

ALASKA LEGISLATURE COMMITTEE FILES 1983-1988 80/2

4268 SRES SB 285 - SB 294 1188

STATE OF ALASKA)
) ss.
 _____ JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on the 17th day of November 1982, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn as such, personally appeared Roy M. Huhndorf, President of Cook Inlet Region, Inc., a Native Corporation existing by virtue of the laws of the State of Alaska, known to me to be the person who executed the above instrument and who acknowledged that the said instrument was signed on behalf of said corporation by authority of its Board of Directors.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day year first hereinabove written.

Permy R. Ahroves
NOTARY PUBLIC in and for Alaska
My Commission Expires: 7-27-85

STATE OF ALASKA)
) ss.
 _____ JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on the 18 day of NOV, 1982, before me the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn as such, personally appeared John W. Katz, the Commissioner, Department of Natural Resources, State of Alaska, known to me to be the person who executed the above instrument and who acknowledged that the said instrument was signed for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I hereunto set my hand and seal the day and year first hereinabove written.

Georgann Cox
NOTARY PUBLIC in and for Alaska
My Commission Expires: 8/27/84

APPENDIX I-A

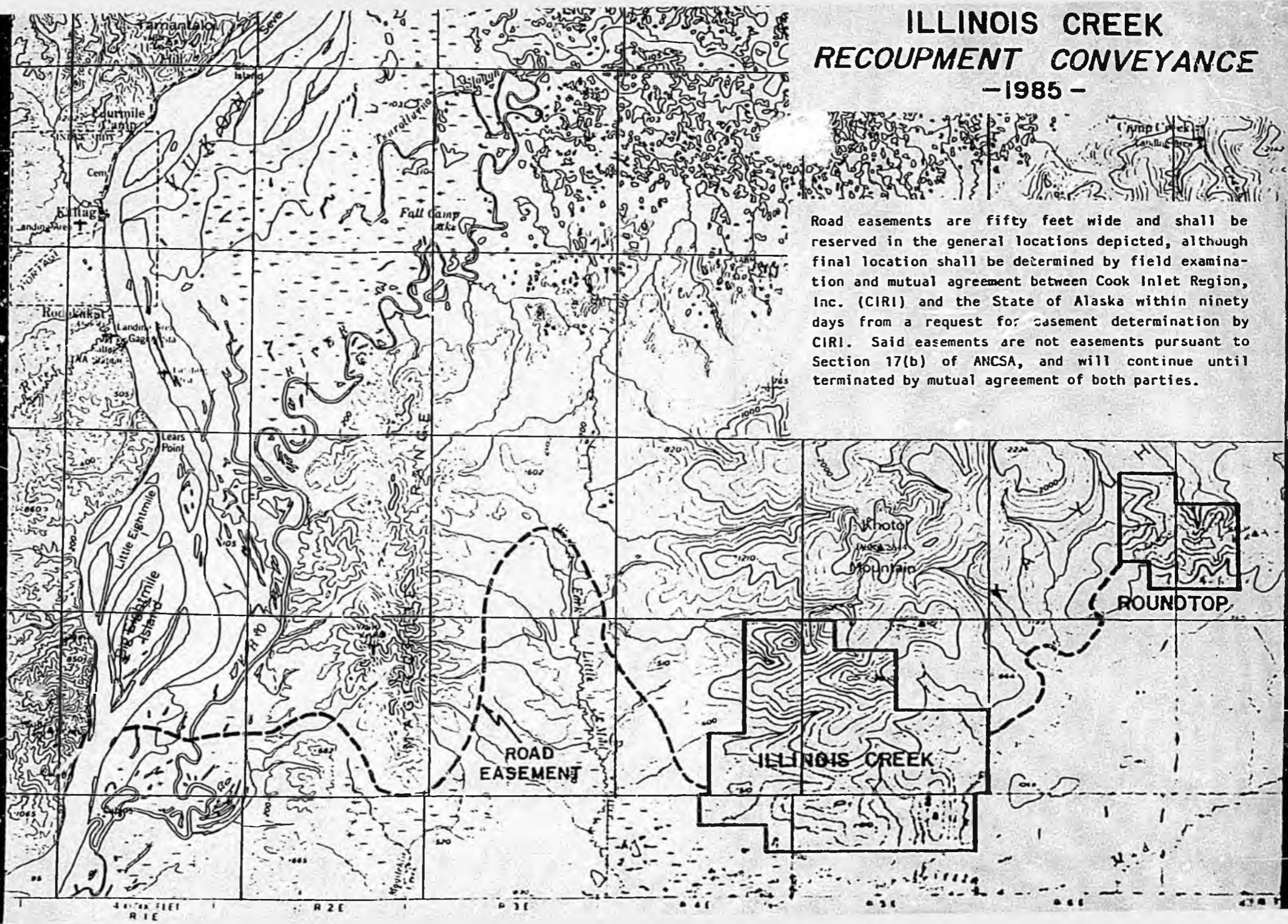
Within thirty (30) days of receipt by CIRI of the conveyance of lands in Appendix I from the Bureau of Land Management, CIRI shall record the following covenant which will run with the land, and will remain in effect until terminated by mutual agreement of the State and CIRI, or its successors in interest:

In order to protect and maintain the public's continued recreational use of the land in [legal description], Cook Inlet Region, Inc., for itself and its successors and assigns, covenants to and with the State of Alaska that said lands shall remain open and available to sport hunting and fishing and other recreational uses, including float plane access to Smith Lake and Veleska Lake, by the public (at no cost) under applicable law (but without liability, whether in tort or otherwise, on the part of Cook Inlet Region, Inc.) subject only to such reasonable restrictions which may be imposed by Cook Inlet Region, Inc., for the purposes of limiting or prohibiting such public uses in the immediate vicinity (not to exceed one mile) of mining or other commercial operations, including but not limited to, transportation corridors or sites, public or private recreational development, residential development, or communication sites, which may be undertaken by Cook Inlet Region, Inc., or its successors in interest, or the agents, partners, contractors, or assignees thereof, upon the affected lands. Imposition of such reasonable restrictions by CIRI for residential or recreational development shall not apply until such time as any residential or recreational development results in land being platted, recorded and leased or sold. Notwithstanding anything above, public access in a topographically feasible location from the site easements at Smith and Veleska Lakes to lands covered by this covenant shall be provided. Such restrictions shall comprise only those restrictions necessary to insure human safety and to minimize conflicts between recreational uses and commercial and residential uses. Access to the above lands shall be permitted to employees of the State for purposes of managing fish and wildlife, and to other state officers and employees, and employees of political subdivisions of the State, for the purposes of carrying out this subsection.

ILLINOIS CREEK RECOUPMENT CONVEYANCE - 1985 -



Road easements are fifty feet wide and shall be reserved in the general locations depicted, although final location shall be determined by field examination and mutual agreement between Cook Inlet Region, Inc. (CIRI) and the State of Alaska within ninety days from a request for easement determination by CIRI. Said easements are not easements pursuant to Section 17(b) of ANCSA, and will continue until terminated by mutual agreement of both parties.



VICINITY MAP

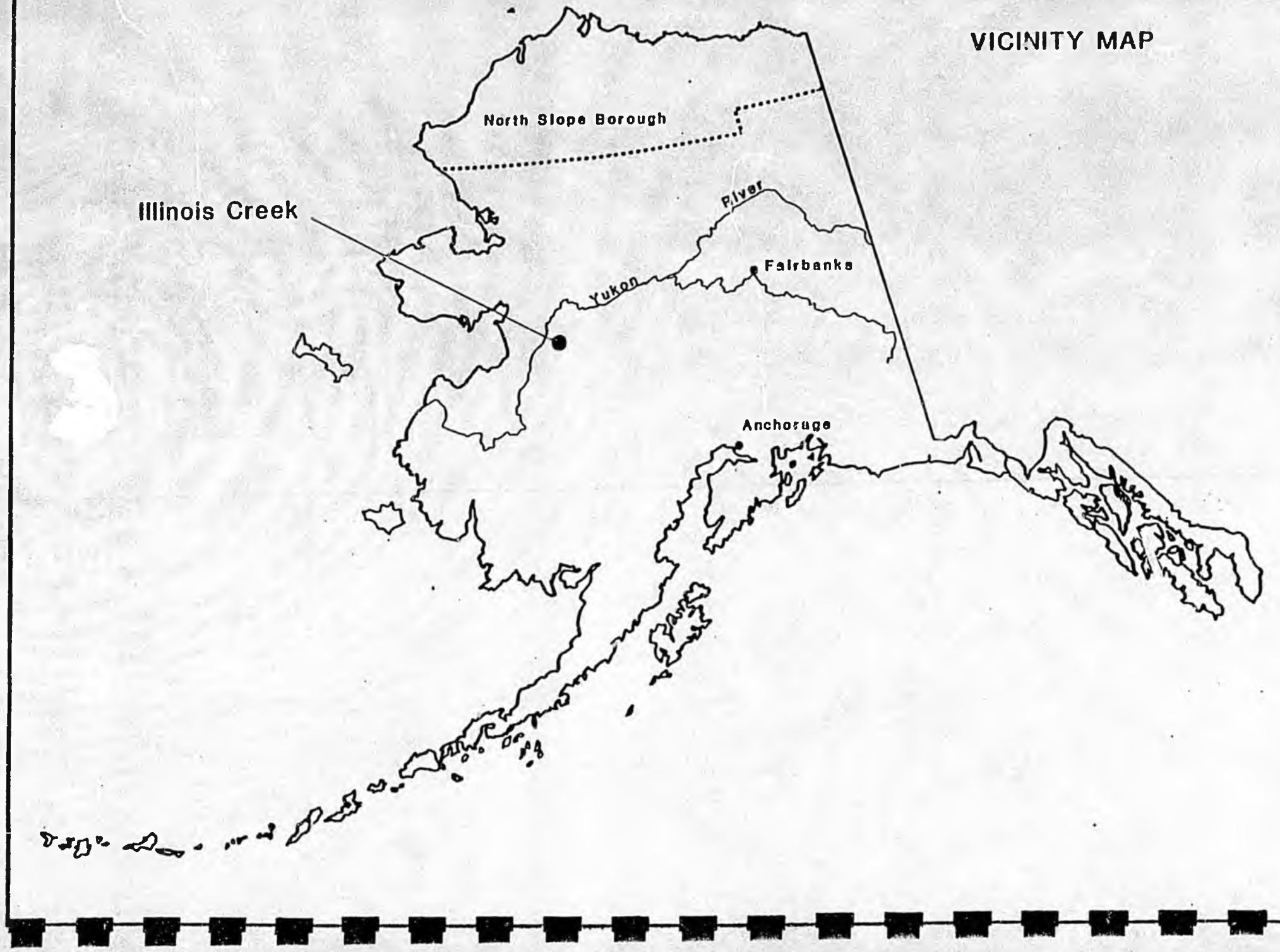
Illinois Creek

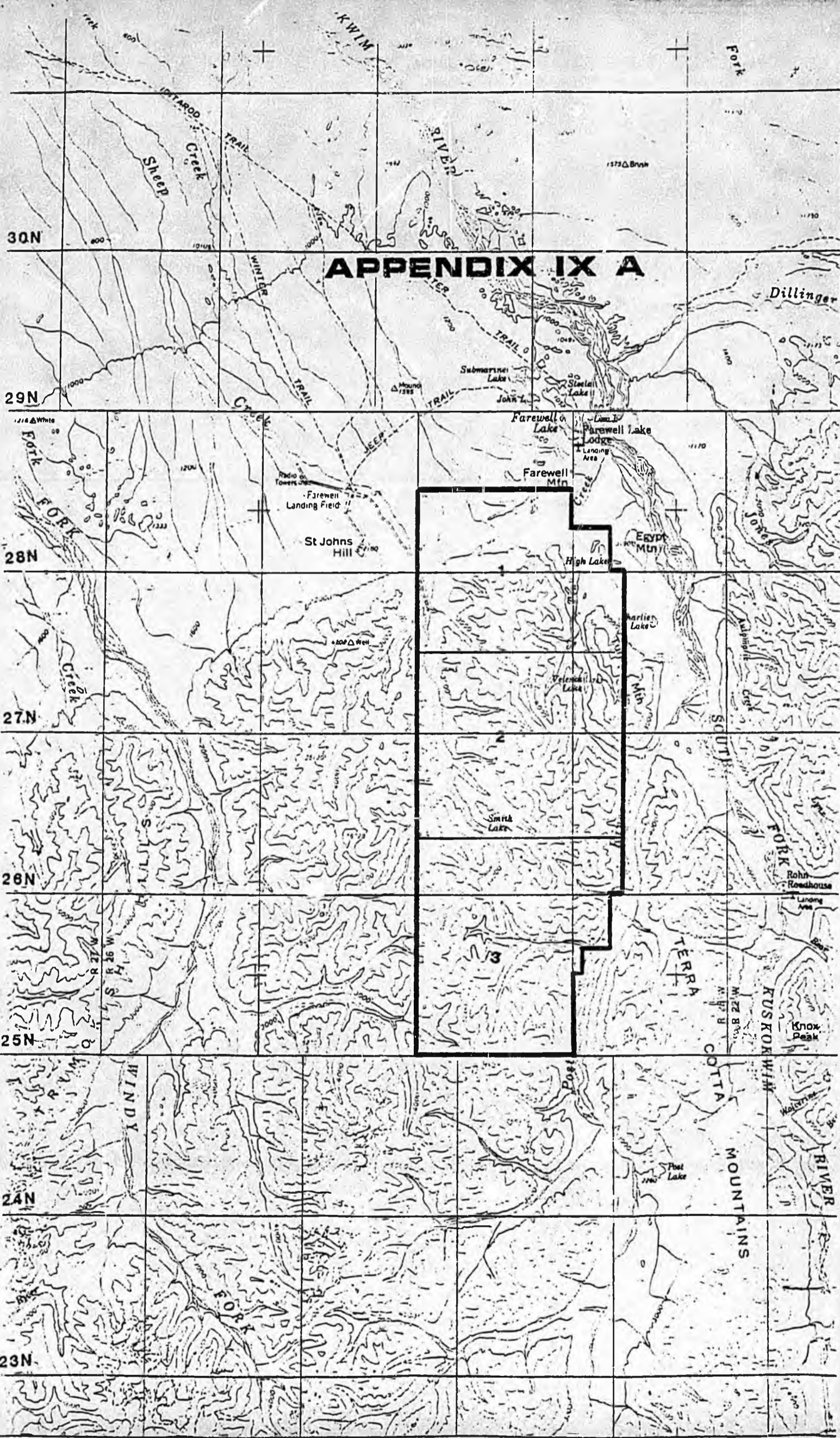
North Slope Borough

Yukon River

Fairbanks

Anchorage





APPENDIX IX A

R 27 W

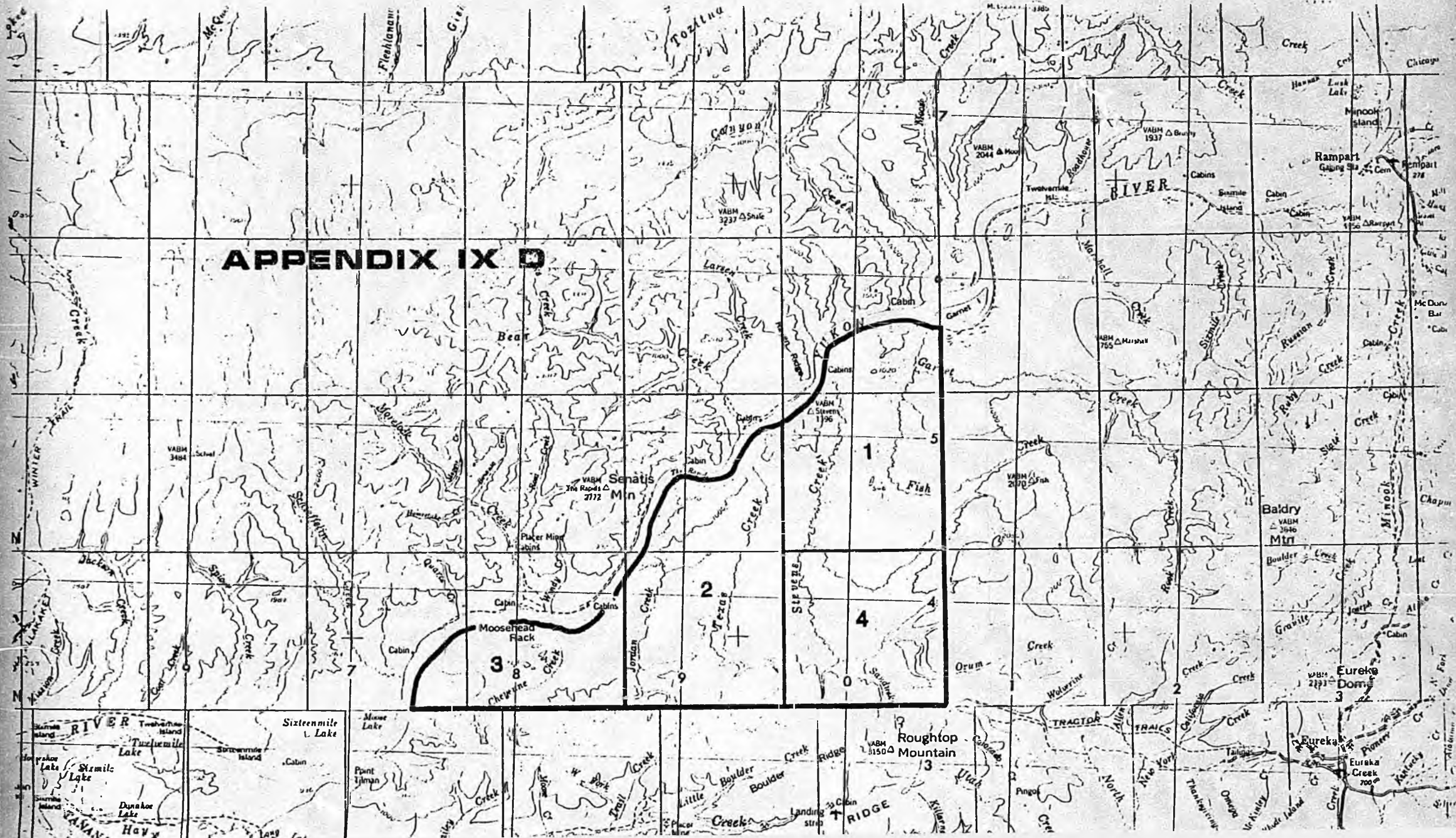
R 26 W 154°

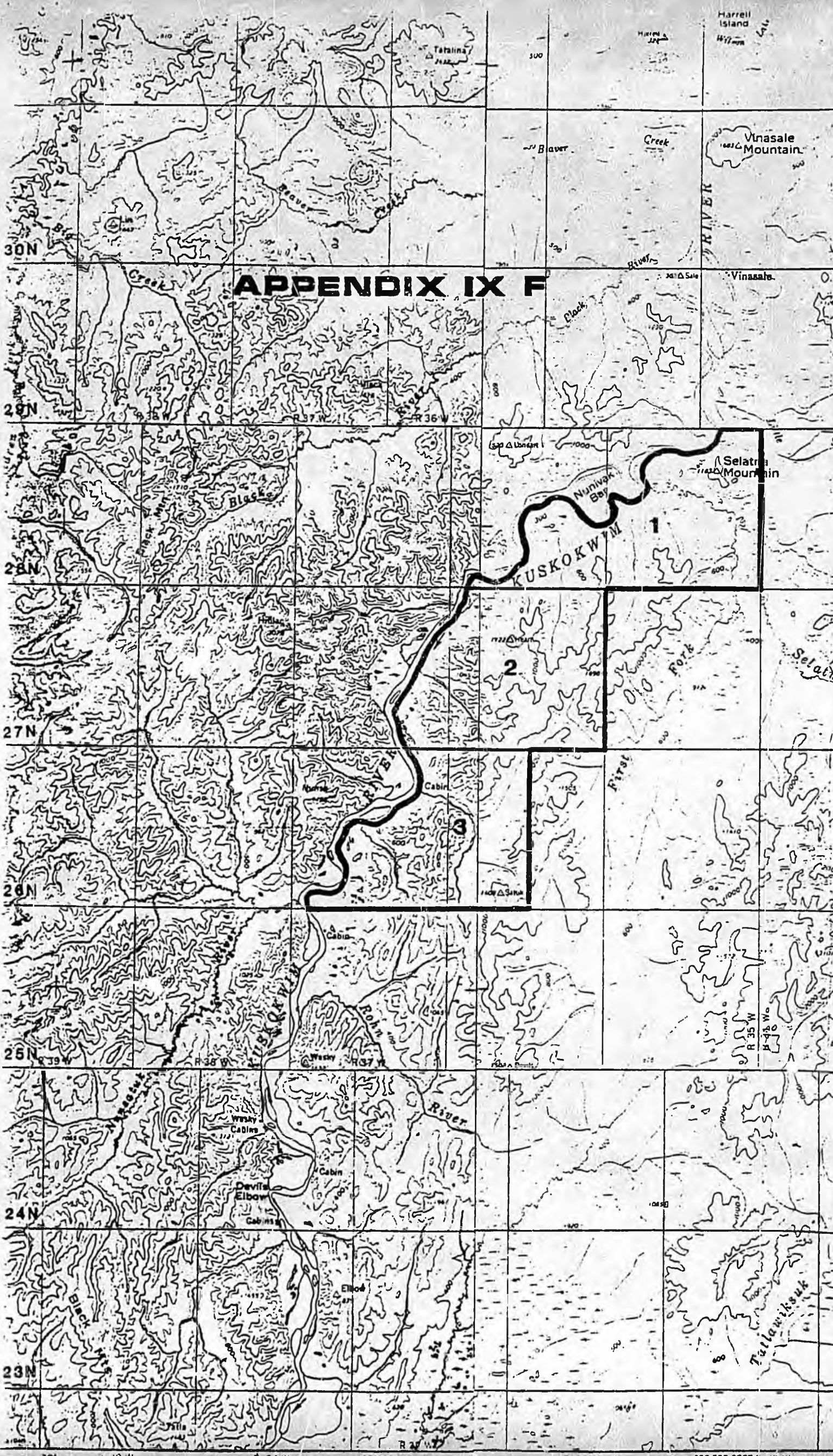
R 25 W

R 24 W

30° R 23 W

APPENDIX IX D





APPENDIX IX F

30N

28N

26N

27N

26N

25N

24N

23N

Harrell Island
147m

Vinasale Mountain
1023m

Vinasale

Selatra Mountain
1023m

Selatra

R 35 W
R 36 W

Tullawitsuk

300

Blaker

Creek

River

RIVER

KUSKOKWIM

2

Fitzel

Cabin

Cabin

Cabin

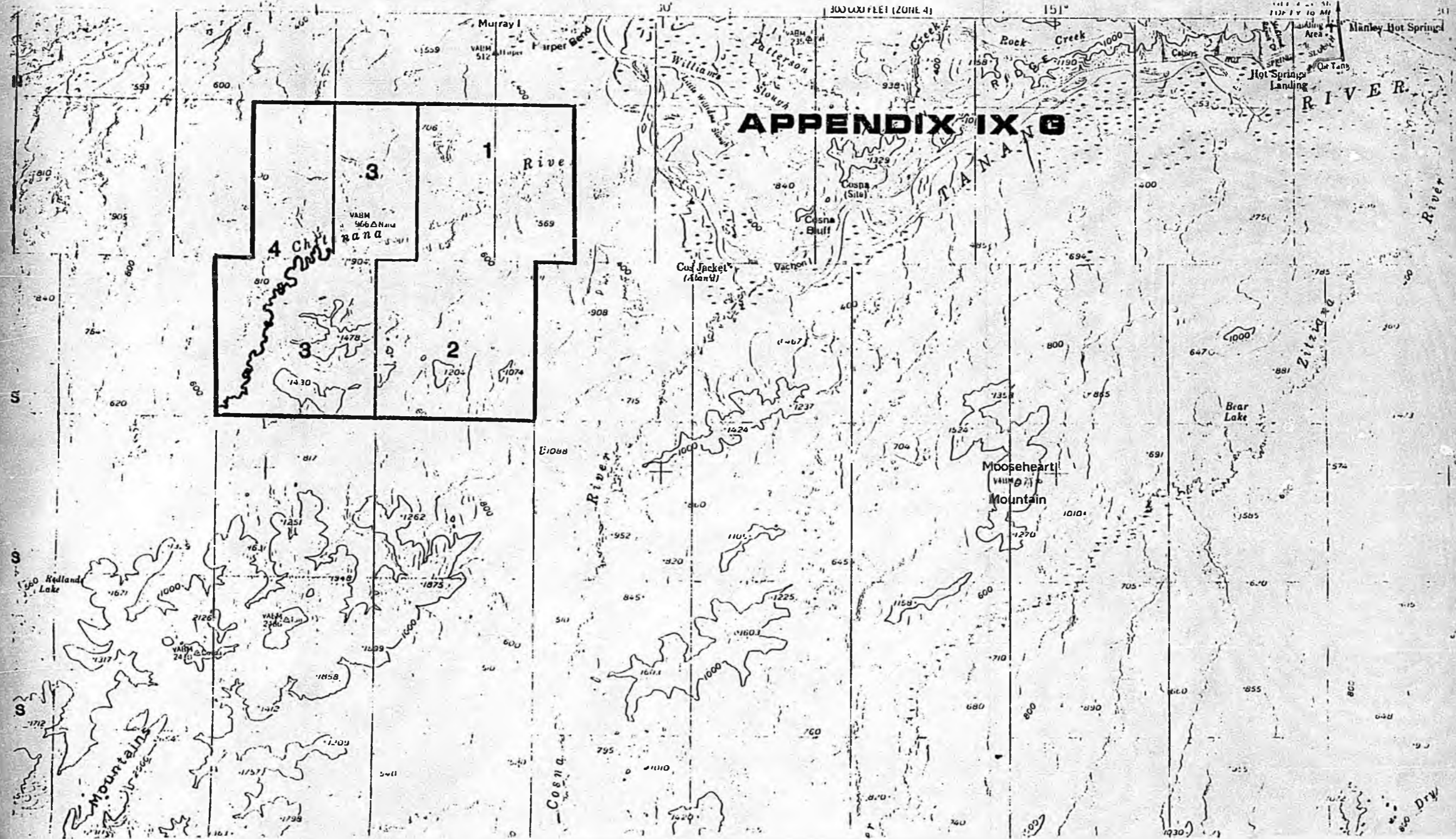
Cabin

Cabin

Elbow

R 27 W

30 29 28 27 26 25 24 23 W



Mountain R 1 E

R 2 E

R 3 E

R 4 E

R 5 E

R 6 E

R 7 E

R 8 E

R 9 E

APPENDIX IX H

Tamantalo Hill
VABM 13649

Fourmile Camp

Kaltag

Dokakal (Almaki) Landing Area
Kaltag Gaging Sta
CAA Station

YUKON RIVER

RIVER

Fall Camp Lake

Little Eightmile Island

Big Eightmile Island

1

4

2

3

MAGNETIC RANGES

Hot

Fork

Little

Mud

River

Khoto Mountain

Little

Mud

River

Yukon

Branch

MOUNTAIN

Mud

T 13 S

T 14 S

T 15 S

T 16 S

T 17 S

40000 FEET

30 R 21

R 31

158

30

APPENDIX

30N

29N

28N

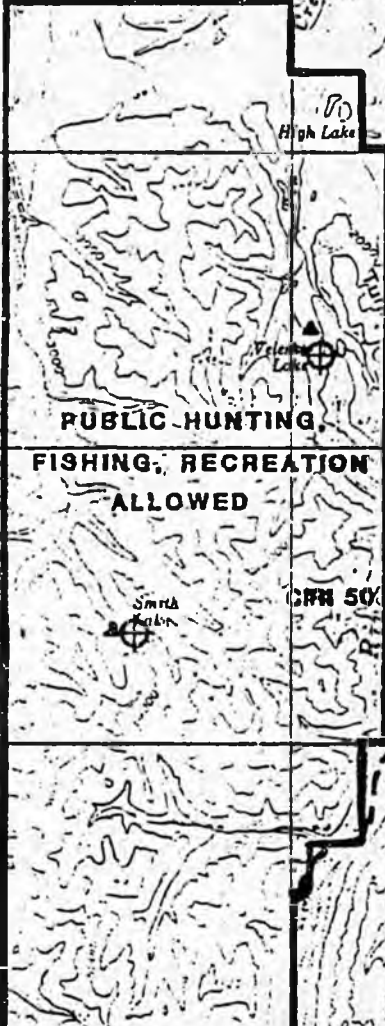
27N

26N

25N

24N

23N



**PUBLIC HUNTING,
FISHING, RECREATION
ALLOWED**

CRN 50' ROAD EASEMENT

**PUBLIC FLOATPLANE ACCESS
1 ACRE SITE EASEMENT**

APPENDIX I

30N

29N

28N

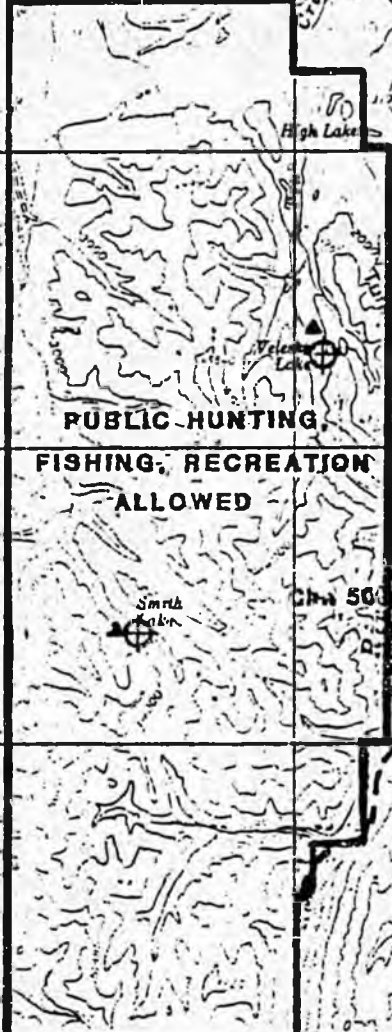
27N

26N

25N

24N

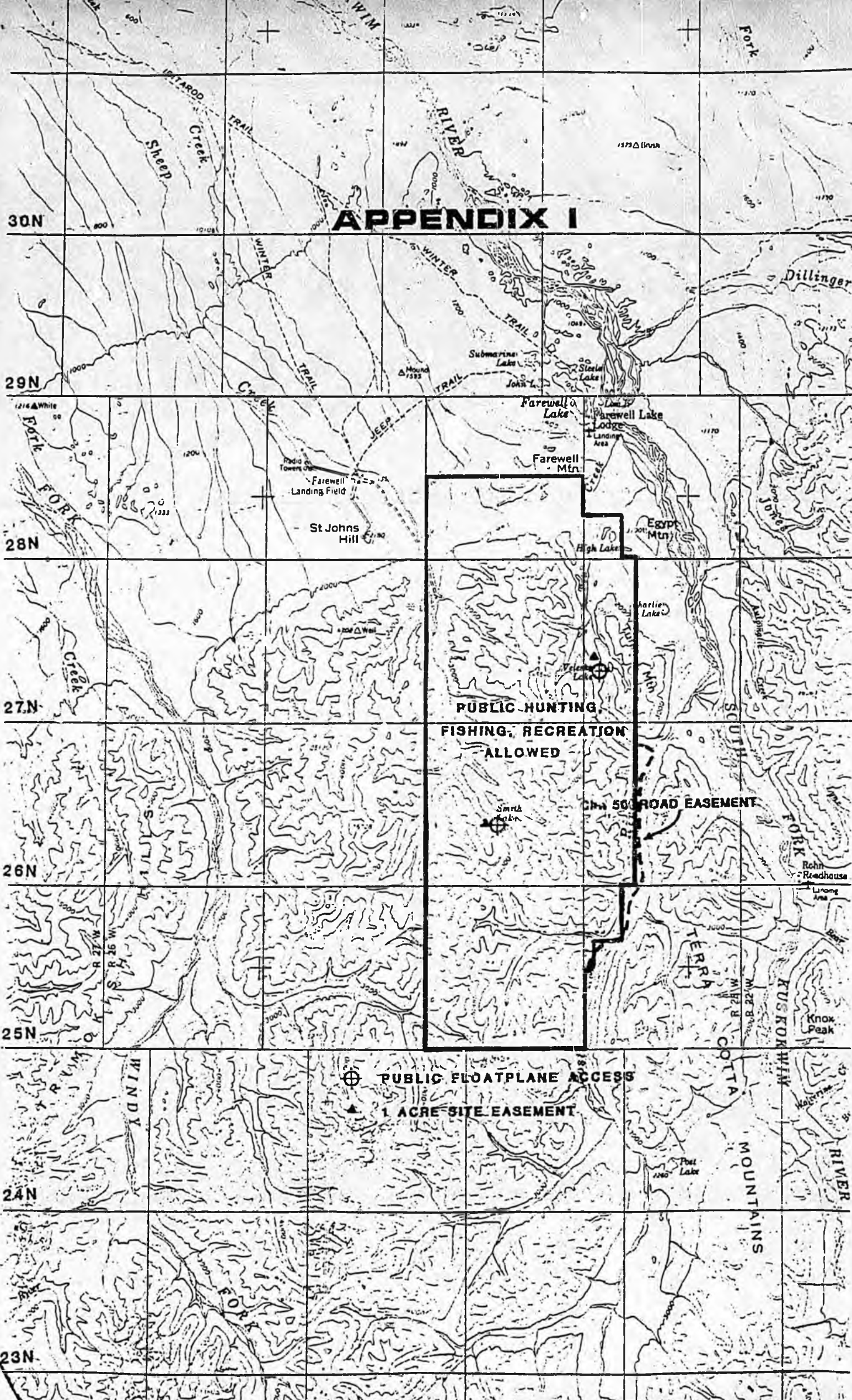
23N



**PUBLIC HUNTING,
FISHING, RECREATION
ALLOWED**

500' ROAD EASEMENT

**PUBLIC FLOATPLANE ACCESS
1 ACRE SITE EASEMENT**



Farewell

Seward Meridian, Alaska

- T. 28 N., R. 23 W.,
Sec. 29, SW $\frac{1}{4}$;
Sec. 30, S $\frac{1}{2}$;
Sec. 31, all;
Sec. 32, E $\frac{1}{2}$;
Containing 1,406 acres, more or less.
- T. 29 N., R. 24 W.,
Sections 19-36;
Containing 11,412 acres, more or less;
- T. 27 N., R. 23 W.
Secs. 5-8, inclusive, all;
Secs. 17-20, inclusive, all excluding Veleska Lake;
Secs. 29-32, inclusive, all;
Containing 7,410 acres, more or less.
- T. 27 N., R. 24 W.,
Secs. 1-36;
Containing 22,875 acres, more or less.
- T. 26 N., R. 23 W.,
Secs. 5-8, inclusive, all;
Secs. 17-20, inclusive, all;
Secs. 29-32, inclusive, all;
Containing 7,557 acres, more or less.
- T. 26 N., R. 24 W.,
Secs. 1-36, excluding Smith lake;
Containing 22,851 acres, more or less.
- T. 25 N., R. 23 W.,
Sec. 5, W $\frac{1}{2}$;
Secs. 6 and 7;
Sec. 8, W $\frac{1}{2}$;
Sec. 18, W $\frac{1}{2}$;
Containing 2,216 acres, more or less.
- T. 25 N., R. 24 W.,
Secs. 1-36;
Containing 23,007 acres, more or less.

Aggregating approximately 98,624 acres.

Easements to be granted to the State:

A one acre Site Easement on the west side of the outlet at Smith Lake in Sec. 21, T. 26 N., R. 24 W., S.M.

A one acre Site Easement at the north end of Veleska Lake in Sec. 19, T. 27 N., R. 23 W., S.M.

Easement to be granted to CIRI:

A 50 foot Road Easement down the Post River valley from Sec. 18, T. 25 N., R. 24 W., S.M. to Sec. 5 T. 26 W., R. 23 W., S.M.

Submerged lands to be granted to the State:

Smith Lake
Veleska lake

Illinois Creek
Kateel River Meridian

- T. 15 S., R. 4 E.,
Sec. 22-27, 34-36;
Containing 5,760 acres, more or less.
- T. 15 S., R. 5 E.,
Sec. 1-36;
Containing 22,932 acres, more or less.
- T. 15 S., R. 6 E.,
Sec. 7-36;
Containing 19,110 acres, more or less.
- T. 15 S., R. 7 E.,
Sec. 7-9, 16-21, 28-33;
Containing 9,515 acres, more or less.
- T. 16 S., R. 4 E.,
Sec. 1, 2, 11-14, 23-26, 35, 36;
Containing 7,680 acres, more or less.
- T. 16 S., R. 5 E.,
Sec. 1-36;
Containing 23,004 acres, more or less.
- T. 17 S., R. 4 E.,
Sec. 1, 2, 12;
Containing 1,920 acres, more or less.
- T. 17 S., R. 5 E.,
Sec. 1-12, 14-18, excluding Native allotment
application F-15474 Parcel B situated within
Sections 11 and 14;
Containing 10,648 acres, more or less.

Aggregating approximately 100,569 acres.

Easement to be granted to CIRI:

A 50 foot Road Easement from T. 17 S., R. 4 E., K.R.M. to 16 S.,
R. 2 E., K.R.M.

Yukon River Crossing

Fairbanks Meridian

- T. 10 N., R. 9 W.,
Sec. 5-7, those portions lying northerly
of Hess Creek;
Containing 786 acres, more or less.
- T. 10 N., R. 10 W.,
Sec. 1-9;
Sec. 10-16, those portions lying northerly of
Hess Creek;
Sec. 17-18;
Sec. 19-21, those portions lying northerly of
Hess Creek.
Containing 10,121 acres, more or less.
- T. 11 N., R. 10 W.,
Sec. 4-9, 14-36;
Containing 18,368 acres, more or less.
- T. 11 N., R. 11 W.,
Sec. 1-36;
Containing 21,243 acres, more or less.
- T. 11 N., R. 12 W.,
Secs. 1-36, excluding Native allotment applications
F-14417 and F-12111 situated within sections 4, 5,
8, and 14 and Kalka Island;
Containing 19,575 acres, more or less.
- T. 12 N., R. 11 W.,
Sec. 3-10, 15-22, 27-36 excluding Native allotment
application F-13319 Parcel A, and F-13077 Parcel B,
situated within sections 10, 15, 19 and 20, and the Big Salt and Ray
Rivers.
Containing 14,426 acres, more or less.
- T. 12 N., R. 12 W.,
Secs. 1-36; excluding the Big Salt River.
Containing 21,141 acres, more or less.

Aggregating approximately 106,705 acres.

Acre figure excludes
major water features

Easements to be granted to the State:

A 25 foot Trail Easement along the north bank of the Ray River from
Sec. 10, T. 12 W., R. 11 W., upstream to T. 13 N., R. 11 W. F.M.

A one Acre Site Easement in Sec. 10, T. 12 W., R. 11 W., at the
Terminus of the Trail easement.

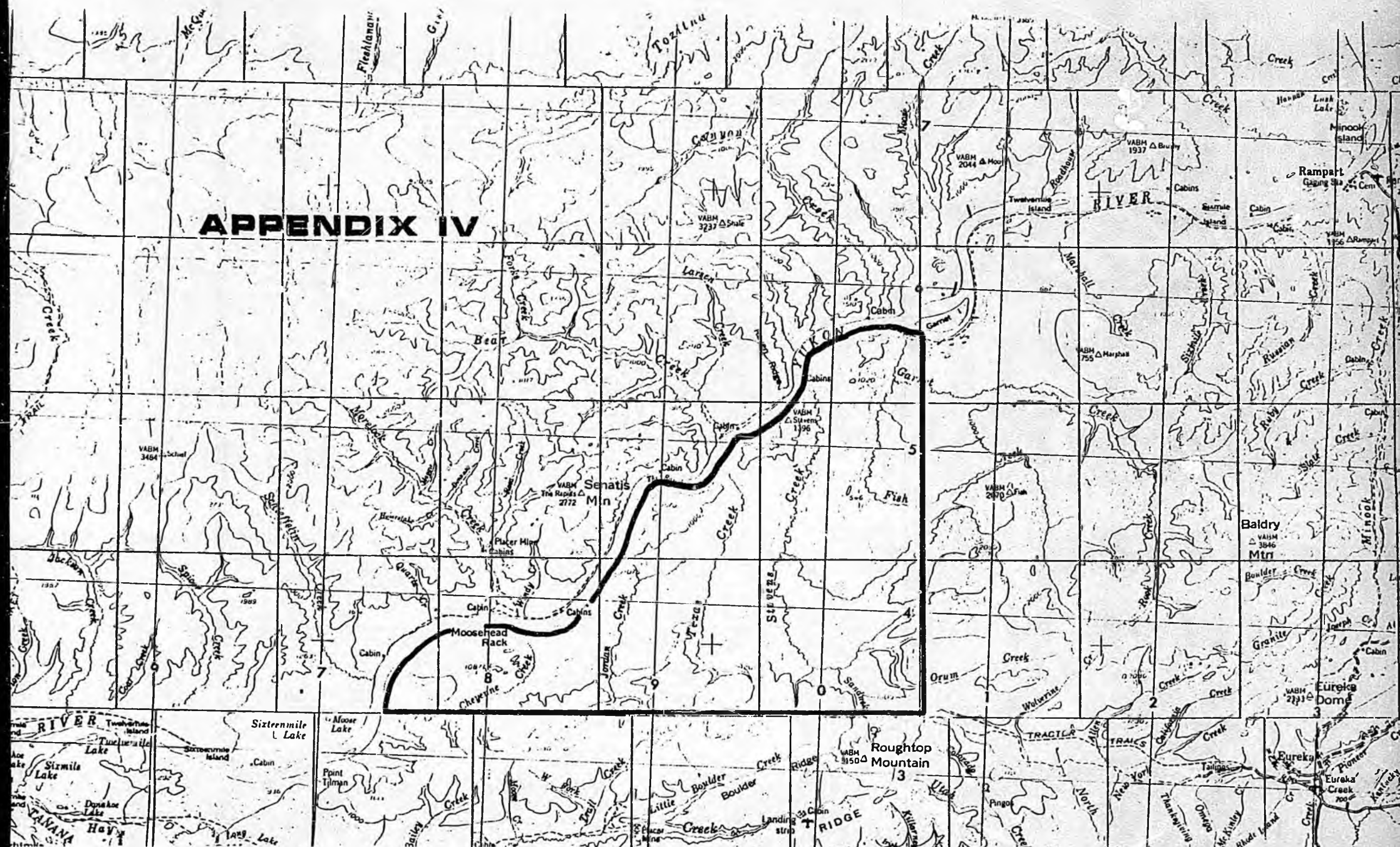
A 25 foot Trail Easement along the south bank of the Big Salt River
from Sec. 19, T. 12 N., R. 11 W., F.M. to T. 12 N., R. 13 W.,
F.M.

A one acre Site Easement along the Yukon River where the Trail
Easement Terminates in Sec. 19, T. 12 N., R. 11 W., F.M.

Submerged lands to be granted to the State

Ray River
Big Salt River

APPENDIX IV

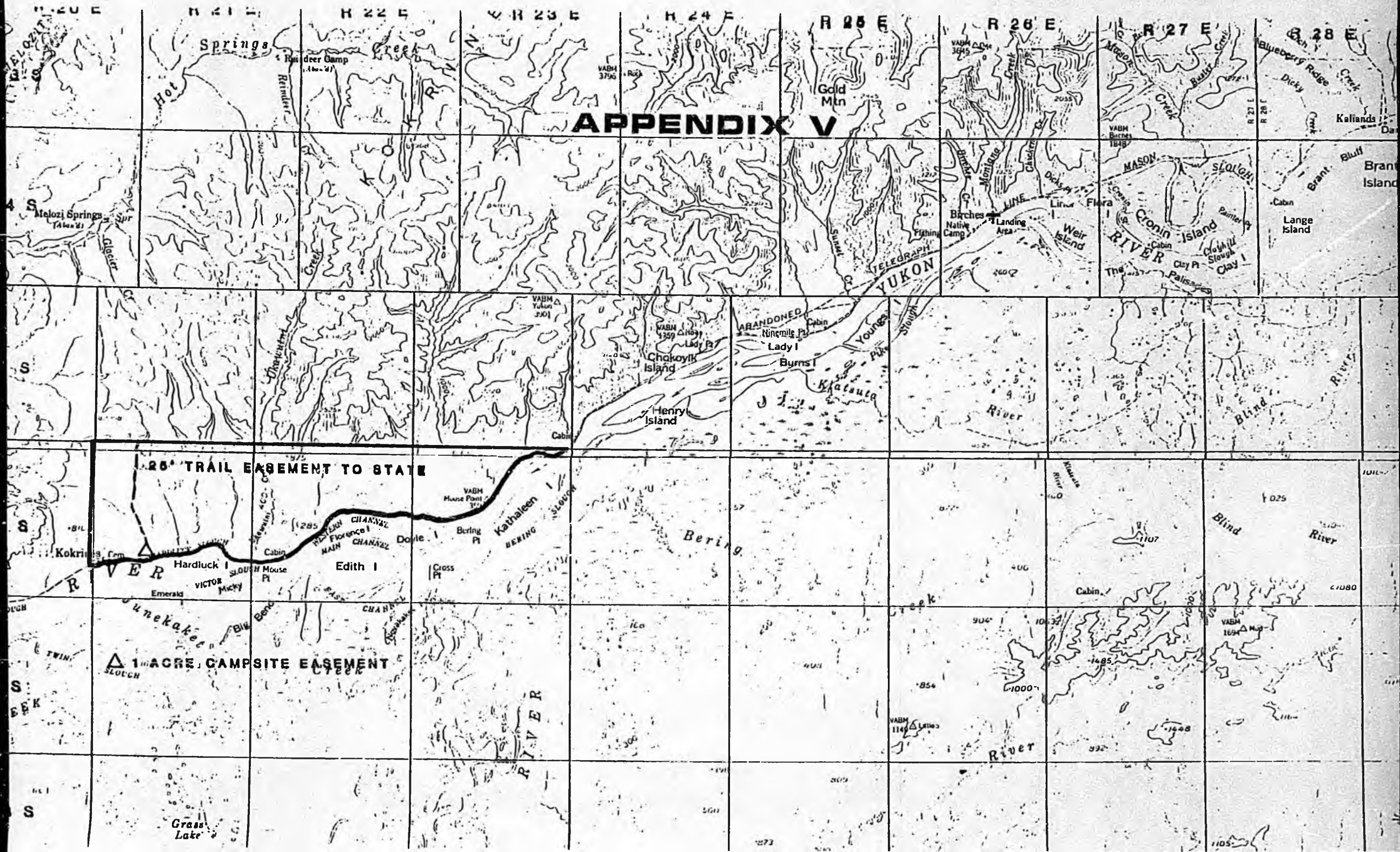


Yukon-Rampart
Fairbanks Meridian

- T. 7 N., R. 16 W.,
Secs. 21-29, 32-36 those portions lying south of the Yukon River, excluding Native allotment applications F-13362, F-13358, F-12598 situated within sections 24, 28, 29 and 32.
Containing 6,817 acres, more or less.
- T. 6 N., R. 16 W.,
Secs. 1-36, those portions lying southeasterly of the Yukon River.
Containing 22,456 acres, more or less.
- T. 6 N., R. 17 W.,
Secs. 11-14, 20-29, 31-36, those portions lying southeasterly of the Yukon River, excluding Native allotment application F-17124.
Containing 10,070 acres, more or less.
- T. 5 N., R. 16 W.,
Secs. 1-36.
Containing 23,003 acres, more or less.
- T. 5 N., R. 17 W.,
Secs. 1-36, those portions lying southeasterly of the Yukon River;
Containing 22,738 acres, more or less.
- T. 5 N., R. 18 W.,
Secs. 12-36 those portions lying southerly and easterly of the Yukon River excluding Native allotment applications F-16940, F-15036, and excluding Regional Selection application F-22817 HP.
Containing 12,244 acres more or less.
- T. 5 N., R. 19 W.,
Secs. 23-26, 34-36, those portions lying southeasterly of the Yukon River;
Containing 2,835 acres, more or less.

Aggregating approximately 100,165 acres.

APPENDIX V



Kokrines

Kateel River Meridian

- T. 6 S., R. 21 E.
Sec. 1-22;
Sec. 23, those portions lying northerly of Hardluck Slough and excluding Native allotment application F-15251 Parcel A;
Sec. 24;
Sec. 25-28, those portions lying northerly of Hardluck Slough;
Sec. 29, that portion lying northerly of the Yukon River and excluding Regional Selection Application F-22780 HP and Native Group Selection Application F-22977.

Containing 16,056 acres, more or less.

- T. 6 S., R. 22 E.
Sec. 1-12;
Sec. 13-16, those portions lying northerly of the Western channel of the Yukon River;
Sec. 17 -19;
Sec. 20-21, those portions lying northerly of the Western channel of the Yukon River;
Sec. 29, that portion lying northerly of the Yukon River;
Sec. 30, that portion lying northerly of the Yukon River and excluding Regional Selection Application F-22779 HP and Native Group Selection Application F-02704.

Containing 12,638 acres, more or less.

- T. 6 S., R. 23 E.
Sec. 1-3, those portions lying northerly of the Yukon River;
Sec. 4-8;
Sec. 9, excluding Regional Selection Application F-22777 HP;
Sec. 10, that portion lying northerly of the Yukon River;
Sec. 15-18, those portions lying northerly of the Yukon River.

Containing 6,083 acres, more or less.

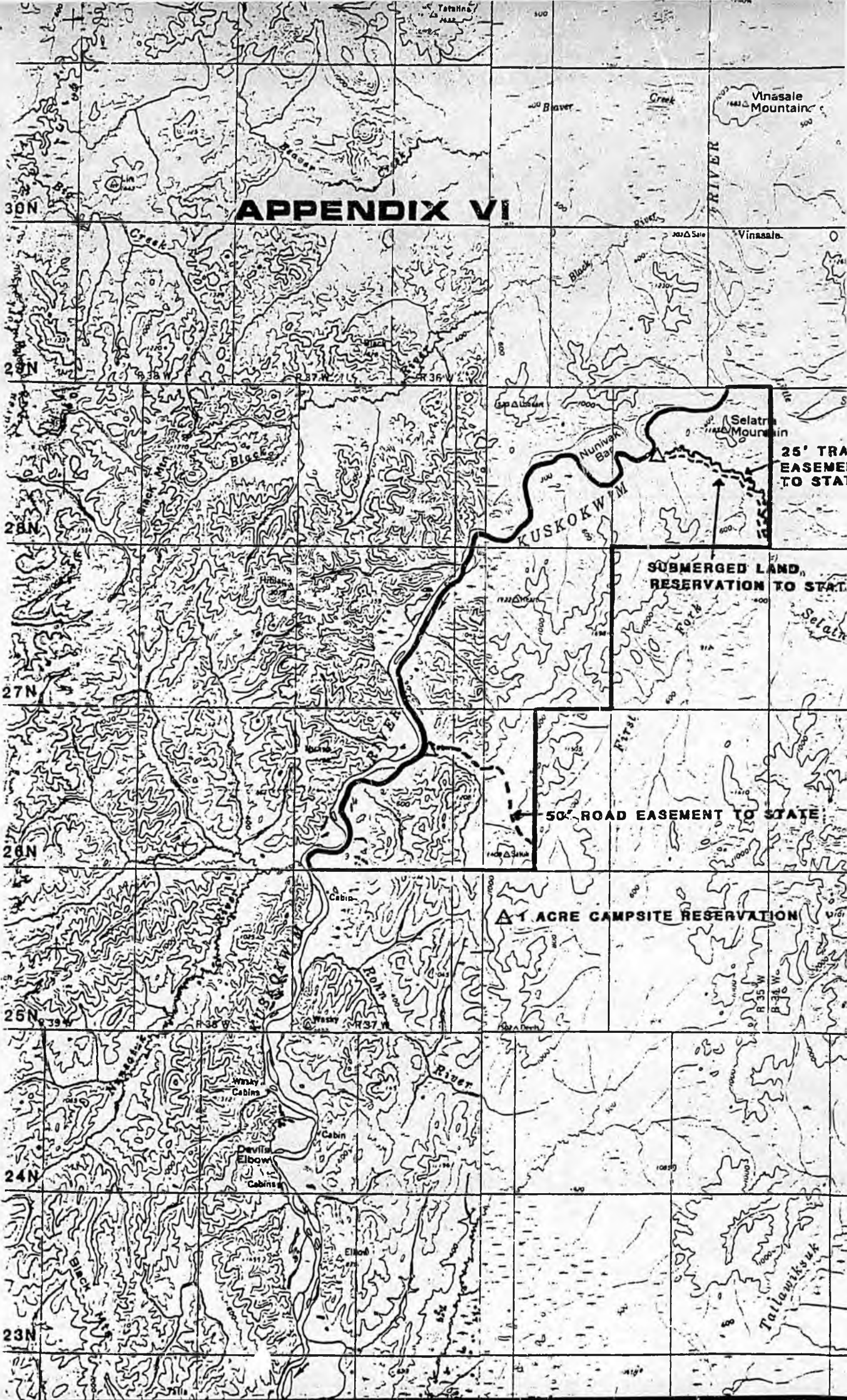
Aggregating approximately 34,777 acres.

Acre figures exclude major water features.

Easements to be granted to the State:

A 25 foot Trail Easement from the Yukon River in Sec. 29 or 30, T. 8 S., R. 21 E., north to State land in T. 5 S., R. 21 E.

A one acre Site Easement along the Yukon River at the Terminus of the Trail Easement in Sec. 29 or 30 T. 8 S., R. 21 E.



APPENDIX VI

25' TRAIL EASEMENT TO STATE

SUBMERGED LAND RESERVATION TO STATE

50' ROAD EASEMENT TO STATE

1 ACRE CAMPSITE RESERVATION

Kuskokwim

Seward Meridian, Alaska

- T. 28 N., R. 35 W.,
Secs. 3, 8-10, 11-36, those portions lying southeasterly of the Kuskokwim River and excluding Regional Selection application AA-12311HR AA-12312 CS, and AA-12314 HP situated in sections 10, 15, 17 and 18, and the Selatna River.
Containing 17,567 acres, more or less.
- T. 28 N., R. 36 W.,
Secs. 14, 15, 21-24, 25-28, 31-36 those portions lying southeasterly of the Kuskokwim River, excluding Regional Selection application AA-12314 HP, and Native Group Selection application AA-11718.
Containing 6,516 acres, more or less.
- T. 27 N., R. 36 W.,
Secs. 1-36; those portions lying southeasterly of the Kuskokwim River, excluding Native Group Selection application AA-11718.
Containing 22,820 acres, more or less.
- T. 27 N., R. 37 W.,
Secs. 11-14, 22-17, 34-36 those portions lying easterly of the Kuskokwim River excluding Native Group Selection application AA-11718.
Containing 4,969 acres, more or less.
- T. 26 N., R. 36 W.,
Secs. 4-9, 16-21, 28-33;
Containing 11,421 acres, more or less.
- T. 26 N., R. 37 W.,
Secs. 1, 2, 11-17, 20-29, 31-36, those portions lying southerly and easterly of the Kuskokwim River, excluding Regional Selection application AA-10410 CS.
Containing 13,322 acres, more or less.

Aggregating 75,778 acres.

Easements to be granted to the State:

A 25 foot Trail Easement along the north bank of the Selatna River from its confluence with the Kuskokwim River in Sec. 17, T. 28 W., R. 35 W., S.M. upstream to T. 27 N., R. 35 W., S.M.

A one acre Site Easement along the Kuskokwim River where the Trail easement terminates in Sec. 17, T. 28 W., R. 35 W., S.M.

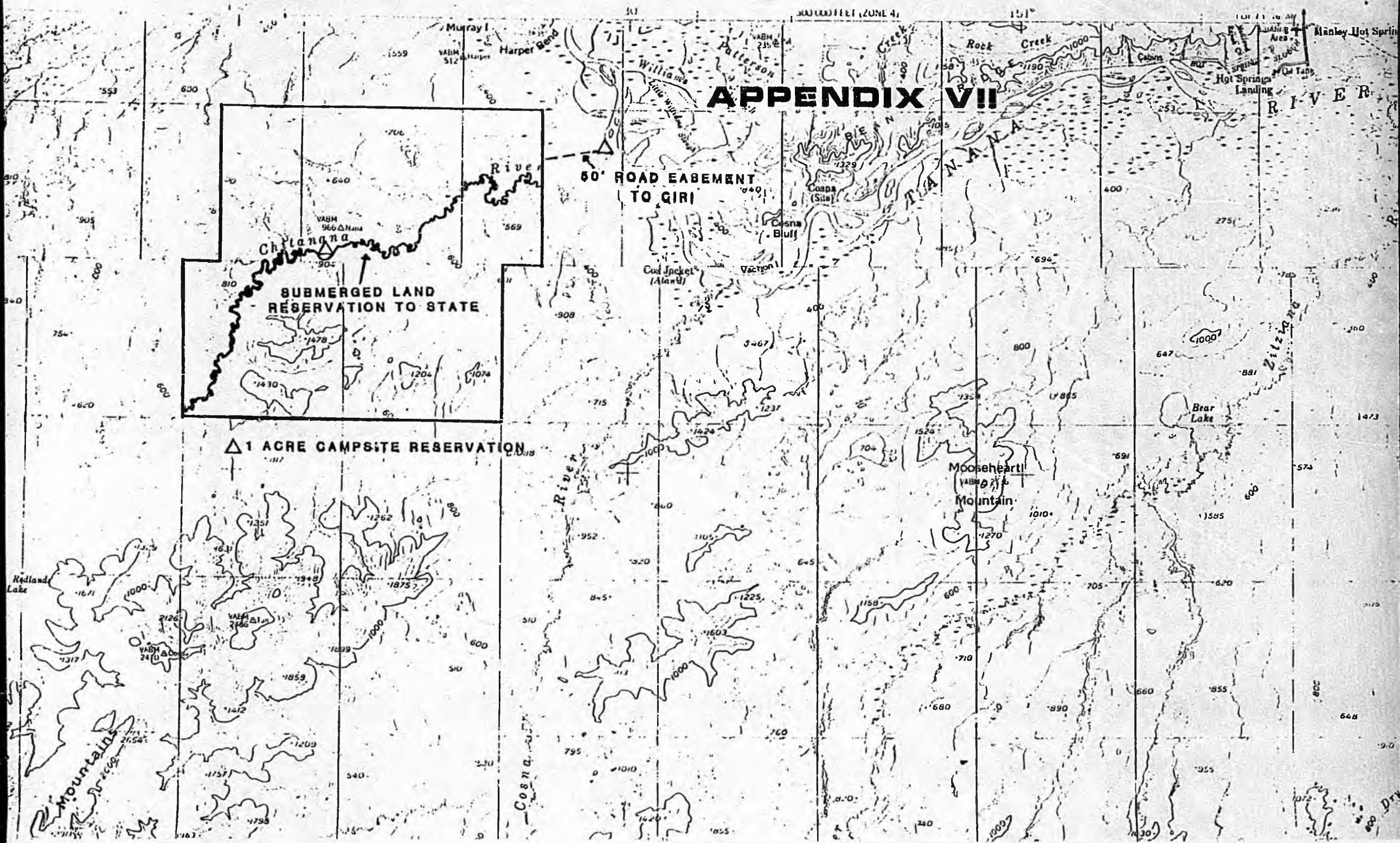
A 50 foot Road Easement from the Kuskokwim River in Sec. 11, T. 26 N., R. 37 W., S.M. eastward to Sec. 30 in T. 25 N., R. 36 W., S.M.

A one acre Site Easement along the Kuskokwim River where the Road Easement terminates in Sec. 11, T. 26 N., R. 37 W., S.M.

Submerged lands to be granted to the State:

Selatna River

APPENDIX VII



Chitanana

Fairbanks Meridian, Alaska

- T. 1 N., R. 20 W., W $\frac{1}{2}$,
Secs. 4-9, 16-21, 28-33, excluding the Chitanana River.
Containing 11,219 acres, more or less.
- T. 1 N., R. 21 W.,
Secs. 1-36, excluding the Chitanana River.
Containing 22,469 acres, more or less.
- T. 1 N., R. 22 W.,
Secs. 1-3, 10-15, 22-27, 34-36, excluding the Chitanana River.
Containing 11,470 acres, more or less;
- T. 1 S., R. 21 W.,
Secs. 1-36;
Containing 22,782 acres, more or less;
- T. 1 S., R. 22 W.,
Secs. 1-36, excluding the Chitanana River.
Containing 22,502 acres, more or less.

Aggregating approximately 90,442 acres.

Easements to be granted to the State:

A one acre Site Easement along the north bank of the Chitanana River in Sec. 32, T. 1 N., R. 21 W., F.M.

Easements to be granted to CIRI:

A 50 foot Road Easement from Sec. 12, T. 1 N., R. 20 W., F.M. eastward to the Tanana River in Sec. 12, T. 1 N., R. 20 W., F.M.

A one acre Site Easement along the Tanana River at the Terminus of the Road Easement in Sec. 12, T. 1 N., R. 20 W., F.M.

Submerged lands to be granted to the State:

Chitanana River

Khotol River

Kateel River Meridian

- T. 15 S., R. 2 E.
Sec. 1-36, all, excluding the Khotol River.
Containing 21,832 acres, more or less.
- T. 16 S., R. 1 E.
Sec. 1-36 excluding Native allotment application
F-13723 Parcel A situated within Sections 5, 6, and 7, Native
allotment Application F-13691 Parcel B, F-13689 Parcel A situated
within Section 12, and Native allotment application F-13677 Parcel A
situated within Sec. 31, and the Khotol River.
- Containing 16,880 acres, more or less.
- T. 16 S., R. 2 E.
Sec. 1-36 all, excluding Native allotment application
F-13689 Parcel A situated within sections 7 and 18, and the Khotol
River.
- Containing 22,734 acres more or less.
- T. 17 S., R. 1 E.
Sec. 1-18 excluding Native allotment application
F-14231 Parcel B situated within Sec. 4, 5, 8, and 9, Native allotment
applications F-13687 Parcel B, F-14358 Parcel A, and F-13749 Parcel A
situated within sections 5 and 8, and Native allotment application
F-14231 Parcel A situated within section 17, and the Khotol River.
- Containing 8,621 acres more or less.
- T. 17 S., R. 2 E
Sec. 1-18, all
Containing 11,373 acres.

Aggregating approximately 81,440 acres.

Easements to be granted to the State:

A one acre Site Easement along the Yukon River at the south end of
Big Eight Mile Island in
Sec. 16, T. 16 S., R. 1 E., K.R.M.

A one acre Site Easement on the east bank of the Khotol River in
Sec. 5, T. 16 S., R. 2 E., K.R.M.

Submerged lands to be granted to the State:
Khotol River



RECORDS CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith
Signature of Camera Operator

11/7/89
Date

S B

2094

Hein:
3/17/86

Original sponsor: Resources Committee

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 294 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to guiding; and providing for an
7 effective date."

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

9 * Section 1. AS 08.01.010(14) is amended to read:

10 (14) Guide [LICENSING AND CONTROL] Board (AS 08.54.010);

11 * Sec. 2. AS 08.03.010(c)(20) is amended to read:

12 (20) Guide [LICENSING AND CONTROL] Board (AS 08.54.010 -
13 June 30, 1990 [1986]).

14 * Sec. 3. AS 08.54.010 is amended to read:

15 ARTICLE 1. GUIDE [LICENSING AND CONTROL] BOARD.

16 Sec. 08.54.010. CREATION AND MEMBERSHIP OF BOARD. For the
17 purposes of licensing and regulating the activities of guides in the
18 interest of the state's wildlife resources there [THERE] is created
19 the Guide [LICENSING AND CONTROL] Board consisting of seven members.
20 No more than three members of the board shall have a guide license.
21 The other members must [SHALL] have a general knowledge of the game
22 resources of the state. A minimum of 10 years residence in the state
23 is required for all members of the board. For administrative pur-
24 poses, the board is in the Department of Commerce and Economic Devel-
25 opment.

26 * Sec. 4. AS 08.54.020 is amended to read:

27 Sec. 08.54.020. APPOINTMENT AND TERM OF OFFICE. The members of
28 the board shall be appointed by the governor and confirmed by the
29 legislature for staggered terms of three years or until their

1 successors are appointed. [INITIAL TERMS ARE AS FOLLOWS: THREE
2 MEMBERS FOR ONE YEAR, TWO MEMBERS FOR TWO YEARS, AND TWO MEMBERS FOR
3 THREE YEARS.] A member may be removed at the pleasure of the gover-
4 nor.

5 * Sec. 5. AS 08.54 is amended by adding a new section to read:

6 Sec. 08.54.035. QUORUM; VOTING REQUIREMENT. Four members of the
7 board constitute a quorum for the transaction of business, for the
8 performance of a duty, and for the exercise of any power under this
9 chapter. The board may not adopt a regulation, revoke, suspend, or
10 deny renewal of a license, or assign, modify, or revoke a restricted
11 guide area unless the action is approved by a vote of a majority of
12 the full membership of the board.

13 * Sec. 6. AS 08.54.040(a) is amended to read:

14 (a) Except as provided in AS 08.54.045, the board shall

15 (1) prepare, grade and administer examinations, which may
16 include oral examinations of applicants who demonstrate limited abil-
17 ity to read or write the English language;

18 (2) determine [AND PASS ON] qualifications of applicants
19 for licenses and authorize the issuance of licenses to those who
20 qualify;

21 (3) establish guide performance standards and regulate
22 activity;

23 (4) compile, maintain and publish an annual [A GUIDE]
24 register of master and registered guides who have not been convicted
25 of a violation of a federal or state sport fish, game, or guiding
26 statute or regulation; a guide listed in the register whose license is
27 revoked or suspended shall be removed from the register while the
28 guide's license is revoked or suspended;

29 (5) collect and maintain records of hunts conducted by

1 guides [COMPILE, MAINTAIN AND PUBLISH A RECORD OF REGISTERED OR MASTER
2 GUIDES WHO HAVE COMPLETED A CONTRACT HUNT IN ANY OF THREE YEARS IMME-
3 DIATELY PRECEDING THE PUBLISHING OF THE RECORD];

4 (6) prohibit guiding activities which are unsportsmanlike,
5 unethical, unsafe, against principles of conservation, degrading to
6 the guiding profession, or which adversely affect the natural re-
7 sources;

8 (7) after a hearing, revoke, suspend or deny renewal of a
9 license in accordance with AS 08.54.200;

10 (8) establish a quota of licensed operating guides who may
11 operate within designated geographical game units or subunits of the
12 state and provide for an equitable, [AND] reasonable, and consistent
13 procedure for limiting the number of guides to that quota; preference
14 shall be given to qualified available and willing licensed guides who
15 reside within the designated game unit or subunit;

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

18 * Sec. 7. AS 08.54.045 is repealed and reenacted to read:

19 Sec. 08.54.045. SPECIAL GUIDE LICENSE. The board may issue a
20 special guide license to a person who applies to conduct a guided hunt
21 for a specific species of marine mammal in a specifically designated
22 area if the applicant

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

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

26 (3) is physically able to perform the duties of a special
27 guide;

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

- 1 (A) fish and game laws and regulations;
2 (B) relevant characteristics of the specific species
3 to be hunted;
4 (C) field preparation of trophies;
5 (D) care of game meat;
6 (E) use of guiding gear;
7 (F) firearm safety;
8 (G) practical first aid;
9 (H) booking and contracting hunts;

10 (5) has not been convicted of a game or guiding law viola-
11 tion during the previous five years.

12 * Sec. 8. AS 08.54.110 is amended to read:

13 Sec. 08.54.110. QUALIFICATIONS FOR REGISTERED GUIDE LICENSE. A
14 person is entitled to be licensed as a registered guide if the person

15 (1) is 21 years of age or older [MORE];

16 (2) [Repealed

17 (3)] has practical field experience in the handling of
18 firearms, hunting, judging trophies, field preparation of trophies,
19 first aid and photography;

20 (3) [(4)] is familiar with the terrain and transportation
21 problems in the district for which the license is requested;

22 (4) [(5)] has passed the qualification examination prepared
23 and administered by the board;

24 (5) [(6)] has demonstrated to the board sufficient stan-
25 dards of competence and ethical conduct and has not been convicted of
26 a crime involving moral turpitude;

27 (6) [(7)] has legally hunted in the state for all or part
28 of each of five years in a manner directly contributing to the per-
29 son's experience and competency as a guide;

1 (7) [(8)] has been licensed as and performed the services
2 of an assistant guide in the state for a part of each of three years,
3 or has guided in the state for a part of each of three years under a
4 special guide license issued under AS 08.54.045;

5 (8) [(9)] submits a written recommendation to the board
6 from a registered guide for whom the applicant has worked; however,
7 the requirements of this paragraph do not apply to a person who has
8 guided under a special guide license for three years;

9 (9) [(10)] is capable of performing the physical duties
10 associated with guiding activities;

11 (10) [(11)] has been favorably recommended in writing by two
12 hunters that the person has guided or assisted in guiding during each
13 year of the person's three years as an assistant guide, whose recom-
14 mendations have been solicited by the board from a list provided by
15 the applicant [;

16 (12) MEETS ADDITIONAL QUALIFICATIONS WHICH THE BOARD MAY
17 REQUIRE].

18 * Sec. 9. AS 08.54 is amended by adding a new section to read:

19 Sec. 08.54.141. PRIVILEGES AND LIMITATIONS OF ASSISTANT GUIDE
20 LICENSE. An assistant guide

21 (1) may not contract for guided hunts; and

22 (2) shall be employed and supervised by a registered or
23 master guide at all times while the assistant guide is in the field on
24 guided hunts.

25 * Sec. 10. AS 08.54.170 is amended to read:

26 Sec. 08.54.170. LICENSE FEES. (a) The Department of Commerce
27 and Economic Development shall set license fees under AS 08.01.065 for
28 each of the following:

29 (1) master guide;

- 1 (2) registered guide;
- 2 (3) class A assistant guide;
- 3 (4) assistant guide;
- 4 (5) special guide [TRANSPORTER].

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

8 * Sec. 11. AS 08.54 is amended by adding a new section to read:

9 Sec. 08.54.186. REGISTERED GUIDE EXAMINATION. The board shall
10 administer the qualification examination required under AS 08.54.110
11 at least twice a year. An examination may not be given within 90 days
12 after the previous exam. At least once every other year the board
13 shall give the examination at a location other than Anchorage.

14 * Sec. 12. AS 08.54.190 is amended by adding a new subsection to read:

15 (d) A master guide, registered guide, special guide, class-A
16 assistant guide, or assistant guide license expires biennially, on a
17 date set by the Department of Commerce and Economic Development.

18 * Sec. 13. AS 08.54 is amended by adding a new section to read:

19 Sec. 08.54.195. GUIDE AREAS. (a) Under AS 08.54.040(a)(8), the
20 board may establish and assign guide areas for master guides or regis-
21 tered guides. The board shall adopt regulations under the Administra-
22 tive Procedure Act (AS 44.62) that establish uniform and consistent
23 criteria, including a point system, to be used by the board when it
24 creates and assigns a restrictive guide area.

25 (b) The board shall consider the following factors before it
26 assigns a restrictive guide area:

27 (1) the extent to which the guide who has applied for the
28 area has used the game management unit in which the area is located;

29 (2) the extent to which the guide occupied and invested in

1 the area;

2 (3) the effect on other guides that would result from
3 creation of the area;

4 (4) big game populations in the area;

5 (5) the land ownership status of the area; and

6 (6) other relevant facts or circumstances.

7 (c) The board may adopt regulations establishing a schedule of
8 fees to be charged to persons to whom the board transfers restrictive
9 guide areas.

10 (d) The board shall transfer a restrictive guide area to a
11 person qualified for assignment who has been recommended by the guide
12 to whom the area was assigned, or by a person on behalf of the guide,
13 if the recommendation is made

14 (1) after five years have elapsed from the date of the
15 assignment of the guide area; or

16 (2) during the first five years after the date of assign-
17 ment and the guide has died or suffered a major disability, as defined
18 by the board.

19 * Sec. 14. AS 08.54.200(a) is repealed and reenacted to read:

20 (a) The board shall hold a hearing to determine whether disci-
21 plinary action is necessary if (1) complaints concerning a licensee's
22 guiding activities are filed with the board by three or more of the
23 licensee's clients from separate parties; (2) a complaint concerning a
24 guide's conduct during a life-threatening situation is filed with the
25 board; or (3) a licensee has been convicted of a violation of a state
26 hunting or guiding statute or regulation. The board may hold a hear-
27 ing to determine whether disciplinary action is necessary if a com-
28 plaint concerning a licensee's guiding activities is filed with the
29 board by a client of the licensee.

1 * Sec. 15. AS 08.54.200(b) is amended to read:

2 (b) After a hearing, the board may revoke, suspend, or deny
3 renewal of a license if the board finds that the licensee

4 (1) engaged in unethical activity, unsafe activity, or
5 activity that [WHICH] adversely affects the natural resources of the
6 state when the [SUCH] activity is related [UNRELATED] to the [LEGAL
7 AND LEGITIMATE] purposes of the contract hunt; or

8 (2) violated a provision of a federal or state sport fish,
9 game, or guide statute or regulation.

10 * Sec. 16. AS 08.54.200(c) is amended to read:

11 (c) After a hearing, the board shall revoke a license if the
12 board finds that the licensee

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

15 (2) is incompetent as a master guide, registered guide,
16 special guide, class-A assistant guide, or assistant guide;

17 (3) during the five years immediately preceding the hearing
18 has been convicted of a violation [TWO VIOLATIONS] of a federal or
19 state statute or regulation prohibiting

20 (A) waste of a wild food animal;

21 (B) hunting on the same day airborne; or

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

23 (4) during the five years immediately preceding the hear-
24 ing, has been convicted of two violations of a state statute or regu-
25 lation prohibiting hunting in

26 (A) a restricted area not assigned to the licensee and
27 without proper written permission; or

28 (B) an area closed by the board [SPORT FISH, GAME OR
29 GUIDE STATUTES OR REGULATIONS].

1 * Sec. 17. AS 08.54.200(d) is repealed and reenacted to read:

2 (d) A person who is disciplined under this section may not
3 engage in a guiding activity during the period of license revocation
4 or disciplinary action. A person licensed under this chapter may not
5 knowingly hire as a guide a person whose guide license is suspended or
6 revoked under this section. A guide whose license is suspended or
7 revoked may not guide in the employ of a person licensed under this
8 chapter.

9 * Sec. 18. AS 08.54.200 is amended by adding new subsections to read:

10 (f) If certified copies of two judgments of conviction of a
11 guide for offenses described under (c)(3) of this section are filed
12 with the board, the board shall immediately suspend the guide's li-
13 cense. The suspension may be ordered even if the conviction resulted
14 from a plea of nolo contendere or if the conviction is under appeal.
15 The order remains in effect until after the final disposition of the
16 disciplinary proceeding under this section.

17 (g) A certified copy of a judgment of conviction of a guide for
18 an offense is conclusive evidence of the commission of that offense in
19 a disciplinary proceeding instituted against the guide or outfitter
20 under this section based on that conviction.

21 (h) In this section "two violations of a state statute or regu-
22 lation" means two violations of a single statute or a single regu-
23 lation, or violations of two statutes or two regulations, or one
24 violation of a statute and one violation of a regulation.

25 * Sec. 19. AS 08.54.210 is amended to read:

26 Sec. 08.54.210. UNLAWFUL ACTS. (a) It is unlawful for

27 (1) a master guide, registered guide, special guide,
28 class-A assistant guide, or assistant guide [OR TRANSPORTER] to fail
29 to timely report to the Department of Public Safety, division of fish

1 and wildlife protection, and in no event later than 30 days, a viola-
2 tion [VIOLATIONS BY A CLIENT] of a state fish, game, or guiding stat-
3 ute or regulation that the guide reasonably believes was committed by
4 a client or an employee of the guide;

5 (2) a master guide, registered guide, special guide,
6 class-A assistant guide, or assistant guide [OR TRANSPORTER] to aid
7 the commission of a violation of this chapter or of AS 16.05 or a
8 regulation adopted [PROMULGATED] under either chapter, or permit the
9 commission of a violation in the guide's [OR TRANSPORTER'S] sight
10 without attempting to prevent it, short of using force, and without
11 reporting it;

12 (3) a person to guide [OR TRANSPORT] as defined in this
13 chapter without being licensed under this chapter and without having
14 the license in actual possession; [HOWEVER, FOR PURPOSES OF TRANSPORT-
15 ING BY AIR, IN THE CASE OF A CORPORATION, COMPANY, PARTNERSHIP OR
16 OTHER BUSINESS ENTITY, THE LICENSE MAY REMAIN AT THE PRINCIPAL PLACE
17 OF BUSINESS OF THE BUSINESS ENTITY;]

18 (4) a person to imply by advertisement, representation, or
19 conduct, or to provide services as [ADVERTISE AS OR REPRESENT TO BE] a
20 licensed master guide, registered guide, special guide, class-A assis-
21 tant guide, or assistant guide [OR TRANSPORTER] without being current-
22 ly licensed [, OR TO FALSELY ADVERTISE SERVICES];

23 (5) a person to act as a registered or master guide as
24 defined in this chapter without having a current valid resident hunt-
25 ing [AND FISHING] license [IN THE PERSON'S POSSESSION.

26 (6) A MASTER OR REGISTERED GUIDE TO EMPLOY OR SUPERVISE
27 MORE THAN THREE ASSISTANT GUIDES AT THE SAME TIME.

28 (7) A PERSON TO GUIDE AS DEFINED IN THIS CHAPTER WITHOUT
29 PAYING A FEE AS PRESCRIBED IN AS 16.05.340(e)].

1 (b) A person who violates (a)(1) - (4) [(6)] of this section is
2 guilty of a misdemeanor and upon conviction is punishable by a fine of
3 not more than \$1,000 or by imprisonment for not more than one year, or
4 by both, and the person's license may be revoked for a period up to
5 five years. However, a person who engages in guiding [OR TRANSPORT-
6 ING] activity during the period for which the person's license is
7 suspended or revoked under this chapter, or who violates (a)(5) of
8 this section, is guilty of a felony punishable, upon conviction, by a
9 fine of not more than \$5,000 and by imprisonment for not less than one
10 year nor more than three years. In addition to punishment for a
11 felony, all guns, fishing tackle, boats, aircraft, automobiles or
12 other vehicles, camping gear and other equipment and paraphernalia
13 used in, or in aid of, guiding [OR TRANSPORTING] activity engaged in
14 during the period of suspension or revocation shall be seized [CON-
15 FISCATED] by persons authorized to enforce this chapter. [A PERSON
16 WHO VIOLATES (a)(7) OF THIS SECTION, UPON CONVICTION, IS SUBJECT TO
17 THE SAME LICENSE REVOCATION PROVISION AS FOR A VIOLATION OF (a)(1) -
18 (6) OF THIS SECTION AND, IN ADDITION, IS PUNISHABLE BY A FINE OF NOT
19 MORE THAN \$5,000, OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY
20 BOTH.]

21 * Sec. 20. AS 08.54.240 is amended to read:

22 Sec. 08.54.240. DEFINITIONS. In this chapter

23 (1) "board" means the Guide [LICENSING AND CONTROL] Board;

24 (2) "guide" [, "GUIDES"] or "guiding" means (A) being
25 physically present in the field to provide a service related to a hunt
26 for compensation or with the intent or an agreement to receive
27 compensation for the service; or (B) assisting another person directly
28 or through an assistant, to locate or take, or attempt to locate or
29 take, big game for compensation or with the intent or an agreement to

1 receive compensation for the assistance; "guide" or "guiding" does not
2 include the services of licensed commercial carriers who limit their
3 services solely to transportation and who do not remain in the field;
4 in this paragraph, "present in the field" does not include being
5 present at a lodge or camp [ASSISTING ANOTHER PERSON TO TAKE GAME WITH
6 THE INTENT OF RECEIVING MONETARY OR MATERIAL REMUNERATION FOR THE
7 SERVICES, BY ACCOMPANYING AND DIRECTING THAT PERSON PERSONALLY OR
8 THROUGH A LICENSED ASSISTANT GUIDE FOR THE DURATION OF A HUNT, AND NOT
9 SOLELY FOR THE PURPOSE OF PROVIDING TRANSPORTATION SERVICES];

10 (3) "resident" has the meaning given in AS 16.05.940 [MEANS
11 A PERSON WHO

12 (A) MAINTAINS A PLACE OF RESIDENCE WITHIN THE STATE;

13 (B) REPEALED

14 (C) SHOWS BY ALL ATTENDING CIRCUMSTANCES THE INTENTION
15 TO PERMANENTLY RESIDE IN THIS STATE];

16 (4) ["TRANSPORTING" OR THE "ACTIVITY OF TRANSPORTING" MEANS
17 CONVEYING A PERSON BY ANY LAWFUL MEANS TO AN AREA FOR REMUNERATION OR
18 MATERIAL BENEFIT IN EXCESS OF NORMAL OPERATING COSTS, WHEN THE PRIMARY
19 PURPOSE OF THE PERSON BEING CONVEYED IS THE TAKING OF BIG GAME AND THE
20 ASSOCIATED REMOVING OF BIG GAME MEAT AND PARTS OF BIG GAME AFTER BIG
21 GAME HAS BEEN TAKEN; BIG GAME AS USED IN THIS PARAGRAPH MEANS GAME
22 WHICH, IF TAKEN BY A NONRESIDENT, WOULD REQUIRE A BIG GAME TAG;

23 (5) "unethical activity" means

24 (A) deception or misrepresentation [IN ANY DEGREE]
25 involving prospective or actual clients either before, during, or
26 following a contract hunt, including misrepresentation through
27 private or public advertising of the type, duration, cost or
28 conditions of the contract hunt [HUNTS];

29 (B) [MISREPRESENTATION EITHER THROUGH PRIVATE

1 COMMUNICATION OR PUBLIC ADVERTISING OF THE NATURE, TYPE,
2 DURATION, COST, OR OTHER CONDITIONS OF CONTRACT HUNTS;

3 (C)] making a guaranty that a species or certain
4 number of species of game will be taken on a contract hunt;

5 (C) engaging in unsafe or unsportsmanlike activities
6 that are detrimental to the game resources of the state, as
7 defined by regulations of the board, including violations of
8 state or federal hunting or guiding laws or regulations; or

9 (D) accepting a deposit for guiding services before
10 signing a contract to provide the services;

11 (5) "big game" means brown bear, grizzly bear, polar bear,
12 caribou, moose, black bear, bison, Sitka blacktail deer, elk, mountain
13 goat, musk-ox, wolf, wolverine, mountain or Dall sheep, and walrus.

14 * Sec. 21. AS 16.05.407(a) is amended to read:

15 (a) It is unlawful for a nonresident to hunt, pursue or take
16 brown bear, grizzly bear, polar bear, or sheep in this state, unless
17 personally accompanied by

18 (1) a person who is licensed as a master guide, registered
19 guide, class-A assistant guide or assistant guide by the Guide [LI-
20 CENSING AND CONTROL] Board; or

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

22 (A) the spouse of the nonresident; or

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

25 * Sec. 22. AS 16.05.407(b) is amended to read:

26 (b) An applicant for a nonresident big game tag for the taking
27 of an animal specified in (a) of this section or in regulations adopt-
28 ed under this section shall first furnish to the state, on a form
29 provided by the state, an affidavit showing that the applicant will be

1 personally accompanied while hunting by a person who is qualified
2 under the terms of (a) of this section. A person who falsifies the
3 required affidavit is guilty of perjury under AS 11.56.200.

4 * Sec. 23. AS 16.05.407(d) is amended to read:

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

10 * Sec. 24. AS 39.50.200(b) is amended by adding a new paragraph to
11 read:

12 (48) the Guide Board.

13 * Sec. 25. AS 08.54.040(b), 08.54.142 - 08.54.146, 08.54.185; AS 16.-
14 05.340(e) and 16.05.407(c) are repealed.

15 * Sec. 26. This Act takes effect July 1, 1986.
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Alaska State Legislature

ARLISS STURGULEWSKI, Chairman
BETTYE FAHRENKAMP, Vice Chairman
JACK COGHILL
DICK ELIASON
VIC FISCHER
RICK HALFORD
FRED ZHAROFF



POUCH V
JUNEAU, ALASKA 99811
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Senate Committee on Resources

TO: Senate Resource Committee Members February 3, 1985

FROM: Senate Resource Committee Staff *MF*

RE: Committee Substitute for Senate Bill No. 294 (Resources)
"An Act relating to guiding; and providing for an
effective date." and
SCR 18 Relating to the Guide Licensing and Control
Board.

The guide board will sunset on June 30th of this year unless its term is extended. SB 294, introduced by this committee, extends the life of the board until 1990. The bill also rewrites many of the guide statutes to try to cleanup the problems that have been associated with industry and the board.

SCR 18 is a resolution by Senator Faiks that urges the guide board to make a number of regulatory changes related to its meetings and to the assigning of exclusive guide areas. A number of these changes are statutorily addressed in SB 294, however, there is no conflict between the bill and the resolution and they work well together as companions.

The Alaska Professional Hunters' Association, representatives of the Air Taxi industry, the Division of Fish and Wildlife Protection, the Governor's special assistant for Boards and Commissions, and the Division of Occupational Licensing are some of the groups or people that have been consulted in the

preparation of this bill. This is not to suggest that everyone consulted agrees with all parts of this bill, and it is hoped there will be testimony from a number of these groups at the public hearing where they can point out any specific concerns.

Since the original bill was prepared, Legislative Audit has done a sunset performance report on the guide board. In the audit, a number of recommendations were made to improve the performance of the board. Many of these areas were already addressed in the bill and in the proposed committee substitute, we have tried to address the remainder of those problems that can be helped by statutory change. In the brief sectional analysis later in this memo, each of the audit's statutory recommendations is discussed.

In addition to changes suggested by the audit, one of the significant changes between the CS and the original bill is the deletion of the Outfitter concept. Outfitters would have been master or registered guides specifically licensed to contract multiple hunts. There were a number of problems connected with this concept that caused its deletion.

Enclosed in this packet are copies of SCR 18, SB 294 and the proposed CS for SB 294. A brief sectional analysis of the CS follows. Also in this packet is a copy of the sunset performance report on the Guide Board. Under the audit are copies of relevant existing law.

In addition
In Packet
Fiscal Note SB 294
from Dept of Com -
In desk fiscal note
from Public Safety

Sectional Analysis

Committee Substitute for Senate Bill No. 294 (Resources)

"An Act relating to guiding; and providing for an effective date."

In Packet memo
In. Fills in
SCR 18

Section 1 - deletes "licensing and control" from the name of the board.

Section 2 - extends the life of the board to June 30, 1990.

Section 3 - adds intent language that increases game management considerations to the section that establishes the guide board. The audit approves of this change (pg 16, item A-1). Additional new language clarifies that for administrative purposes, the board is in the Department of Commerce. In the original bill, the number of guides on the board was changed from no more than three to no less than three. The audit (pg.16, item B-1) said this had the potential of expanding the number of industry members at the expense of public participation. The CS deletes this change.

Section 4 - adds nonattendance as grounds for removal of a board member.

Section 5 - is a new section that establishes a quorum requirement of four and requires a majority vote (4) of the full membership of the board for approval of changes to regulations, licenses or restricted guide areas.

Section 6 - amends the powers and duties of the boards. There are three substantive changes. The first amends subsection (a)(1) to allow the board to administer oral examinations to applicants with a limited ability to read or write English. The second adds "consistent" to the requirement in subsection (a)(8) that the procedure for limiting the number of guides operating in a designated game unit be "equitable and reasonable". The audit approves of this change (pg 16, item A-2). The third would require the board to have two meetings per year, one in Anchorage and one in another city.

Section 7 - the special guide license section is repealed and reenacted to provide more detailed criteria for the license.

Section 8 - amends the qualifications for a registered guide license. There are two substantive amendments. The first allows a person who has served as a special guide for three years and meets all other criteria to become a registered guide. The second requires that registered guides file a \$5,000 bond with the board. The audit approves of this requirement (pg.16, item A-3) and the change was also suggested by the Division of Occupational Licensing.

Section 9 - clarifies the limitations of an assistant guide license. It specifies that assistant guides may not contract for hunts and that assistant guides must be employed and supervised at all times while the assistant guide is in the field. The audit approves of this change (pg 16, item A-4).

Section 10 - in accordance with AS 03.01.065 (last page in the current law section of the packet) this section specifies that fees shall be set by the department by regulation.

Section 11 - is a new section requiring the registered guide exam to be given at least twice a year. At least once every other year the location of the exam has to be somewhere other than Anchorage.

Section 12 - is a new section that specifies licenses expire biannually on a date specified by the department. The change in language from the original bill to the CS was requested by the department.

Section 13 - is a new section that requires the board to adopt uniform and consistent criteria to be used in assigning restrictive guide areas and specifies a number of the criteria to be used. This section grandfathers existing areas but requires the board to review the assignment upon request by any guide. If the board finds that a substantial injustice, according to guidelines in this section, was done in the assignment of the area, the board shall modify, terminate or reassign the area. This section also permits the board the board to charge a fee per acre to a guide to whom it reassigns a restricted area. The assignment of restricted areas has been a particular problem for the Guide Board in the past. The audit approves of this section (pg. 16, item A-2).

Section 14 - under existing law the board can only consider complaints of unethical or incompetent guide practices after receipt of three separate complaints. The original bill contained a provision that would have required those complaints to be received in the five years prior to the hearing. The audit said this made a bad situation worse. In the CS, the five year requirement has been dropped and the section modified to allow the board to hold a hearing on any complaint. A new subsection has also been added to require the board to hold a hearing on any complaint filed concerning a life threatening situation. See audit (pg 16, item B-2).

Section 15 - sets out the offenses for which the board may revoke, suspend, or deny renewal of a license.

Section 16 - sets out the offenses for which the board is required to revoke a license. The audit (pg.17, item B-4), expressed concern that amendments to this section might unnecessarily restrict the offenses upon which the board can take disciplinary action. This is wrong. Nothing in this section is a limitation on the board's power, the new language adds offenses for which license revocation is mandatory.

Section 17 - clarifies that a person may not engage in guiding during a period of license revocation or other disciplinary action, nor can the person work for another guide during the period. It also forbids someone knowingly hiring a person as a guide while that person's license is revoked or suspended.

Section 18 - establishes that a certified copy of judgement of conviction is conclusive evidence of the commission of that crime and upon receipt of two such judgements of a guide for offenses listed under AS 08.54.200(c)(3) the board shall immediately suspend the guide's license until disciplinary proceedings are concluded.

Section 19 - lists a series of specific acts related to guiding that are unlawful and specifies the penalties for these acts.

Section 20 - is the definition section. The definition of "guide" is expanded to clarify that persons who provide strictly transportation, property, or equipment in connection with locating or taking game are not guiding. The intent of this section is that a person who is physically present in the field while another person locates or takes game and who receives or expects remuneration for this or any other activity connected with the hunt is guiding. The definition of unethical conduct is expanded, and a definition of big game is added.

Section 21 - adds mountain goats to the list of animals which a nonresident is required to be accompanied by a guide while hunting. Class A assistant guides are also added to list of master guides, registered guides and assistant guides that nonresidents may be accompanied by.

Section 22 - allows the board to expand this list by regulation.

Section 23 - is cleanup drafting related to the repeal of AS 16.05.407(c) (discussed in Section 28).

Section 24 - adds the Guide Board to the list of boards and commissions in AS 39.50.200(b).

Section 25 - is the repealer section. AS 08.54.040(b) deals with oral exams and is replaced in this bill with AS 08.54.040(a)(1). AS 08.54.142-146 were the transporter sections. AS 16.05.407(c) repeals a section that made it unlawful to import polar bear hides into Alaska unless personally accompanied by a guide. Polar bears are currently managed by the federal government.

Section 26 - is a July 1, 1986 effective date.

**STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date : _____

REQUEST

Bill/Resolution No. : CSSB 294 (Res) am
 Title : An Act relating to guiding

Sponsor : Resources Committee
 Requestor : House Resources
 Date of Request : 4/17/86

FISCAL DETAIL

Agency Affected : Public Safety
 BRU : Fish & Wildlife Protection

Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
----------------	----------	----------	----------	----------	----------	----------

REVENUE	0	0	0	0	0	0
----------------	----------	----------	----------	----------	----------	----------

FUNDING : (Thousands of Dollars)

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

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

Prepared by : Captain James R. Nutcrass Phone : 269-5509
 Division : Fish & Wildlife Protection Date : 4/14/86

Approved by Commissioner : [Signature] Date : 4/16/86
 Agency : Public Safety

Distribution (by Agency preparing fiscal note) :

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

DEPARTMENT OF PUBLIC SAFETY
POSITION PAPER - CSSB 294 (Res) am

SUPPORT
April 14, 1986

CSSB 294 (Res) am - "An Act relating to guiding."

The Department of Public Safety supports CS for Senate Bill No. 294, an act relating to guiding.

Since the initial inception of the guide statute there has been a substantial increase in the level of professionalism that has been obtained within the guide industry. The state has gained in more recent years an acceptable level of compliance to the hunting and guiding laws. We believe that it is very critical that a guide bill be enacted if we are to maintain a level of professionalism that has been experienced within the guide industry in recent years.

Presently the state is experiencing an increase in the number of outfitters/transporters operating hunting businesses in the state of Alaska.

In addition, there have been individuals who have recently been apprehended for providing guide service without being properly licensed as Alaskan guides. The Division of Fish and Wildlife Protection is closely monitoring and evaluating information and complaints received regarding guiding activities being performed by non-licensed individuals. It is extremely difficult to enforce or apprehend an unlicensed individual who does, in fact, provide all services that a licensed guide can under the provisions of the law. The professional guide is presently highly regulated, and to eliminate the regulatory responsibilities that have been imposed on the guiding industry would more than likely have an adverse affect on the commercial utilization of the state's resource.

Page 1, Line 16-18: We believe the purpose of licensing and regulating the activities of guides should be in the interest of promoting professionalism within the guide industry and to insure that quality, ethical and legal hunts are provided to clients consistent with the management of the state's wildlife resources.

Page 1, Line 24-25: Delete new wording.

Comments: Title 08.01.050(a) 1-18 provides that the Department of Commerce and Economic Development shall provide administrative and budgetary service to the Guide Board.

Page 2, Line 29, Page 3, Line 1 & 2: It is recommended that paragraph (5) collect and maintain records of hunts conducted by guides be deleted.

Comments: This responsibility should be under the authority of the Department of Commerce, as they are already physically maintaining all documentation and records of hunts conducted by guides.

The Guide Board should not have the responsibility or authority by statute or by regulations adopted by the Board to maintain or dictate the use or exclusion of documents relating to guiding to state agencies responsible for the enforcement of the regulations or statutes.

Page 3, Line 20-23: SPECIAL GUIDE LICENSE.

Comments: This bill does not address the responsibility that can be carried out by a special guide. Can a special guide conduct and book guided hunts independent from a registered or master guide, etc.? Is there a listing of specific species of marine mammals that a special guide may guide clients for? AS 16 would not provide for a special guide to conduct guided hunts for polar bear with non-resident clients. It does not appear that the state will in the near future have the management responsibilities for any specified marine mammals.

Page 4, Line 11 (5): We recommend the following wording has not been convicted of a state or federal game or guiding law during the previous five years.

Page 4, Line 17 (2): The residency requirement was repealed, however, in unlawful acts, AS 08.54.210 (5), a registered guide is required to have a resident hunting license.

Page 5, Line 3-4: How does a special guide document or report his guiding activity? Does he submit statements of financial remuneration?

Page 5, Line 14 (10): We recommend that or special guide be inserted after "assistant guide" and before "whose". A special guide should also meet the requirements of being favorably recommended by clients.

Page 8, Line 2-3: AS 08.54.200: Recommend adding the words or federal after "state" and before "hunting".

Page 8, Line 26: (A) Waste of animal.

Comments: There is currently no violation for wanton waste in the guide statute or regulations. A person who kills a wild food animal and fails to salvage the meat per 16.30.010 would be in violation of wanton waste, not the guide.

Page 9, Line 5: (B) An area closed by the board.

Comments: We recommend that the following wording be deleted "The Board". Recommend the following wording: hunting in an area closed to hunting by either state or federal regulations. A professional guide should have to obey and respect closed areas, even if they are federal

regulations. A professional guide should not have immunity from Guide Board action if apprehended in KATMAI NATIONAL PARK, MCKINLEY PARK or any federal park closed to hunting.

Page 9, Line 11: Recommend that the word knowingly be deleted.

Comments: A guide has a professional responsibility to know in hiring a person the status of his guide license. We should not have a greater burden of proof.

Page 10, Line 8: Recommend adding the words or federal after "state" and before "fish".

Section 05.54.210 Unlawful Acts.

Page 10, Line 12 (2): We recommend that the words commit or be added after "to" and before "aid".

Page 10, Line 13 (2): We recommend that .05 be deleted. Delete .05 after "AS 16" and before "or".

By having the wording AS 16, it would then include WANTON WASTE under AS 16.30.010 and be consistent with the proposed section of this bill (c)(3)(A) wanton waste.

Page 10, Line 19 (3): Add having the appropriate license that is issued after "without" and before "under".

Comments: We have experienced where a licensed assistant guide did in fact contract for a guided hunt and did independently guide a client on a guided hunt in 1985. This individual was apprehended and prosecuted through the federal court. The Department of Law declined state prosecution. The current wording of Title 8, Unlawful Acts, does not provide for prosecuting an assistant or Class A guide who is licensed, but does act in the capacity as a master or registered guide.

In this case, the licensed assistant guide did assist the client in taking a brown bear the same day as being airborne and in the middle of Katmai National Monument. On completion of the federal prosecution, this case was presented to the Department of Commerce for civil litigation concerning the assistant guide's license. This is a good example of why federal violations should be included in this bill, otherwise flagrant violations such as this can occur and the licensed assistant guide is immune from civil action by the Guide Board. In addition, this type of individual, once he meets the requirements for registered guide, could, in fact, be so licensed as the federal violation would not be considered.

Page 10, Line 27 (4): Recommend adding having a current and appropriate license after "without".

Page 10, Line 29 - Page 11, Line 2 (5): This paragraph requires a "resident" hunting license, but the residency requirements have been repealed from the bill.

Comments: We presently do have non-residents who are licensed assistant guides. Once they meet the registered guide requirements and pass the necessary test, they can be legally licensed, even though they are non-residents. This bill provides for a person who is a non-resident, but who has obtained a registered guide license, to be convicted of a felony for not having a valid Alaskan resident hunting license. This section appears to be in conflict with other sections which delete the residency requirement for obtaining a guide license. This could create a legal problem which may not be prosecutable.

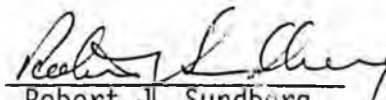
Page 11, Line 12 (7)(b): Add WITHOUT APPROPRIATE LICENSE OR after "activity" and before "during".

Page 12, Line 11: Delete..."or being present in the field for the purpose of providing meat packing services for the big game animal only after the animal has been killed."

One of the major problems facing Fish and Wildlife Protection today is the increasing number of unlicensed guiding operations developing in the state under the guise of transporting and/or outfitting. To successfully prosecute we must be able to determine what is occurring in the field between the unlicensed guide and the hunter, i.e., is the hunter being personally accompanied and directed by the unlicensed guide. The only way we have been successful in these cases is by placing undercover hunters in the camp of the suspect operation. This is a very time consuming and expensive operation. Under the current guide definition the unlicensed guide can be "in the field" with the hunter providing he is not personally accompanying and directing the hunter.

Consequently, a guide or guiding definition which would allow only a licensed guide to be present in the field with the hunter would greatly enhance our ability to enforce the guiding statutes and regulations and to better prevent the occurrence of unlicensed guiding activity.

We would therefore request the removal of any part of the definition which would allow a person to be present in the field with a hunter if there was a financial or mutual arrangement for hunting services and if that person is not a licensed guide.


Robert J. Sundberg

BILL SHEFFIELD, GOVERNOR

REPLY TO:

1031 W 4th AVENUE
SUITE 200
ANCHORAGE, ALASKA 99501
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POUCH K - STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

September 29, 1986

Kathy Marshall, Director
Department of Commerce
and Economic Development
Division of Occupational Licensing
P.O. Box D
Juneau, AK 99811

Re: Resident hunting license
requirement for guides;
AS 08.54.210(a)(3), (a)(6)
Our File: 661-87-0063

Dear Ms. Marshall:

In your memorandum dated July 22, 1986, you asked several questions concerning AS 08.54.210(a)(3) and (a)(6). You asked, first, if the cited sections prohibit a currently licensed registered guide, master guide, class-A assistant guide, or assistant guide from continuing to work as a guide in Alaska, if the guide does not possess a resident hunting license. Second, you asked whether the division of occupational licensing must reject new guide license applications filed by persons who do not possess resident hunting licenses. Finally, you asked our opinion regarding the constitutionality of the requirement imposed by AS 08.54.210(a)(3) and (a)(6), that a person must possess a resident hunting license in order to guide in Alaska.

Only your third question need be answered. The short answer to that question, which has been provided to you by

memorandum dated August 8, 1986, is that the residency requirement imposed by AS 08.54.210(a)(3) and (a)(6) is unconstitutional as applied to currently licensed or prospective guides in any of the listed guide categories. Your department need not and should not implement or enforce the requirement that a guide must possess a resident hunting license. The relevant sections should be read as if the word "resident" did not appear. Thus, the requirements that a guide be validly licensed as a hunter under AS 16, and have a current (resident or nonresident) hunting license in actual possession while guiding, are valid and should be enforced.

BACKGROUND

The qualifications for a person to receive a master guide license are found at AS 08.54.100, for a registered guide license at AS 08.54.110, for a class-A assistant guide license at AS 08.54.120, and for an assistant guide license at AS 08.54.140. Before July, 1983, an applicant for any of these licenses was required by statute to be a resident of the State of Alaska. "Resident" was defined in AS 08.54.240(3) to mean "a person who maintains a place of residence within the state; has not claimed residency in another state for the immediately preceding 12 months; shows by all attending circumstances that his intent is to make this state his permanent residence."

Kathy Marshall, Director
Division of Occupational Licensing
661-87-0063

September 29, 1986
Page 3

In 1982, following the Alaska Supreme Court's decision in Noll v. Alaska Bar Association, 649 P.2d 241 (Alaska 1982), the Alaska Attorney General opined that "it is highly likely" that a court would find each of the above-referenced residency requirements unconstitutional. 1982 Inf. Op. Att'y Gen. (Dec 3; 366-357-83). The next year, the legislature repealed each of the guide license residency requirements. Sec. 19, ch. 68, SLA 1983, p. 10, l. 25.

Unlike the repealed residency requirements, AS 03.54.210(a)(3) and (a)(6), which were enacted in 1986 (sec. 20, ch. 71, SLA 1986), do not impose a residency requirement per se on a license applicant. Instead, they require an already licensed guide to possess a resident hunting license in order to act as a guide. Such a license may be obtained only by a person who has maintained a permanent place of abode and a voting residence in the state for 12 consecutive months. See AS 16.05.940(19), "resident" defined. Thus the new provisions, like the repealed provisions, effectively restrict the guiding profession in Alaska to Alaska residents of at least 12 months duration.

LEGAL ANALYSIS

A. Constitutionality

State imposed requirements, that use residency status to differentiate between classes of persons wishing to pursue an occupation in a state, are subject to challenge under several constitutional provisions. For present purposes, only article IV, section 2, clause 1 of the United States Constitution (the "privileges and immunities clause"), need be considered. This clause, which states, "[t]he citizens of each state shall be entitled to all privileges and immunities of citizens in the several states," was "intended to create a national economic union." Supreme Court of New Hampshire v. Piper, 470 U.S. 274, ___, 105 S.Ct. 1272, 1276 (1985). According to the United States Supreme Court, "the pursuit of a common calling is one of the most fundamental of those privileges protected by the Clause." Piper, 470 U.S. at ___, 105 S.Ct. at 1277. The Court has stated that "one of the privileges which the Clause guarantees to citizens of State A is that of doing business in State B on terms of substantial equality with the citizens of that State." Piper, 470 U.S. at ___, 105 S.Ct. at 1276.

Review of a residency requirement under the privileges and immunities clause proceeds in three steps. First, in order for the clause to be implicated, it must be established that the

residency requirement infringes a protected privilege of a citizen of another state. Once such infringement is established, the rationale for the discrimination against the nonresident is examined to determine whether there is a substantial justification for it, beyond the mere fact that the person who is discriminated against is a citizen of another state. Finally, if such justification exists, the residency requirement is examined to determine whether it bears a substantial relationship to the particular "evil" posed by the nonresident. A residency requirement which does not pass each of the latter two steps violates the privileges and immunities clause, and is constitutionally impermissible. Noll v. Alaska Bar Association, 649 P.2d 241 (Alaska 1982).

Applying the first step of this test to the statute in question, it is clear that the ability to act as a commercial hunting guide is a privilege which is protected under the privileges and immunities clause. The Alaska Supreme Court, in recognizing the practice of law as a protected privilege, noted that privileges protected under the clause include "common callings . . . ordinary livelihoods . . . [and] professional pursuits." Sheley v. Alaska Bar Association, 620 P.2d 640, 643 (Alaska 1980). "Guiding" is defined at AS 08.54.240(3) to mean, "accompanying or directing a hunter . . . for compensation or

with the intent or an agreement to receive compensation" Hunting guides in Alaska generally make their living from their guiding activities. The activity of commercial guiding is, therefore, a protected privilege. Of course, AS 08.54.210(a), which prohibits a nonresident from commercially guiding in Alaska, impinges upon the nonresident's exercise of that privilege.

The next two steps in privileges and immunities clause analysis are closely related to each other. The first requires a determination of whether there is a "substantial justification" for the discrimination against nonresidents. No such justification can exist absent a showing that nonresidents are "a peculiar source of the evil" which the state's action is meant to remedy. Noll, 649 P.2d at 243. The final step requires a determination of whether the discrimination bears a "substantial relationship" to the state's objective. No such relationship exists if the state could accomplish its objective (i.e., elimination of the "evil" posed by nonresidents) through a less restrictive means than the discrimination imposed against nonresidents. Piper, 470 U.S. at ___, 105 S.Ct. at 1279.

These latter two steps pose more difficult questions than the first step, as neither the statute nor the legislative history behind sec. 20, ch. 71, SLA 1986 disclose the

legislature's reasons for imposing the residency requirement on guides. The several obvious reasons which may be postulated are examined below. None of the postulated reasons survives scrutiny under the privileges and immunities clause test.

One possible justification for the residency requirement involves the safety of hunters, and is based on the presumption that resident guides are more likely to be familiar with the terrain, hunting conditions and species likely to be encountered in the field than are nonresidents. This justification was raised by the State of Wyoming when it attempted to defend a similar guide residency requirement from a privileges and immunities clause challenge. Powell v. Daily, 712 P.2d 356 (Wyo. 1986). The Powell court held the justification to be insufficient, finding that it failed both steps of the privileges and immunities test. First, it is not a "substantial" justification, because nonresidents are not a peculiar source of the evil of incompetent or unsafe guides. The Powell court noted:

[mere] residence in this state does not make a competent guide. If the State's position were to be upheld, a person born and raised in New York City who moved to Cheyenne over a year ago could qualify for a guiding license, while Mr. Powell, who has hunted and fished in Idaho, Montana and Wyoming for 30 years, cannot qualify because he makes his home in Idaho Falls. The State cannot seriously contend that merely living in Cheyenne for a year makes a prospective guide a better safety risk when guiding hunters in the rugged wilderness areas of our state.

Kathy Marshall, Director
Division of Occupational Licensing
661-87-0063

September 29, 1986
Page 8

Powell, 712 P.2d at 361. This statement applies equally to the situation in Alaska. This justification fails the final step of the test as well, because the state could guard against incompetent or unsafe guides through less restrictive means than discrimination against nonresidents. In fact, it already does so, by requiring each applicant for a registered guide license to pass both written and oral examinations, which test the applicant's knowledge not only of general guiding and hunting matters, but also of the particular terrain and conditions in which the prospective guide is applying to operate. 12 AAC 38.010.

Another justification for the discrimination might be that residents are more likely to know and abide by local laws and regulations than are nonresidents. This justification, too, fails for the reasons discussed above.

Finally, the discrimination might be justified if the state had some definite need to control or police the guiding industry which required that its practitioners be physically located within the confines of the state. The present record, however, discloses no such unique need, nor an greater administrative need to control or police the commercial guiding industry than the need to control or police the commercial fishing

industry or any other industry in which both residents and nonresidents of Alaska participate. 1/

Based on the information available to us, we conclude that the discrimination against nonresidents under AS 08.54.210(a)(3) and (a)(6) cannot be justified, and that the residency requirement imposed by those paragraphs on persons wishing to commercially guide in Alaska violates article IV, section 2 of the United States Constitution. We note that the only courts that have considered this or a similar issue have reached the same conclusion. Powell v. Daily, 712 P.2d. 356 (Wyo. 1986) (residency requirement for applicants for guide license held unconstitutional); Godfrey v. Montana State Fish and Game Commission, 631 P.2d. 1265 (Mont. 1981) (residency requirement for applicants for outfitter license held unconstitutional).

B. Severability

Our conclusion that the residency requirements of AS 08.54.210(a)(3) and (a)(6) are unconstitutional raises the issue of whether the requirements are severable from the

1/ One other possible rationale, protection of resident guides from competition by nonresidents, is not a valid justification for discrimination against nonresidents, as "[t]he Privileges and Immunities Clause was designed primarily to prevent such economic protectionism." Piper, 470 U.S. at ___, 105 S.Ct. at 1279, n.18.

remaining portions of AS 08.54.210(a). AS 08.54 does not contain an express "savings clause," specifying that any provision found to be invalid is to be severed from the rest of the Act. The general savings clause set forth in AS 01.10.030, however, is applicable. This statute provides as follows:

CONSTITUTIONALITY AND SEVERABILITY. Any law heretofore or hereafter enacted by the Alaska legislature which lacks a severability clause shall be construed as though it contained the clause in the following language, "If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application to other persons or circumstances shall not be affected thereby."

The purpose of this statute is to "preserve to as great an extent as possible all valid portions of enactments by the Alaska State Legislature." Lynden Transport, Inc. v. State, 532 P.2d 700, 711 (Alaska 1975). As the court noted in Lynden, however, a general severability clause creates only a weak presumption in favor of severability. Lyden, 532 P.2d at 712-713.

The test the court announced in Lynden for determining the severability of a statutory provision is as follows: "A provision will not be deemed severable 'unless it appears both that, standing alone, legal effect can be given to it and that the legislature intended the provision to stand, in case others included in the act and held bad should fall.'" Lynden, 532 P.2d at 713, quoting Dorchy v. Kansas, 264 U.S. 286, 290 (1924).

As to the first issue, it is apparent that if the residency requirements are stricken, the relevant paragraphs can still be given complete legal effect. After striking the residency requirements, the subsection would read:

AS 08.54.210(a) It is unlawful for

. . .
(3) a person to guide without having a current valid guide license and . . . hunting license in actual possession;

. . .
(6) a person to guide without being validly licensed as a guide under this chapter and as . . . hunter under AS 16;
. . . .

The next issue is whether the legislature intended the remainder of the two paragraphs to stand, absent the residency requirements. It is self-evident that the legislature's intent to prohibit persons from guiding without first obtaining a guide license, which they must carry in their possession while guiding, is completely separate from the residency requirement. The guide license requirements are, therefore, severable from the residency requirements, and should be enforced. The only remaining question is whether the legislature intended to require guides to be licensed as hunters, regardless of the residency requirement. We conclude that the legislature did so intend, for the following reason. In enacting AS 08.54.210(a)(3) and (a)(6), the legislature imposed requirements that guides be (a) residents of Alaska, and (b) licensed as hunters. Had the legislature intended by

Kathy Marshall, Director
Division of Occupational Licensing
661-87-0063

September 29, 1986
Page 12

this provision to require only that guides be residents of Alaska, it would have said so, and not also required guides to obtain and carry hunting licenses with them while guiding. 2/

CONCLUSION

We have concluded that a court would find AS 08.54.210(a)(3) and (a)(6) to be unconstitutional, insofar as these paragraphs require a commercial hunting guide to be a resident of Alaska, because they unjustifiably discriminate against citizens of other states. Your agency should not implement or enforce the residence requirement provisions of this statute.

We have also concluded that the residency provisions of the paragraphs are severable from the remainder of the statute. You should, therefore, implement and enforce AS 08.54.210(a) as if the word "resident" did not appear therein.

2/ Further evidence of the legislature's intent to require guides to be licensed as hunters may be found at AS 08.54.100(1) and 08.54.110(2) and 12 AAC 38.180(11).

Kathy Marshall, Director
Division of Occupational Licensing
661-87-0063

September 29, 1986
Page 13

If you have any questions or comments about this opinion, please do not hesitate to contact us.

Sincerely,

HAROLD M. BROWN
ATTORNEY GENERAL

Michael G. Hotchkin
Assistant Attorney General

HMB/MGH/ma

cc: Colonel Robert M. Henderson, Department of Public Safety
Herb Soil, Department of Law
Dennis D. Kelso, Department of Fish and Game
Ray McNutt, Chairman, Guide Board

SB 294 - ANALYSIS, continued

The legislation also mandates that one must be a Master or Registered Guide to qualify for an outfitters license. There are 363 current Master and Registered Guides who could obtain an Outfitters license. Revenues for succeeding years are based on a 5% increase.

SB 294 - FISCAL IMPACT

200 TRAVEL:

Section 13 of the bill mandates "two" examinations a year. Funding in the department's operating budget was based on mandatory requirements in current statutes which require one examination a year, usually administered in Anchorage.

Because the new mandate also requires an exam to be given in a location other than Anchorage, the following costs would apply for an additional exam to be administered in Juneau:

Transportation for 1 member from Makoryuk	873.00
Per diem at \$80 per day x 8 days	640.00
(three days travel, one way, + 2 days exams)	
Transportation for 2 members from Anchorage at \$352 ea. x 2	704.00
Per diem at \$80 per day x 2 days x 2	320.00
Transportation for 1 member from Sterling	416.00
Per diem at \$80 per day x 3 days	240.00
(one extra day to travel)	
Transportation for 1 member from Fairbanks	564.00
Per diem at \$80 per day x 2 days	160.00
Transportation for 1 member from Sitka	120.00
Per diem at \$80 per day x 2 days	160.00
1 Juneau member, transportation	-0-
Per diem at \$80 per day x 2 days	160.00
	<u>\$ 4,359.00</u>

300 CONTRACTUAL SERVICES:

Examination facilities at \$150 per day per facility	300.00
Notices of regulation projects are mandated by the Administrative Procedure Act to be published in the "newspaper of general circulation." Therefore, the following estimated costs would apply:	
Advertising (public noticing) costs at \$60 each x 3 major newspapers	120.00
Regulation hearing costs using the teleconference network (Base fee = \$50) (Anchorage, Juneau, and Fairbanks sites free during normal State work hours.)	50.00
	<u>\$ 470.00</u>
GRAND TOTAL:	\$ 4,829.00

UC

SENATE AMENDMENT #2

By RODEY

To: CSSB SENATE BILL No. 294 RES
To: _____ HOUSE BILL No. _____

PAGE: 13 LINE: 20

After the word "polar bear" add:

"Moose"

SENATE AMENDMENT

BY Senator Ferguson

To: Committee Substitute for SENATE BILL No. 294 (Res)

To: _____ HOUSE BILL No. _____

PAGE: LINE:

7 After line 20

insert new subsection to read:

"(e) A guide may not sell or otherwise transfer a restricted guide area. A guide may sell or otherwise transfer a lodge, camp, or other lawful improvement to property located in a restricted guide area. Sales price may not exceed fair market value."

Alaska State Legislature

CO-CHAIRMAN
FINANCE COMMITTEE

907-465-3740

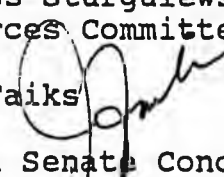
JAN FAIKS
POLCH V
CAPITOL BUILDING
JUNEAU ALASKA 99811

Senate

February 3, 1986

MEMORANDUM

TO: Senator Arliss Sturgulewski, Chairman
Senate Resources Committee

FROM: Senator Jan Faiks 

SUBJECT: Background on Senate Concurrent Resolution No. 18

The Guide Licensing and Control Board governs a system that controls entry into the big game guiding industry in Alaska. The Board assigns exclusive and joint-use guide areas in the state, and thereby confers upon a few persons a substantial benefit that is derived from a public resource.

For these reasons, and because the Board is composed of former guides and other persons having direct interest in the guiding industry, it is important that the actions of this Board be governed by objective standards. In order to avoid an appearance of conflict of interest, it is also important that these standards be strictly comply with.

From complaints of my constituents and an investigation by my staff, however, I believe that the Board is not operating by such standards. I have identified the following problem areas, and they are the focus of this resolution.

After SCR 18 was introduced, the Division of Legislative Audit published a performance report on this Board which confirms many of my observations.

1. The Board has failed to timely publish notice of its meetings and has failed to strictly follow accepted rules of order for conducting these meetings.

OUT OF SESSION

1024 WEST SIXTH AVENUE, SUITE 302 ANCHORAGE, ALASKA 99501 907-274-6611