

ALASKA LEGISLATURE

HOUSE and SENATE FINANCE COMMITTEE FILES, 2005-2006 2837

Honorable Paul Seaton
Alaska State Legislature

March 18, 2005
Page 2

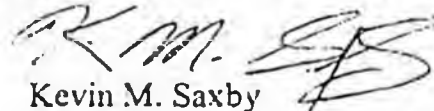
hunting, or preserve hunting in a certain area. Moreover, it is worth noting that hunting other than brown bear hunting has always been allowed within McNeil River State Game Refuge. AS 16.20.041 and 5 AAC 92.520(d). The bill gives no indication that the current situation is at issue.

For all of the above reasons, we conclude that the generalized mandate to promote and preserve hunting in HB 75 would not override the specific statutory provisions discussed above.

Sincerely,

SCOTT J. NORDSTRAND
ACTING ATTORNEY GENERAL

By



Kevin M. Saxby
Assistant Attorney General

cc: Kevin Jardell
David Marquez
Wayne Regelin

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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FAX (907) 465-2029
Mail Stop 3101


State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 21, 2005

SUBJECT: HB 75; Duties of the commissioner of fish and game in regard to promoting fishing, hunting, and trapping (Work Order No. 24-LS0359\F)

TO: Representative Paul Seaton
Attn: Louie Flora

FROM: George Utermohle 
Legislative Counsel

You have inquired as to the effect that HB 75 would have on the actions of the commissioner of fish and game in regard to fishing, hunting, and trapping and to closed areas and seasons.

The current version of HB 75 (CSHB 75(RES)) amends the functions of the commissioner of fish and game by adding additional duties to promote fishing, hunting, and trapping and to preserve the heritage of fishing, hunting, and trapping in the state. The commissioner of fish and game has always been responsible for the management of fish and game and the management of fishing, hunting, and trapping. HB 75 now adds responsibility for a related function, the promotion of fishing, hunting, and trapping and the preservation of the heritage of those activities in the state.

Responsibility for promoting fishing, hunting, and trapping and preserving the heritage of those activities is to be only one of the functions of the commissioner. Promoting and preserving the heritage of those activities would be neither the sole function of the commissioner nor the primary duty of the commissioner. Under AS 16.05.020, the commissioner is also responsible for administering the Department of Fish and Game and for managing, protecting, maintaining, improving, and extending the fish, game and aquatic plant resources of the state in the interest of the economy and general well-being of the state. The commissioner also has numerous other duties prescribed by statute, such as those set out in AS 16.05.050.

In performing each of these duties the commissioner must balance his/her responsibilities so as to most effectively manage the Department of Fish and Game and to provide for the conservation, development, and utilization of fish and game, as required by the Alaska Constitution, in accordance with the powers and duties that are conferred on the commissioner by law. The commissioner in performing his/her duties must exercise judgment as to which duties are most important in regard to each situation in light of the

Representative Paul Seaton
March 21, 2005
Page 2

limited resources of the department and the potentially conflicting functions that the commissioner is required to perform.

The expansion of the duties of the commissioner to expressly include the promotion and the preservation of the heritage of fishing, hunting, and trapping in the state will not necessarily require a significant change in regard to the commissioner's position regarding closed areas and seasons or other conservation measures. To the extent that there is a valid conservation reason or other valid reason for a closure of an area or time to fishing, hunting, or trapping, the commissioner's duty to promote fishing, hunting, or trapping should not require the commissioner to favor opening the area or time over closing the area or season. Given the amount of discretion conferred on the commissioner to balance the different functions of the commissioner, the actual implementation of the provisions added by HB 75 will probably vary with each commissioner in accordance with how that commissioner views the role of the Department of Fish and Game in regard to management of fishing, hunting, and trapping in the state.

In conclusion, there is no conclusive answer as to how HB 75 would affect the management of fish and game and of fishing, hunting, and trapping in the state. The bill expressly confers a new function on the commissioner of fish and game but does not take away from or supersede the commissioner's existing duties in regard to fish and game in the state. The extent to which HB 75 affects how the commissioner of fish and game performs his/her duties will largely be a function of how each commissioner chooses to balance the many duties that are assigned to the commissioner and how much importance each commissioner accords to promoting fishing, hunting, and trapping and preserving the heritage of fishing, hunting, and trapping relative to the other functions of the commissioner.

If I may be of further assistance, please advise.

GU:med
05-196.med



Alaska Outdoor Council

PO Box 73902
Fairbanks, AK 99707-3902
(907) 455-4AOC (4262)
aoc@alaska.net
www.alaskaoutdoorcouncil.org

March 14, 2005

Honorable Mike Kelly
Honorable Jay Ramras
Alaska State Legislature
Juneau, AK 99811
By FAX 465-2070 to House Resources Committee

Dear Representatives Kelly and Ramras:

Thank you for introducing HB 75, Rep. Kelly, and for your support, Rep. Ramras.

I applaud your work draft proposal of 2/24/05 and committee substitute for HB 75. Promoting and preserving the various legal forms of hunting and trapping in Alaska is properly a function of the State, through the Department of Fish & Game (ADF&G) and the Board of Game.

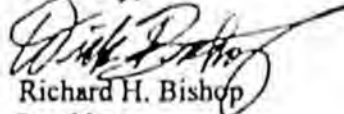
When I have in the past urged the ADF&G to advocate hunting and trapping, I have been told that the Department of Law advised ADF&G not to, because there was no clear statutory direction to do so.

The importance of hunting and trapping to Alaskan values and lifestyles and to sound, scientific sustained yield management demands clear direction, to help ensure that the State is able to fulfill its constitutional responsibilities.

Your bill provides that direction. Thank you for introducing it and, in the proposed Committee Substitute, broadening its scope to include all hunting and trapping. I respectfully ask the Committee and the Legislature to pass this proposed Committee substitute for HB 75.

Please include my letter in the House Resources Committee record.

Sincerely,



Richard H. Bishop
President

cc: The Honorable Governor Frank Murkowski

The official State Association of the NRA

February 24, 2005

North American Bear Foundation
1159 Bedow Road
Fort Ripley, MN 56449

Rep. Mike Kelly
State Capitol, Rm. 434
Juneau, AK 99801

Dear Representative Mike Kelly:

Upon reviewing Alaska bill HB0075A the North American Bear Foundation (NABF) would like to offer our support. The bill reflects the NABF's mission of conservation and sound management of our natural resources.

Sincerely,

Brian Bachman
NABF President/CEO

HOUSE BILL No. 6272

September 29, 2004, introduced by Reps. Tabor, Vander Veen, Drolet, Milosch, Sak, Sheltrown, Acciavatti, Hummel, Robertson, Bradstreet, Casperson, Palsrok, DeRossett, Hoogendyk, Richardville, Pastor, LaJoy, Emmons and Farhat and referred to the Committee on Conservation and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 40110 (MCL 324.40110), as added by 1995 PA
57.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 40110. (1) Only the legislatur may designate a
2 species as game. If an animal is designated under this section
3 by the legislature as game, then only the legislature may
4 authorize the establishment of the first open season for that
5 animal. After the legislature authorizes the establishment of
6 the first open season for game pursuant to this section, the
7 department may issue orders pertaining to that animal for each of
8 the purposes listed in section 40107, subject to section 40113a.

9 (2) The department and the commission shall preserve and
10 promote the heritage of recreational hunting in this state,

HOUSE BILL No. 6272

1 consistent with this part, and may promote legislation to
2 classify animals as game or to declare the first open season for
3 game.

Section 8.4 - Sustained Yield.

Fish, forests, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses.

Sec. 10. SEAT OF GOVERNMENT. The seat of government of the state is in the city of St. Paul. The legislature may provide by law for a change of the seat of government by a vote of the people, or may locate the same upon the land granted by Congress for a seat of government. If the seat of government is changed, the capitol building and grounds shall be dedicated to an institution for the promotion of science, literature and the arts to be organized by the legislature of the state. The Minnesota Historical Society shall always be a department of this institution.

Sec. 11. STATE SEAL. A seal of the state shall be kept by the secretary of state and be used by him officially. It shall be called the great seal of the state of Minnesota.

Sec. 12. PRESERVATION OF HUNTING AND FISHING. Hunting and fishing and the taking of game and fish are a valued part of our heritage that shall be forever preserved for the people and shall be managed by law and regulation for the public good. [Adopted, November 3, 1998]

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webmaster@house.leg.state.mn.us

Updated on

Montana Code Annotated 2003

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Montana Constitution, Article IX

Section 7. Preservation of harvest heritage. The opportunity to harvest wild fish and wild game animals is a heritage that shall forever be preserved to the individual citizens of the state and does not create a right to trespass on private property or diminution of other private rights.

History: En. Sec. 1, Const. Amend. No. 41, approved Nov. 2, 2004.

Effective Nov. 2, 2004--Sec. 2, Const. Amend. No. 41.

Provided by Montana Legislative Services

CI-1

Statement of rights.

All persons are by nature free and independent, and have certain inherent and inalienable rights; among these are life, liberty, the pursuit of happiness, and the right to keep and bear arms for security or defense of self, family, home, and others, and for lawful common defense, hunting, recreational use, and all other lawful purposes, and such rights shall not be denied or infringed by the state or any subdivision thereof. To secure these rights, and the protection of property, governments are instituted among people, deriving their just powers from the consent of the governed.

Source:

Neb. Const. art. I, sec. 1 (1875);
Amended 1988, Initiative Measure No. 403.

Jim Pound

From: Kappel, Larry A Mr MEDDAC-AK [Larry.Kappel@nw.amedd.army.mil]
Sent: Monday, March 14, 2005 12:13 PM
To: Rep. Jay Ramras
Subject: HB75

Dear Representative Ramras:

As a Alaskan Sportsman and Wildlife Conservationist, I fully support Mike Kelly's HB75 Initiative: "An Act Relating to Promoting and Preserving Hunting and Trapping in the State".

Larry Kappel

Suzanne Cunningham

From: Nina Faust [fausbail@xyz.net]

Sent: Wednesday, March 23, 2005 11:32 AM

To: Rep. Mike Chenault; Rep. Carl Moses; Rep. Reggie Joule; Rep. Eric Croft; Rep. Bruce Weyhrauch; Rep. Mike Kelly; Rep. Jim Holm; Rep. Mike Hawker; Rep. Richard Foster; Rep. Kevin Meyer; Rep. Bill Stoltze

Subject: HB 75

Dear House Finance Committee Members:

I am writing in opposition to HB 75, "An Act relating to the duties of the commissioner of fish and game, Board of Fisheries, and Board of Game in promoting and preserving fishing, hunting, and trapping in the state."

Considering the Alaska Constitution's reference to wildlife being "reserved to the people for their common use", the State should be mainly concerned with the equitable use of wildlife for all residents. There is no imperative for special consideration for promoting and preserving consumptive use over non-consumptive use. It is an unnecessary bill. I urge the committee to oppose this bill.

Sincerely,

Nina Faust
P.O. Box 2994
Homer AK 99603
907-235-6262



Alaska Outdoor Council

PO Box 73902
Fairbanks, AK 99707-3902
(907) 455-4AOC (4282)
aoc@alaska.net
www.alaskaoutdoorcouncil.org

March 14, 2005



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Honorable Jay Ramras
Alaska State Legislature
Juneau, AK 99811
By FAX 465-2070 to House Resources Committee

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When I have in the past urged the ADF&G to advocate hunting and trapping, I have been told that the Department of Law advised ADF&G not to, because there was no clear statutory direction to do so.

The importance of hunting and trapping to Alaskan values and lifestyles and to sound, scientific sustained yield management demands clear direction, to help ensure that the State is able to fulfill its constitutional responsibilities.

Your bill provides that direction. Thank you for introducing it and, in the proposed Committee Substitute, broadening its scope to include all hunting and trapping. I respectfully ask the Committee and the Legislature to pass this proposed Committee substitute for HB 75.

Please include my letter in the House Resources Committee record.

Sincerely,


Richard H. Bishop
President

cc: The Honorable Governor Frank Murkowski

HB

75

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

REPORTED OUT

MAY 2 2005

SENATE FINANCE
COMMITTEE

DATE: 4/26/05

FURTHER:

DATE TURNED
IN TO OFFICE: 3 May 2005

Finance Committee considered CS FOR HOUSE BILL NO. 75(FIN)

HB 75 HUNTING, FISHING, TRAPPING

"An Act relating to the powers and duties of the commissioner of fish and game, Board of Fisheries, and Board of Game in promoting and preserving fishing, hunting, and trapping in the state."

and recommends:

- be replaced with S CS CS HB 75 (FIN)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

CS Senate Bill:
 Same Title
 New Title

SCS House Bill:
 Same Title
 Technical Title Change
 New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Ind.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Ind.	Zero	FN#
Fish & Game	3/11/05			✓	#1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>			✓	
<i>[Signature]</i>			✓	
<i>[Signature]</i>			✓	
COCHAIR: <i>[Signature]</i>	✓			
COCHAIR: <i>[Signature]</i>	✓			

FISCAL NOTE

REPORTED OUT

MAY 2 2005

SENATE FINANCE
COMMITTEE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSHB 75(RES)
 (H) Publish Date: 3/15/05

Revision Date/Time (Note if correction): _____ Dept. Affected: Fish and Game
 Title: An Act Relating to Promoting RDU _____
and Preserving Sport Hunting Component _____
 Sponsor: Representative Kelly
 Requester: House Resources Committee Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
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 EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 00
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 Passage of this legislation would have no fiscal impact

Prepared by: Sarah Gilbertson Phone: 465-6137
 Division: Legislative Liaison Date/Time: 3/14/05 8:50 AM
 Approved by: Acting Commissioner Wayne Regelin Date: 3/14/2005
 Agency: Alaska Department of Fish & Game

COMMITTEE COPY

Amendment #1

adopted 5/2/05

24-LS0359/L

Sponsored by
Sen. Hoffman

SENATE CS FOR CS FOR HOUSE BILL NO. 75(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered: 4/26/05

Referred: Finance

Sponsor(s): REPRESENTATIVES KELLY, Ramras, Stoltze, Holm, Foster, Meyer, Croft

* retain title of CS HB 75 (FIN) \ I

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the powers and duties of the commissioner of fish and game, Board
 2 of Fisheries, and Board of Game in promoting and preserving fishing, hunting, and
 3 trapping in the state ~~and repealing the power and duty of the commissioner of fish and~~ <
 4 ~~game to assist the United States Fish and Wildlife Service in the enforcement of federal~~
 5 ~~laws regarding fish and game."~~ delete

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

7 * Section 1. The uncodified law of the State of Alaska is amended by adding a new section
 8 to read:

9 LEGISLATIVE INTENT. It is the intent of the Alaska State Legislature that the
 10 commissioner of fish and game, the Board of Fisheries, and the Board of Game implement
 11 their authority to promote fishing, hunting, and trapping and to preserve the heritage of
 12 fishing, hunting, and trapping in the state in a manner consistent with scientific fish and
 13 wildlife management principles and the Alaska constitutional principles of common use and

1 sustained yield.

2 * Sec. 2. AS 16.05.050(a) is amended to read:

3 (a) The commissioner has, but not by way of limitation, the following powers
4 and duties:

5 (1) [TO ASSIST THE UNITED STATES FISH AND WILDLIFE
6 SERVICE IN THE ENFORCEMENT OF FEDERAL LAWS AND REGULATIONS
7 PERTAINING TO FISH AND GAME;

8 (2) through the appropriate state agency and under the provisions of
9 AS 36.30 (State Procurement Code), to acquire by gift, purchase, or lease, or other
10 lawful means, land, buildings, water, rights-of-way, or other necessary or proper real
11 or personal property when the acquisition is in the interest of furthering an objective or
12 purpose of the department and the state;

13 (2) [(3)] under the provisions of AS 36.30, to design and construct
14 hatcheries, pipelines, rearing ponds, fishways, and other projects beneficial for the fish
15 and game resources of the state;

16 (3) [(4)] to accept money from any person under conditions requiring
17 the use of the money for specific purposes in the furtherance of the protection,
18 rehabilitation, propagation, preservation, or investigation of the fish and game
19 resources of the state or in settlement of claims for damages to fish or game resources;

20 (4) [(5)] to collect, classify, and disseminate statistics, data and
21 information that, in the commissioner's discretion, will tend to promote the purposes
22 of this title except AS 16.51 and AS 16.52;

23 (5) [(6)] to take, capture, propagate, transport, buy, sell, or exchange
24 fish or game or eggs for propagating, scientific, public safety, or stocking purposes;

25 (6) [(7)] under the provisions of AS 36.30, to provide public facilities
26 where necessary or proper to facilitate the taking of fish or game, and to enter into
27 cooperative agreements with any person to effect them;

28 (7) [(8)] to exercise administrative, budgeting, and fiscal powers;

29 (8) [(9)] under the provisions of AS 36.30, to construct, operate,
30 supervise, and maintain vessels used by the department;

31 (9) [(10)] to authorize the holder of an interim-use permit under

SENATE CS FOR CS FOR HOUSE BILL NO. 75(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES KELLY, Ramras, Stoltze, Holm, Foster, Meyer, Croft

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the powers and duties of the commissioner of fish and game, Board
2 of Fisheries, and Board of Game in promoting and preserving fishing, hunting, and
3 trapping in the state." [deleted title language]

Amendment #1

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

5 * Section 1. The uncodified law of the State of Alaska is amended by adding a new section
6 to read:

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11 wildlife management principles and the Alaska constitutional principles of common use and
12 sustained yield.

13 * Sec. 2. AS 16.05.050(a) is amended to read:

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1 and duties:

2 (1) [TO ASSIST THE UNITED STATES FISH AND WILDLIFE
3 SERVICE IN THE ENFORCEMENT OF FEDERAL LAWS AND REGULATIONS
4 PERTAINING TO FISH AND GAME;

5 (2)] through the appropriate state agency and under the provisions of
6 AS 36.30 (State Procurement Code), to acquire by gift, purchase, or lease, or other
7 lawful means, land, buildings, water, rights-of-way, or other necessary or proper real
8 or personal property when the acquisition is in the interest of furthering an objective or
9 purpose of the department and the state;

10 (2) [(3)] under the provisions of AS 36.30, to design and construct
11 hatcheries, pipelines, rearing ponds, fishways, and other projects beneficial for the fish
12 and game resources of the state;

13 (3) [(4)] to accept money from any person under conditions requiring
14 the use of the money for specific purposes in the furtherance of the protection,
15 rehabilitation, propagation, preservation, or investigation of the fish and game
16 resources of the state or in settlement of claims for damages to fish or game resources;

17 (4) [(5)] to collect, classify, and disseminate statistics, data and
18 information that, in the commissioner's discretion, will tend to promote the purposes
19 of this title except AS 16.51 and AS 16.52;

20 (5) [(6)] to take, capture, propagate, transport, buy, sell, or exchange
21 fish or game or eggs for propagating, scientific, public safety, or stocking purposes;

22 (6) [(7)] under the provisions of AS 36.30, to provide public facilities
23 where necessary or proper to facilitate the taking of fish or game, and to enter into
24 cooperative agreements with any person to effect them;

25 (7) [(8)] to exercise administrative, budgeting, and fiscal powers;

26 (8) [(9)] under the provisions of AS 36.30, to construct, operate,
27 supervise, and maintain vessels used by the department;

28 (9) [(10)] to authorize the holder of an interim-use permit under
29 AS 16.43 to engage on an experimental basis in commercial taking of a fishery
30 resource with vessel, gear, and techniques not presently qualifying for licensing under
31 this chapter in conformity with standards established by the Alaska Commercial

1 Fisheries Entry Commission;

2 (10) [(11)] not later than January 31 of each year, to provide to the
3 commissioner of revenue the names of those fish and shellfish species that the
4 commissioner of fish and game designates as developing commercial fish species for
5 that calendar year; a fish or shellfish species is a developing commercial fish species
6 if, within a specified geographical region,

7 (A) the optimum yield from the harvest of the species has not
8 been reached;

9 (B) a substantial portion of the allowable harvest of the species
10 has been allocated to fishing vessels of a foreign nation; or

11 (C) a commercial harvest of the fish species has recently
12 developed;

13 (11) [(12)] to initiate or conduct research necessary or advisable to
14 carry out the purposes of this title except AS 16.51 and AS 16.52;

15 (12) [(13)] to enter into cooperative agreements with agencies of the
16 federal government, educational institutions, or other agencies or organizations, when
17 in the public interest, to carry out the purposes of this title except AS 16.51 and
18 AS 16.52;

19 (13) [(14)] to implement an on-board observer program authorized by
20 the Board of Fisheries under AS 16.05.251(a)(13); implementation

21 (A) must be as unintrusive to vessel operations as practicable;
22 and

23 (B) must make scheduling and scope of observers' activities as
24 predictable as practicable;

25 (14) [(15)] to sell fish caught during commercial fisheries test fishing
26 operations;

27 (15) [(16)] to establish and charge fees equal to the cost of services
28 provided by the department, including provision of public shooting ranges, broodstock
29 and eggs for private nonprofit hatcheries, department publications, and other direct
30 services, and reasonable fees for the use of state facilities managed by the department;
31 fees established under this paragraph for tours of hatchery facilities, commercial use of

1 sport fishing access sites, and for operation of state hatchery facilities by private
2 aquaculture associations are not subject to the cost limit under AS 37.10.050(a);

3 (16) [(17)] to permit and regulate aquatic farming in the state in a
4 manner that ensures the protection of the state's fish and game resources and improves
5 the economy, health, and well-being of the citizens of the state;

6 (17) [(18)] to operate state housing and facilities for employees,
7 contractors, and others in support of the department's responsibilities and to charge
8 rent that is consistent with applicable collective bargaining agreements, or, if no
9 collective bargaining agreement is applicable, competitive with market conditions;
10 rent received from tenants shall be deposited in the general fund;

11 (18) [(19)] to petition the Alaska Commercial Fisheries Entry
12 Commission, unless the Board of Fisheries disapproves the petition under
13 AS 16.05.251(g), to establish a moratorium on new entrants into commercial fisheries

14 (A) that have experienced recent increases in fishing effort that
15 are beyond a low, sporadic level of effort;

16 (B) that have achieved a level of harvest that may be
17 approaching or exceeding the maximum sustainable level for the fishery; and

18 (C) for which there is insufficient biological and resource
19 management information necessary to promote the conservation and sustained
20 yield management of the fishery;

21 (19) to promote fishing, hunting, and trapping and preserve the
22 heritage of fishing, hunting, and trapping in the state.

23 * Sec. 3. AS 16.05.251(a) is amended to read:

24 (a) The Board of Fisheries may adopt regulations it considers advisable in
25 accordance with AS 44.62 (Administrative Procedure Act) for

26 (1) setting apart fish reserve areas, refuges, and sanctuaries in the
27 waters of the state over which it has jurisdiction, subject to the approval of the
28 legislature;

29 (2) establishing open and closed seasons and areas for the taking of
30 fish; if consistent with resource conservation and development goals, the board may
31 adopt regulations establishing restricted seasons and areas necessary for

1 (A) persons 60 years of age and older to participate in sport.
2 personal use, or subsistence fishing; or

3 (B) persons under 16 years of age to participate in sport
4 fishing;

5 (3) setting quotas, bag limits, harvest levels, and sex and size
6 limitations on the taking of fish;

7 (4) establishing the means and methods employed in the pursuit,
8 capture, and transport of fish;

9 (5) establishing marking and identification requirements for means
10 used in pursuit, capture, and transport of fish;

11 (6) classifying as commercial fish, sport fish, guided sport fish,
12 personal use fish, subsistence fish, or predators or other categories essential for
13 regulatory purposes;

14 (7) watershed and habitat improvement, and management,
15 conservation, protection, use, disposal, propagation, and stocking of fish;

16 (8) investigating and determining the extent and effect of disease,
17 predation, and competition among fish in the state, exercising control measures
18 considered necessary to the resources of the state;

19 (9) prohibiting and regulating the live capture, possession, transport, or
20 release of native or exotic fish or their eggs;

21 (10) establishing seasons, areas, quotas, and methods of harvest for
22 aquatic plants;

23 (11) establishing the times and dates during which the issuance of
24 fishing licenses, permits, and registrations and the transfer of permits and registrations
25 between registration areas is allowed; however, this paragraph does not apply to
26 permits issued or transferred under AS 16.43;

27 (12) regulating commercial, sport, guided sport, subsistence, and
28 personal use fishing as needed for the conservation, development, and utilization of
29 fisheries;

30 (13) requiring, in a fishery, observers on board fishing vessels, as
31 defined in AS 16.05.475(d), that are registered under the laws of the state, as defined

1 in AS 16.05.475(c), after making a written determination that an on-board observer
2 program

3 (A) is the only practical data-gathering or enforcement
4 mechanism for that fishery;

5 (B) will not unduly disrupt the fishery;

6 (C) can be conducted at a reasonable cost; and

7 (D) can be coordinated with observer programs of other
8 agencies, including the National Marine Fisheries Service, North Pacific
9 Fishery Management Council, and the International Pacific Halibut
10 Commission;

11 (14) establishing nonexclusive, exclusive, and superexclusive
12 registration and use areas for regulating commercial fishing;

13 (15) regulating resident or nonresident sport fishermen as needed for
14 the conservation, development, and utilization of fishery resources;

15 (16) requiring unlicensed fishing vessels present in or transiting the
16 waters of the state to report to the department the quantity, species, and origin of fish
17 on board; in this paragraph, "unlicensed fishing vessel" means a fishing vessel that is
18 not licensed under AS 16.05.490 - 16.05.530;

19 (17) promoting fishing and preserving the heritage of fishing in the
20 state.

21 * Sec. 4. AS 16.05.255(a) is amended to read:

22 (a) The Board of Game may adopt regulations it considers advisable in
23 accordance with AS 44.62 (Administrative Procedure Act) for

24 (1) setting apart game reserve areas, refuges, and sanctuaries in the
25 water or on the land of the state over which it has jurisdiction, subject to the approval
26 of the legislature;

27 (2) establishing open and closed seasons and areas for the taking of
28 game;

29 (3) establishing the means and methods employed in the pursuit,
30 capture, taking, and transport of game, including regulations, consistent with resource
31 conservation and development goals, establishing means and methods that may be

1 employed by persons with physical disabilities;

2 (4) setting quotas, bag limits, harvest levels, and sex, age, and size
3 limitations on the taking of game;

4 (5) classifying game as game birds, song birds, big game animals, fur
5 bearing animals, predators, or other categories;

6 (6) methods, means, and harvest levels necessary to control predation
7 and competition among game in the state;

8 (7) watershed and habitat improvement, and management,
9 conservation, protection, use, disposal, propagation, and stocking of game;

10 (8) prohibiting the live capture, possession, transport, or release of
11 native or exotic game or their eggs;

12 (9) establishing the times and dates during which the issuance of game
13 licenses, permits, and registrations and the transfer of permits and registrations
14 between registration areas and game management units or subunits is allowed;

15 (10) regulating sport hunting and subsistence hunting as needed for the
16 conservation, development, and utilization of game;

17 (11) taking game to ensure public safety;

18 (12) regulating the activities of persons licensed to control nuisance
19 wild birds and nuisance wild small mammals;

20 (13) promoting hunting and trapping and preserving the heritage
21 of hunting and trapping in the state.

22 * Sec. 5. AS 16.43.210(c) is amended to read:

23 (c) To the extent that the commissioner of fish and game authorizes it under
24 AS 16.05.050(a)(9) [AS 16.05.050(a)(10)], the commission may grant an interim-use
25 permit to a person to engage in the commercial taking from a fishery on an
26 experimental basis.

27 * Sec. 6. AS 37.05.146(c)(21) is amended to read:

28 (21) commercial fisheries test fishing operations
29 (AS 16.05.050(a)(14)) [(AS 16.05.050(a)(15))];

30 * Sec. 7. AS 43.75.290(1) is amended to read:

31 (1) "developing commercial fish species" means those species of fish

1
2

and shellfish annually designated by the commissioner of fish and game under
AS 16.05.050(a)(10) [AS 16.05.050(a)(11)];



Official Business

Alaska State Senate

Senate Finance Committee

Mail Stop 3100
State Capitol
Juneau, Alaska 99801-1182

FAX COVER SHEET

DATE: 2 May 2005 TIME: 3:20pm

TO: Legal Services

NUMBER OF PAGES, INCLUDING COVER SHEET: 2

FROM: MINDY ROWLAND
SENATE FINANCE COMMITTEE SECRETARY
PHONE: 465-4935
FAX: 465-2187

NOTES: Final Please
SCS CS HB 75 (FIN) 24-LS0359\L
Plus 1 amendment - attached

Thx
Mindy

Alaska State Legislature

Juneau
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Representative Mike Kelly
House District 7

Sponsor Statement **CSHB 75(FIN)** (24-LS0359\Y)

"An Act relating to the duties of the commissioner of fish and game, Board of Fisheries, and Board of Game in promoting and preserving fishing, hunting, and trapping in the state."

House Bill 75 clearly expresses the Legislature's desire to protect hunting as an integral part of Alaska's cultural heritage.

This bill was brought to the sponsor by a constituent and is modeled after a bill considered by the Michigan State Legislature in 2004. In addition, in recent years there have been moves in other states to include similar language in their respective constitutions. Similar language was added in Minnesota in 1998 and Montana in 2004.

Hunting, fishing, and trapping have always been a core component of our heritage and livelihood in Alaska and this sentiment is expressed in our Constitution in Article 8, sec. 4. HB 75 creates greater statutory clarity in directing the Commissioner of Fish and Game and the Boards of Fish and Game to adopt regulations and enforce existing statutes in a manner consistent with protecting Alaskans' rights to utilize our state's fish and game resources.

HB 75 will provide an additional protection from outside encroachment on our ability to responsibly harvest our fish and game.

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Representative Mike Kelly
House District 7

EXPLANATION OF CHANGES
CSHB 75(FIN) v. SCS CSHB 75(RES)
(24-LS0359F) (24-LS0359A.)

Sec. 2

(Pg. 2, lines 5-7)

Existing statutory language pertaining to powers and duties of the commissioner of Fish and Game relating to enforcement of all federal laws and regulations was removed and the remaining sections of the statute were appropriately renumbered.

Secs. 5, 6, 7

(Pg 7, lines 25-31; Pg. 8, lines . 5)

Conforming amendments were made to existing sections of statute, which cross-referenced the section of statute that was amended in sec. 2 of the bill (see above).

SCR 11 – A title change resolution accompanies HB 75 as a result of the amendment made in the Senate Resources Committee.

Alaska State Legislature

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Representative Mike Kelly
House District 7

EXPLANATION OF CHANGES

CSHB 75(RES) v. CSHB 75(FIN)
(24-LS0359F) (24-LS0359N)

Sec. 1

(Pg. 1, Lines 5-12)

The sponsor has included a legislative intent statement plainly stating the ongoing commitment to constitutional provisions for common use and sustained yield principles found in Article 8, secs. 3 & 4. The following sections have been appropriately renumbered to reflect this inclusion.

Sec. 2

(Pg. 1-4)

This section has been changed in two significant ways. First the sponsor has changed the structure of the section by placing the new language in the "Powers and duties of the commissioner" (AS 16.05.05C (a)) rather than in "Functions of the commissioner" (AS 16.05.020) as it appeared in the original version. Secondly, the phrase "In conjunction with" (Pg. 4, Line 19) has been removed from the original language at the request of the Department of Fish and Game.

Sec. 3

(Pg. 4-6)

Like the previous section, there have again been two significant changes: one structural revision within the statute and one language revision. First, the "preserve and promote" language has been restructured within the regulation making authority of the Board of Fisheries. Like the previous section, it removes the phrase "In conjunction with" (Pg. 6, Line 17) at the request of the Department of Fish and Game.

Sec. 4

(Pg. 6-7)

This section has been redrafted to conform with the changes as they apply to the Board of Fisheries. This section makes the same changes as the previous section, only they apply to the Board of Game in AS 16.05.255(a).

LEGAL SERVICES

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Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

April 4, 2005

SUBJECT: Questions relating to CSHB 75(FIN)
(Work Order No. 24-LS0359\I)

TO: Representative Mike Kelly
Attn: Heath Hilyard

FROM: George Utermohle *GU*
Legislative Counsel

You have asked whether CSHB 75(FIN) establishes a priority for consumptive uses of fish and game over nonconsumptive uses of fish and game or implicates the common use and sustained yield sections of the Alaska Constitution.

The short answer to your questions is no.

CSHB 75(FIN) amends the powers and duties of the commissioner of fish and game, the Board of Fisheries, and the Board of Game by adding authority to promote fishing, hunting, and trapping and to preserve the heritage of fishing, hunting, and trapping in the state. The commissioner and the boards are already responsible for the management of fish and game and the management of fishing, hunting, and trapping in the state. HB 75 would add responsibility for a related function, the promotion of fishing, hunting, and trapping and the preservation of the heritage of those activities in the state. Under HB 75, promoting and preserving fishing, hunting, and trapping would be neither the sole function of the commissioner and the boards nor the primary duty of the commissioner and the boards. Promoting and preserving fishing, hunting, and trapping would be only of the many powers and duties that the commissioner and the boards are responsible for under AS 16.05.050, 16.05.251, 16.05.255, and other statutes.

Nothing on the face of the bill creates a priority for fishing, hunting, or trapping or requires the commissioner and the boards to assign a priority to fishing, hunting, or trapping over other uses of fish and game. Furthermore, there is nothing in the language of the bill that diminishes, limits, or alters the existing authority of the commissioner and the boards in regard to consumptive and nonconsumptive uses of fish and game.

Thus, it is my conclusion that CSHB 75(FIN) does not establish a priority or even a preference for hunting, fishing, and trapping over other consumptive or nonconsumptive uses of fish and game.

Representative Mike Kelly

April 4, 2005

Page 2

CSHB 75(FIN) does not implicate the common use or sustained yield sections of the Alaska Constitution. The bill does not limit or otherwise affect entry into a fish or game user group, so common use is not an issue in regard to the bill. Also, the bill does not affect the responsibility of the commissioner and the boards to manage fish and game for sustained yield, so the sustained yield provision of the Alaska Constitution is not an issue. To the extent that the commissioner or the boards take action under the additional powers and duties conferred in regard to promotion and preservation of hunting, fishing, and trapping of fish and game, those actions will be subject to, and must be consistent with, all provisions of the Alaska Constitution, including the common use and sustained yield sections.

If I may be of further assistance, please advise.

GU:jad

05-185.jad

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STATE OF ALASKA

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL

FRANK H. MURKOWSKI, GOVERNOR

1031 WEST 4TH AVENUE, SUITE 200
ANCHORAGE, ALASKA 99501-5903
PHONE: (907)269-5100
FAX: (907)276-3697

March 18, 2005

Honorable Paul Seaton
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Re: HB 75

Dear Representative Seaton:

During hearings on HB 75, the Department of Law was asked to address, in writing, the effect, if any, that the bill's language would have on issues relating to brown bear hunting at McNeil River. Assuming that the current language remains unchanged, it is our opinion that the bill would have no effect on brown bear hunting at McNeil river State Game Sanctuary or McNeil River State Game Refuge, for the following reasons.

The relevant language in HB 75 requires the commissioner of ADF&G and the Board of Game to, "promote...hunting...and preserve the heritage of...hunting...in the state." HB 75, Sec.s 1 and 3. This language does not purport to override any other statutory language. Instead, it simply adds to the existing duties of the commissioner and board.

All hunting, including brown bear hunting, within McNeil River State Game Sanctuary is prohibited by statute. AS 16.20.162(b). Nothing in the bill alters this prohibition.

The hunting of brown bears within McNeil River State Game Refuge is expressly left to the Board of Game's discretion. AS 16.20.041(c). Any such hunting must be consistent with the refuge purposes, which include permanent protection of brown bear populations and maintaining and enhancing brown bear viewing opportunities in the area. AS 16.20.041(b). Because the Board is given discretion to prohibit or allow brown bear hunting, and it is required to foster the refuge purposes in its decision making, it follows that the Board retains the authority to completely ban brown bear hunting in order to accommodate viewing, as it has done. 5 AAC 92.520(d). Nothing in HB 75 purports to affect this discretion. While the bill requires the Board to promote hunting and preserve Alaska's hunting heritage, it contains no specific mandate to promote a certain type of

C R
- / Commissioner
- Deputy Fish
- Deputy Game
- Spec Asst Fish
- Spec Asst PSC
X Legis Liaison
- Info Officer
- Admn
X Boards
- CF
- SF
- Sub
X WC
- CFEC
- EVOS
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MAR 18 2005

DEPT OF FISH & GAME

Honorable Paul Seaton
Alaska State Legislature

March 18, 2005
Page 2

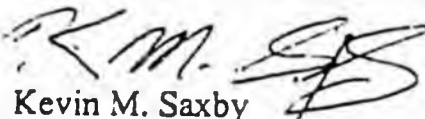
hunting, or preserve hunting in a certain area. Moreover, it is worth noting that hunting other than brown bear hunting has always been allowed within McNeil River State Game Refuge. AS 16.20.041 and 5 AAC 92.520(d). The bill gives no indication that the current situation is at issue.

For all of the above reasons, we conclude that the generalized mandate to promote and preserve hunting in HB 75 would not override the specific statutory provisions discussed above.

Sincerely,

SCOTT J. NORDSTRAND
ACTING ATTORNEY GENERAL

By



Kevin M. Saxby
Assistant Attorney General

cc: Kevin Jardell
David Marquez
Wayne Regelin

Sec. 10. **SEAT OF GOVERNMENT.** The seat of government of the state is in the city of St. Paul. The legislature may provide by law for a change of the seat of government by a vote of the people, or may locate the same upon the land granted by Congress for a seat of government. If the seat of government is changed, the capitol building and grounds shall be dedicated to an institution for the promotion of science, literature and the arts to be organized by the legislature of the state. The Minnesota Historical Society shall always be a department of this institution.

Sec. 11. **STATE SEAL.** A seal of the state shall be kept by the secretary of state and be used by him officially. It shall be called the great seal of the state of Minnesota.

Sec. 12. **PRESERVATION OF HUNTING AND FISHING.** Hunting and fishing and the taking of game and fish are a valued part of our heritage that shall be forever preserved for the people and shall be managed by law and regulation for the public good. [Adopted, November 3, 1998]

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Updated on

Montana Code Annotated 2003

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Montana Constitution, Article IX

Section 7. Preservation of harvest heritage. The opportunity to harvest wild fish and wild game animals is a heritage that shall forever be preserved to the individual citizens of the state and does not create a right to trespass on private property or diminution of other private rights.

History: En. Sec. 1, Const. Amend. No. 41, approved Nov. 2, 2004.

Effective Nov. 2, 2004--Sec. 2, Const. Amend. No. 41.

Provided by Montana Legislative Services

State of Illinois 91st General Assembly Legislation

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[[Introduced](#)][[Engrossed](#)][[House Amendment 001](#)]

91_SB0163enr

SB163 Enrolled

LRB9102634DHmg

1 AN ACT concerning recreational hunting and trapping.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Department of Natural Resources Act is
5 amended by changing Section 1-15 as follows:

6 (20 ILCS 801/1-15)

7 Sec. 1-15. General powers and duties.

8 (a) It shall be the duty of the Department to
9 investigate practical problems, implement studies, conduct
10 research and provide assistance, information and data
11 relating to the technology and administration of the natural
12 history, entomology, zoology, and botany of this State; the
13 geology and natural resources of this State; the water and
14 atmospheric resources of this State; and the archeological
15 and cultural history of this State.

16 (b) The Department shall obtain, store, and process
17 relevant data; recommend technological, administrative, and
18 legislative changes and developments; cooperate with other
19 federal, state, and local governmental research agencies,
20 facilities, or institutes in the selection of projects for
21 study; cooperate with the Board of Higher Education and with
22 the public and private colleges and universities in this
23 State in developing relevant interdisciplinary approaches to
24 problems; evaluate curricula at all levels of education and
25 provide assistance to instructors; and sponsor an annual
26 conference of leaders in government, industry, health, and
27 education to evaluate the state of this State's environment
28 and natural resources.

29 (c) The Director, in accordance with the Personnel Code,
30 shall employ such personnel, provide such facilities, and
31 contract for such outside services as may be necessary to

SB163 Enrolled

-2-

LRB9102634DHmg

1 carry out the purposes of the Department. Maximum use shall
2 be made of existing federal and state agencies, facilities,
3 and personnel in conducting research under this Act.

4 (d) In addition to its other powers, the Department has
5 the following powers:

6 (1) To obtain, store, process, and provide data and
7 information related to the powers and duties of the
8 Department under this Act. This subdivision (d)(1) does
9 not give authority to the Department to require reports
10 from nongovernmental sources or entities.

11 (2) To cooperate with and support the Illinois
12 Governor's Science and Technology Advisory Committee and
13 the Illinois Coalition for the purpose of facilitating
14 the effective operations and activities of such entities.
15 Support may include, but need not be limited to,
16 providing space for the operations of the Committee and
17 the Illinois Coalition.

18 (e) The Department is authorized to make grants to local
19 not-for-profit organizations for the purposes of development,
20 maintenance and study of wetland areas.

21 (f) The Department has the authority to accept, receive
22 and administer on behalf of the State any gifts, bequests,
23 donations, income from property rental and endowments. Any
24 such funds received by the Department shall be deposited into
25 the Natural Resources Fund, a special fund which is hereby
26 created in the State treasury, and used for the purposes of
27 this Act or, when appropriate, for such purposes and under
28 such restrictions, terms and conditions as are predetermined
29 by the donor or grantor of such funds or property. Any
30 accrued interest from money deposited into the Natural
31 Resources Fund shall be reinvested into the Fund and used in
32 the same manner as the principal. The Director shall maintain
33 records which account for and assure that restricted funds or
34 property are disbursed or used pursuant to the restrictions,

SB163 Enrolled

-3-

LRB9102634DHmg

1 terms or conditions of the donor.

2 (g) The Department shall recognize, preserve, and
3 promote our special heritage of recreational hunting and
4 trapping by providing opportunities to hunt and trap in
5 accordance with the Wildlife Code.

6 (Source: P.A. 89-445, eff. 2-7-96; revised 12-2-98.)

7 Section 10. The Wildlife Code is amended by changing
8 Section 3.8 as follows:

9 (520 ILCS 5/3.8) (from Ch. 61, par. 3.8)

10 Sec. 3.8. Migratory waterfowl areas; geese.

11 (a) On any property operated under a Migratory Waterfowl
12 Hunting Area Permit (Commercial) where the principal use is
13 to take wild geese, it is the permit holder's duty to ensure
14 all of the following but only during Canada goose season:

15 (1) That no person takes wild geese except from a
16 blind or pit.

17 (2) That no person establishes or uses any blind or
18 pit for the taking of wild geese within 200 yards of any
19 other blind or pit or within 100 yards of the boundary of
20 the property on which the blind or pit is located.

21 (3) That no person establishes or uses any blind or
22 pit for the taking of wild geese within 200 yards of any
23 wildlife refuge boundary or public road right-of-way
24 adjacent to any State or Federal waterfowl refuge. If a
25 blind or pit has been established for more than 10 years
26 and it was believed by both the landowner and the
27 Department during that time to meet the minimum yardage



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March 14, 2005



Honorable Mike Kelly
Honorable Jay Ramras
Alaska State Legislature
Juneau, AK 99811
By FAX 465-2070 to House Resources Committee

Dear Representatives Kelly and Ramras:

Thank you for introducing HB 75, Rep. Kelly, and for your support, Rep. Ramras.

I applaud your work draft proposal of 2/24/05 and committee substitute for HB 75. Promoting and preserving the various legal forms of hunting and trapping in Alaska is properly a function of the State, through the Department of Fish & Game (ADF&G) and the Board of Game.

When I have in the past urged the ADF&G to advocate hunting and trapping, I have been told that the Department of Law advised ADF&G not to, because there was no clear statutory direction to do so.

The importance of hunting and trapping to Alaskan values and lifestyles and to sound, scientific sustained yield management demands clear direction, to help ensure that the State is able to fulfill its constitutional responsibilities.

Your bill provides that direction. Thank you for introducing it and, in the proposed Committee Substitute, broadening its scope to include all hunting and trapping. I respectfully ask the Committee and the Legislature to pass this proposed Committee substitute for HB 75.

Please include my letter in the House Resources Committee record.

Sincerely,

Richard H. Bishop
President

cc: The Honorable Governor Frank Murkowski

SENATE COMMITTEE REPORT

DATE: 4/11/05

FURTHER: Finance

DATE TURNED
IN TO OFFICE: 4/26/05

Resources Committee considered CS FOR HOUSE BILL NO. 75(FIN)

HB 75 HUNTING, FISHING, TRAPPING

"An Act relating to the powers and duties of the commissioner of fish and game, Board of Fisheries, and Board of Game in promoting and preserving fishing, hunting, and trapping in the state."

and recommends:

- be replaced with S CS CS HB 75 (RES)
- adopt previous CS ()
- attached amendment(s)
- adopt Letter of Intent by Committee
- further referral to Committee

CS Senate Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
SCS House Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input checked="" type="checkbox"/>	New Title w/ SCR # <u>11</u>

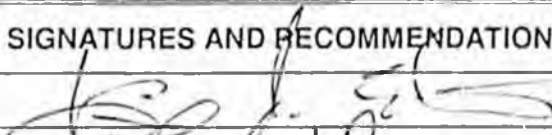



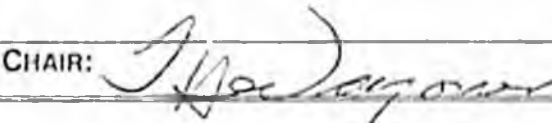
NEW FISCAL NOTE(S):

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

Department	Date	Fiscal	Indet.	Zero	FN#
<u>ANF&G</u>	<u>3/19</u>			<input checked="" type="checkbox"/>	<u>1</u>

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	Do NOT PASS	No REC	AMEND
Elton 			<input checked="" type="checkbox"/>	
Dyson 	<input checked="" type="checkbox"/>			
Seekins 	<input checked="" type="checkbox"/>			
Steelman 	<input checked="" type="checkbox"/>			
CHAIR: 	<input checked="" type="checkbox"/>			
Wagoner				

HB

76

HFIN

FILE

Reported out CS(FIN) on
#1 Amended Pg 7 of 10/05
24-LS0332G
#2 on p 4, line 23
#3 faxed #4A - p 20
5 - p 2

HOUSE BILL NO. 76

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES SAMUELS, Joubt

Introduced: 1/18/05
Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the Big Game Commercial Services Board and to the regulation of
2 big game hunting services and transportation services; and providing for an effective
3 date."

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

5 * Section 1. AS 08.01.010(7) is amended to read:

6 (7) Big Game Commercial Services Board (AS 08.54.591)
7 [REGULATION OF BIG GAME GUIDES AND TRANSPORTERS UNDER
8 AS 08.54];

9 * Sec. 2. AS 08.03.010(c) is amended by adding a new paragraph to read:

10 (22) Big Game Commercial Services Board (AS 08.54.591) -- June 30,
11 2008.

12 * Sec. 3. AS 08.54 is amended by adding new sections to article 1 to read:

13 Sec. 08.54.591. Creation and membership of board. (a) For the purposes
14 of licensing and regulating the activities of providers of commercial services to big

1 game hunters in the interest of the state's wildlife resources, there is created the Big
2 Game Commercial Services Board. For administrative purposes, the board is in the
3 Department of Commerce, Community, and Economic Development.

4 (b) The board consists of seven members as follows:

- 5 (1) two members who are current, licensed registered guide-outfitters;
- 6 (2) two members who are licensed transporters;
- 7 (3) one member of the Board of Game who is chosen by the Board of
8 Game and who does not hold a guide or transport license;
- 9 (4) one member who represents private landholders affected by guided
10 hunting activities or transportation services and who does not hold a license issued
11 under this chapter; and
- 12 (5) one public member.

13 Sec. 08.54.595. Board assistance. [The Department of Fish and Game,
14 Department of Natural Resources, Department of Law, and Department of Public
15 Safety] shall provide the board with information, data, or technical assistance requested
16 by the board for the purposes of licensing and regulating the activities of providers of
17 commercial services to big game hunters.

delete add agencies "State agencies" #9

18 * Sec. 4. AS 08,54.600 is amended to read:

19 Sec. 08.54.600. Duties of board [DEPARTMENT]. (a) The board
20 [DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC
21 DEVELOPMENT] shall

22 (1) prepare and [,] grade [, AND ADMINISTER]

23 (A) a qualification examination for a registered guide-outfitter
24 [GUIDE] license that requires demonstration that the applicant is qualified
25 generally to provide guided and outfitted hunts and, in particular, possesses
26 knowledge of fishing, hunting, and guiding laws and regulations; and

27 (B) a certification examination for each game management unit
28 in which the registered guide-outfitter [GUIDE] intends to provide big game
29 hunting services; the examination must require demonstration that the
30 registered guide-outfitter [GUIDE] is qualified to provide guided and outfitted
31 hunts in the game management unit for which the registered guide-outfitter

1 [GUIDE] seeks to be certified and, in particular, must require demonstration
2 that the registered guide-outfitter [GUIDE] possesses knowledge of the
3 terrain, transportation problems, game, and other characteristics of the game
4 management unit;

5 (2) authorize the issuance of [ISSUE] registered guide-outfitter
6 [GUIDE], master guide-outfitter [GUIDE], class-A assistant guide, assistant guide,
7 and transporter licenses;

8 (3) [COMPILE, MAINTAIN, AND PUBLISH AN ANNUAL
9 ROSTER OF REGISTERED GUIDES AND MASTER GUIDES LICENSED
10 UNDER THIS CHAPTER; A PERSON LISTED IN THE ROSTER WHOSE
11 LICENSE IS REVOKED OR SUSPENDED SHALL BE REMOVED FROM THE
12 ROSTER WHILE THE PERSON'S LICENSE IS REVOKED OR SUSPENDED;

13 (4) impose appropriate disciplinary sanctions on a licensee under
14 AS 08.54.600 - 08.54.790;

15 (4) [(5)] require an applicant for issuance or renewal of any class of
16 guide license or of a transporter license to state in a written and signed document
17 whether the applicant's right to obtain, or exercise the privileges granted by, a hunting,
18 guiding, outfitting, or transportation services license is revoked or suspended in this
19 state or another state or in Canada;

20 (5) [(6)] regularly disseminate information regarding examinations and
21 other qualifications for all classes of guide licenses to residents of the rural areas of the
22 state;

23 (6) [(7)] adopt procedural and substantive regulations required by this
24 chapter;

25 (7) provide for administration of [(8) ADMINISTER] examinations
26 for registered guide-outfitters [GUIDES] at least twice a year [; AN
27 EXAMINATION MAY NOT BE GIVEN WITHIN 90 DAYS AFTER THE
28 PREVIOUS EXAMINATION; AT LEAST ONCE EVERY OTHER YEAR THE
29 DEPARTMENT SHALL GIVE THE EXAMINATION AT A LOCATION OTHER
30 THAN ANCHORAGE].

31 (b) The board [DEPARTMENT] shall provide for administration of an oral

1 examination for a registered guide-outfitter [GUIDE] license or for a game
 2 management unit certification if requested at the time of application for the license
 3 [AN APPLICANT EXPERIENCES A SPECIFIC LANGUAGE DISABILITY].

4 * Sec. 5. AS 08.54.600 is amended by adding a new subsection to read:

5 (c) The board may adopt regulations as the board considers appropriate to

6 (1) establish a code of ethics for professions regulated by the board;

7 (2) establish requirements for the contents of written contracts to
 8 provide big game hunting services and transportation services to clients;

9 (3) authorize the department to request a copy of a big game hunting
 10 services or transportation services contract entered into by a person licensed under this
 11 chapter.

12 * Sec. 6. AS 08.54.605(a) is amended to read:

13 (a) Notwithstanding AS 08.54.610, 08.54.620, 08.54.630, 08.54.650, and
 14 08.54.660, a person may not receive or renew a registered guide-outfitter [GUIDE]
 15 license, master guide-outfitter [GUIDE] license, class-A assistant guide license,
 16 assistant guide license, or transporter license if

17 (1) the person has been convicted of

18 (A) a violation of a state or federal hunting, guiding, or
 19 transportation services statute or regulation [WITHIN THE LAST FIVE
 20 YEARS] for which the person was

21 (i) [FINED MORE THAN \$1,000 OR] imprisoned for
 22 more than five days within the previous five years;

23 (ii) finned more than \$1,000 in the previous 12
 24 months;

25 (iii) finned more than \$3,000 in the previous 36
 26 months; or

27 (iv) finned more than \$5,000 in the previous 60
 28 months;

29 (B) a felony within the last five years; or

30 (C) a felony offense against the person under AS 11.41 within
 31 the last 10 years; or

1 (2) the person's right to obtain, or exercise the privileges granted by, a
 2 hunting, guiding, outfitting, or transportation services license is suspended or revoked
 3 in this state or another state or in Canada.

4 * Sec. 7. AS 08.54.605(c) is amended to read:

5 (c) A person may not receive a certification for a game management unit if the
 6 person is prohibited by (a) of this section from receiving or renewing a registered
 7 guide-outfitter [GUIDE] license or master guide-outfitter [GUIDE] license.

8 * Sec. 8. AS 08.54.610 is amended to read:

9 **Sec. 08.54.610. Registered guide-outfitter [GUIDE] license.** (a) A natural
 10 person is entitled to a registered guide-outfitter [GUIDE] license if the person

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

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

15 (3) either

16 (A) has passed the qualification examination prepared [AND
 17 ADMINISTERED] by the board [DEPARTMENT] under AS 08.54.600; or

18 (B) provides evidence of 25 years of experience as a class-A
 19 assistant guide or class-A assistant guide-outfitter;

20 (4) has passed a certification examination prepared [AND
 21 ADMINISTERED] by the board [DEPARTMENT] under AS 08.54.600 for at least
 22 one game management unit;

23 (5) has legally hunted big game in the state for part of each of any five
 24 years in a manner directly contributing to the person's experience and competency as a
 25 guide;

26 (6) has been licensed as and performed the services of a class-A
 27 assistant guide or assistant guide, or of a class-A assistant guide-outfitter or assistant
 28 guide-outfitter under former AS 08.54.300 - 08.54.590, in the state for a part of each
 29 of three years;

30 (7) is capable of performing the essential duties associated with
 31 guiding and outfitting;

1 (8) has been favorably recommended in writing by eight big game
2 hunters whose recommendations have been solicited by the department from a list
3 provided by the applicant, including at least two favorable recommendations for each
4 year of any three years during which the person was a class-A assistant guide or
5 assistant guide, or a class-A assistant guide-outfitter or assistant guide-outfitter under
6 former AS 08.54.300 - 08.54.590;

7 (9) has provided proof of financial responsibility if required by the
8 department under AS 08.54.680; and

9 (10) has applied for a registered guide-outfitter [GUIDE] license on a
10 form provided by the department and paid the license application fee and the
11 registered guide-outfitter [GUIDE] license fee.

12 (b) A master guide-outfitter [GUIDE] license authorizes a registered guide-
13 outfitter [GUIDE] to use the title master guide-outfitter [GUIDE], but is for all other
14 purposes under this chapter a registered guide-outfitter [GUIDE] license. A natural
15 person is entitled to receive a renewable master guide-outfitter [GUIDE] license if
16 the person

17 (1) is, at the time of application for a master guide-outfitter [GUIDE]
18 license, licensed as a registered guide-outfitter [GUIDE] under this section;

19 (2) has been licensed in this state as a registered guide or a guide-
20 outfitter, under former AS 08.54.010 - 08.54.240, former AS 08.54.300 - 08.54.590, or
21 this chapter, for at least 12 of the last 15 years, including the year immediately
22 preceding the year in which the person applies for a master guide-outfitter [GUIDE]
23 license;

24 (3) submits a list to the department of at least 25 clients for whom the
25 person has personally provided guiding or outfitting services and the person receives a
26 favorable evaluation from 10 of the clients selected from the list by the department;
27 and

28 (4) applies for a master guide-outfitter [GUIDE] license on a form
29 provided by the department and pays the application fee, if any.

30 (c) A registered guide-outfitter [GUIDE] may contract to guide or outfit
31 hunts for big game and may provide transportation services, personally or through an

1 assistant, to big game hunters who are clients of the registered guide-outfitter
2 [GUIDE].

3 (d) A person who is licensed as a registered guide-outfitter [GUIDE] may be
4 employed by another registered guide-outfitter [GUIDE] to perform the functions of
5 a registered guide-outfitter [GUIDE] or class-A assistant guide in the game
6 management unit for which the person is certified under AS 08.54.600 or of an
7 assistant guide in any game management unit.

8 (e) A registered guide-outfitter [GUIDE] who contracts for a guided hunt
9 shall be

10 (1) physically present in the field with the client at least once during
11 the contracted hunt; and

12 (2) in the field and participating in the contracted hunt, unless the hunt
13 is being conducted by a class-A assistant guide or a registered guide-outfitter
14 [GUIDE] employed by the contracting registered guide-outfitter [GUIDE].

15 * Sec. 9. AS 08.54.620 is amended to read:

16 Sec. 08.54.620. Class-A assistant guide license. (a) A natural person is
17 entitled to a class-A assistant guide license if the person

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

19 (2) applies for a class-A assistant guide license on a form provided by
20 the department and pays the license application fee and the license fee; [AND]

21 (3) possesses a current first aid card issued by the Red Cross or a
22 similar organization; and

23 (4) either

24 (A) has

25 (i) been employed during at least three calendar years as
26 any class of licensed guide in the game management unit for which the
27 license is sought; and

28 (ii) at least 10 years' hunting experience in the state;
29 military service outside of the state for not more than three years shall
30 be accepted as part of the required 10 years' hunting experience; [OK]

31 (B) provides

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

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

8 (iii) a written recommendation from a registered guide-
9 outfitter [GUIDE, STATE TROOPER, STATE FISH AND
10 WILDLIFE LAW ENFORCEMENT OFFICER, OR STATE FISH OR
11 GAME BIOLOGIST WHO IS FAMILIAR WITH THE PERSON OR]
12 who intends to employ the person as a class-A assistant guide; or

13 (C) provides evidence that the person

14 (i) physically resides in the game management unit
15 in which the person is to be employed;

16 (ii) has at least 10 years' hunting experience in the
17 state; military service outside of the state for not more than three
18 years shall be accepted as part of the required 10 years' hunting
19 experience; and

20 (iii) has passed a class-A assistant guide training
21 course approved by the board.

22 (b) A class-A assistant guide

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

24 (2) shall be employed by and under the supervision of a registered
25 guide-outfitter [GUIDE] who has contracted with the client for whom the class-A
26 assistant guide is conducting the hunt;

27 (3) may take charge of a camp and provide [CONDUCT] guide
28 services [ACTIVITIES] from the camp without the contracting registered guide-
29 outfitter [GUIDE] being in the field and participating in the contracted hunt if the
30 contracting registered guide-outfitter [GUIDE] is supervising the guiding activities;

31 (4) may not perform functions of a class-A assistant guide outside of

1 the game management unit for which the license is issued; and

2 (5) may be employed by a registered guide-outfitter [GUIDE] to
3 perform the functions of an assistant guide in any game management unit.

4 * Sec. 10. AS 08.54.630 is amended to read:

5 Sec. 08.54.630. Assistant guide license. (a) A natural person is entitled to an
6 assistant guide license if the person

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

8 (2) has legally hunted big game in the state during two calendar years;

9 (3) possesses a first aid card issued by the Red Cross or a similar
10 organization;

11 (4) either

12 (A) obtains a written recommendation from a registered guide-
13 outfitter [GUIDE, STATE TROOPER, STATE FISH AND WILDLIFE LAW
14 ENFORCEMENT OFFICER, OR STATE FISH OR GAME BIOLOGIST
15 WHO IS FAMILIAR WITH THE PERSON OR] who intends to employ the
16 person as an assistant guide; or

17 (B) provides evidence that the person passed an assistant
18 guide training course approved by the board; and

19 (5) applies for an assistant guide license on a form provided by the
20 department and pays the license application fee and the license fee.

21 (b) An assistant guide

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

23 (2) shall be employed by a registered guide-outfitter [GUIDE] and
24 under the supervision of a registered guide-outfitter [GUIDE] or class-A assistant
25 guide while the assistant guide is in the field on guided hunts; and

26 (3) may not take charge of a camp or provide [CONDUCT] guide
27 services [ACTIVITIES] unless the contracting registered guide-outfitter [GUIDE] is
28 in the field and participating in the contracted hunt or a registered guide-outfitter
29 [GUIDE] or class-A assistant guide employed by the contracting guide is physically
30 present and supervising the hunt.

31 * Sec. 11. AS 08.54.640(a) is amended to read:

1 (a) Notwithstanding AS 08.54.610 - 08.54.630 and except as provided in (b)
2 of this section, a person may not hold, or earn experience credits to apply for, a
3 registered guide-outfitter [GUIDE] license under this chapter, while the person is a
4 law enforcement officer and for three months after terminating the person's status as a
5 law enforcement officer.

6 * Sec. 12. AS 08.54.640(b) is amended to read:

7 (b) A registered guide-outfitter [GUIDE] license, class-A assistant guide
8 license, or assistant guide license issued under this chapter, or under former provisions
9 of AS 08.54.300 - 08.54.590, after May 16, 1992, is suspended if the person to whom
10 the license is issued subsequently becomes a law enforcement officer. A person
11 whose license is subject to suspension under this subsection shall notify the
12 department that the person has become a law enforcement officer within 30 days after
13 becoming a law enforcement officer. The suspension of a license under this
14 subsection remains in effect until three months have elapsed from the date on which
15 the licensee provides written notification to the department of the fact that the person
16 is no longer a law enforcement officer. A person whose license is suspended under
17 this subsection is not required to renew the license or pay license renewal fees for the
18 period of suspension. Once a suspension of a license is terminated, the licensee may
19 provide, without further payment of a guide license fee, the guide services authorized
20 by the license for the remainder of the licensing period in which the suspension is
21 terminated. Notwithstanding other provisions of this subsection, if a person whose
22 license is suspended under this subsection fails to notify the department within one
23 year after the person is no longer a law enforcement officer, the person's license lapses
24 and the person is eligible for reissuance of the license only as provided in
25 AS 08.54.670. The board [DEPARTMENT] may adopt regulations to implement this
26 subsection.

27 * Sec. 13. AS 08.54.650(e) is amended to read:

28 (e) A transporter shall provide an annual activity report on a form provided by
29 the department. An activity report must contain all information required by the board
30 [DEPARTMENT] by regulation.

31 * Sec. 14. AS 08.54.660 is amended to read:

1 **Sec. 08.54.660. Renewal of guide and transporter licenses.** (a) An
2 applicant for renewal of a registered guide-outfitter [GUIDE], class-A assistant
3 guide, assistant guide, or transporter license shall submit

4 (1) a request for renewal of the license on a form provided by the
5 department; and

6 (2) the appropriate license fee for the next licensing period.

7 (b) The department may not renew a registered guide-outfitter [GUIDE]
8 license under this section unless all fees have been paid in full and the registered
9 guide-outfitter has signed an affidavit that all hunt records due during the term of
10 the current license have been filed with the department.

11 (c) The department may not renew a transporter license unless all fees have
12 been paid in full and the transporter has signed an affidavit that all activity reports
13 due during the term of the current license have been filed with the department.

14 * **Sec. 15.** AS 08.54.670 is amended to read:

15 **Sec. 08.54.670. Failure to renew.** The department may not issue a license to
16 a person who held a registered guide-outfitter [GUIDE], class-A assistant guide, or
17 assistant guide license and who has failed to renew the license under this chapter for
18 four consecutive years unless the person again meets the qualifications for initial
19 issuance of the license.

20 * **Sec. 16.** AS 08.54.680(b) is amended to read:

21 (b) If a registered guide-outfitter [GUIDE], class A assistant guide, or an
22 assistant guide personally pilots an aircraft to transport clients during the provision of
23 big game hunting services, the registered guide-outfitter [GUIDE], class-A assistant
24 guide, or assistant guide shall have a commercial pilot's rating or a minimum of 500
25 hours of flying time in the state.

26 * **Sec. 17.** AS 08.54.680 is amended by adding a new subsection to read:

27 (c) On or after January 1, 2006, a registered guide may not provide big game
28 hunting services and a transporter may not provide transportation services unless the
29 registered guide or transporter has entered into a written contract with the client for the
30 provision of those services.

31 * **Sec. 18.** AS 08.54.710(a) is amended to read:

1 (a) The board [DEPARTMENT] may impose a disciplinary sanction in a
 2 timely manner under (c) of this section if the board [DEPARTMENT] finds after a
 3 hearing, that a licensee

4 (1) is convicted of a violation of any [A] state or federal statute or
 5 regulation relating to hunting or to provision of big game hunting services or
 6 transportation services; [OR]

7 (2) has failed to file records or reports required under this chapter;

8 (3) has negligently misrepresented or omitted a material fact on an
 9 application for any class of guide license or a transporter license; or

10 (4) has breached a contract to provide big game hunting services
 11 or transportation services to a client.

12 * Sec. 19. AS 08.54.710(b) is amended to read:

13 (b) The board [DEPARTMENT] may impose a disciplinary sanction in a
 14 timely manner under (c)(3) - (7) of this section if the board [DEPARTMENT] finds,
 15 after a hearing, that a licensee has acted unethically [IS INCOMPETENT] as a
 16 registered guide-outfitter [GUIDE], class-A assistant guide, assistant guide, or
 17 transporter.

18 * Sec. 20. AS 08.54.710(c) is amended to read:

19 (c) The board [DEPARTMENT] may impose the following disciplinary
 20 sanctions, singly or in combination:

21 (1) permanently revoke a license;

22 (2) suspend a license for a specified period;

23 (3) censure or reprimand a licensee;

24 (4) impose limitations or conditions on the professional practice of a
 25 licensee;

26 (5) impose requirements for remedial professional education to correct
 27 deficiencies in the education, training, and skill of the licensee;

28 (6) impose probation requiring a licensee to report regularly to the
 29 board [DEPARTMENT] on matters related to the grounds for probation;

30 (7) impose a civil fine not to exceed \$5,000 [\$1,000].

31 * Sec. 21. AS 08.54.710(d) is amended to read:

1 (d) The board [DEPARTMENT] shall permanently revoke a transporter
2 license or any class of guide license if the board [DEPARTMENT] finds after a
3 hearing that the license was obtained through fraud, deceit, or [INNOCENT]
4 misrepresentation.

5 * Sec. 22. AS 08.54.710(c) is amended to read:

6 (c) The board [DEPARTMENT] shall suspend or permanently revoke a
7 transporter license or any class of guide license without a hearing if the court orders
8 the board [DEPARTMENT] to suspend or permanently revoke the license as a
9 penalty for conviction of an unlawful act [UNDER AS 08.54.720]. If the board
10 [DEPARTMENT] suspends or permanently revokes a license under this subsection,
11 the board [DEPARTMENT] may not also impose an administrative disciplinary
12 sanction of suspension or permanent revocation of the same license for the same
13 offense for which the court ordered the suspension or permanent revocation under
14 AS 08.54.720.

15 * Sec. 23. AS 08.54.710(h) is amended to read:

16 (h) If the board [DEPARTMENT] revokes a license under this section, the
17 person whose license has been revoked shall immediately surrender the license to the
18 department.

19 * Sec. 24. AS 08.54.710(i) is amended to read:

20 (i) The board [DEPARTMENT] may summarily suspend a licensee from
21 practice of the profession under this chapter, for a period of not more than 30 days,
22 before a final hearing is held or during an appeal if the board [DEPARTMENT] finds
23 that the licensee poses a clear and immediate danger to the public health and safety. A
24 person is entitled to a hearing before the board [DEPARTMENT] to appeal the
25 summary suspension within seven days after the order of suspension is issued. A
26 person may appeal an adverse decision of the board [DEPARTMENT] on an appeal
27 of summary suspension to a court of competent jurisdiction.

28 * Sec. 25. AS 08.54.720(a) is amended to read:

29 (a) It is unlawful for a

30 (1) person who is licensed under this chapter to knowingly fail to
31 promptly report, unless a reasonable means of communication is not reasonably

1 available, to the Department of Public Safety, [DIVISION OF FISH AND
2 WILDLIFE PROTECTION,] and in no event later than 20 days, a violation of a state
3 or federal wildlife or game, guiding, or transportation services statute or regulation
4 that the person reasonably believes was committed by a client or an employee of the
5 person;

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

9 (3) class-A assistant guide or an assistant guide to knowingly guide a
10 big game hunt except while employed and supervised by a registered guide-outfitter
11 [GUIDE];

12 (4) person who holds any class of guide license or transporter license
13 to knowingly enter or remain on private, state, or federal land without prior
14 authorization during the course of providing big game hunting services or
15 transportation services;

16 (5) registered guide-outfitter [GUIDE] to knowingly engage in
17 providing big game hunting services outside of

18 (A) a game management unit for which the registered guide-
19 outfitter [GUIDE] is certified; or

20 (B) a use area for which the registered guide-outfitter
21 [GUIDE] is registered under AS 08.54.750 unless the registration requirement
22 for the area has been suspended by the Department of Fish and Game;

23 (6) person to knowingly guide without having a current registered
24 guide-outfitter [GUIDE], class-A assistant guide, or assistant guide license and a
25 valid Alaska hunting license in actual possession;

26 (7) registered guide-outfitter [GUIDE] to knowingly fail to comply
27 with AS 08.54.610(e);

28 (8) 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 or federal wildlife
31 or game statute or regulation; or

1 (B) permit the commission of a violation of this chapter, a
 2 regulation adopted under this chapter, or a state or federal wildlife or game
 3 statute or regulation that the person knows or reasonably believes is being or
 4 will be committed without

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

6 (ii) reporting the violation;

7 (9) person without a current registered guide-outfitter [GUIDE]
 8 license to knowingly guide, advertise as a registered guide-outfitter [GUIDE], or
 9 represent to be a registered guide-outfitter [GUIDE];

10 (10) person without a current master guide-outfitter [GUIDE] license
 11 to knowingly advertise as, or represent to be, a master guide-outfitter [GUIDE];

12 (11) person without a current registered guide-outfitter [GUIDE]
 13 license to knowingly outfit a big game hunt, provide outfitting services, advertise as
 14 an outfitter of big game hunts, or represent to be an outfitter of big game hunts;

15 (12) person to knowingly provide transportation services to big game
 16 hunters without holding a current registered guide-outfitter [GUIDE] license or
 17 transporter license;

18 (13) person without a current transporter license to knowingly
 19 advertise as, or represent to be, a transporter;

20 (14) class-A assistant guide or an assistant guide to knowingly contract
 21 to guide or outfit a hunt;

22 (15) person licensed under this chapter to knowingly violate a state
 23 statute or regulation prohibiting waste of a wild food animal or hunting on the same
 24 day airborne;

25 (16) person to knowingly provide big game hunting service or
 26 transportation services during the period for which the person's license to provide that
 27 service is suspended or revoked;

28 (17) registered guide-outfitter [GUIDE], except in the defense of life
 29 or property, to knowingly personally take

30 (A) big game while accompanying a client in the field; or

31 (B) a species of big game if the registered guide-outfitter

1 [GUIDE] is under contract with a client to provide a guided hunt for that
2 species of big game and the client is in the field;

3 (18) person who is licensed as a registered guide-outfitter [GUIDE], a
4 class-A assistant guide, or an assistant guide, except in the defense of life or property,
5 to knowingly personally take big game while a client of the registered guide-outfitter
6 [GUIDE] by whom the person is employed is in the field unless the person is not
7 participating in, supporting, or otherwise assisting in providing big game hunting
8 services to a client of the registered guide-outfitter [GUIDE] by whom the person is
9 employed; or

10 (19) person who is licensed as a transporter, or who provides
11 transportation services under a transporter license, to knowingly accompany or remain
12 in the field with a big game hunter who is a client of the person except as necessary to
13 perform the specific duties of embarking or disembarking big game hunters, their
14 equipment, or big game animals harvested by hunters; this paragraph does not apply to
15 a person who holds both a transporter license and a registered guide-outfitter [ANY
16 CLASS OF GUIDE] license issued under this chapter when the person has a
17 contract to provide guiding services for the client.

18 * Sec. 26. AS 08.54.720(f) is amended to read:

19 (f) In addition to the penalties set out in (b) - (e) of this section and a
20 disciplinary sanction imposed under AS 08.54.710,

21 (1) the court may order the board [DEPARTMENT] to suspend the
22 guide license or transporter license of a person who commits a misdemeanor offense
23 set out in (a)(1), (3) - (5), (7), (17), (18), or (19) of this section for a specified period
24 of not more than three years;

25 (2) the court shall order the board [DEPARTMENT] to suspend the
26 guide license or transporter license of a person who commits a misdemeanor offense
27 set out in (a)(2) or (8) - (14) of this section for a specified period of not less than one
28 year and not more than five years;

29 (3) the court shall order the board [DEPARTMENT] to suspend the
30 guide license or transporter license for a specified period of not less than three years,
31 or to permanently revoke the guide license or transporter license, of a person who

1 commits an offense set out in (a)(15) or (16) of this section; and

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

6 * Sec. 27. AS 08.54.730 is amended to read:

7 **Sec. 08.54.730. Injunction against unlawful action.** When in the judgment
8 of the board [DEPARTMENT], a person has engaged in an act in violation of
9 AS 08.54.620(b), 08.54.630(b), 08.54.650(b), 08.54.710(g), or 08.54.720(a) or the
10 regulations adopted under these statutes, the board [DEPARTMENT] may apply to
11 the appropriate court for an order enjoining the action. Upon a showing by the board
12 [DEPARTMENT] that the person is engaging in the act, the court shall grant
13 injunctive relief or other appropriate order without bond.

14 * Sec. 28. AS 08.54.740 is amended to read:

15 **Sec. 08.54.740. Responsibility of guide or transporter for violations.** (a) A
16 registered guide-outfitter [GUIDE] who contracts to guide or outfit a big game hunt
17 is equally responsible under AS 08.54.710 for a violation of a state or federal wildlife
18 or game or [,] guiding [, OR TRANSPORTATION SERVICES] statute or regulation
19 committed by a person while in the course of the person's employment for the
20 registered guide-outfitter [GUIDE].

21 (b) A transporter who provides transportation services is equally responsible
22 under AS 08.54.710 for a violation of a state or federal wildlife or game, guiding, or
23 transportation services statute or regulation committed by a person while in the course
24 of the person's employment for the transporter.

25 * Sec. 29. AS 08.54.750 is amended to read:

26 **Sec. 08.54.750. Use area registration.** (a) At least 30 days before
27 conducting big game hunting services within a guide use area, a registered guide-
28 outfitter [GUIDE] shall inform the department, in person or by registered mail on a
29 registration form provided by the department, that the guide-outfitter [GUIDE] will
30 be conducting big game hunting services in the use area. A registered guide may not
31 withdraw or amend a guide use area registration during the calendar year in

1 which the registration was submitted to the department.

2 (b) A registered guide-outfitter [GUIDE] may not register for, or conduct big
3 game hunting services in,

4 (1) more than three guide use areas during a calendar year; or

5 (2) a guide use area that is outside of a game management unit for
6 which the registered guide-outfitter [GUIDE] is certified under AS 08.54.600.

7 (c) Notwithstanding (a) and (b) of this section, a registered guide-outfitter
8 [GUIDE] may register to conduct big game hunting services within a guide use area at
9 any time before beginning operations in the guide use area and may conduct big game
10 hunting services in a guide use area, or for a big game species in a guide use area, that
11 is not one of the three guide use areas for which the registered guide-outfitter
12 [GUIDE] has registered under (b) of this section if the Department of Fish and Game
13 has determined by regulation that it is in the public interest to suspend the registration
14 requirements for that guide use area or for all guide use areas in a game management
15 unit or game management subunit for a big game species within those guide use areas.

16 (d) Notwithstanding (b) of this section, a registered guide-outfitter [GUIDE]
17 who is registered in three guide use areas may also register for and conduct big game
18 hunting services in a portion of one additional guide use area on federal land adjacent
19 to a guide use area in which the registered guide-outfitter [GUIDE] is already
20 registered if the board [DEPARTMENT] finds that the portion of the adjacent guide
21 use area for which the registered guide-outfitter [GUIDE] is seeking to be registered
22 would otherwise remain unused by a registered guide-outfitter [GUIDE] because the
23 boundaries of guide use areas do not coincide with boundaries of federal big game
24 guide concession or permit areas.

25 (e) In this section, "guide use area" means a geographic area of the state
26 identified as a guide-outfitter use area by the former Big Game Commercial Services
27 Board established under former AS 08.54.300 and described on a set of maps titled
28 Guide-Outfitter Use Area Maps, dated June 22, 1994, as amended by the board as
29 the board considers necessary.

30 * **Sec. 30.** AS 08.54.750 is amended by adding new subsections to read:

31 (f) Notwithstanding (b) of this section, a registered guide who is registered in

1 three guide use areas may also register for and conduct big game hunting services for
 2 wolf, black bear, brown bear, or grizzly bear in guide use areas within a game
 3 management unit or portion of a game management unit where the Board of Game has
 4 identified predation by wolf, black bear, brown bear, or grizzly bear as a cause of the
 5 depletion of a big game prey population or a reduction of the productivity of a big
 6 game prey population that is the basis for the establishment of an intensive
 7 management program in the game management unit or portion of the game
 8 management unit or for the declaration of the biological emergency in the game
 9 management unit or portion of the game management unit. A registered guide may
 10 only conduct hunts in a guide use area under this subsection for the big game species
 11 identified by the Board of Game as the cause of the depletion or reduction of
 12 productivity a big game prey population.

13 (g) At least 60 days before providing transportation services to, from, or in an
 14 area as may be determined by the board, a transporter shall inform the department, in
 15 person or by registered mail on a registration form provided by the department, that
 16 the transporter will be providing transportation services to, from, or in the use area.
 17 The board may establish transporter use areas and adopt regulations to implement this
 18 subsection as the board considers necessary.

19 * Sec. 31. AS 08.54.760 is amended to read:

20 **Sec. 08.54.760. Hunt records; confidentiality of hunt records and activity**
 21 **reports.** (a) The department shall collect and maintain hunt records provided by a
 22 registered guide-outfitter [GUIDE]. A registered guide-outfitter [GUIDE] shall
 23 submit to the department a hunt record for each contracted hunt within 60 [30] days
 24 after the completion of the hunt. A hunt record must include a list of all big game
 25 hunters who used the guiding or outfitting services of the registered guide-outfitter
 26 [GUIDE], the number of each big game species taken, and other information required
 27 by the board [DEPARTMENT]. The department shall provide forms for reporting
 28 hunt records.

29 (b) The department shall make hunt records received under this section, and
 30 activity reports received under AS 08.54.650, available to state agencies, [AND]
 31 federal law enforcement agencies and other [FISH AND WILDLIFE] law

1 enforcement agencies [CHARGED WITH THE ENFORCEMENT OF STATUTES
2 AND REGULATIONS RELATING TO GUIDING, OUTFITTING,
3 TRANSPORTATION SERVICES, OR GAME OR WITH MANAGEMENT OF
4 GAME] if requested [FOR GAME MANAGEMENT OR LAW ENFORCEMENT
5 PURPOSES]. Aggregated data compiled from hunt records and activity reports may
6 be included in reports by the department. For all other purposes, the hunt records and
7 activity reports are confidential and are not subject to inspection or copying under
8 AS 40.25.110 - 40.25.125.

#4A

9 * Sec. 32. AS 08.54.770 is amended to read:

10 Sec. 08.54.770. License and examination fees. (a) The department shall set
11 fees under AS 08.01.065 for each of the following:

- 12 (1) registered guide-outfitter [GUIDE] license;
- 13 (2) class-A assistant guide license;
- 14 (3) assistant guide license;
- 15 (4) transporter license;
- 16 (5) license application fee.

17 (b) The license fee for the registered guide-outfitter [GUIDE], class-A
18 assistant guide, or assistant guide license is in addition to the fee required for a hunting
19 license issued by the Department of Fish and Game under AS 16.05.340.

20 (c) An applicant for a qualifying examination for a registered guide-outfitter
21 [GUIDE] license shall pay a fee established by regulations adopted under
22 AS 08.01.065.

23 (d) The fee for the transporter license must be equal to the fee for the
24 registered guide-outfitter [GUIDE] license.

25 (e) The [FOR LICENSES ISSUED UNDER THIS CHAPTER FOR 1997
26 AND SUBSEQUENT YEARS, THE] amount of the license fee for a nonresident shall
27 be two times the amount of the license fee for a resident.

28 * Sec. 33. AS 08.54.790 is amended to read:

29 Sec. 08.54.790. Definitions. In this chapter,

- 30 (1) "big game" means brown bear, grizzly bear, caribou, moose, black
31 bear, bison, Sitka blacktail deer, elk, mountain goat, musk-ox, and mountain or Dall

1 sheep; "big game" includes wolf and wolverine when taken under hunting regulations;

2 (2) "big game hunting service" means a service for which the provider
3 of the service must obtain a registered guide-outfitter [GUIDE], class-A assistant
4 guide, or assistant guide license; "big game hunting service" includes guiding services
5 and outfitting services;

6 (3) "board" means the Big Game Commercial Services Board;

7 (4) "compensation" means payment for services including wages or
8 other remuneration but not including reimbursement for actual expenses incurred;

9 (5) [(4)] "department" means the Department of Commerce,
10 Community, and Economic Development;

11 (6) [(5)] "field" means an area outside of established year-round
12 dwellings, businesses, or other developments [USUALLY] associated with a city,
13 town, or village; "field" does not include permanent hotels or roadhouses on the state
14 road system or state or federally maintained airports;

15 (7) [(6)] "game management unit" means one of the 26 geographic
16 areas defined by the Board of Game for game management purposes;

17 (8) [(7)] "guide" means to provide, for compensation or with the intent
18 or with an agreement to receive compensation, services, equipment, or facilities to a
19 big game hunter in the field by a person who accompanies or is present with the big
20 game hunter in the field either personally or through an assistant; in this paragraph,
21 "services" includes

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

23 (B) stalking, pursuing, tracking, killing, or attempting to kill
24 big game;

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

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

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

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

3 (G) providing camping or hunting equipment or supplies that
4 [WHICH] are already located in the field;

5 (9) [(8)] "outfit" means to provide, for compensation or with the intent
6 to receive compensation, services, supplies, or facilities to a big game hunter in the
7 field, by a person who neither accompanies nor is present with the big game hunter in
8 the field either personally or by an assistant;

9 (10) [(9)] "transportation services" means the carriage for
10 compensation of big game hunters, their equipment, or big game animals harvested by
11 hunters to, from, or in the field; "transportation services" does not include the carriage
12 by aircraft of big game hunters, their equipment, or big game animals harvested by
13 hunters

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

17 (B) by an air taxi operator or air carrier for which the carriage
18 of big game hunters, their equipment, or big game animals harvested by
19 hunters is only an incidental portion of its business; in this subparagraph,
20 "incidental" means transportation provided to a big game hunter by an air taxi
21 operator or air carrier who does not

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

25 (ii) advertise transportation services or big game
26 hunting services to the public; in this sub-subparagraph, "advertise"
27 means soliciting big game hunters to be customers of an air taxi
28 operator or air carrier for the purpose of providing air transportation to,
29 from, or in the field through the use of print or electronic media,
30 including advertising at trade shows, or the use of hunt broker services
31 or other promotional services.

1 * Sec. 34. AS 16.05.407(a) is amended to read:

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

4 (1) a person who is licensed as

5 (A) a registered guide-outfitter [GUIDE] or a master guide-
6 outfitter [GUIDE] under AS 08.54 and who is providing big game hunting
7 services to the nonresident under a contract with the nonresident; or

8 (B) a class-A assistant guide or an assistant guide under
9 AS 08.54 and who is employed by a registered guide-outfitter [GUIDE] or a
10 master guide-outfitter [GUIDE] who has a contract to provide big game
11 hunting services to the nonresident; or

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

13 (A) the spouse of the nonresident; or

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

16 * Sec. 35. AS 16.05.407(f) is amended to read:

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

23 * Sec. 36. AS 16.05.408(a) is amended to read:

24 (a) It is a class A misdemeanor for a nonresident alien to hunt, pursue, or take
25 a big game animal as defined by the Board of Game unless personally accompanied by

26 (1) a registered guide-outfitter [GUIDE] or a master guide-outfitter
27 [GUIDE] licensed under AS 08.54 who is providing big game hunting services to the
28 nonresident alien under a contract with the nonresident alien; or

29 (2) a class-A assistant guide or an assistant guide licensed under
30 AS 08.54 who is employed by a registered guide-outfitter [GUIDE] or a master
31 guide-outfitter [GUIDE] who has a contract to provide big game hunting services to

1 the nonresident alien.

2 * Sec. 37. AS 16.05.408(c) is amended to read:

3 (c) Before obtaining a nonresident hunt permit for the taking of an animal
4 specified in (a) of this section, a nonresident alien shall, if requested by the
5 department, first furnish to the department proof of prior authorization to use federal
6 or private land where the permit hunt will occur. The authorization shall be provided
7 to the nonresident alien by the registered guide-outfitter [GUIDE] or master guide-
8 outfitter [GUIDE] with whom the nonresident alien has contracted to guide the permit
9 hunt.

10 * Sec. 38. AS 23.10.055 is amended to read:

11 Sec. 23.10.055. Exemptions. The provisions of AS 23.10.050 - 23.10.150 do
12 not apply to

13 (1) an individual employed in agriculture, which includes farming in
14 all its branches and, among other things, includes the cultivation and tillage of the soil,
15 dairying, the production, cultivation, growing, and harvesting of any agricultural or
16 horticultural commodities, the raising of livestock, bees, fur-bearing animals, or
17 poultry, and any practices, including forestry and lumbering operations, performed by
18 a farmer or on a farm as an incident to or in conjunction with the farming operations,
19 including preparation for market, delivery to storage or to market or to carriers for
20 transportation to market;

21 (2) an individual employed in the catching, trapping, cultivating or
22 farming, netting, or taking of any kind of fish, shellfish, or other aquatic forms of
23 animal and vegetable life;

24 (3) an individual employed in the hand picking of shrimp;

25 (4) an individual employed in domestic service, including a baby-
26 sitter, in or about a private home;

27 (5) an individual employed by the United States or by the state or
28 political subdivision of the state, except as provided in AS 23.10.065(b), including
29 prisoners not on furlough detained or confined in prison facilities;

30 (6) an individual engaged in the nonprofit activities of a nonprofit
31 religious, charitable, cemetery, or educational organization or other nonprofit

1 organization where the employer-employee relationship does not, in fact, exist, and
2 where services rendered to the organization are on a voluntary basis and are related
3 only to the organization's nonprofit activities; for purposes of this paragraph,
4 "nonprofit activities" means activities for which the nonprofit organization does not
5 incur a liability for unrelated business income tax under 26 U.S.C. 513, as amended;

6 (7) an employee engaged in the delivery of newspapers to the
7 consumer;

8 (8) an individual employed solely as a watchman or caretaker of a
9 plant or property that is not in productive use for a period of four months or more;

10 (9) an individual employed in a bona fide executive, administrative, or
11 professional capacity or in the capacity of an outside salesman or a salesman who is
12 employed on a straight commission basis;

13 (10) an individual employed in the search for placer or hard rock
14 minerals;

15 (11) an individual under 18 years of age employed on a part-time basis
16 not more than 30 hours in a week;

17 (12) employment by a nonprofit educational or child care facility to
18 serve as a parent of children while the children are in residence at the facility if the
19 employment requires residence at the facility and is compensated on a cash basis
20 exclusive of room and board at an annual rate of not less than

21 (A) \$10,000 for an unmarried person; or

22 (B) \$15,000 for a married couple;

23 (13) an individual who drives a taxicab, is compensated for taxicab
24 services exclusively by customers of the service, whose written contractual
25 arrangements with owners of taxicab vehicles, taxicab permits, or radio dispatch
26 services are based upon flat contractual rates and not based on a percentage share of
27 the individual's receipts from customers, and whose written contract with owners of
28 taxicab vehicles, taxicab permits, or radio dispatch services specifically provides that
29 the contract places no restrictions on hours worked by the individual or on areas in
30 which the individual may work except to comply with local ordinances;

31 (14) a person who holds a license under AS 08.54 and who is

1 employed by a registered guide-outfitter [GUIDE] or master guide-outfitter
 2 [GUIDE] licensed under AS 08.54, for the first 60 work days in which the person is
 3 employed by the registered guide-outfitter [GUIDE] or master guide-outfitter
 4 [GUIDE] during a calendar year;

5 (15) an individual engaged in activities for a nonprofit religious,
 6 charitable, civic, cemetery, recreational, or educational organization where the
 7 employer-employee relationship does not, in fact, exist, and where services are
 8 rendered to the organization under a work activity requirement of AS 47.27 (Alaska
 9 temporary assistance program);

10 (16) an individual who

11 (A) provides emergency medical services only on a voluntary
 12 basis;

13 (B) serves with a full-time fire department only on a voluntary
 14 basis; or

15 (C) provides ski patrol services on a voluntary basis; or

16 (17) a student participating in a University of Alaska practicum
 17 described under AS 14.40.065.

18 * Sec. 39. AS 39.50.200(b) is amended by adding a new paragraph to read:

19 (58) Big Game Commercial Services Board (AS 08.54.591).

20 * Sec. 40. AS 41.23.420(d) is amended to read:

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

22 (1) the Department of Fish and Game, the Board of Fisheries, the
 23 Board of Game, or the Big Game Commercial Services Board [DEPARTMENT OF
 24 COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT] under
 25 AS 08.54, AS 16, or AS 41.99.010;

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

27 (3) state agencies and municipalities under AS 46.39.010 and
 28 AS 46.30.100.

29 * Sec. 41. AS 44.62.330(a)(21) is amended to read:

30 (21) Big Game Commercial Service Board [DEPARTMENT OF
 31 COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT UNDER

1 AS 08.54 AS TO LICENSING AND RELATED FUNCTIONS FOR BIG GAME
2 GUIDES AND TRANSPORTERS];

3 * Sec. 42. The uncodified law of the State of Alaska is amended by adding a new section to
4 read:

5 INITIAL APPOINTMENT OF MEMBERS OF THE BIG GAME COMMERCIAL
6 SERVICES BOARD. (a) Notwithstanding AS 08.54.591, added by sec. 3 of this Act, and
7 AS 39.05.055, the initially appointed members of the Big Game Commercial Services Board
8 shall be appointed by the governor to terms as follows: one member serves for one year, two
9 members serve for two years, two members serve for three years, and two members serve for
10 four years.

11 (b) The governor shall appoint the initial members of the Big Game Commercial
12 Services Board, as provided for under AS 08.54.591(a), added by sec. 3 of this Act, before
13 December 1, 2005.

14 (c) The governor shall appoint persons who are active, licensed registered guides at
15 the time of appointment to fill the initial registered guide-outfitter positions on the Big Game
16 Commercial Services Board.

17 * Sec. 43. The uncodified law of the State of Alaska is amended by adding a new section to
18 read:

19 TRANSITION: LICENSES. (a) Notwithstanding AS 08.54.610(a), as amended by
20 sec. 8 of this Act, a person who holds a registered guide license in good standing on the day
21 before the first meeting of the Big Game Commercial Services Board established under
22 AS 08.54.591, added by sec. 3 of this Act, shall, after the effective date of sec. 8 of this Act,
23 be considered to hold a registered guide-outfitter license issued under AS 08.54.610, as
24 amended by sec. 8 of this Act and may renew the license as a registered guide-outfitter license
25 under AS 08.54.660, as amended by sec. 14 of this Act.

26 (b) Notwithstanding AS 08.54.610(b), as amended by sec. 8 of this Act, a person who
27 holds a master guide license in good standing on the day before the first meeting of the Big
28 Game Commercial Services Board established under AS 08.54.591, added by sec. 3 of this
29 Act, shall, after the effective date of sec. 8 of this Act, be considered to hold a master guide-
30 outfitter license issued under AS 08.54.610, as amended by sec. 8 of this Act and may renew
31 the license as a master guide-outfitter license under AS 08.54.660, as amended by sec. 14 of

1 this Act.

2 * Sec. 44. The uncodified law of the State of Alaska is amended by adding a new section to
3 read:

4 SAVING CLAUSE. Litigation, hearings, investigations, and other proceedings
5 pending under a law amended or repealed by this Act, or in connection with functions
6 transferred by this Act continue in effect and may be continued and completed
7 notwithstanding a transfer or amendment or repeal provided for by this Act. Regulations
8 adopted under authority of a law amended or repealed by this Act remain in effect for the term
9 adopted or until repealed or otherwise amended under the provisions of this Act.

10 * Sec. 45. Sections 3, 17, and 42 - 44 of this Act take effect immediately under
11 AS 01.10.070(c).

12 * Sec. 46. Except as provided in sec. 45 of this Act, this Act takes effect on the day on
13 which the Big Game Commercial Services Board convenes its first meeting. The
14 commissioner of community and economic development shall inform the revisor of statutes
15 and the lieutenant governor of the date on which the Big Game Commercial Services Board
16 convenes its first meeting.

HB 76

Representative Weyhrauch moved Conceptual Amendment #5, on page 2, lines 13-15, delete "The Department of Fish and Game, Department of Natural Resources, Department of Law, and Department of Public Safety" and add "state agencies".

Conceptual
Amendment
5

adopted

2-10-05
withdrawn

AMENDMENT NUMBER

4
~~2~~

BY REPRESENTATIVE REGGIE JOULE

TO HB 76

Amend Section 31 Sec. 08.54.760 (b), page 20 line 1 as follows:

After the words enforcement agencies add, "and political subdivisions".

HB 76

Representative Weyhrauch moved Conceptual Amendment #4A, on page 20, Section 31, add subsection c, "Forms, records and reports required under this chapter may be disseminated, received, and stored electronically."

Conceptual
Amendment
4A

HB 76

2-10-05
adopted
Passed 6 to 3

Conceptual

AMENDMENT NUMBER 3

BY REPRESENTATIVE REGGIE JOULE

TO HB 76

Amend Section 3, Sec. 08.54.591 (b), page 2 line 4-12 as follows:

Line 4, subsection (b) delete "seven" and replace with "nine"

Line 9, subsection (4) delete "one member" and add "two members"

Line 12, subsection (5) delete "one public member" and add "two members"

HOUSE FINANCE
COMMITTEE

DATE: 8-10-05

Amendment: _____

MEMBER

Favor

Oppose

MEMBER	Favor	Oppose
FOSTER	✓	
HAWKER	✓	
HOLM		✓
JOULE	✓	
KELLY		✓
MOSES	✓	
STOLTZE		✓
WEYRAUCH	✓	
CROFT	✓	
MEYER	✓	
CHENAULT	✓	

600

28

FISCAL NOTE

2-10-05
changed to
20.0

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 3
Bill Version: HB 76
(H) Publish Date: 2/4/05

Revision Date/Time (Note if correction): _____ Dept. Affected: Commerce
Title Big Game RDU Occupational Licensing (117)
Commercial Services Board Component Occupational Licensing
Sponsor Samuels, Joule
Requester House Resources Component No. 2360

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel	30.0	30.0	30.0	30.0	30.0	30.0
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	30.0	30.0	30.0	30.0	30.0	30.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES (1156)	30.0	30.0	30.0	30.0	30.0	30.0
------------------------------------	------	------	------	------	------	------

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other 1156 - Receipt Supported Services	30.0	30.0	30.0	30.0	30.0	30.0
TOTAL	30.0	30.0	30.0	30.0	30.0	30.0

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

HB 76 establishes the Big Game Commercial Services Board consisting of seven members who will assume responsibility for licensing and examinations. This fiscal note provides travel funding and assumes the following board composition: 2 members from Southeast, 2 members from Anchorage, 2 members from Kodiak, 1 member from Fairbanks. It assumes the Board will meet at least four times each year, at four days per event to cover meeting and examinations. Other operating costs for the licensing of guides are already included in the Governor's FY06 budget at \$77.6. In accordance with the self-sufficiency requirement of AS 08.01.065(c) the new costs of \$30.0 will be funded by licensing fees.

Prepared by: Jennifer Strickler, Administrative Manager Phone (907) 465-2144
Division: Occupational Licensing Date/Time 2/2/05 11:26 AM
Approved by: Edgar Blatchford Date 2/2/2005
Agency: Commerce, Community, and Economic Development

THE
FOLLOWING
DOCUMENT(S)
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COPIES

HB 76

February 9, 2004

My name is Kim Franklin and I work for the Northwest Arctic Borough Planning Department. The Borough's boundaries encompass an area of approximately 39,150 square miles, an area the size of the State of Indiana. Approximately 7,300 residents live in eleven communities scattered throughout the Borough. Many of the residents rely on subsistence hunting and fishing for food and the rivers and streams for water.

The Borough is aware of the 2003 Report by the Division of Legislative Audit recommending changes to the licensing procedures and oversight of guides and transporters. The Borough shares the frustration expressed in the report. Over the years there has been a significant increase in the number of transporter, outfitters, and hunters on land within the Borough's boundaries. The increased noise has disturbed the wildlife and residents of various communities have had to travel farther and farther to find game animals to provide food for their families. Unfortunately, not all hunters remove their trash or properly dispose of human waste, polluting the land and water.

The Assembly, in response to these land use and environmental concerns, passed ordinances establishing a permitting process for transporters and providing for penalties for improper disposal of human waste and garbage.

The Borough supports legislation that will strengthen the oversight of guides and transporters. Such legislation should ensure that the entity that passes regulations is not controlled by guides and transporters. The entity should have significant public participation by private land owners, municipal and borough governments like the Northwest Arctic Borough where guides and transporters go to hunt big game. Regulations should be adopted only after significant input by affected villages, boroughs and municipalities. They should complement and enhance, not override, local ordinances adopted to protect the environment. Boroughs should have access to information provided by guides and transporters to assist the boroughs in enforcing their ordinances.

The Borough is very concerned about the impact that the current unregulated hunts will have on the resources within the Northwest Arctic Borough. The current trend will lead to a huge negative impact on our resources and the ability for local residents to obtain food now and in the future.

Thank you for the opportunity to express the Borough's concerns.



REPRESENTATIVE RALPH SAMUELS

HOUSE DISTRICT 29

HB 76 Sponsor Statement

"An Act relating to the Big Game Commercial Services Board and to the regulation of big game hunting services; and providing for an effective date."

This bill would re-establish the Big Game Commercial Services Board to oversee an important industry that exists largely on the basis of a healthy wildlife population. The board was allowed to sunset a decade ago, and in the following years, professional hunters, wildlife biologists, public and private land managers and the hunting public themselves have discovered the problems associated with a decentralized, uncoordinated system of licensing and regulating guides and transporters.

An audit commissioned by the 23rd Alaska Legislature and released in December, 2003, recommends the legislature consider re-establishing the board. Auditors concluded after extensive interviews with affected agencies, land owners and hunters that wildlife populations would benefit from more coordinated enforcement of existing laws, and that consumer protection and hunter-client safety could be improved. The Alaska Board of Game has also asked repeatedly that a guide licensing board be re-established.

This bill would create a seven-member board within the Department of Community and Economic Development. Two members would represent active registered guide-outfitters, two members would be licensed transporters, one member would be assigned by the Board of Game, one member would represent private landholders, and one member would represent the public. The bill also increases from \$1,000 to \$5,000 the maximum civil penalty for disciplinary purposes.

Email: Representative Ralph Samuels <legis@state.ak.us>

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