

HB

246

<target><bill>HB 246</bill><subject>HB
246</subject><comm>HFSH26</comm></target>

ALASKA STATE LEGISLATURE

Co-Chair:
House Committee on Natural Resources

Vice Chair
House Committee on Labor and Commerce

Member:
House Committee on Rules, House Special
Committee on Economic Development, Trade,
and Tourism, and Legislative Budget & Audit
Committee



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REPRESENTATIVE MARK NEUMAN

Rep.Mark.Neuman@legis.state.ak.us

Sponsor Statement

HB 246

SPORT FISH GUIDE LICENSES

HB 246 extends Alaska's sport fish guide licensing and reporting program for one year. The data collected through this program has been an important tool for the proper management of sport fisheries through a better understanding of our fish stocks and their harvest. In addition, the licensing has ensured a standard for professionalism and responsibility for sport fish businesses and guides, benefiting both consumer and businesses alike.

The data collected through the reporting program is important in Alaska's exemption from the National Saltwater Angler Registry which will prevent Alaskans from purchasing a certificate of registration.

The sport fish guide licensing program provides necessary data for the wise management of Alaska's fish resources while ensuring professionalism in the guiding industry and preventing the need for further licensing and registration for Alaskan anglers.

26-LS0929\A

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB246
() Publish Date: _____

Identifier (file name): HB246-DFG-SFD-03-10-10 Dept. Affected: ADFG
Title An act repealing the termination of the sport fish operator/guide/vessel program RDU Sport Fisheries
Component Sport Fisheries
Sponsor Representative Neuman
Requester Fish, Resources, Finance Component Number 464

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
		FY 2011	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
OPERATING EXPENDITURES							
Personal Services		337.1	337.1	337.1	337.1	337.1	337.1
Travel		10.0	10.0	10.0	10.0	10.0	10.0
Contractual		83.5	83.5	83.5	83.5	83.5	83.5
Supplies		7.0	7.0	7.0	7.0	7.0	7.0
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	0.0	437.6	437.6	437.6	437.6	437.6	437.6

CAPITAL EXPENDITURES							
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CHANGE IN REVENUES ()							
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts		437.6	437.6	437.6	437.6	437.6	437.6
TOTAL	0.0	437.6	437.6	437.6	437.6	437.6	437.6

Estimate of any current year (FY2010) cost: 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

The division has budgeted \$437.6 in the FY11 Governor's budget to administer the Sport Fish operator/guide/vessel program. The program generates average Fish & Game Fund revenues of \$242.8, with the balance of program expenditures funded with Sport Fishing license sale revenue. Although potential cost savings measures are being implemented, it is untenable at this time to make accurate projections on what monetary savings will be realized for this program over the upcoming years.

Prepared by: Charles O. Swanton, Director Phone 465-6184
Division Sport Fisheries Date/Time 3/10/10 4:00 PM
Approved by: Tom Lawson, Director Date 3/11/2010
Administrative Services

**Brief for HB 246: SPORT FISH GUIDE LICENSES
(Reauthorization of Program/Repeal of Sunset)
March 16, 2010**

Alaska Department of Fish and Game Contacts:

Charlie Swanton- Charles.Swanton@alaska.gov; phone: 465-6184 or 321-0955

Jennifer Yuhas - Jennifer.Yuhas@alaska.gov; phone: 465-6137 or 388-7951.

Background:

- Original legislation passed in May, 2004; effective January 1, 2005.

- Proposed by the Department for three main reasons:
 1. Information on guide numbers and their fishing activities was either not available or limited in many parts of the state;
 2. Establish minimum standards to operate a business or contract as a guide (safety, liability insurance, US Coast Guard license, etc.) as a means to increase professionalism and reduce speculative entry; and
 3. Provide comprehensive and credible data on guided sport fishing activities to regulatory agencies: Alaska Board of Fisheries (BOF), International Pacific Halibut Commission (IPHC), and North Pacific Fisheries Management Council (NPFMC).

Legislation:

Sec.16.40.260 Sport fishing operator license;

Sec.16.40.270 Sport fishing guide license;

Sec.16.40.280 Reports;

Sec.16.40.290 Penalties for violations.

These legislative sections include licensing provisions and fees (AS. 16.05.340(a)) for sport fishing business owners (\$100), sport fishing guides working for the business (\$50), and business owners who are also a guide (owner/operator combo \$100). The mandatory reporting requirements, logbooks, are for both fresh and saltwater guide activities (freshwater logbooks were instituted in 2005). The penalties for sport fish guiding violations by business owners and guides include possible revocation of their license.

Companion Regulations:

5 AAC 75.075 Sport fishing services and sport fishing guide services; license requirements; regulation of activities.

5 AAC 75.076. Sport fishing services and sport fishing guides reporting requirements.

5 AAC 75.077. Sport fishing guide vessel registration requirements.

Present Benefits and Utility:

- A comprehensive list of all sport fishing guides working in salt water is part of the data requirements that will allow Alaska to receive an exemption from participating in the National Saltwater Angler Registry (up to \$25/saltwater angler in 2011).
- The logbook data for saltwater anglers has been used extensively within the IPHC and NPFMC for rule making on Pacific Halibut.
- Both freshwater and saltwater logbook harvest data has been presented and utilized by the Alaska Board of Fisheries. Harvest estimate verification studies are being conducted comparing logbook, statewide sport fish harvest survey, and dock side creel programs.

Participation Statistics:

- An average of **1,647 sport fishing business licenses** (including owner/operator combo) have been sold (2005-2009); 90% of owners are Alaskan residents.
- An average of **1,882 sport fishing guide licenses** have been sold (2005-2009); 73% of guides are Alaskan residents.
- Based on logbook data, over **2.1 million clients took 536,960 guided fishing trips** (from 2005 through 2009); 67% of clients fished in saltwater, 33% fished in freshwater and 88% of all clients were nonresidents.
- An average of **1,334 vessels in saltwater** were used for guided fishing trips (2005-2009).

Electronic Reporting (Modernization initiative):

- One of Commissioner Lloyd's initiatives is modernization and timely reporting of recreational harvest data. We have been actively working on this task:
 - In July, 2009 we developed a scannable saltwater logbook form which will reduce the time lag when logbook data is available from 2 to 3 months to 1 to 2 weeks. This new form will be employed for saltwater forms statewide in 2010. Ten public meetings were held across the state to explain this new format and received nearly unanimous support from user groups and public.
 - In April, 2010 the point of sale hunting and fishing licensing program will be launched at all ADF&G regional offices. This program will be made available to all license vendors shortly thereafter.
 - We will convert the freshwater logbook to a scannable format starting in 2011.



TRIP INFORMATION

Complete this section for every trip. Continue on additional pages for trips with more than eight anglers in the same day.

DATE FISHED: / / 2010 AM PM

2010 FISH & GAME GUIDE LICENSE #: (assigned to you by ADF&G)

COMMUNITY OR PORT OF OFF-LOADING: (where fish or clients were off-loaded from vessel)

Table with 3 columns: Targeted Species, Primary Stat. Area, No. Of Boat Hours Fished. Rows for Salmon and Bottomfish.

INSTRUCTIONS: Complete one row below for each angler who fished on this trip.

INDIVIDUAL ANGLER AND CATCH INFORMATION

Record sport fishing license number, printed name AND AK residency status for each angler that fished this trip.

Include birthdate (e.g. 8/28/1998) for all anglers under 16.

Header table for fish species: SALMON (Kept/Released, King, Coho, Sockeye, Other Salmon) and BOTTOMFISH (Halibut, Lingcod, Pelagic Rockfish, Yelloweye Rockfish, Nonpelagic Rockfish, Sablefish, Salmon Shark, All Other Fish).

Main data table with 8 rows for anglers. Each row contains license number, name, birthdate, and columns for fish species counts.

Form 11-540 (01-2010)

CERTIFICATION section with signature line, X mark, and page/OF fields.

Amendment Rationale

HB246: Sportfish Guide Licenses

Offered in (H)FISH

By: Representative NEUMAN

- HB246 is currently the technical companion of SB177 which passed the Alaska State Legislature last year and has already been signed into law.
- The passage of SB177 renders HB246 irrelevant without amendment
- The Sponsor made a commitment to the Commissioner of Fish & Game, which was recently reiterated, to amend this legislation to rectify this error .
- The proposed amendment allows HB246 to become a companion to SB294 and therefore viable this legislative session

Amendment

HB246: Sportfish Guide Licenses

Offered in (H)FISH

By: Representative _____

00 HOUSE BILL NO. 246
01 "An Act relating to the licensing and regulation of sport fishing
02 operators and sport
03 fishing guides and licensing and registration of sport fishing vessels;
04 and providing for
05 an effective date."
06 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
07 * Section 1. Section 8, ch. 70, SLA 2004, as amended by sec. 3, ch.
08 61, SLA 2009, is
09 ~~05 repealed.~~ HCS CSSB 177(FIN), as
10 ~~enacted into law by the First Regular Session of the Twenty-Sixth~~
11 ~~Legislature, is amended to~~
12 ~~read:~~
13 ~~Sec. 8. AS 16.05.340(a)(26); AS 16.40.260, 16.40.270,~~
14 ~~16.40.280, 16.40.290,~~
15 ~~16.40.299; AS 25.27.244(e)(2)(A)(xviii), and 25.27.244(e)(2)(A)(xix)~~
16 ~~are repealed~~
17 ~~January 1, 2012 [2011].~~
18 * Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

PROVIDED BY
ADF & G

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- The passage of SB177 renders HB246 irrelevant without amendment
- The Sponsor made a commitment to the Commissioner of Fish & Game, which was recently reiterated, to amend this legislation to rectify this error .
- The proposed amendment allows HB246 to become a companion to SB294 and therefore viable this legislative session

HOUSE BILL NO. 246

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES NEUMAN, Johnson, Keller

Introduced: 4/19/09

Referred: House Special Committee on Fisheries, Resources

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the licensing and regulation of sport fishing operators and sport
2 fishing guides and licensing and registration of sport fishing vessels; and providing for
3 an effective date."

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

5 * **Section 1.** Section 8, ch. 70, SLA 2004, as amended by sec. 3, HCS CSSB 177(FIN), as
6 enacted into law by the First Regular Session of the Twenty-Sixth Legislature, is amended to
7 read:

8 Sec. 8. AS 16.05.340(a)(26); AS 16.40.260, 16.40.270, 16.40.280, 16.40.290,
9 16.40.299; AS 25.27.244(s)(2)(A)(xviii), and 25.27.244(s)(2)(A)(xix) are repealed
10 January 1, 2012 [2011].

11 * **Sec. 2.** This Act takes effect immediately under AS 01.10.070(c).

HOUSE BILL NO. 143

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY THE HOUSE SPECIAL COMMITTEE ON FISHERIES

Introduced: 2/23/09

Referred: House Special Committee on Fisheries, Resources

A BILL

FOR AN ACT ENTITLED

1 **"An Act repealing the termination of licensing and regulation of sport fishing operators**
2 **and sport fishing guides and licensing and registration of sport fishing vessels; and**
3 **providing for an effective date."**

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

5 *** Section 1.** Section 8, ch. 70, SLA 2004, is repealed.

6 *** Sec. 2.** This Act takes effect immediately under AS 01.10.070(c).

SENATE BILL NO. 294

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY SENATOR MCGUIRE

Introduced: 2/24/10
Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act repealing the termination date of the licensing of sport fishing operators and
2 sport fishing guides; and providing for an effective date."

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

4 * **Section 1.** Section 8, ch. 70, SLA 2004, as amended by sec. 3, ch. 61, SLA 2009, is
5 repealed.

6 * **Sec. 2.** This Act takes effect immediately under AS 01.10.070(c).

SENATE BILL NO. 177
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY SENATOR MEYER

Introduced: 4/1/09

Referred: Resources, Finance

A BILL
FOR AN ACT ENTITLED

1 "An Act repealing the termination of licensing and regulation of sport fishing operators
2 and sport fishing guides and licensing and registration of sport fishing vessels; and
3 providing for an effective date."

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

5 * **Section 1.** Section 8, ch. 70, SLA 2004, is repealed.

6 * **Sec. 2.** This Act takes effect immediately under AS 01.10.070(c).



LAWS OF ALASKA

2009

Source

HCS CSSB 177(FIN)

Chapter No.

AN ACT

Relating to an exception for professional fishing guide services in the Kenai River Special Management Area; relating to the licensing and regulation of sport fishing operators and sport fishing guides and licensing and registration of sport fishing vessels; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

Enrolled SB 177

AN ACT

1 Relating to an exception for professional fishing guide services in the Kenai River Special
2 Management Area; relating to the licensing and regulation of sport fishing operators and sport
3 fishing guides and licensing and registration of sport fishing vessels; and providing for an
4 effective date.

5

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

8 **PURPOSE.** The purpose of sec. 2 of this Act is to allow employers of professional
9 fishing guides in the Kenai River Special Management Area to hire a licensed guide who has
10 not completed the course requirement listed in 11 AAC 20.885(c)(9) if the employer has lost
11 the services of an employee because of unforeseen circumstances and is unable to hire an
12 available replacement guide who has completed the course.

13 * **Sec. 2.** AS 41.21.506(b) is amended to read:

14 (b) The commissioner shall adopt regulations under AS 44.62 (Administrative

1 Procedure Act) that are necessary to achieve the purposes of AS 41.21.500 - 41.21.514
2 and to implement the plan adopted under (a) of this section. The regulations must

3 (1) designate incompatible uses and prohibit or restrict them; [,] and

4 (2) establish a registration, licensing, or comparable procedure for
5 professional fishing guides and such additional fishing guide controls as the
6 commissioner considers necessary; **notwithstanding the requirements established**
7 **by the commissioner to implement this paragraph, the commissioner shall**
8 **establish a procedure by which the holder of a valid sport fishing operator license**
9 **issued under AS 16.40.260 may petition for, and the director of the division of**
10 **parks, or the director's designee, shall expeditiously issue, a waiver to allow the**
11 **sport fishing operator license holder to use the services in the Kenai River Special**
12 **Management Area of a guide licensed under AS 16.40.270 who has not completed**
13 **the procedures and additional controls that are required by the department**
14 **under this paragraph; the waiver authorized in this paragraph applies only for**
15 **the duration of the sport fishing season during which the waiver application is**
16 **submitted and only if the sport fishing operator license holder**

17 **(A) employing the licensed guide has lost the services of a**
18 **licensed guide because of unforeseen circumstances; and**

19 **(B) is unable to hire as a replacement an available licensed**
20 **guide who has satisfied all the requirements of this paragraph, including**
21 **those required by regulation.**

22 * Sec. 3. Section 8, ch. 70, SLA 2004, is amended to read:

23 Sec. 8. AS 16.05.340(a)(26); AS 16.40.260, 16.40.270, 16.40.280, 16.40.290,
24 16.40.299; AS 25.27.244(s)(2)(A)(xviii), and 25.27.244(s)(2)(A)(xix) are repealed
25 January 1, **2011** [2010].

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

Amendment

HB246: Sportfish Guide Licenses

Offered in (H)FISH

By: Representative NEUMAN

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09 **05 repealed.** HCS CSSB 177(FIN), as
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13 ~~Sec. 8. AS 16.05.340(a)(26), AS 16.40.260, 16.40.270,~~
14 ~~16.40.280, 16.40.290,~~
15 ~~16.40.299, AS 25.27.244(s)(2)(A)(xviii), and 25.27.244(s)(2)(A)(xix)~~
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