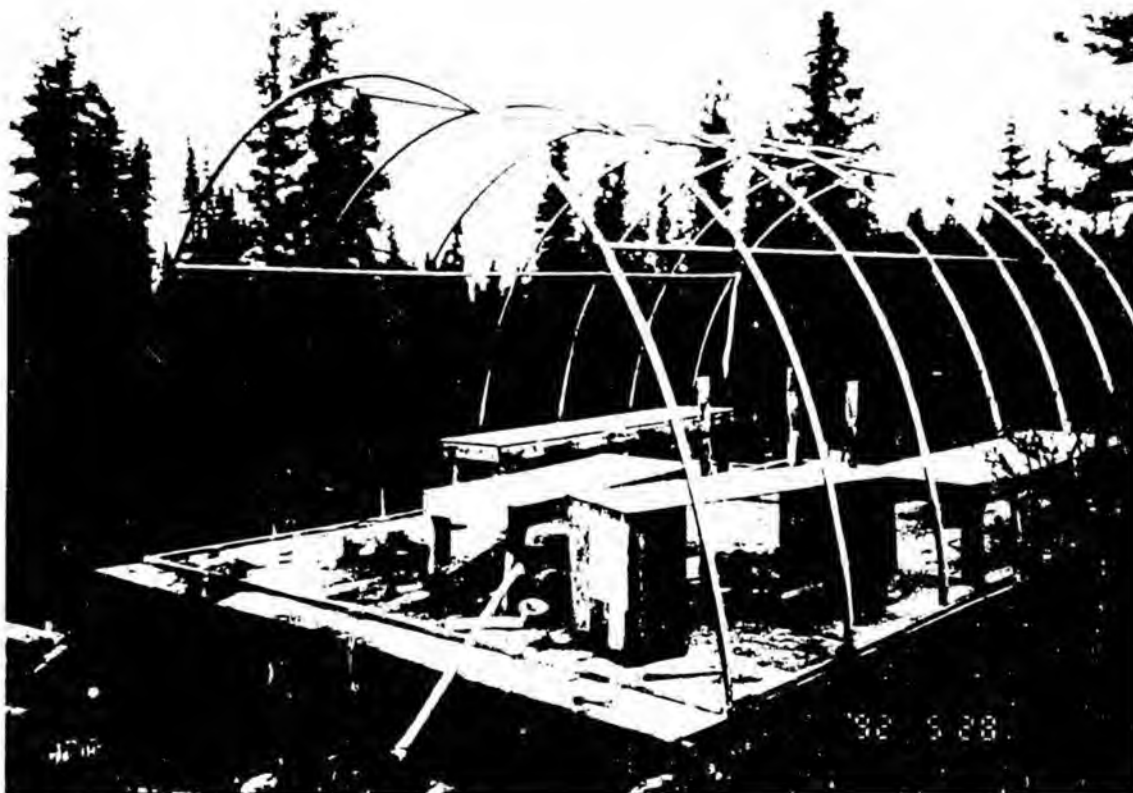
14
Reported Palmer site (SCR 92-044) at 3:55PM



KIRK GAY



308 TRACEY



Arrived at Rod Arno site (SCR 92-075) at 2:15PM

Site Location: T02N, R42W, SEC.23 E¼, SEWARD MERIDIAN
Bristol Bay Area Plan
Nushagak & Mulchatna Rivers Recreation Mgmt. Plan
Mgmt. Unit #19 - Lower Mulchatna Uplands

Loran Reading: N60°15
W156°31.50

Land Use Permit Status: Pending payment of performance bond and
land use fee

Proposed Land Use Permit Term: May 1, 1992 - November 30, 1992

Field Inspection findings: Fly-over - New site - No camp
established

Departed Arno site at 2:25PM

Aerial survey of Branham camp at 6:10PM

Site Location: T23N, R15W, SEC. 29, W1/2 SM
Susitna Area Plan - Susitna Lowlands
(Subunit 2a- Kichatna/Nakochna)

GPS reading: -----

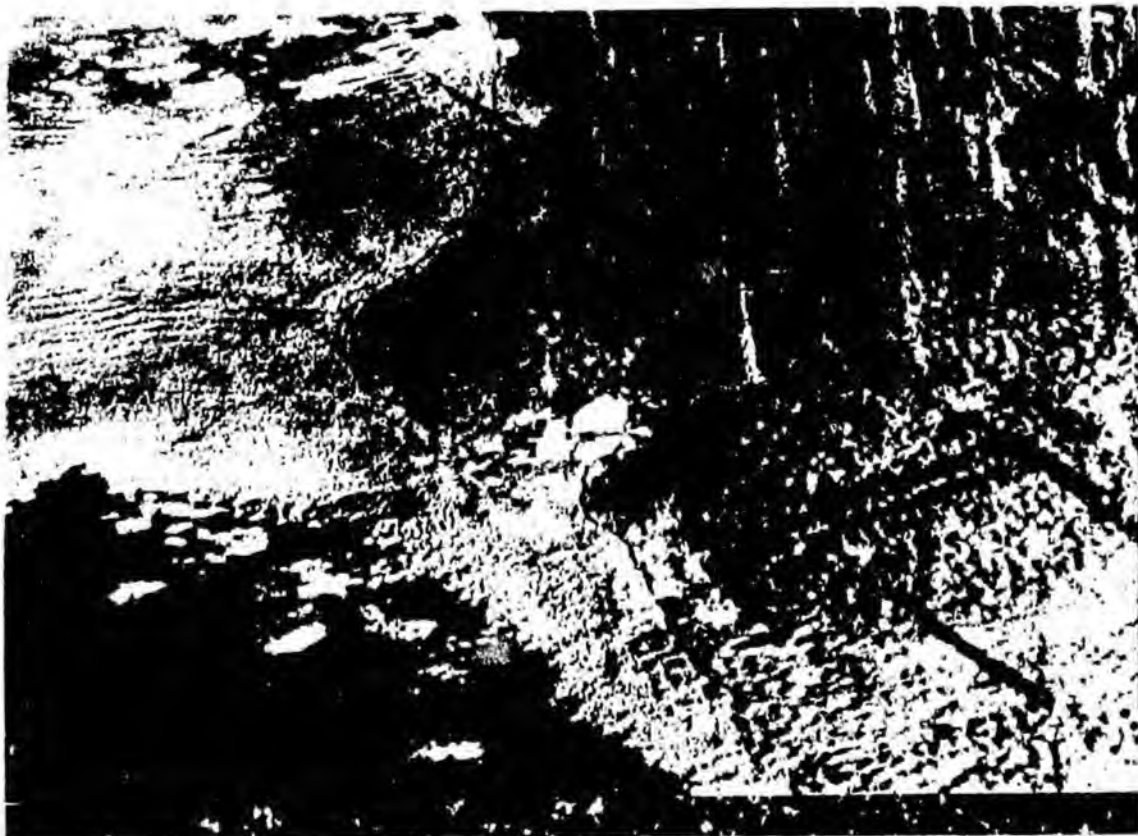
Accessibility - Float plane accessible

Status: **TRESPASS**

Findings:

- wall tent with small stove and cots
- 55 gallon fuel drum
- trash pit
- scattered trash
- toilet facility not established in accordance with ADEC guidelines; surface deposition of human waste

Comments: Branham operated on state owned land after securing a 1993 Registration for Short Term Camps. Six Branham trespass camps identified during this field trip. Will be requesting the PIC not to issue registrations to the three Branhams.



Arrived at trespass Branham camp at 6:00PM

Site Location: T22N, R16W, SEC. 10, NW1/4 SM
Susitna Area Plan - Susitna Lowlands
(Summit 2a- Kichatna/Nakochna)

GPS reading: N62.00.40
W152.11.34

Accessibility - Landing strip; Super Cub accessible

Status: TRESPASS

Findings:

- wall tent with small stove and cots
- 55 gallon fuel drum with fuel
- trash pit
- toilet facility not established in accordance with ADEC guidelines; surface deposition of human waste

Comments: Branham operated on state owned land after securing a 1993 Registration for Short Term Camps. Six Branham trespass camps identified during this field trip. Will be requesting the PIC not to issue registrations to the three Branhams.

The area was covered with picas that had been shot. Apparently food was not being cached properly.



Arrived at trespass Branham camp at 6:00PM

Site Location: T22N, R16W, SEC. 10, NW1/4 SM
Susitna Area Plan - Susitna Lowlands
(Unit 2a- Kichatna/Nakochna)

GPS reading: N62.00.40
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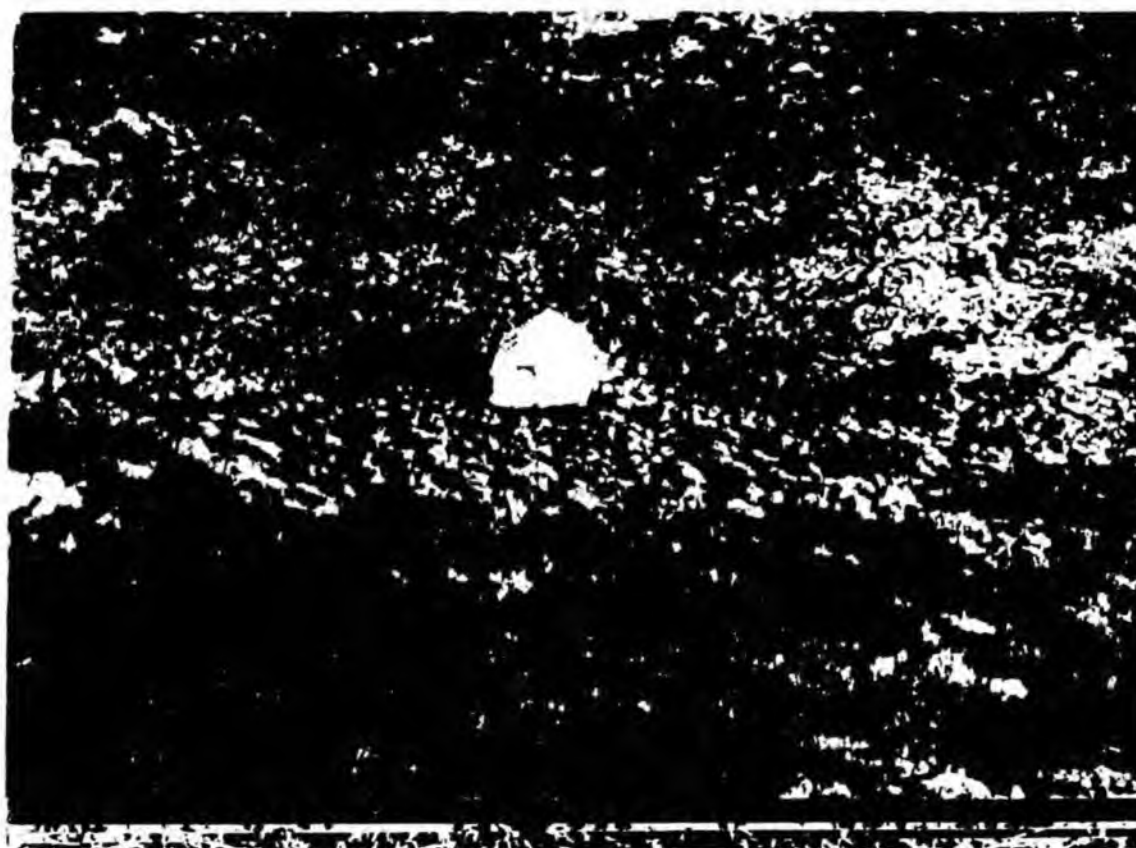
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Susitna Area Plan - Susitna Lowlands
(Subunit 2a- Kichatna/Nakochna)

GPS reading: N62.00.40
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Site Location: T22N, R16W, SEC. 10, NW1/4 SM
Susitna Area Plan - Susitna Lowlands
(Segment 2a- Kichatna/Nakochna)

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GPS reading: N62.00.40
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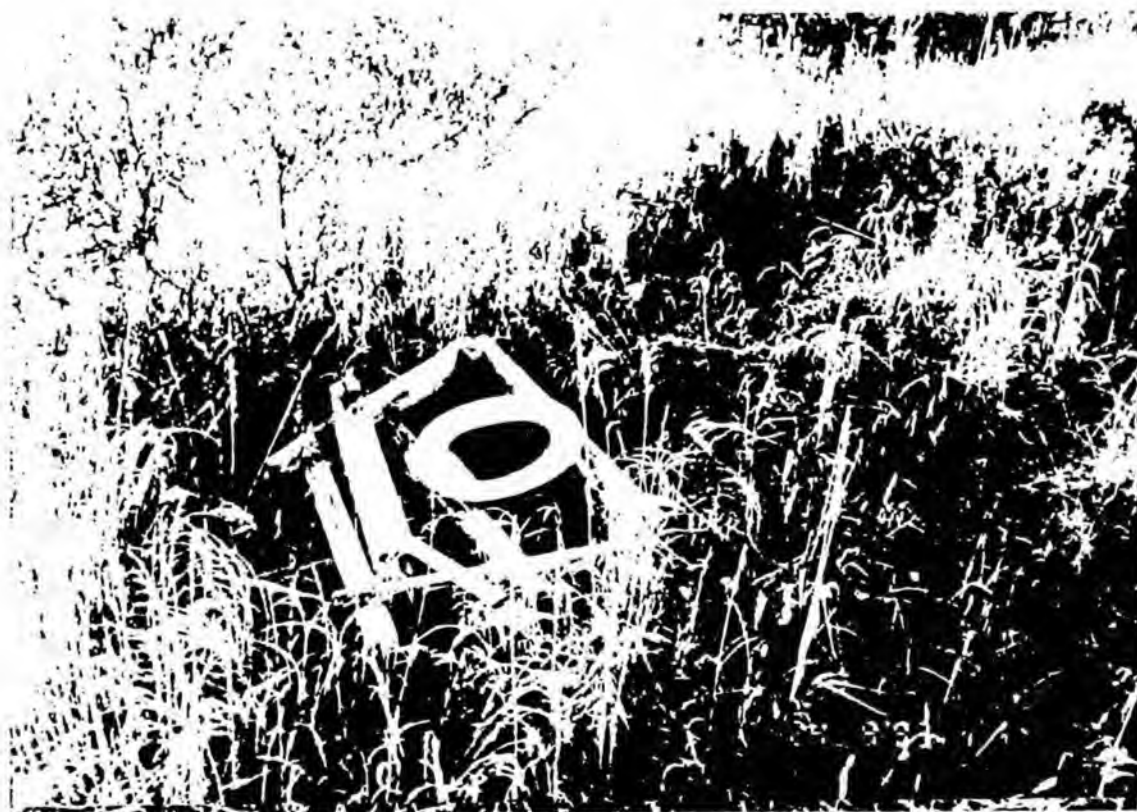
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Arrived at trespass Branham camp at 6:00PM

Site Location: T22N, R16W, SEC. 10, NW1/4 SM
Susitna Area Plan - Susitna Lowlands
(Summit 2a- Kichatna/Nakochna)

GPS reading: N62.00.40
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- 12:25PM: Aerial Survey of trespass camp. Alledged owner's name in file.

LOCATION: T 13, R37W, SW1/4 SEC. 32, SEWARD MERIDIAN

BRISTOL BAY AREA PLAN: UNIT #06 (NUSHAGAK, MULCHATNA)

LORAN READING: N60.01.25; W155.44.33

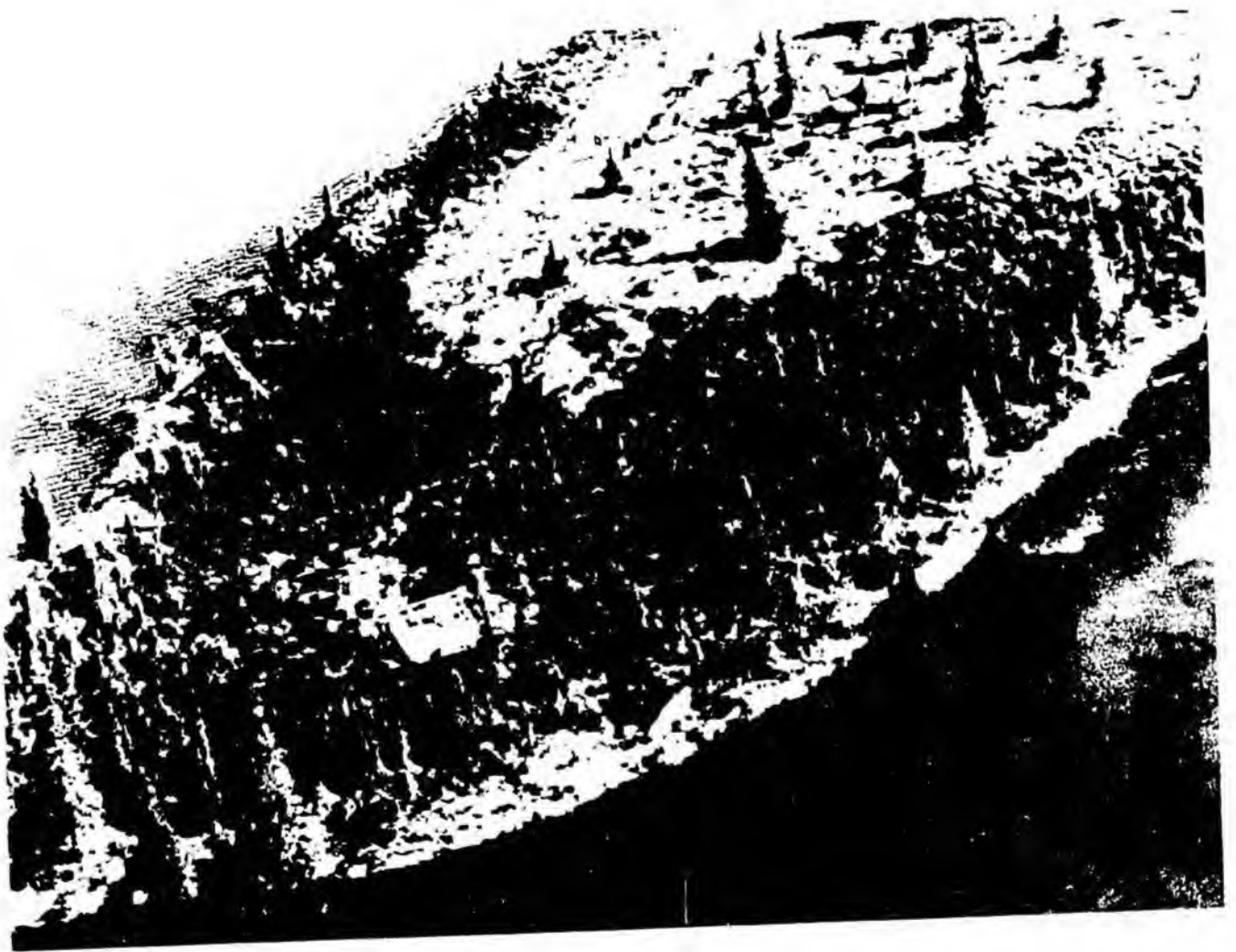
STATUS: TRESPASS

ACCESSIBILITY: Plane on floats

Aerial Survey Observations: Assembled wall tent frame, log platform, pit privy and a boat.







The following are photographs of abandoned, trespass guide/outfitter camps cleaned up by the Southcentral Regional Office, June, 1993.

The restoration project area was half way between McGrath and the southwest boundary of Denali National Park. All of the sites were located in a 10 mile radius of each other.

All solid waste and debris was transported to a larger airstrip and transported to Anchorage's Merrill Field by a 206. The Division of Land disposed of the solid waste and disposal at an Anchorage based solid waste disposal site.

The project duration was 5 days. The approximate cost of the project was \$8,000 not including employee wages, lodging and food costs.

Seward Meridian, T32N, R18W, Section 13 (Within North Alaska Range)

Duration of clean-up: .75 days. Approximate cost: \$1,000

Before







AFTER







Seward Meridian, T31N, R17W, Section 35 (Within North Alaska Range)

Duration of clean-up: 1.5 days. Approximate cost: \$2,000

Before







AFTER



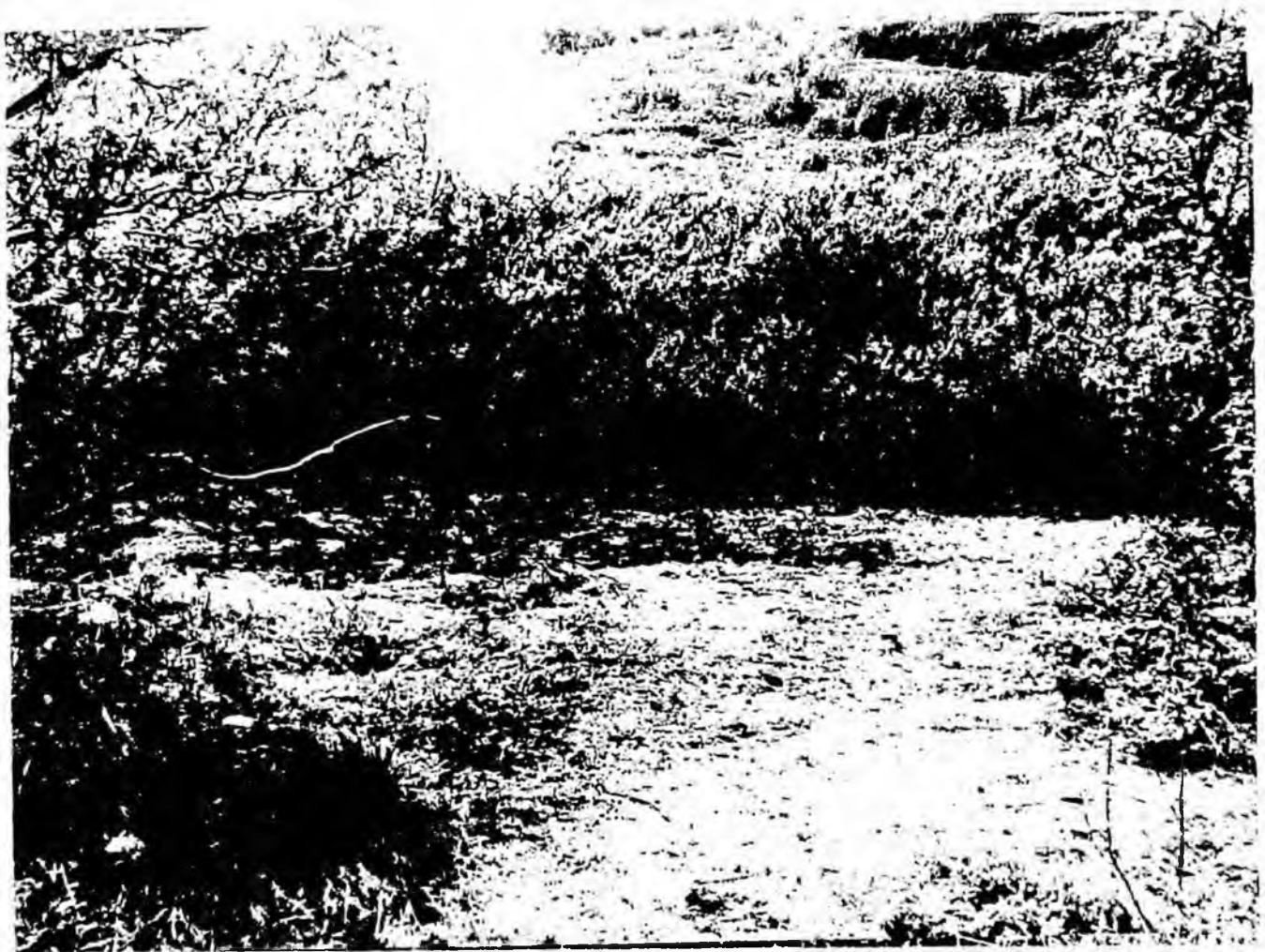


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AFTER





T31N, R16W, Section 17 (Within North Alaska

p: 1.0 day. Approximate cost: \$1,500

Before





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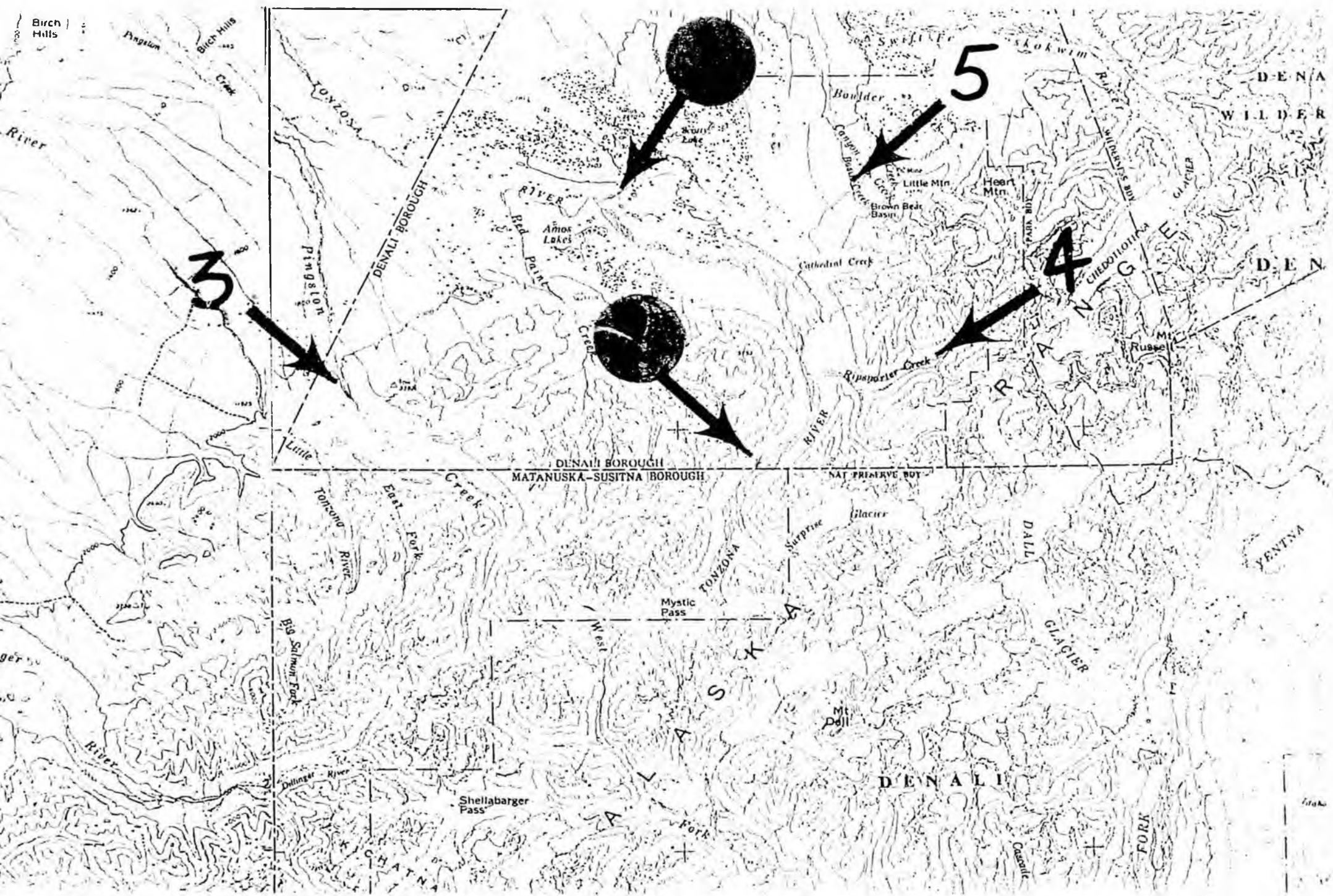


Seward Meridian, T33N, R16W, Section 23 (Within North Alaska Range)

Duration of clean-up: .50 days. Approximate cost: \$500

Before photo only





STATE OF ALASKA

TONY KNOWLES, GOVERNOR

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

OFFICE OF THE COMMISSIONER

P.O. BOX 110800
JUNEAU, ALASKA 99811-0800
PHONE: (907) 465-2500
FAX: (907) 465-3442
TDD: (907) 465-5437

March 29, 1996

The Honorable Rick Halford
Finance Committee Chairman
Alaska State Senate
State Capitol
Juneau, AK 99801-1182

Dear Senator Halford:

I would like to take this opportunity, on behalf of the Departments of Public Safety, Fish & Game, and Commerce & Economic Development, to thank you for the time and effort that you and your staff have expended regarding House Bill 335 and the big game hunting industry. This bill covers most of the concerns of the affected departments.


Protection of public and state resources is one of the Administration's top concerns. By maintaining the regulation of the guiding industry within the Division of Occupational Licensing, both the industry and the state are best served.

The bill has a few areas the Department of Public Safety considers "highlights," or points that they believe will enhance the industry and give the department important law enforcement tools. These include the provisions to limit some convicted felons from entering the industry; the enhanced penalties for certain Wanton Waste and Same Day Airborne offenders; and the much simpler interpretation of the supervision requirement for assistant and Class A assistant guides. But perhaps most important is the license revocation system that is now clearly defined for the court system to implement.

I would be remiss if I did not mention the Department of Labor's concern with expanding the list of individuals who would be exempt from the Alaska Wage and Hour Act. Also, the Department of Natural Resources, Division of Lands, has voiced concern that dropping the requirement for guides to prove permission to access state land may result in misuse of the land as was prevalent before this enforcement tool was first implemented.

In closing, however, please be assured that the Departments of Commerce & Economic Development, Public Safety, and Fish & Game support HB 335 version 9-LS1156\N and appreciate your time and effort on behalf of the industry and the state.

Sincerely,


Jeffrey W. Bush
Deputy Commissioner

JWB/yd150.co
032996a

- cc: Ron Otte, Commissioner, DPS
- Frank Rue, Commissioner, F&G
- John Shively, Commissioner, DNR
- Tom Cashen, Commissioner, DOL
- Pat Pourchot, Legislative Director, Office of the Governor
- Catherine Reardon, Dir., Div. of Occupational Licensing, DCED
- Capt. Joe D'Amico, F&WP
- Representative Scott Ogan

LEGAL SERVICES

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LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

April 1, 1996

SUBJECT: Sectional Summary of SCS CSHB 335(FIN)(version N);
An Act relating to big game guides and transporters.

TO: Senator Rick Halford, Co-chair
Senate Finance Committee

FROM: George Utermohle *GU*
Legislative Counsel

You have requested a sectional summary of SCS CSHB 335(FIN)(version N); An Act relating to big game guides and transporters.

As a preliminary matter, please note that a sectional summary of a bill is not an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Sections 1 and 2 of the bill amend AS 08.01.010 and 08.01.050(a), respectively, to provide that the Department of Commerce and Economic Development is responsible for the regulation of big game guides and transporters under AS 08.54.

Section 3 of the bill amends AS 08.54 by adding new provisions relating to the licensing and regulation of guides and transporters.

ARTICLE 5. BIG GAME GUIDES AND TRANSPORTERS.

Sec. 08.54.600 sets out the duties and powers of the Department of Commerce and Economic Development in regard to licensing and regulation of guides and transporters.

Sec. 08.54.605 sets out the basic requirements for issuance and renewal of any class of guide license and of a transporter license.

Sec. 08.54.610 sets out the licensing requirements for registered guides; provides for use of the title "master guide" by certain registered guides; and provides that registered guides may contract to guide or outfit big game hunts and may provide transportation services to clients.

Sec. 08.54.620 sets out the requirements for a class-A assistant guide license and describes what class-A assistant guides may do and may not do.

Sec. 08.54.630 sets out the requirements for an assistant guide license and describes what assistant guides may do and may not do.

Sec. 08.54.640 restricts the ability of certain law enforcement officers and game biologists to obtain and hold guide licenses.

Sec. 08.54.650 sets out the requirements for issuance and renewal of a transporter license, describes what a transporter may do, and provides for reports by transporters.

Sec. 08.54.660 provides for the renewal of guide and transporter licenses.

Sec. 08.54.670 sets out the requirements for obtaining a guide license, if a licensee has failed to renew a license for two consecutive years.

Sec. 08.54.680 sets out the financial responsibility requirements for guides and transporters and minimum qualifications for guides who fly clients while guiding.

ARTICLE 6. ENFORCEMENT.

Sec. 08.54.710 sets out provisions relating to the discipline of guides and transporters by the department.

Sec. 08.54.720 sets out the unlawful acts that guides, transporters, and unlicensed persons may not engage in and establishes penalties for violating those prohibitions.

Sec. 08.54.730 authorizes the department to seek an injunction to stop a person from violating certain provisions of AS 08.54.

Sec. 08.54.740 provides that registered guides and transporters are equally liable under sec. 08.54.710 for violations of certain laws committed by certain persons who are employed by a registered guide or transporter.

ARTICLE 7. MISCELLANEOUS PROVISIONS.

Sec. 08.54.750 provides that registered guides may operate in only three guide use areas during a calendar year. Registered guides must register in advance with the Department of Commerce and Economic Development before operating in a use area. The Department of Fish and Game may suspend certain registration requirements under certain conditions.

Sec. 08.54.760 provides that registered guides must submit hunt records and that the hunt records will be kept confidential except for game management and enforcement purposes.

Sec. 08.54.770 authorizes the department to set fees for licenses, license applications, and examinations.

Sec. 08.54.790 defines key terms used in AS 08.54.

Senator Rick Halford

April 1, 1996

Page 3

Section 4 of the bill amends AS 12.55.125(e), relating to penalties for class C felonies, in order to conform to penalties imposed under Sec. 3 (sec. 08.54.720) of the bill.

Section 5 of the bill amends AS 16.05.195(a), relating to forfeiture of equipment used to violate fish and game laws, to conform to forfeiture provisions under Sec. 3 (sec. 08.54.720(f)(4)) of the bill.

Sections 6 - 9 of the bill make technical and conforming changes to AS 16.05.407 and 16.05.408, relating to the guide requirement for nonresident and nonresident alien hunters.

Section 10 of the bill amends AS 23.10.055 to exempt persons who are licensed under AS 08.54 and who are employed by a registered or master guide from the state wage and hour laws for the first 60 work days of their employment for the registered guide or master guide during a calendar year.

Section 11 of the bill amends AS 41.23.420(d) by making a technical amendment to conform to the changes made by sec. 3 of the bill.

Section 12 of the bill amends AS 44.62.330(a)(35), relating to responsibility for administrative adjudications under the Administrative Procedures Act, to conform to the transfer of licensing and related functions for guides and transporters to the Department of Commerce and Economic Development.

Section 13 of the bill provides for the transition from licenses issued by the Big Game Commercial Services Board and the Department of Commerce and Economic Development to licenses issued under this bill; provides that certain fees paid before this bill takes effect shall be refunded; establishes temporary license fees for guides and transporters; and authorizes the Department of Commerce and Economic Development to adopt emergency regulations as necessary to implement this bill.

Section 14 of the bill provides a temporary transition provision for implementation of guide use area registration under Sec. 3 (sec. 08.54.750(a)) of the bill.

Section 15 of the bill provides how this bill is to be construed in light of past actions of the Department of Commerce and Economic Development and the governor.

Section 16 of the bill provides for the repeal of the former guide-outfitter statutes under AS 08.54 and related statutes.

Section 17 of the bill provides that the bill takes effect immediately.

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9-LS1156\W
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SENATE CS FOR CS FOR HOUSE BILL NO. 335(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES OGAN, Toohey, Rokeberg

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to big game guides and transporters; and providing for an
2 effective date."

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

4 * Section 1. AS 08.01.010 is amended by adding a new paragraph to read:

5 (37) regulation of big game guides and transporters under AS 08.54.

6 * Sec. 2. AS 08.01.050(a) is amended to read:

7 (a) The department shall perform the following administrative and budgetary
8 services when appropriate:

9 (1) collect and record fees;

10 (2) maintain records and files;

11 (3) issue and receive application forms;

12 (4) notify applicants of acceptance or rejection as determined by the

13 board or as determined by the department under AS 08.06 for acupuncturists, under

14 AS 08.11 for audiologists, under AS 08.18 for contractors, under AS 08.40 for electrical

15 and mechanical administrators, under AS 08.45 for naturopaths, under AS 08.54 for big

1 game guides and transporters, under AS 08.55 for hearing aid dealers, or under
2 AS 08.70 for nursing home administrators;

3 (5) designate dates examinations are to be held and notify applicants;

4 (6) publish notice of examinations and proceedings;

5 (7) arrange space for holding examinations and proceedings;

6 (8) notify applicants of results of examinations;

7 (9) issue licenses or temporary licenses as authorized by the board or as
8 authorized by the department under AS 08.06 for acupuncturists, under AS 08.11 for
9 audiologists, under AS 08.18 for contractors, under AS 08.40 for electrical and
10 mechanical administrators, under AS 08.45 for naturopaths, under AS 08.54 for big
11 game guides and transporters, under AS 08.55 for hearing aid dealers, or under
12 AS 08.70 for nursing home administrators;

13 (10) issue duplicate licenses upon submission of a written request by the
14 licensee attesting to loss of or the failure to receive the original and payment by the
15 licensee of a fee established by regulation adopted by the department;

16 (11) notify licensees of renewal dates at least 30 days before the
17 expiration date of their licenses;

18 (12) compile and maintain a current register of licensees;

19 (13) answer routine inquiries;

20 (14) maintain files relating to individual licensees;

21 (15) arrange for printing and advertising;

22 (16) purchase supplies;

23 (17) employ additional help when needed;

24 (18) perform other services that may be requested by the board;

25 (19) provide inspection, enforcement, and investigative services to the
26 boards and for the occupations listed in AS 08.01.010 [,] regarding all licenses issued by
27 or through the department;

28 (20) retain and safeguard the official seal of a board and prepare, sign,
29 and affix a board seal, as appropriate, for licenses approved by a board;

30 (21) issue business licenses under AS 43.70.

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

32 ARTICLE 5. BIG GAME GUIDES AND TRANSPORTERS.

1 Sec. 08.54.600. DUTIES AND POWERS OF DEPARTMENT. The Department
2 of Commerce and Economic Development shall

3 (1) prepare, grade, and administer

4 (A) a written and oral examination of an applicant for a registered
5 guide license that requires demonstration that the applicant is qualified generally
6 to provide guided and outfitted hunts and, in particular, to guide and outfit in
7 each game management unit for which the applicant seeks to be certified; if an
8 applicant demonstrates limited ability to read or write the English language, the
9 entire examination shall be administered orally; and

10 (B) an oral examination of a registered guide who seeks an
11 amendment of a game management unit certification; the examination must
12 require demonstration that the registered guide is qualified to provide guided and
13 outfitted hunts in each new game management unit for which the registered guide
14 seeks to be certified;

15 (2) issue registered guide, master guide, class-A assistant guide, assistant
16 guide and transporter licenses;

17 (3) compile, maintain, and publish an annual roster of registered guides
18 subject to this chapter who have not been convicted of a violation of a state or federal
19 statute or regulation relating to the provision of big game hunting services; a person
20 listed in the roster whose license is revoked or suspended shall be removed from the
21 roster while the person's license is revoked or suspended;

22 (4) after a hearing, revoke, suspend, or deny renewal of a license under
23 AS 08.54.600 - 08.54.790;

24 (5) require an applicant for issuance or renewal of any class of guide
25 license or of a transporter license to state in a written and signed document whether the
26 applicant's right to obtain, or exercise the privileges granted by, a sport fishing, hunting,
27 trapping, or guiding license is revoked or suspended in another state;

28 (6) regularly disseminate information regarding examinations and other
29 qualifications for all classes of guide licenses to residents of the rural areas of the state;

30 (7) adopt procedural and substantive regulations required by this chapter.

31 Sec. 08.54.610. REGISTERED GUIDE LICENSE. (a) A natural person is
32 entitled to a registered guide license if the person

- 1 (1) is 21 years of age or older;
- 2 (2) has practical field experience in the handling of firearms, hunting,
- 3 judging trophies, field preparation of meat and trophies, first aid, photography, and
- 4 related guiding and outfitting activities;
- 5 (3) is familiar with the terrain and transportation problems in the game
- 6 management unit for which certification is requested;
- 7 (4) has passed the qualification examinations prepared and administered
- 8 by the department;
- 9 (5) has not been convicted of
- 10 (A) a state or federal hunting or guiding statute or regulation
- 11 within the last five years for which the person was fined more than \$500 or
- 12 imprisoned for more than five days; or
- 13 (B) a felony within the last 10 years;
- 14 (6) has legally hunted in the state for part of each of any five years in
- 15 a manner directly contributing to the person's experience and competency as a guide;
- 16 (7) has been licensed as and performed the services of a class-A assistant
- 17 guide or assistant guide, or a class-A assistant guide-outfitter or assistant guide-outfitter
- 18 under former AS 08.54.300 - 08.54.590, in the state for a part of each of three years;
- 19 (8) has demonstrated a current knowledge of fishing, hunting, and
- 20 guiding regulations;
- 21 (9) is capable of performing the essential duties associated with guiding
- 22 and outfitting;
- 23 (10) has been favorably recommended in writing by eight big game
- 24 hunters, at least two for each year of the person's most recent three years as a class-A
- 25 assistant guide or assistant guide, or as a class-A assistant guide-outfitter or assistant
- 26 guide-outfitter under former AS 08.54.300 - 08.54.590, when the person has guided or
- 27 assisted in guiding, whose recommendations have been solicited by the department from
- 28 a list provided by the applicant;
- 29 (11) possesses a business license to provide guiding services; and
- 30 (12) has paid the registered guide license fee.
- 31 (b) A master guide license authorizes a registered guide to use the title master
- 32 guide, but is for all other purposes under this chapter a registered guide license. A

1 natural person is entitled to receive a renewable master guide license if

2 (1) the person

3 (A) is, at the time of application for a master guide license,
4 licensed as a registered guide under this section;

5 (B) has not been convicted of

6 (i) a state or federal hunting or guiding statute or
7 regulation within the last five years for which the person was fined more
8 than \$500 or imprisoned for more than five days; or

9 (ii) a felony within the last 10 years;

10 (C) has been licensed in this state as a guide or a guide-outfitter,
11 under former AS 08.54.010 - 08.54.240, former AS 08.54.300 - 08.54.590, or this
12 chapter, for at least 12 of the last 15 years, including the year immediately
13 preceding the year in which the person applies for a master guide license;

14 (D) submits a list to the department of at least 25 clients for
15 whom the person has personally provided guiding or outfitting services and the
16 person receives a favorable evaluation from 10 of the clients selected from the
17 list by the department; and

18 (E) pays the application fee, if any; or

19 (2) the person

20 (A) received a master guide license under sec. 13, ch. 37, SLA
21 1989, or former AS 08.54.350(b);

22 (B) has annually renewed the license;

23 (C) has not had the license

24 (i) revoked or suspended; or

25 (ii) lapse under AS 08.54.680; and

26 (D) pays the license fee.

27 (c) A registered guide may contract to guide or outfit hunts for big game.

28 (d) A person may not receive a registered guide license if the person's right to
29 obtain, or exercise the privileges granted by, a sport fishing, hunting, trapping, or guide-
30 outfitting license is suspended or revoked in another state.

31 (e) The department shall administer the qualification examinations for
32 registered guides at least twice a year. An examination may not be given within 90 days

1 after the previous examination. At least once every other year the department shall give
2 the examination at a location other than Anchorage.

3 (f) The commissioner of commerce and economic development may order that
4 an applicant for an initial registered guide license under this section be allowed to take
5 the license examination or be issued the license if, after reviewing a petition filed by the
6 applicant, the commissioner finds that

7 (1) the applicant was denied an opportunity to take the license
8 examination or was refused the license;

9 (2) the denial or refusal has not been appealed to the superior court under
10 AS 44.62.560;

11 (3) the denial or refusal was based on

12 (A) an error of fact by the department; or

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

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

17 (5) sustaining the denial or refusal would work a substantial injustice on
18 the applicant.

19 Sec. 08.54.620. RENEWAL OF REGISTERED GUIDE LICENSE. (a) An
20 applicant for renewal of a registered guide license shall submit with the application for
21 renewal

22 (1) the hunt record required under AS 08.54.760 for the current reporting
23 period; and

24 (2) the license fee for the next licensing period.

25 (b) The department may not renew a registered guide license under this section
26 unless all fees have been paid in full and all hunt records due during the term of the
27 current license have been filed with the department.

28 (c) A registered guide license may not be renewed if the licensee's right to
29 obtain, or exercise the privileges granted by, a sport fishing, hunting, trapping, or guiding
30 license is suspended or revoked in another state.

31 Sec. 08.54.630. CLASS-A ASSISTANT GUIDE LICENSE. (a) A natural
32 person is entitled to a class-A assistant guide license if

1 (1) the person

2 (A) has been employed for at least one season as a licensed
3 assistant guide;

4 (B) has had at least 10 years' hunting experience in the game
5 management unit in which the person is to be employed; military service outside
6 the state for not more than three years shall be accepted as part of the required
7 10 years' hunting experience; and

8 (C) pays the license fee; or

9 (2) the person

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

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

16 (C) pays the license fee.

17 (b) A class-A assistant guide

18 (1) may not contract to guide or outfit a big game hunt;

19 (2) shall be employed by and under the supervision of a registered guide
20 who has contracted with the client for whom the class-A assistant guide is conducting
21 the hunt; and

22 (3) may take charge of a camp and conduct guide activities from the
23 camp without the registered guide being present in the area if the registered guide is
24 supervising the guiding activities.

25 (c) A person may not receive a class-A assistant guide license if the person's
26 right to obtain, or exercise the privileges granted by, a sport fishing, hunting, trapping,
27 or guiding license is suspended or revoked in another state.

28 (d) A class-A assistant guide license may not be renewed if the licensee's right
29 to obtain, or exercise the privileges granted by, a sport fishing, hunting, trapping, or
30 guiding license is revoked or suspended in another state.

31 Sec. 08.54.640. ASSISTANT GUIDE LICENSE. (a) A natural person is
32 entitled to an assistant guide license if the person

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- (1) is 18 years of age or older;
- (2) possesses a first aid card issued by the Red Cross or a similar organization;
- (3) possesses a written recommendation by a registered guide who intends to employ the person as an assistant guide;
- (4) is in sound physical condition; and
- (5) pays the license fee.

(b) An assistant guide

- (1) may not contract to guide or outfit a big game hunt; and
- (2) shall be employed by a registered guide and under the supervision of a registered guide or class-A assistant guide ~~at all times~~ while the assistant guide is in the field on guided hunts.

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(c) A person may not receive an assistant guide license if the person's right to obtain, or exercise the privileges granted by, a sport fishing, hunting, trapping, or guiding license is suspended or revoked in another state.

(d) An assistant guide license may not be renewed if the licensee's right to obtain, or exercise the privileges granted by, a sport fishing, hunting, trapping, or guiding license is revoked or suspended in another state.

Sec. 08.54.650. LAW ENFORCEMENT OFFICERS AND GAME BIOLOGISTS. (a) Notwithstanding AS 08.54.610 - 08.54.640 and except as provided in (b) of this section, a person may not hold, or earn experience credits to apply for, a registered guide license, class-A assistant guide license, or assistant guide license under this chapter, while the person is a law enforcement officer and for three months after terminating the person's status as a law enforcement officer.

(b) A registered guide license, class-A assistant guide license, or assistant guide license issued under this chapter, or under former provisions of AS 08.54.300 - 08.54.590, after May 16, 1992, is suspended if the person to whom the license is issued subsequently becomes a law enforcement officer. A person whose license is subject to suspension under this subsection shall notify the department that the person has become a law enforcement officer within 30 days after becoming a law enforcement officer. The suspension of a license under this subsection remains in effect until three months have elapsed from the date on which the licensee provides written notification to the

1 department of the fact that the person is no longer a law enforcement officer. A person
2 whose license is suspended under this subsection is not required to renew the license or
3 pay license renewal fees for the period of suspension. Once a suspension of a license
4 is terminated, the licensee may provide, without further payment of a guide license fee,
5 the guide services authorized by the license for the remainder of the licensing period in
6 which the suspension is terminated. Notwithstanding other provisions of this subsection,
7 if a person whose license is suspended under this subsection fails to notify the
8 department within one year after the person is no longer a law enforcement officer, the
9 person's license lapses and the person is eligible for reissuance of the license only as
10 provided in AS 08.54.680. The department may adopt regulations to implement this
11 subsection.

12 (c) A person who holds any class of guide license and who is employed by the
13 Department of Fish and Game may not, while employed by the department as a game
14 biologist and for 12 months after leaving employment with the department as a game
15 biologist, engage in providing big game hunting services in a game management unit in
16 which the person conducted game management or research activities for the department
17 at any time during the preceding 12 months.

18 (d) In this section, "law enforcement officer" means a person who is

19 (1) employed by the Department of Public Safety as a state trooper or
20 as a law enforcement officer engaged in fish and wildlife protection;

21 (2) employed by the Department of Fish and Game and authorized by the
22 commissioner of fish and game under AS 16.05.150(1) to enforce provisions of AS 16;
23 or

24 (3) authorized by the commissioner of fish and game under
25 AS 16.05.150(3) to enforce provisions of AS 16.

26 Sec. 08.54.660. TRANSPORTER LICENSE. (a) A person is entitled to a
27 transporter license if the person

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

29 (2) has not been convicted of

30 (A) a state or federal hunting or guiding statute or regulation
31 within the last five years for which the person was fined more than \$500 or
32 imprisoned for more than five days; or

1 (B) a felony within the last 10 years;

2 (3) pays the license fee; and

3 (4) has a business license to transport big game hunters.

4 (b) A transporter may provide transportation services and accommodations to big
5 game hunters in the field at a permanent lodge, house, or cabin owned by the transporter
6 or on a boat with permanent living quarters located on salt water. A transporter may not
7 provide big game hunting services without holding the appropriate license.

8 (c) A transporter shall provide an annual activity report on a form provided by
9 the department. An activity report shall contain information required by the department
10 by regulation.

11 (d) An applicant for renewal of a transporter license shall submit with the
12 application for renewal

13 (1) the annual activity report for the second year of the current license;
14 and

15 (2) the license fee for the next licensing period.

16 (e) The department may not renew a transporter license unless all fees have been
17 paid in full and all activity reports due during the term of the current license have been
18 filed with the department.

19 (f) A transporter shall place a decal provided by the department on each plane,
20 boat, vehicle, or other equipment used by the transporter to provide transportation
21 services to big game hunters. The decal must bear the transporter's license number. The
22 decal is valid only for the plane, boat, vehicle, or other equipment for which the decal
23 is issued.

24 Sec. 08.54.670. INSURANCE AND OTHER REQUIREMENTS FOR GUIDES
25 AND TRANSPORTERS. (a) The department may require a registered guide or
26 transporter to provide proof of financial responsibility up to the amount of \$100,000.
27 A registered guide or transporter may demonstrate financial responsibility by assets,
28 insurance, or a bond in the requisite amount.

29 (b) If a registered guide, class-A assistant guide, or an assistant guide personally
30 pilots an aircraft to transport clients during the provision of big game hunting services,
31 the registered guide, class-A assistant guide, or assistant guide shall have a commercial
32 pilot's rating or a minimum of 500 hours of flying time in the state.

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Sec. 08.54.680. FAILURE TO RENEW. (a) The department may not issue a license to a registered guide, class-A assistant guide, or assistant guide who has failed to renew a license issued under this chapter for two consecutive years unless the registered guide, class-A assistant guide, or assistant guide again meets the qualifications for initial issuance of the license.

(b) Notwithstanding (a) of this section, a registered guide who fails to renew a license is not required to requalify under AS 08.54.610(a)(7), unless the license has been lapsed for three or more years.

ARTICLE 6. ENFORCEMENT.

Sec. 08.54.710. DISCIPLINE OF GUIDES AND TRANSPORTERS. (a) The department shall hold a hearing to determine whether a person who holds a license issued under this chapter should be disciplined within a reasonable time after a licensee has been convicted of a violation of a federal or state statute or regulation relating to hunting or provision of big game hunting services. After a hearing, the department may revoke, suspend, or deny renewal of a transporter license or any class of guide license, if the department finds that the licensee had been convicted of violating a provision of a federal or state statute or regulation relating to hunting or provision of big game hunting services.

(b) After a hearing, the department shall revoke a transporter license or any class of guide license if the department finds that the licensee

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

(2) is incompetent as a registered guide, class-A assistant guide, assistant guide or transporter; or

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

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

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(c) If a certified copy of a judgment of conviction of a licensee who holds a transporter license or any class of guide license for an offense described under (b)(3) of

1 this section is filed with the department, the department shall immediately suspend the
 2 licensee's license. The suspension may be ordered even if the conviction resulted from
 3 a plea of nolo contendere or if the conviction is under appeal. The suspension remains
 4 in effect until after the final disposition of the disciplinary proceeding under this section.

5 (d) A certified copy of a judgment of conviction of a licensee for an offense is
 6 conclusive evidence of the commission of that offense in a disciplinary proceeding
 7 instituted against the licensee under this section based on that conviction, regardless of
 8 whether the conviction resulted from a plea of nolo contendere or the conviction is under
 9 appeal, unless the conviction is overturned on appeal.

10 (e) The department may not revoke, suspend, or deny renewal of a transporter
 11 license for a violation of a federal or state statute or regulation relating to game or
 12 provision of big game hunting services committed by an employee of the licensee unless
 13 the licensee participated or aided in the violation.

14 (f) A person who is disciplined under this section may not engage in the
 15 provision of big game hunting services or transportation services during the period of
 16 license revocation or other disciplinary action. A person who is licensed under this
 17 chapter may not hire a person whose license is suspended or revoked under this section.
 18 A person whose license is suspended or revoked under this section may not be employed
 19 by a person who is licensed under this chapter.

20 (g) If the department revokes a license under this section, the person whose
 21 license has been revoked shall surrender immediately the license to the department.

22 Sec. 08.54.720. UNLAWFUL ACTS. (a) It is unlawful for a

23 (1) person who is licensed under this chapter to knowingly fail to timely
 24 report to the Department of Public Safety, division of fish and wildlife protection, and
 25 in no event later than 30 days, a violation of a state fish, game, or big game guiding or
 26 transportation services statute or regulation that the person reasonably believes was
 27 committed by a client or an employee of the person:

28 (2) person who is licensed under this chapter to knowingly

29 (A) commit or aid in the commission of a violation of this
 30 chapter, a regulation adopted under this chapter, or a state fish or game statute
 31 or regulation; or

32 (B) permit the commission of a violation of this chapter, a

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1 regulation adopted under this chapter, or a state fish or game statute or regulation
2 that the person knows or reasonably believes is being or will be committed
3 without

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

5 (ii) reporting the violation;

6 (3) person who is licensed under this chapter to intentionally obstruct or
7 hinder or attempt to obstruct or hinder lawful hunting engaged in by a person who is not
8 a client of the person;

9 (4) class-A assistant guide or an assistant guide to knowingly guide a
10 hunt except while employed and supervised by a registered guide;

11 (5) person who holds any class of guide license to knowingly enter or
12 remain on private land without prior authorization during the course of providing guiding
13 services;

14 (6) registered guide to knowingly engage in providing big game hunting
15 services outside of

16 (A) a game management unit for which the guide is certified;

17 (B) a use area for which the guide is registered under
18 AS 08.54.750;

19 (7) person to knowingly guide without having a current registered guide,
20 class-A assistant guide, or assistant guide license and hunting license in actual
21 possession;

22 (8) person without a current registered guide license to knowingly
23 advertise as, or represent to be, a registered guide;

24 (9) person without a current master guide license to knowingly advertise
25 as, or represent to be, a master guide;

26 (10) person without a current registered guide license to knowingly
27 advertise as, or represent to be, an outfitter;

28 (11) person to knowingly provide transportation services to big game
29 hunters without holding a transporter license;

30 (12) class-A assistant guide or an assistant guide to knowingly contract
31 to guide or outfit a hunt; or

32 (13) person to knowingly provide big game guiding or transportation

1 services activity during the period for which the person's license to conduct that activity
2 is suspended or revoked.

3 (b) A person who commits an offense set out in (a)(1) - (6) of this section is
4 guilty of a misdemeanor and is punishable by a fine of not more than \$30,000 or by
5 imprisonment up to one year, or both.

6 (c) A person who commits an offense set out in (a)(7) - (12) of this section is
7 guilty,

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

10 (2) for a second or subsequent offense, of a class C felony.

11 (d) A person who violates (a)(13) of this section is guilty of a class C felony.

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

13 (1) the court may revoke the person's guide license or transporter license
14 for not more than five years; and

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

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

23 Sec. 08.54.730. INJUNCTION AGAINST UNLAWFUL ACTION. When in
24 the judgment of the department, a person has engaged in an act in violation of
25 AS 08.54.630(b), 08.54.640(b), 08.54.660(b), 08.54.710(f), and 08.54.720(a) or the
26 regulations adopted under these statutes, the department may apply to the appropriate
27 court for an order enjoining the action. Upon a showing by the department that the
28 person is engaging in the act, the court shall grant injunctive relief or other appropriate
29 order without bond.

30 Sec. 08.54.740. RESPONSIBILITY OF GUIDE FOR VIOLATIONS. A
31 registered guide who contracts to guide or outfit a big game hunt is equally responsible
32 under AS 08.54.710 for a violation of a federal or state game or guiding statute or

1 regulation committed by a class-A assistant guide or an assistant guide while in the
2 course of the class-A assistant guide's or assistant guide's employment for the guide.

3 ARTICLE 7. MISCELLANEOUS PROVISIONS.

4 Sec. 08.54.750. USE AREA REGISTRATION. (a) At least 30 days before
5 providing big game hunting services within a guide-outfitter use area, a registered guide
6 shall inform the Department of Public Safety, in person or by registered mail on a
7 registration form provided by the department, that the guide will be providing big game
8 hunting services in the use area.

9 (b) A registered guide may not conduct big game hunting services in more than
10 three guide-outfitter use areas during a calendar year.

11 (c) The Department of Public Safety, with the concurrence of the Department
12 of Fish and Game, may permanently or temporarily amend the boundary of a guide-
13 outfitter use area for a specified location or time or for a specified big game species, if
14 the amendment is in the public interest.

15 (d) In this section, "guide-outfitter use area" means a geographic area of the state
16 identified by the former Big Game Commercial Services Board and described on a set
17 of maps titled Guide-Outfitter Use Area Maps, dated June 22, 1994.

18 Sec. 08.54.760. HUNT RECORDS; CONFIDENTIALITY OF HUNT
19 RECORDS AND ACTIVITY REPORTS. (a) The department shall collect and maintain
20 hunt records provided by a registered guide. A hunt record must include a list of all big
21 game hunters who used the guiding or outfitting services of the registered guide, the
22 number of each big game species taken, and other information required by the
23 department. The department shall provide forms for reporting hunt records.

24 (b) The department shall make hunt records received under this section, and
25 activity reports received under AS 08.54.660, available to state and federal agencies
26 charged with the enforcement of statutes and regulations relating to guiding, outfitting,
27 or game or with management of game if requested for game management or law
28 enforcement purposes. Aggregated data compiled from hunt records and activity reports
29 may be included in reports by the department. For all other purposes, the hunt records
30 and activity reports are confidential and are not subject to inspection or copying under
31 AS 09.25.110 - 09.25.125.

32 Sec. 08.54.770. LICENSE AND EXAMINATION FEES. (a) The department

1 shall set license fees under AS 08.01.065 for each of the following:

- 2 (1) registered guide;
3 (2) class-A assistant guide;
4 (3) assistant guide;
5 (4) transporter.

6 (b) The license fee for the registered guide, class-A assistant guide, or assistant
7 guide license is in addition to the fee required for a hunting license.

8 (c) An applicant for a qualifying examination for a registered guide license shall
9 pay a fee established by regulations adopted under AS 08.01.065.

10 (d) The fee for the transporter license must be equal to the fee for the registered
11 guide license.

12 Sec. 08.54.790. DEFINITIONS. In this chapter,

13 (1) "big game" means brown bear, grizzly bear, caribou, moose, black
14 bear, bison, Sitka blacktail deer, elk, mountain goat, musk-ox, wolf, wolverine, mountain
15 or Dall sheep;

16 (2) "big game hunting service" means a service for which the provider
17 of the service must obtain a registered guide, class-A assistant guide, or assistant guide
18 license; "big game hunting service" includes guiding services and outfitting services;

19 (3) "compensation" means payment for services including wages or other
20 remuneration but not including reimbursement for actual expenses incurred;

21 (4) "department" means the Department of Commerce and Economic
22 Development;

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

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

29 (7) "guide" means to provide, for compensation or with the intent or with
30 an agreement to receive compensation, services, equipment, or facilities to a big game
31 hunter in the field by a person who accompanies or is present with the big game hunter
32 in the field either personally or through an assistant; "guide" does not include the

1 provision of transportation to, from, or in the field if the person providing the
2 transportation and the person being transported do not stalk, pursue, track, kill, or attempt
3 to kill big game during the provision of transportation; in this paragraph, "services"
4 includes

5 (A) contracting to guide or outfit big game hunts;

6 (B) stalking, pursuing, tracking, killing, or attempting to kill big
7 game;

8 (C) packing, preparing, salvaging, or caring for meat, except that
9 which is required to properly and safely load the meat on the mode of
10 transportation being used by a transporter;

11 (D) field preparation of trophies, including skinning and caping;

12 (E) selling, leasing, or renting goods when the transaction occurs
13 in the field;

14 (F) using guiding or outfitting equipment, including spotting
15 scopes and firearms, for the benefit of a hunter; and

16 (G) providing camping or hunting equipment or supplies which
17 are already located in the field;

18 (8) "outfit" means to provide, for compensation or with the intent to
19 receive compensation, services, supplies, or facilities to a big game hunter in the field,
20 by a person who neither accompanies nor is present with the big game hunter in the field
21 either personally or by an assistant;

22 (9) "transportation services" means the carriage for compensation of big
23 game hunters, their equipment, or big game animals harvested by hunters to, from, or in
24 the field; "transportation services" does not include the carriage by aircraft of big game
25 hunters, their equipment, or big game animals harvested by hunters

26 (A) on nonstop flights between airports listed in the Alaska
27 supplement to the Airmen's Guide published by the Federal Aviation
28 Administration; or

29 (B) by an air taxi operator or air carrier for which the carriage of
30 big game hunters, their equipment, or big game animals harvested by hunters is
31 only an incidental portion of its business; in this subparagraph, "incidental"
32 means transportation provided to a big game hunter by an air taxi operator or air

1 carrier who does not

2 (i) charge more than the usual tariff or charter rate for the
3 carriage of big game hunters, their equipment, or big game animals
4 harvested by hunters; or

5 (ii) advertise transportation services or big game hunting
6 services to the public; in this sub-subparagraph, "advertise" means
7 soliciting big game hunters to be customers of an air taxi operator or air
8 carrier for the purpose of providing air transportation to, from, or in the
9 field through the use of print or electronic media, including advertising
10 at trade shows, or the use of hunt broker services or other promotional
11 services.

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

13 (e) A defendant convicted of a class C felony may be sentenced to a definite
14 term of imprisonment of not more than five years, and shall be sentenced to the
15 following presumptive terms, subject to adjustment as provided in AS 12.55.155 -
16 12.55.175:

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

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

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

24 (4) if the offense is a first felony conviction, and the defendant violated
25 AS 08.54.720(a)(7) - (12) [AS 08.54.520(a)(7) - (10)], one year.

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

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

29 (1) a person who is licensed as a registered guide, master guide, class-
30 A assistant guide, or an assistant guide under AS 08.54 [GUIDE-OUTFITTER.
31 CLASS-A ASSISTANT GUIDE-OUTFITTER, OR ASSISTANT GUIDE-OUTFITTER
32 BY THE BIG GAME COMMERCIAL SERVICES BOARD]; or

- 1 (2) a resident over 19 years of age who is
2 (A) the spouse of the nonresident; or
3 (B) related to the nonresident, within and including the second
4 degree of kindred, by marriage or blood.

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

6 (f) An applicant for a nonresident hunt permit for the taking of an animal
7 specified in (a) of this section shall, if requested by the department, first furnish to the
8 department proof of prior authorization to use [STATE, FEDERAL, OR] private land
9 where the permit hunt will occur. The authorization shall be provided to the applicant
10 by the registered guide or master guide [GUIDE-OUTFITTER] with whom the
11 applicant has contracted to guide [GUIDE-OUTFIT] the permit hunt.

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
15 PERSONALLY ACCOMPANIED BY A LICENSED MARINE MAMMAL GUIDE;
16 OR
17 (2)] to hunt, pursue, or take a big game animal as defined by the Board
18 of Game unless personally accompanied by a registered guide, master guide, class-A
19 assistant guide, or assistant guide [GUIDE-OUTFITTER, A CLASS-A ASSISTANT
20 GUIDE-OUTFITTER, OR AN ASSISTANT GUIDE-OUTFITTER] licensed under
21 AS 08.54.

22 * Sec. 8. AS 16 05.408(c) is amended to read:

23 (c) Before obtaining a nonresident hunt permit for the taking of an animal
24 specified in (a) of this section, a nonresident alien shall, if requested by the department,
25 first furnish to the department proof of prior authorization to use [STATE, FEDERAL,
26 OR] private land where the permit hunt will occur. The authorization shall be provided
27 to the nonresident alien by the registered guide or master guide [GUIDE-OUTFITTER
28 OR MARINE MAMMAL GUIDE-OUTFITTER] with whom the nonresident alien has
29 contracted to guide [GUIDE-OUTFIT] the permit hunt.

30 * Sec. 9. AS 23.10.055 is amended by adding a new paragraph to read:

31 (14) a person who holds a license under AS 08.54 and who is employed
32 by a registered guide or master guide licensed under AS 08.54, for the first 60 work days

1 in which the person is employed by the registered guide or master guide during a
2 calendar year.

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

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

5 (1) the Department of Fish and Game, the Board of Fisheries, the Board
6 of Game, or the Department of Commerce and Economic Development [BIG GAME
7 COMMERCIAL SERVICES BOARD] under AS 08.54, AS 16, or AS 41.99.010;

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

9 (3) state agencies and municipalities under AS 44.19.145(a)(11) and
10 AS 46.40.100.

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

12 (35) Department of Commerce and Economic Development under
13 AS 08.54 as to licensing and related functions for big game guides and transporters
14 [BIG GAME COMMERCIAL SERVICES BOARD];

15 * Sec. 12. TRANSITION. (a) Notwithstanding AS 08.54.610, added by sec. 3 of this Act,
16 a person who held a guide-outfitter license in good standing under the provisions of
17 AS 08.54.300 - 08.54.590 on June 30, 1995, shall receive a biennial registered guide license
18 upon payment of the license fee. A license issued under this subsection is for all purposes a
19 registered guide license issued under AS 08.54.610.

20 (b) Notwithstanding AS 08.54.610, added by sec. 3 of this Act, a person who, in
21 reliance upon the apparent authority of the Department of Commerce and Economic
22 Development, obtained a guide-outfitter license from the Department of Commerce and
23 Economic Development after June 30, 1995, and before the effective date of this section shall
24 receive a biennial registered guide license upon payment of the license fee. A license issued
25 under this subsection is for all purposes a registered guide license issued under AS 08.54.610.

26 (c) Notwithstanding AS 08.54.610, added by sec. 3 of this Act, a person who held a
27 master guide-outfitter license in good standing under the provisions of AS 08.54.300 - 08.54.590
28 on June 30, 1995, shall receive a biennial master guide license upon payment of the license fee.
29 A license issued under this subsection is for all purposes a master guide license issued under
30 AS 08.54.610.

31 (d) Notwithstanding AS 08.54.610, added by sec. 3 of this Act, a person who, in
32 reliance upon the apparent authority of the Department of Commerce and Economic

1 Development, obtained a master guide-outfitter license from the Department of Commerce and
 2 Economic Development after June 30, 1995, and before the effective date of this section shall
 3 receive a biennial master guide license upon payment of the license fee. A license issued under
 4 this subsection is for all purposes a master guide license issued under AS 08.54.610.

5 (e) Notwithstanding AS 08.54.630, added by sec. 3 of this Act, a person who held a
 6 class-A assistant guide-outfitter license in good standing under the provisions of AS 08.54.300 -
 7 08.54.590 on June 30, 1995, shall receive a biennial class-A assistant guide license upon
 8 payment of the license fee. A license issued under this subsection is for all purposes a class-A
 9 assistant guide license issued under AS 08.54.630.

10 (f) Notwithstanding AS 08.54.630, added by sec. 3 of this Act, a person who, in reliance
 11 upon the apparent authority of the Department of Commerce and Economic Development,
 12 obtained a class-A assistant guide-outfitter license from the Department of Commerce and
 13 Economic Development after June 30, 1995, and before the effective date of this section shall
 14 receive a biennial class-A assistant guide license upon payment of the license fee. A license
 15 issued under this subsection is for all purposes a class-A assistant guide license issued under
 16 AS 08.54.630.

17 (g) Notwithstanding AS 08.54.640, added by sec. 3 of this Act, a person who held an
 18 assistant guide-outfitter license in good standing under the provisions of AS 08.54.300 -
 19 08.54.590 on June 30, 1995, shall receive a biennial assistant guide license upon payment of the
 20 license fee. A license issued under this subsection is for all purposes an assistant guide license
 21 issued under AS 08.54.640.

22 (h) Notwithstanding AS 08.54.640, added by sec. 3 of this Act, a person who, in
 23 reliance upon the apparent authority of the Department of Commerce and Economic
 24 Development, obtained an assistant guide-outfitter license from the Department of Commerce
 25 and Economic Development after June 30, 1995, and before the effective date of this section
 26 shall receive a biennial assistant guide license upon payment of the license fee. A license issued
 27 under this subsection is for all purposes an assistant guide license issued under AS 08.54.640.

28 (i) Notwithstanding AS 08.54.660, added by sec. 3 of this Act, a person who held a
 29 transporter license in good standing under the former provisions of AS 08.54.300 - 08.54.590
 30 on June 30, 1995, shall receive a biennial transporter license upon payment of the license fee.
 31 A license issued under this subsection is for all purposes a transporter license issued under
 32 AS 08.54.660.

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CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services
Department of Education
State of Alaska

1 Development, obtained a master guide-outfitter license from the Department of Commerce and
2 Economic Development after June 30, 1995, and before the effective date of this section shall
3 receive a biennial master guide license upon payment of the license fee. A license issued under
4 this subsection is for all purposes a master guide license issued under AS 08.54.610.

5 (e) Notwithstanding AS 08.54.630, added by sec. 3 of this Act, a person who held a
6 class-A assistant guide-outfitter license in good standing under the provisions of AS 08.54.300 -
7 08.54.590 on June 30, 1995, shall receive a biennial class-A assistant guide license upon
8 payment of the license fee. A license issued under this subsection is for all purposes a class-A
9 assistant guide license issued under AS 08.54.630.

10 (f) Notwithstanding AS 08.54.630, added by sec. 3 of this Act, a person who, in reliance
11 upon the apparent authority of the Department of Commerce and Economic Development,
12 obtained a class-A assistant guide-outfitter license from the Department of Commerce and
13 Economic Development after June 30, 1995, and before the effective date of this section shall
14 receive a biennial class-A assistant guide license upon payment of the license fee. A license
15 issued under this subsection is for all purposes a class-A assistant guide license issued under
16 AS 08.54.630.

17 (g) Notwithstanding AS 08.54.640, added by sec. 3 of this Act, a person who held an
18 assistant guide-outfitter license in good standing under the provisions of AS 08.54.300 -
19 08.54.590 on June 30, 1995, shall receive a biennial assistant guide license upon payment of the
20 license fee. A license issued under this subsection is for all purposes an assistant guide license
21 issued under AS 08.54.640.

22 (h) Notwithstanding AS 08.54.640, added by sec. 3 of this Act, a person who, in
23 reliance upon the apparent authority of the Department of Commerce and Economic
24 Development, obtained an assistant guide-outfitter license from the Department of Commerce
25 and Economic Development after June 30, 1995, and before the effective date of this section
26 shall receive a biennial assistant guide license upon payment of the license fee. A license issued
27 under this subsection is for all purposes an assistant guide license issued under AS 08.54.640.

28 (i) Notwithstanding AS 08.54.660, added by sec. 3 of this Act, a person who held a
29 transporter license in good standing under the former provisions of AS 08.54.300 - 08.54.590
30 on June 30, 1995, shall receive a biennial transporter license upon payment of the license fee.
31 A license issued under this subsection is for all purposes a transporter license issued under
32 AS 08.54.660.

1 (j) Notwithstanding AS 08.54.660, added by sec. 3 of this Act, a person who, in reliance
2 upon the apparent authority of the Department of Commerce and Economic Development,
3 obtained a transporter license from the Department of Commerce and Economic Development
4 after June 30, 1995, and before the effective date of this section shall receive a biennial
5 transporter license upon payment of the license fee. A license issued under this subsection is
6 for all purposes a transporter license issued under AS 08.54.660.

7 (k) A person may receive only one guide license of any class under (a) - (h) of this
8 section.

9 (l) A person who, before the effective date of this section, has paid a license fee for a
10 transporter license, any class of guide-outfitter license, a commercial use permit, use area
11 registration, or a use area registration application for 1996 or for 1996 and 1997 shall receive
12 credit of the full amount toward the license fee for a license established by this Act. If the
13 amount of credit due to a person under this subsection exceeds the amount of the fee for the
14 license to which the person is entitled, the Department of Commerce and Economic
15 Development shall refund the amount of the difference to the person.

16 (m) A person who, before the effective date of this section, has paid a commercial use
17 permit fee for 1996 and who is not entitled to receive a license under this section shall receive
18 a refund of the amount paid.

19 (n) Pending the adoption of regulations under AS 08.01.065 and (o) of this section to
20 implement this Act, the fee for the

21 (1) biennial registered guide license or biennial master guide license is \$200;

22 (2) biennial class-A assistant guide license is \$100;

23 (3) biennial assistant guide license is \$100;

24 (4) biennial transporter license is \$200.

25 (o) Notwithstanding AS 44.62.250, the Department of Commerce and Economic
26 Development may adopt emergency regulations under AS 44.62.250 and 44.62.260 to implement
27 this Act without making a written finding under AS 44.62.250. The legislature finds that the
28 adoption of emergency regulations necessary to implement this Act is necessary for the
29 immediate preservation of the public peace and general welfare.

30 * Sec. 13. CONSTRUCTION OF ACT. Nothing in this Act shall be construed as ratifying
31 or validating acts of the Department of Commerce and Economic Development or of the
32 governor relating to the licensing or regulation of guide-outfitters and related occupations under

1 former provisions of AS 08.54.300 - 08.54.590.

2 * **Sec. 14.** AS 08.01.010(5); AS 08.03.010(c)(5); AS 08.54.300, 08.54.310, 08.54.320,
3 08.54.330, 08.54.350, 08.54.360, 08.54.370, 08.54.380, 08.54.390, 08.54.393, 08.54.395,
4 08.54.400, 08.54.410, 08.54.420, 08.54.430, 08.54.440, 08.54.450, 08.54.460, 08.54.470,
5 08.54.500, 08.54.505, 08.54.510, 08.54.520, 08.54.530, 08.54.540, 08.54.550, 08.54.590; and
6 AS 39.50.200(b)(48) are repealed.

7 * **Sec. 15.** Sections 5 - 8 of this Act take effect January 1, 1997.

8 * **Sec. 16.** Except as provided by sec. 15 of this Act, this Act takes effect immediately under
9 AS 01.10.070(c).

PROPOSED AMENDMENTS TO SCS CSHB 335 (FIN)
Work Draft "W" Dated 3/7/96

Explanation of Amendments

P. 3
list
Amendment #1 brings the statute into conformance with the department's procedures, removes the requirement for oral examinations and makes the law more self-explanatory for the public.

Amendment #2 makes the requirements that an applicant have no recent convictions or license revocations and maintain a valid first aid and CPR card apply consistently to all categories of guide and assistant guide.

Amendment #3 strengthens and clarifies the requirements for a registered guide license.

Amendment #4 amends the requirements for renewal of a registered guide license.

Amendment #5 amends the requirements for a class-A assistant guide license.

Amendment #6 amends the requirements for an assistant guide license.

Amendment #7 makes the requirements for renewal of a class-A or assistant guide license consistent and complete.

Amendment #8 amends the requirements for a transporter license.

Amendment #9 strengthens the disciplinary process.

Amendment #10 makes registered guides and transporters equally responsible for violations by their employees.

Amendment #11 clarifies the use area registration process.

Amendment #12 requires hunt records to be submitted within 30 days of the hunt.

Amendment #13 makes non-resident license fees double the resident license fees.

Amendment #14 removes the reference to the current number of game management units to allow for future changes by the Board of Game.

Amendment #15 deletes the exemption from wage and hour laws.

Amendment #16 modifies the transition sections so licensees will receive the proper licenses without paying twice for the same license.

Amendment #1: Duties and Powers of Department

Page 3 line 4 following "(A)"

Delete "a written and oral examination of an applicant for a registered guide license"
Insert "an examination"

Page 3 line 6 following "particular,"

Delete "to guide and outfit in each game management unit for which the applicant seeks to be certified"

Insert "possesses current knowledge of fishing, hunting and guiding laws and regulations"

Page 3 line 10 following "(B)"

Delete "an oral examination of a registered guide who seeks amendment of a game management unit certification; the examination must require demonstration that the registered guide is qualified to provide guided and outfitted hunts in each new game management unit for which the registered guide seeks to be certified."

Insert "a certification examination for each game management unit; the examination must require demonstration that the applicant is qualified to provide guided and outfitted hunts in the game management unit for which the applicant seeks to be certified and, in particular, possesses knowledge of the terrain, transportation problems, game and other characteristics of the game management unit."

Page 3 line 18 following "chapter"

Delete "who have not been convicted of a violation of a state or federal statute or regulation relating to the provision of big game hunting services"

Page 3 line 22 following "after a hearing,"

Delete "revoke, suspend or deny renewal of a license"

Insert "impose disciplinary sanctions on a license"

any approp. (SR) Adopted

Page 3 line 27 following "trapping,"

Insert "outfitting, transportation services"

Page 3 line 27 following "revoked or suspended"

Delete "in another state"

Insert "in Alaska or another jurisdiction"

Page 3 line 30 following "required by this chapter."

Insert a new paragraph to read "The department shall administer the qualification examinations for registered guides at least twice a year. An examination may not be given within 90 days after the previous examination. At least once every other year the department shall give the examination at a location other than Anchorage."

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Amendment #2: License Qualifications

Page 3 following line 30

Insert "Section AS 08.54.605 LICENSURE QUALIFICATIONS.

In addition to the qualification requirements in 08.54.610, 08.54.630 and 08.54.640, a natural person may not receive or renew a registered guide license, class-A assistant guide license or assistant guide license if

(1) the person has been convicted of

(A) a state or federal hunting, guiding or transportation services statute or regulation within the last five years for which the person was fined more than \$500 or imprisoned for more than five days; or

(B) a felony within the last 10 years;

(2) the person's right to obtain, or exercise the privileges granted by a sport fishing, hunting, trapping, outfitting, transportation services or guiding license is suspended or revoked in Alaska or another jurisdiction; or

(3) the person does not possess a current first aid card including cardio-pulmonary resuscitation qualification issued by the Red Cross or a similar organization."

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