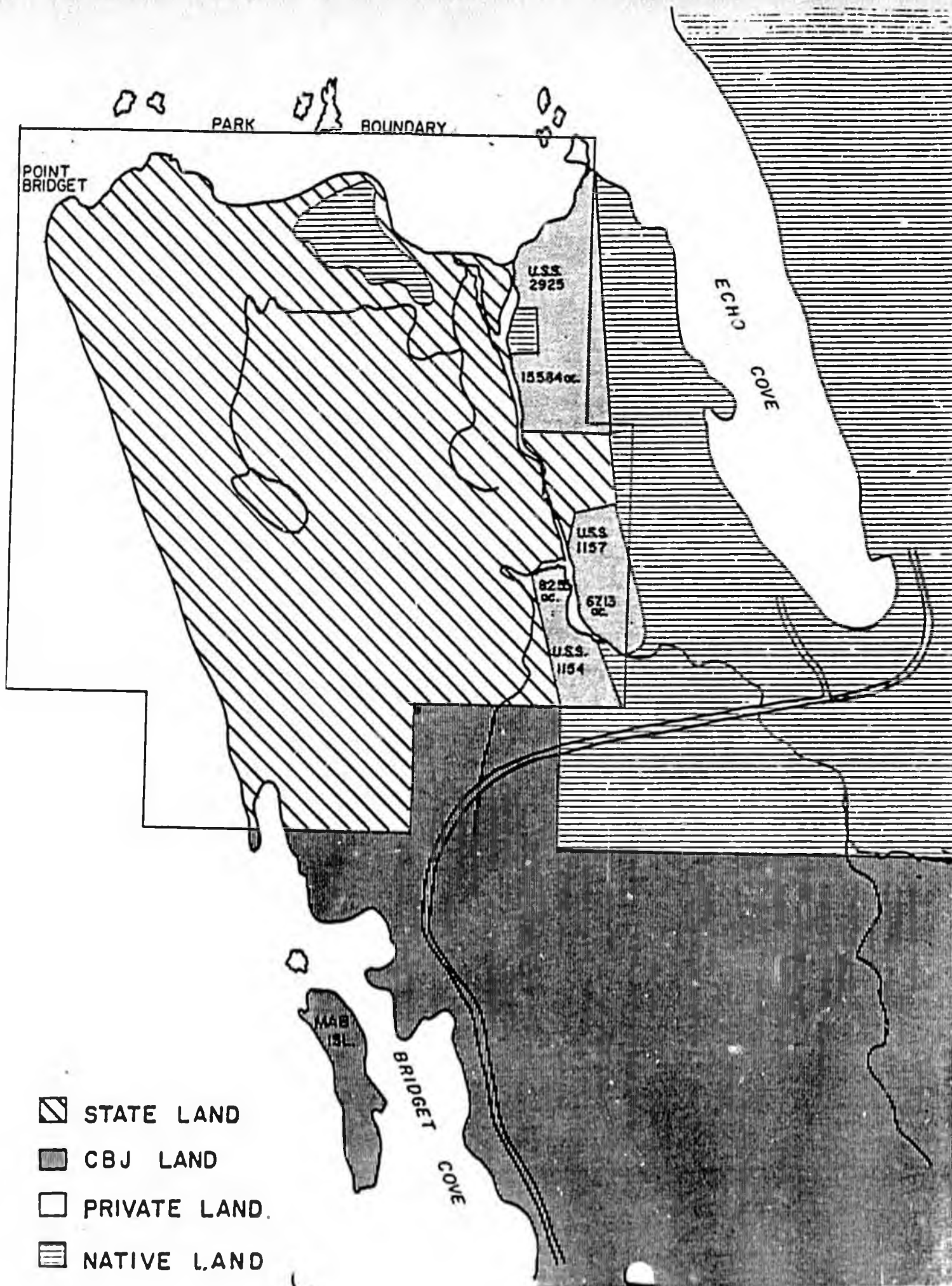
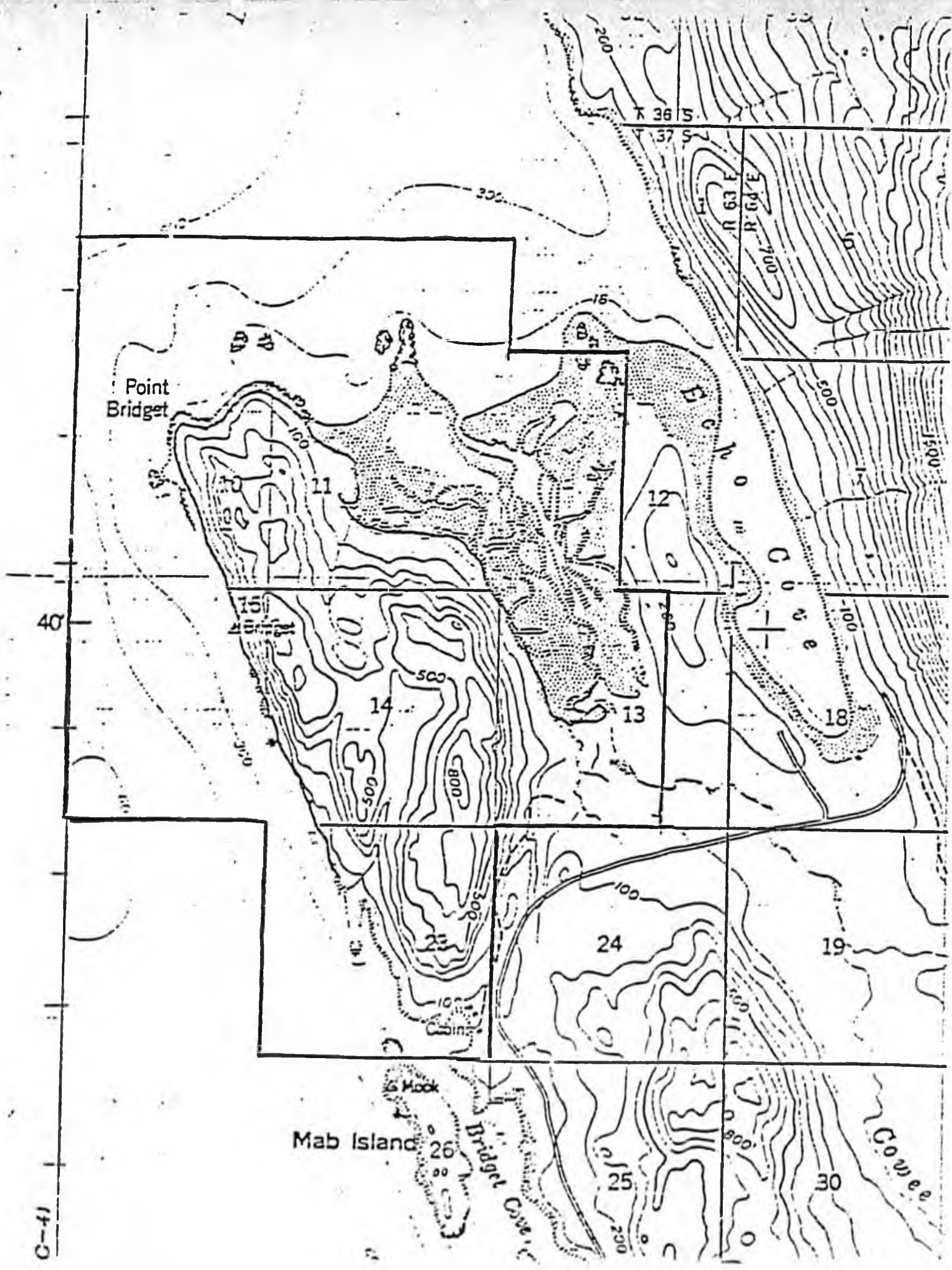


ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672

5461 SRES SB 190 - SB 191

1033





Point
Bridget

Mab Island

Bridget Cove

Cove

40

36 E

37 E

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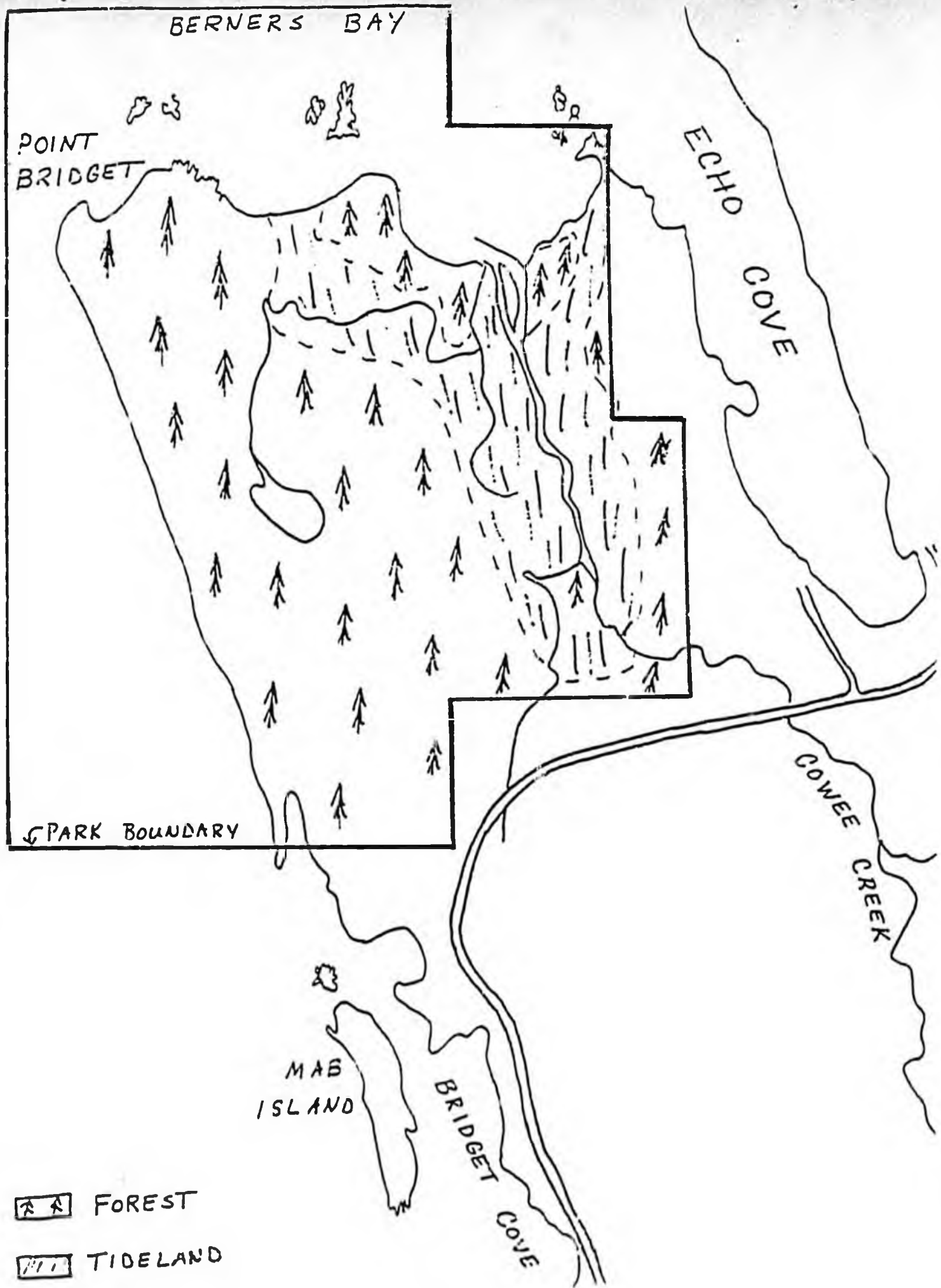
19

26

25

30

C-41



BERNERS BAY

POINT BRIDGET

ECHO COVE

COWEE CREEK

PARK BOUNDARY

MAB ISLAND

BRIDGET COVE

FOREST

TIDELAND

STATE OF ALASKA
DIVISION OF LAND AND WATER MANAGEMENT
PRELIMINARY DECISION
ADL 223456

I. Introduction

The action being considered in this preliminary decision is the designation and conveyance of certain lands and interest in land to the University of Alaska trust to replace seven parcels of University grant land (Appendix A) selected by the Municipality of Anchorage under former AS 29.18.206.

This action will settle pending litigation: University of Alaska v. Municipality of Anchorage, et al., (Alaska Supreme Court Nos. 1815 and 1826) and University of Alaska v. State of Alaska, et al., (Alaska Superior Court, case no. JAN-86-14754 Civ.). Further, conveyance of land and interest in land to the University approximately equal in value to the lands previously conveyed to the Municipality is authorized by former AS 29.18.206 and AS 38.05.810.

II. Background

The Municipal Entitlement Act as amended, former AS 29.18.206, enabled the Municipality of Anchorage to select University land in partial fulfillment of its land entitlement. The legislature by this same act directed the Department to replace this University grant land with replacement land of approximately equal value.

The University, the Municipality, and the State have been involved in a dispute over this land since at least 1979. The seven parcels were acquired by the State under the Congressional Act of 1929 in trust for the University. In 1979, the parcels were selected by the Municipality and were approved for conveyance to the Municipality by the State in 1980 and 1986 decisions. Previous attempts to reach an agreement between the Municipality, the University and the State to resolve the dispute have failed.

In 1985, the University challenged the State's transfer of the seven parcels to the Municipality as a violation of the Congressional Act of 1929. The Superior Court found in favor of the Municipality and the State. The issue is on appeal before the Alaska Supreme Court (University v. Municipality, cited above). On November 25, 1986, the Municipality and the State reached agreement settling the Municipality's claims under former AS 29.18. The University challenged that agreement (University v. State, cited above) in an effort to preserve possible replacement lands. The University and the State then again began discussions to settle the issue of replacement land.

III. Authority for the Preliminary Decision

On December 18, 1986, the State and the University signed a Memorandum of Understanding to attempt to settle this dispute (Appendix B). This preliminary decision is consistent with the terms of that Memorandum of Understanding, with former AS 29.18.206 and with AS 38.05.810. Notice of

this preliminary decision and an opportunity for public comment will be given under AS 38.05.945.

IV. Proposed Action

A. Value of seven parcels in Anchorage

As provided in the Memorandum of Understanding, appraisals of the seven parcels in Anchorage have been done under appraisal instructions approved by both the State and the University (included in Appendix B). The value of the seven parcels which have been approved for conveyance to the Municipality has been established as \$24,752,000 for purposes of this settlement. The University has accepted this valuation. After full consideration of all the circumstances relevant hereto, I believe that settlement of this matter based on this valuation amount is in the best interests of the State. The appraisals of the seven parcels are available for public review.

B. Replacement land pool

As provided in the Memorandum of Understanding, the University and the State have agreed to the identification of parcels of State land shown in Appendix C for the replacement land pool. This pool includes parcels presently under sale contracts which are referred to as Subdivision Mortgage Areas. All parcels are listed in priority order for conveyance and will be subject to valid existing rights. Appendix D lists the proposed replacement land pool with intra-agency comments solicited by the Division of Land and Water Management. Appendix D includes information which will be considered as part of public and agency review pursuant to AS 38.05.945.

For the Subdivision Mortgage Areas, the State would convey to the University the land subject to the land sale contracts, and the land sale contracts would be transferred to the University effective January 1, 1988. The University would then be responsible for administering the contracts and passing title to purchasers as contracts are paid off. Through December 31, 1987 all proceeds resulting from these contracts would accrue to the State. However, for purposes of calculating the value of the contracts to be subtracted from the value of the former University lands, the remaining principal on the contracts would be calculated as of the close of business Wednesday, February 13, 1987. In the event that a contract is paid off prior to December 31, 1987, the payment will be received for the benefit of the University, and the State will retain only the principal portions of payments which would otherwise have been made in 1987. In the event that a contract is relinquished or terminated prior to December 31, 1987, the State will convey to the University the land which had been subject to the contract.

Parcel priority 20, Cape Yakataga is limited to timber rights only. Parcels classified as agriculture would be conveyed subject to the provisions of AS 38.05.321.

At a special meeting of the University of Alaska Board of Regents on February 21, 1987, the Board accepted the replacement land pool identified in Appendix C for purposes of this settlement.

I have reached the preliminary decision that the replacement pool is acceptable for purposes of settling the pending litigation.

C. Replacement Process

The parcels in the replacement land pool are listed in priority of conveyance. These lands will be appraised pursuant to appraisal instructions agreed to by the University and the State (Appendix E). To replace the Anchorage parcels, lands of approximate equal value to the above value of the seven Anchorage parcels will be conveyed to the University. If additional land is necessary to accomplish this, the University will nominate additional, mutually acceptable lands and the Department will issue another preliminary decision for these lands.

D. Mineral Order

Only the surface estate of the parcels identified in Appendix C will be conveyed to the University. The intent of the University land trust is to provide a long term stable source of revenue for benefit of the University. This includes significant surface uses which would be incompatible with mining. Therefore, under the authority of AS 38.05.185(a), I propose to close those lands to be conveyed to the University which are not already closed to locatable mineral entry.

V. Best Interest Determination

I have considered the requirements of former AS 29.18.206, AS 38.05.810, and AS 38.05.035(e), the state's general trust responsibilities to the University, the Memorandum of Understanding dated December 18, 1986 and the advantages of settling pending litigation. Based on the knowledge and information we have at this time, it is my decision that the proposed action described herein is in the State's best interest.

VI. Public Comment

As required by the Alaska Constitution and AS 38.05.945, no action under AS 38.05.035(e) can be final until after the public has had an opportunity to review and comment. Comments will be accepted from the public if received

Preliminary Decision
Page 4

In writing by the Division of Land and Water Management at P.O. Box 107005,
3601 MC Street, Anchorage, Alaska 99510-7005 before the close of business,
(4:30 pm) May 13, 1987.

Dated: 5/10/87

State of Alaska
Department of Natural Resources

By: Judith M. Brady
Judith M. Brady
Commissioner

Presented by: The Manager
Introduced: 04/20/87
Drafted by: B.J.B.

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 1234

A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU IN SUPPORT OF THE ESTABLISHMENT OF THE PROPOSED POINT BRIDGET STATE PARK.

WHEREAS, the citizens in the Juneau area have demonstrated a high level of interest in participating in outdoor recreational activities, and

WHEREAS, Senate Bill No. 190 and House Bill No. 210, both of which relate to establishing the Point Bridget State Park on state-owned lands on Point Bridget, have been introduced in the state legislature, and

WHEREAS, Point Bridget has excellent recreational value for hiking, cross-country skiing, fishing, photography, nature study, wildlife viewing, and other outdoor activities, and

WHEREAS, the establishment of the proposed state park will serve to protect and preserve the recreational and scenic resources and to preserve and enhance the continued use of the area for hunting, fishing, and other recreational activities, and

WHEREAS, the establishment of the proposed state park is consistent with the land use envisioned for the area in the federal, state, and city-borough report entitled "Juneau Area Recreation Plan," June 1982, and

WHEREAS, the proposed state park abuts certain city and borough land that is within the Juneau open space and park system established pursuant to Ordinance 85-76am, and

WHEREAS, there is currently no state park in the Juneau area that is accessible by road, and

WHEREAS, the establishment of the proposed state park will complement and enhance the use of the abutting city and borough lands and the use of the proposed Echo Cove boat launch area;


NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

1. That the Assembly supports Senate Bill No. 190 and House Bill No. 210, both of which propose the establishment of the Point Bridge State Park to be located on approximately 2,758 acres of state-owned land on Point Bridget.

2. That the Assembly urges that Senate Bill No. 190 and House Bill No. 210 be amended to specifically provide for the reasonable right of developed access to existing private in-holdings within the proposed state park, and encourages the development of improved public access to the proposed state park.

3. Effective Date. This resolution shall be effective immediately upon adoption.

Adopted this 20th day of April, 1987.



Mayor

Attest:



Clerk

PUBLIC SUPPORT FOR THE PT. BRIDGET STATE PARK:

Bob Armstrong, author of "Guide to the Birds of Alaska";

"The habitat combination of marine, intertidal and large expanse of transition meadows between the intertidal and forest has created one of the best areas for birds in all of Southeastern Alaska...

"...the Kowee Creek meadows are the only extensive nesting habitat for these birds (waterfowl and shorebirds) that remains along the Juneau road system...

"In summer the wildflowers are gorgeous within these meadows. And, best of all, the area is relatively easy to hike about. Fishing in the river is good for Dolly Varden and coho salmon...

"I strongly support your proposal to establish the Point Bridget State Park. I feel protection of this unique area from other potential types of development is of the most immediate importance."

Judy Hall Alaback, Conservation Chair, Juneau Audubon Society

"The Juneau Audubon Society supports your proposal for the establishment of Point Bridget State Park...

"This and surrounding areas are already heavily used for recreation by Juneau residents and visitors."

Richard Gordon:

"I strongly support this well-timed proposal...

"Other Juneau road-system river mouth meadows are either developed (Switzer Creek), or largely in private hands (Peterson Creek on Douglas Island, Amalga Harbor area meadows)...

"Extremely suitable due to extensive unforested lands and beaches..."

Joe Blum, Chief, Habitat Development, Department of Fish and Game, 1970:

"The Department of Fish and Game wishes to go on record as requesting that a 'green belt' concept be developed for Cowee Creek."

"We would like to see a recreation area developed around Point Bridget."

James King:

"Alaska is the envy of communities around the world because of our opportunity to dedicate such wonderful wild areas to public use. Lets not let them down."

ALASKA STATE OF ALASKA
DIV. OF LANDS

KEITH H. MILLER, GOVERNOR

DEPARTMENT OF FISH & GAME

OFFICE OF THE COMMISSIONER

SUPPORT BUILDING
JUNEAU 99801

JUN 4 1970
RECEIVED
Juneau, Alaska

June 2, 1970

Mr. Mike Leach
Division of Lands
Department of Natural Resources
Goldstein Building
Juneau, Alaska 99801

Dear Mike:

This letter is in regards to the State selection of lands in the Berners Bay-Echo Cove area. The Department of Fish and Game wishes to go on record as requesting that a "green belt" concept be developed for Cowee Creek. This system supports an annual run of silver and chum salmon plus Dolly Varden. The creek has a great recreation potential which the "green belt" will help to protect. We will be happy to assist you in establishing the criteria for this concept.

We would also like to see a recreation area developed around Point Bridget. The location would offer excellent beach fishing plus an unsurpassed scenic viewpoint.

Your consideration in this matter will be greatly appreciated.

Sincerely yours,

Joe Blum
Joe Blum *by Row*
Chief, Habitat Development

- cc: B. Hilliker
- R. Andrews
- C. Rosier
- D. Strode

DIVISION OF LANDS
SOUTHEASTERN DISTRICT OFFICE
JUNEAU, ALASKA

TITLE	DATE	INITIALS
District Dir.		
Dist. For. Mgr.		
Dist. For. Insp.		
Field For.		
Dist. Lands Dir.		
Lands Insp.		
Geologist		
Records Mgr.		
File		

Senator Jim Duncan
Alaska State Senate
Pouch V
Juneau, AK 99811

4/3/97

Dear Senator Duncan,

This is to congratulate you for your vision in proposing the Point Bridget State Park (Senate Bill NO. 190) and urge its passage.

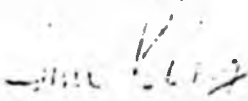
The Point Bridget Park would complement the adjacent Borough park that extends from Sunshine Cove to Bridget Cove and the two could be jointly managed as a "World Class" park. It may be difficult for some Alaskans, surrounded as we are by wilderness, to visualize this area as a World Class park but consider there are few if any easily accessible Alaska State Parks or US National Parks that include so much and so varied a wild coast.

This historic place was named by Capt. George Vancouver in 1798, perhaps for his mother, Bridget Berners. Juneau people use the area for recreation and as our population increases so does that use.

Major expenditures for park development would not be needed or desirable now. The area has a potential for hiking and skiing trails, campsites and perhaps overnight cabins that could be developed slowly by the volunteer organizations that do that sort of thing.

In an increasingly recreation oriented society the Point Bridget State Park will well serve the residents of Juneau, visitors from other parts of Alaska and tourists. Alaska is the envy of communities around the world because of our opportunity to dedicate such wonderful wild areas to public use. Lets not let them down.

Sincerely,


James G. King
Alaska Resident For 39 Years

1700 Branta Road
Juneau, Alaska 99801
April 8, 1967

Senator Jim Duncan
Pouch U
Juneau, Alaska 99811

Dear Senator Duncan:

I favor the Point Bridget area as a State Park and urge passage of your Senate Bill 190.

The Point Bridget State land is immediately north of beach front land owned by the City and Borough of Juneau. An upland beach trail on the Borough property could be extended to Point Bridget making an exciting addition to the already existing and planned system of upland beach trails in the City and Borough.

A trail on this proposed park would give foot access to a beautiful, wild stretch of coastline where the view west across Lynn Canal to the Chilkat Mountains, north toward Haines, across Berner's Bay and the mountains to the east provides a panoramic view that is spectacular. The meadows at the mouth of Cowee Creek with their flowers, fish in the stream and some of the best bird watching in the Borough are also a valuable part of this property.

Yours truly,


Mary Lou King

March 21, 1987

Senator Jim Duncan
P.O. Box V
Juneau, Alaska 99811

Dear Senator Duncan:

I was delighted to hear of your proposal to create the Point Bridget State Park. This area has long been a favorite of mine for hiking, X-country Skiing, bird watching and fishing.

The habitat combination of marine, intertidal and large expanse of transition meadows between the intertidal and forest has created one of the best areas for birds in all of Southeastern Alaska. These transition meadows are particularly productive because of the beaver dams and sloughs, scattered spruce, dead snags and adjacent red alder and cottonwood trees. In and around these meadows I usually see more and a greater variety of birds than other areas in Juneau. In particular it is attractive to hawks, owls and falcons; woodpeckers; snipe and warblers. I see more of these types of birds than elsewhere.

Transition meadows between intertidal and forest are the areas where waterfowl and shorebirds nest. Most of this type of habitat has been destroyed by development at the Mendenhall Wetlands. This means that the Kowee Creek meadows are the only extensive nesting habitat for these birds that remains along the Juneau road system.

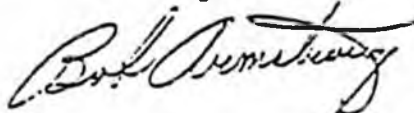
This area contains the most extensive and beautiful meadows I have seen in Southeast Alaska. In the last week I have gone x-country skiing in the area on two different occasions. The meadows offer miles of marvelous skiing. In one spot we estimated 2 miles of meadows between the forest and saltwater in one straight line! I like the area because, in normal winters of rain and warm weather, you can always ski on these meadows whereas other lowland areas of Juneau are bare of snow.

In summer the wildflowers are gorgeous within these meadows. And, best of all, the area is relatively easy to hike about. Fishing in the river is good for Dolly Varden and coho salmon.

I am concerned about development of the area. In particular road, campground, picnic areas etc. I believe the unique values of the area are its birds and wildlife. Development of this sort would, I feel, diminish these values considerably. Why not develop the area for hiking and x-country skiing? Right now its only about a one-half mile walk to the meadows from the existing road.

I strongly support your proposal to establish the Point
Bridget State Park. I feel protection of this unique area
from other potential types of development is of the most
immediate importance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bob Armstrong".

Bob Armstrong
5870 Thane Road
Juneau, Alaska 99301

cc State Parks Advisory Board



JUNEAU AUDUBON SOCIETY

P.O. Box 1725 • Juneau, Alaska 99802

March 23, 1987

Senator Jim Duncan
P.O. Box V
Juneau, AK 99811

Dear Senator Duncan,

The Juneau Audubon Society supports your proposal for the establishment of Point Bridget State Park (S.B. 190). The diversity of lands to be included, ranging from beach to coastal wetlands to riparian habitats and old growth forests makes the area well suited for wildlife habitat and human recreation.

This and surrounding areas are already heavily used for recreation by Juneau residents and visitors. The Juneau Parks and Recreation hiking group leads hikes there and a well marked trail in the proposed park exists along Cowee Creek.

We agree that with its high proportion of residents that enjoy outdoor recreation, Juneau should have an easily accessible state park. We question the logic of allowing hunting in the Park. For safety reasons hunting may not be compatible with other forms of outdoor recreation, especially since the proposed park is less than 3000 acres in size.

Sincerely,

Judy Hall Alaback
Judy Hall Alaback
Conservation Chair

cc:
State Parks Advisory Board

**ALASKA
RESOURCES
KIT MINERALS**

Judith Entwife
Alaska Minerals & Energy Resource Education Fund
5925 Woods Street
Juneau, Alaska 99801

March 26, 1987

Senator Jim Duncan
P.O. Box V
Juneau, Alaska 99811

COPY

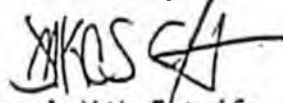
Dear Mr. Duncan,

In thirteen years as a classroom teacher I have been on the lookout for field trip sites to get my students first-hand experiences. Those sites need to meet the educational needs of the class and, of course, to be accessible. I was delighted to hear of your bill to establish a state park on Point Bridget, as it promises to be just such a site.

Point Bridget with its many diverse habitats--the beach, the wetland meadow, the salmon creek, small lake, even an eagle tree--in a compact area makes an excellent site for outdoor education. That same diversity makes it a fascinating outing for local families and visitors, a place to beachwalk or fish, to view eagles, black bear, waterfowl and wildflowers or pick berries. The eventual construction of road and picnic area would make it more accessible to local student groups, families, and tourists. In the meantime, it will remain available to the hikers, hunters, and fishers who use it now. We'll know that we won't lose our spot at the end of the road to private development.

Thank you for the insight to recognize the value of a Point Bridget State Park and your efforts to make it happen.

Sincerely,


Judith Entwife

FRIENDS OF BERNERS BAY

350 ERWIN STREET #102 JUNEAU, ALASKA 99801

Senator Jim Duncan
P.O. Box V
Juneau, Alaska 99801

Dear Senator Duncan.

Friends of Berners Bay would like to thank you for sponsoring a bill which would create a State Park at Bridget Point, the southern tip of the entrance of Berners Bay.

Friends of Berners Bay is a coalition of recreation, sporting, and tourism groups, and more than 1300 individuals dedicated to the long-term preservation of Berners Bay and surrounding lands as a wilderness recreation area for Juneau's residents and visitors. We believe that the areas rich and diverse fish and wildlife habitat, as well as its proximity to a major population center with rapidly expanding recreation demands, make the Berners Bay area of vital and unique importance to the people of Juneau.

As recreational use continues to grow in the Berners Bay area, the need for preservation of the area becomes increasingly critical. The Alaska Public Survey, partially funded and conducted by the Forest Service is probably the most authoritative and widely-cited survey of recreational use in Alaska. It documents the dependence of Alaskan recreation on undisturbed lands. Out of 572 Juneau area residents who were asked what sort of areas they desired outside of town, 86% wanted undisturbed natural areas.

A 1982 report by the Alaska Division of Parks, in coordination with the Forest Service, states that the Berners Bay area is "considered to have particular significance as scenic, subsistence, and recreational areas as well as natural systems" to which high priority should be given in meeting "the public demand for reservation of undisturbed natural lands in the Juneau area."

The Alaska Department of Fish and Game has also recognized the unique character of the area by classifying it as part of eight percent of the Tongass with the highest fish and wildlife values.

Bridget Point, with its commanding view of the whole of Berners Bay and Lynn Canal, would make an excellent state park. Not only would it insure continued recreational use for residents, it would also be a benefit to the visitor industry and in so doing would add to what could become a major step in Juneau's efforts towards economic diversification.

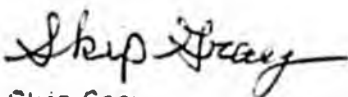
A popular point of discussion in that industry and among civic leaders, is how to attract a type of visitor that would stay in the area longer than the current visitors. The main choices presently offered visitors to Southeast are tourship travel or outdoor experiences via hunting and fishing lodges and wilderness tours, none of which encourage people to stay in Juneau much more than a night. There is a huge gap in the industry waiting to be filled. With proper marketing and services, Juneau could become a mecca for travelers who wish to enjoy the out-of-doors in a more domestic framework. Tours could be designed to give people several days of outdoor experiences mixed with the best of the city's offerings. Hiking, fishing, birdwatching kayaking, and canoeing combined with museum visits, theater and nightlife could provide the more independent traveler with endless options and an Alaskan experience they would never forget..... and may come back for. Hotels, rental condominiums, restaurants, sporting goods stores, and guiding services would all benefit as would businesses that already cater to tourists.

A highlight in such a marketing plan would be the ability to boast of a state park.

You are to be congratulated for having the foresight to take steps now which will insure that Pt. Bridget remains a place of beauty and enjoyment for generations to come.

If we can be of further assistance please don't hesitate to contact us.

Sincerely,



Skip Gray

Co-Chair

Friends of Berners Bay

780-4854

SB

1911

SENATE COMMITTEE REPORT

FURTHER

DATE TURNED INTO OFFICE _____

Mr. President:

RESOURCES Committee considered SB 191

amending the definition of big game guiding; and prohibiting compensation of an unlicensed person for guiding.

and recommended

replace with CS SB 191 (res) 3rd same title
 or adopt CS _____ new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted Sec. Res.

Committee attached or adopted fiscal note(s)
 new updated or previous
 zero fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature] DO PASS
Chairman signature and recommendation

Committee Backup attached

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 3-18 5-DAY NOTICE
IN ACCORDANCE WITH UNIFORM RULE 23

Fuller

FURTHER:

**FISCAL NOTE(S) ATTACHED **
IN ACCORDANCE WITH AS 24.08.035
(see below)

3/17/87

DATE TURNED INTO OFFICE _____

Mr. President:

RESOURCES _____ Committee considered SB 191

amending the definition of big game guiding; and prohibiting
compensation of an unlicensed person for guiding.

and recommended:

[] replace with CS SB 191 (Res) [] same title
[] new title

[] attached amendment(s) and

[] do pass

[] do not pass

[] no recommendation .

[] individual recommendations

[] further referral to _____

letter of intent adopted and attached

** Committee [] attached or [] adopted fiscal note(s)
[] zero [] fiscal impact

MEMBERS SIGNING DO PASS

Tom Green
Ardis Stangulinski

OTHER RECOMMENDATIONS

Debra ...
Paul ... No Rec
Paul ... No Rec

John B. ...
Chairman signature and recommendation

[] Committee Backup Attached

SENATE COMMITTEE REPORT

FURTHER:

DATE TURNED INTO OFFICE _____

Mr. President:

RESOURCES

Committee considered SB 191

amending the definition of big game guiding; and prohibiting compensation of an unlicensed person for guiding.

and recommended:

replace with CS FOR SB 191) same title
 or adopt _____ CS FOR _____) new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted _____

Committee attached or adopted fiscal note(s)

new updated or previous

zero fiscal impact

MEMBERS SIGNING DO PASS

Curtis J. Engler
Harold ...

OTHER RECOMMENDATIONS

William ...
Paul ...

[Signature]
Chairman signature and recommendation **DO PASS**

Committee Backup Attached

Alaska State Legislature

Senate Resources Committee



Sen. John B. (Jack) Coghull, Chairman
Sen. Paul Fischer, Vice-Chairman
Sen. Lloyd Jones
Sen. Arliss Sturquilewski
Sen. Jim Duncan
Sen. Fred Zhatoff
Sen. Dick Eliason

Box V
Juneau, Alaska 99811
(907) 465-1907

LETTER OF INTENT

SB 191

APRIL 1, 1987

IT IS THE INTENT OF THE LEGISLATURE THAT THE FOLLOWING CONCERNS REGARDING SB 191, "AN ACT RELATING TO GUIDE LICENSING; PROHIBITING COMPENSATION OF AN UNLICENSED PERSON FOR GUIDING; AND PROHIBITING A PERSON NOT LICENSED AS A GUIDE FROM ADVERTISING AS OR REPRESENTING TO BE AN OUTFITTER" BE ADDRESSED BY THE DEPARTMENT OF COMMERCE AND THE GUIDE BOARD.

THE DEPARTMENT OF COMMERCE, DIVISION OF OCCUPATIONAL LICENSING, SHOULD IMPLEMENT HIGHER NONRESIDENT GUIDE LICENSE FEES UPON RENEWAL OF THE LICENSE.

THE GUIDE BOARD SHOULD NOT INTERPRET THE PHRASE "ESTABLISHED CAMP" WHEN APPLICABLE TO REGISTERED GUIDES, AS PREVENTING GUIDES FROM MAINTAINING MOBILE CAMPS IN THEIR AREAS.

Alaska State Legislature

Senate Resources Committee



Sen. John B. (Jack) Coghill, Chairman
Sen. Paul Fischer, Vice-Chairman
Sen. Lloyd Jones
Sen. Arliss Sturgulewski
Sen. Jim Duncan
Sen. Fred Zharoff
Sen. Dick Ehason

Box V
Juneau, Alaska 99811
(907) 465-1907

LETTER OF INTENT

SB 191

April 1, 1987

It is the intent of the legislature that the following concerns regarding SB 191, "An act relating to guide licensing; prohibiting compensation of an unlicensed person for guiding; and prohibiting a person not licensed as a guide from advertising as or representing to be an outfitter" be addressed by the Department of Commerce and Economic Development and the Guide Board.

The Department of Commerce and Economic Development, Division of Occupational Licensing, should implement higher nonresident guide license fees upon renewal of the license.

The Guide Board should not interpret the phrase "established camp" when applicable to registered guides, as preventing guides from maintaining mobile camps in their areas.

A large, stylized handwritten signature in black ink, appearing to read "John B. Coghill".

John B. Coghill
Chairman Senate Resources

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: _____
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: CSSB 141 (3d Res)
An Act relating to the Guide Board...
Sponsor: Senate Resources
Requestor: Senator Coghill

Agency Affected: Legislative Affairs
BRU: Legislative Council
Components: Council and Subcommittees

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	7.3	0	0	0	0
CONTRACTUAL	0	2.0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	9.3	0	0	0	0

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	9.3	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL	0	9.3	0	0	0	0

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

The Task Force on Guiding and Game is established under the jurisdiction of the Legislative Council Committee. The Task Force is composed of eleven members, three from the Executive Branch, four legislators from the Legislative Branch, and four public members appointed by the Governor.

Prepared by: Pamela Stoops, Manager *Pamela Stoops* Phone: 465-3850
Division: Administrative Services Date: 03/11/88

Approved by: Warren Endicott *Warren Endicott* Date: 03/11/88
Agency: Legislative Affairs Agency

Distribution (by preparer):

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

CONTINUATION OF FISCAL ANALYSIS

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

- 3 Executive Branch members - absorbed within existing executive branch departments.
- 4 Legislative Branch members - absorbed within existing Legislative Operating Budget.
- 4 Public members - paid by Legislative Council funds as projected below.

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

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

Travel - 3 trips @ 366 x 4 members = 4,392
 3 days per diem (\$80)
 3 trips x 4 members = 2,880

Contractual - Transcription of meetings 1,000
 Printing and Binding of report 1,000

Supplies - Will come from existing Legislative Council and Legislative Operating supplies.

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

FISCAL NOTE

REQUEST:

Revision Date: 3/11/88
Title: An act relating to the Guide Board and Establishing a Task Force on Guiding
Sponsor: Coghill & Faiks
Requestor: _____

Agency Affected: Fish and Game
BRU: Game
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

This analysis includes personal services costs to prepare for and participate in 3 meeting of the Guide Task Force in Anchorage per year and 3 teleconferences. These costs will be borne by existing personnel; no additional costs anticipated.

Prepared by: Donald E. McKnight Phone: 465-4190
Division: Game Date: 3/11/88

Approved by Commissioner: *Norman Abbott* Date: 3/11/88
Agency: Fish and Game

Distribution (by preparer) :

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

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: SB 191

Publish Date: _____

REQUEST

Revision Date: _____

Title: "An Act amending the definition of big game quiding.."

Sponsor: Senator Coghill

Requestor: Senate Resources

Agency Affected: Public Safety

BRU: Fish & Wildlife Protection

Components: Enforcement

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING:: (Thousands of Dollars)

GENERAL FUNDS		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.



Prepared by: Kyle Weaver

Division: Fish & Wildlife Protection

Phone: 269-5539

Date: 3/23/87

Approved by Commissioner: William R. Nix

Agency: Public Safety

Date: 3/24/87

Distribution (by preparer):

Legislative Finance

Legislative Sponsor

Requestor

Office of Management and Budget

Impacted Agency(ies)

Senate Secretary

page ____ of ____

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: CSSB 191 (Res)

Publish Date: _____

REQUEST _____

Revision Date: _____

Agency Affected: Public Safety

Title: "An Act amending the definition of big game guiding.."

BRU: Fish & Wildlife Protection

Sponsor: Senator Coghill and Faiks

Components: Enforcement

Requestor: Senate RULES

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING:: (Thousands of Dollars)

GENERAL FUNDS		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

JWR
4/14/87

Prepared by: Kyle Weaver
Division: Fish & Wildlife Protection

Phone: 269-5539
Date: 4/10/87

Approved by Commissioner: William R. Hix
Agency: Public Safety

Date: 4/12/87

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

STATE OF ALASKA

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

STEVE COWPER, GOVERNOR

P. O. BOX D
JUNEAU, ALASKA 99811-0800
PHONE: (907) 465-2534

April 22, 1987

APR 24 1987

Dear Legislator:

At the Guide Board meeting held in Fairbanks, Alaska on April 11-14, 1987, the board unanimously adopted the following resolution and requested that the resolution be copied to each member of the Legislature:

"The Guide Board wishes to go on record as supporting Senate Bill 191."

SB 191: An Act relating to guide licensing fees; amending the definition of big game guiding; prohibiting compensation of an unlicensed person for guiding; and prohibiting a person not licensed as a guide from advertising as or representing to be an outfitter.

Sincerely,

DIVISION OF OCCUPATIONAL
LICENSING

5836W42287a



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

DEPARTMENT Public Safety	DIVISION Fish & Wildlife Prot.	BILL NUMBER CSSB 191	SPONSOR Coghill and Faiks
SHORT TITLE OF BILL "An Act relating to the Guide Board and Big Game Guiding..." (2/19/88 WORK DRAFT)			
DEPARTMENT POSITION Neutral			
PREPARED BY Captain Conrad G. Seibel	DATE 2/19/88	COMMISSIONER'S SIGNATURE <i>Don Hoetaki, Dep. Comm.</i>	DATE 2-19-88

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Department of Commerce Department of Fish and Game	CONSTITUENT GROUP(S) AFFECTED BY BILL
ORGANIZATIONAL SUPPORT FOR BILL	ORGANIZATIONAL OPPOSITION TO BILL

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE HISTORY

ANALYSIS OF BILL/PROGRAM EFFECTS

Passage of CSSB 191 will amend the existing definition of big game guiding under AS 08.54.210 -- AS 08.54.240.

AMENDMENTS PROPOSED

*Recommended amendment to AS 08.54.210 (a)(8) Page 2, Lines 28-29.

The Department recommends that the language in subsection 8 be deleted and replaced with the following language:

(8) a person to advertise as a guide or to contract to conduct a guided hunt unless that person is validly licensed as a registered or master guide.

(continued on attached page)

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

Justification: One of the problems the Department has been facing is that persons other than guides are contracting for guided hunts. This problem is in no way limited to assistant guides and this addition to the current language should go a long way towards alleviating this problem.

*Recommended amendment to AS 08.54.210 (a)(2) Page 4, Lines 1-2.

On Line 1 the Department recommends adding the words or after "regulation" and transporter after "guide or". On Line 2 add the words or transporter after "guide".

Justification: The Department believes that a transporter should also attempt to prevent a violation the same as a guide. By adding this language the Department believes that it will help to protect the big game resources by preventing violations before they happen.

*Recommended amendment to AS 08.54.210 (a)(4) Page 4, Line 10.

The Department recommends the addition of a new subsection (c) "an outfitter in a manner that implies that the person is a licensed guide;"

Justification: Some outfitters who are not licensed as guides advertise or represent themselves to be licensed and bona fide big game guides. The addition of the new subsection (c) would make it clear that an outfitter cannot imply that he is a licensed guide.

*Recommended amendments to AS 08.54.210 (a)(/), Page 4; Lines 16-17.

The Department recommends that the language in Section 7 be deleted and replaced with the following language:

(7) a person to advertise as a guide or to contract to conduct a guided hunt unless that person is validly licensed as a registered or master guide.

Justification: One of the problems the Department has been facing is that persons other than guides are contracting for guided hunts. This problem is in no way limited to assistant guides and this addition to the current language should go a long way towards alleviating the problem.

*Recommended amendment to AS 08.54.250 (3) Page 5, Line 14.

The Department recommends deleting the language "or providing a camp or personal service for".

Justification: The existing language would make it illegal for a person to rent his remote cabin to a hunter or hunters for compensation even though the cabin owner did not "guide" the hunters in the way that "guiding" is otherwise defined under this section. This change would prevent a person who only rents cabins or camping equipment from being in violation of the law. The Department also believes that the language "personal services" is vague, and could conceivably include a wide variety of services to which the law was presumably not intended to apply. A person who merely received compensation for providing groceries to a big game hunter would be in violation of this section.

STATE OF ALASKA THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 7, 1987

SUBJECT: Definition of "guiding" in CSSB 191
(Resources)

TO: Senator Dick Eliason
Chairman, Senate Rules Committee

FROM: Edward H. Hein
Legislative Counsel

Please note that the Senate Resources Committee passed out CSSB 191 (Resources) yesterday. The bill will be in your committee next. The Resources Committee amended the definition of "guiding" so that a person must be licensed as a guide in order to accompany or be present with, or provide an established camp for, a hunter in the field for compensation and for the purpose of directing the hunter to spot, stalk, etc.

I was told by the Resources Committee aide that the intent of the amendment was to allow persons to offer hunters videotaping services for hire in the field without having to be licensed as a guide. The language may do more than that, however. For example, a person could be paid to accompany or be present with a hunter in the field for almost any purpose other than directing the hunter. A person could provide an established camp for the hunter for a fee, as long as it was not for the purpose of directing the hunter to hunt.

It seems to me that this intent element will make prosecution more difficult. You may wish to consider changing the definition so that it specifically does not include persons who provide only videotaping services. You may or may not wish to provide that a person may videotape for hire only if a licensed guide is also with the hunting party.

And, of course, a facetious attorney might argue that a person who is videotaping could be "directing" the hunters.

EHH:mkr
m10/080

cc: Senator Coghill

BILL NO: CSSB 191 (Res)

DATE: 4/13/87

TITLE: "An Act relating to guide licensing fees; amending the definition of big game guiding...."

CONTACT: Capt. James Nutgrass 269-5589

DEPARTMENT OF PUBLIC SAFETY

The passage of the amendments to AS 08.54.210 and AS 08.54.240 will give the Department of Public Safety an important enforcement tool to investigate and prosecute cases against unlicensed guides in Alaska. The amendments should reduce the number of unlicensed guiding activities, which will allow us to better utilize our manpower to monitor other resource problems in Alaska. The amendments will further allow our uniformed officers to better enforce the laws pertaining to guiding in Alaska. Finally, these amendments strengthen the guide bill, making it more enforceable when dealing with unlicensed guiding activities. The penalty for unlicensed guiding in Alaska is a felony with a penalty of one (1) to three (3) years in prison and a fine of up to \$5,000.00. In sum, the passage of the amendments will aid our Department in carrying out its responsibilities: The enforcement of state laws and the protection of the fish and wildlife resources in the State of Alaska.

Recommended amendments to CSSB 191 (Res):

Page 2 ~~Line 2-3~~ - AS 08.54.210(3)

We recommend that the following word be deleted, "resident", a person to guide without having a current guide license and (resident) current valid hunting license in actual possession.

The Attorney General's Office formal opinion has ruled that it is unconstitutional to require Alaska Residency to engage in the guiding business. By removing the word "resident", the statute is clear, concise and enforceable.

Page 2; line 10-11 - AS 08.54.210(6)

We recommend that the following words be deleted, "and as a resident hunter under AS 16"

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

The Attorney General's Office formal opinion has ruled that it is unconstitutional to require Alaska residency to engage in the guiding business. By removing the word "residency", the statute is clear, concise, and enforceable.

Page 2; line 19 - Addition to AS 08.54.210(b)(1-5) Penalty Provisions

We recommend that the following word be added, "Class A" and also on Page 2; line 20, we recommend that the following word be deleted, (\$2,000) -(\$1,000) and replaced with \$5,000.

We recommend increasing the penalty provisions for violations of AS 08.54.210(b)(1-5) to Standard Class A misdemeanor penalties which are a fine of not more than \$5,000.00 and imprisonment for a period of up to one year or by both.

A \$1,000.00 - \$2,000.00 maximum fine and imprisonment of up to six months currently allowed are not substantial enough for serious violations to provide a deterrent. Most serious offenses regarding fish and wildlife resources are currently punishable as Class A misdemeanors. This proposed amendment would help standardize the penalty provisions for serious fish and wildlife violations.

Page 3; line 7 - AS 08.54.240 (3)

We recommend the following words be added, big game, and the following words be deleted page 3; line 9-11; ((and) for the purpose of directing the hunter to spot, stalk, pursue, track, kill, or attempt to kill big game;).

"Guide" or "Guiding" means accompanying or being present with, or providing an established camp for a big game hunter in the field, personally or through an assistant, for compensation or with the intent or an agreement to receive compensation.

By adding "big game" to the definition it would reduce confusion by clients and other types of outfitters such as waterfowl or small game.

By deleting the ((and) for the purpose of directing the hunter to spot, stalk, pursue, track, kill, or attempt to kill big game;) Page 3; lines 9-11. This would remove the requirement to prove both the accompanying and the intent of the accompanying. It would also make the proposed amendment more concise and enforceable.

The Department of Public Safety supports CSSB 191 (Res), an act amending the definition of big game guiding.



William R. Nix
Acting Commissioner

Original sponsors: Coghill and Faiks

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 191 (2d Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to guide licensing fees; deleting
7 the requirement that a guide hold and carry a resi-
8 dent hunting license; amending the definition of big
9 game guiding; and prohibiting compensation of an
10 unlicensed person for guiding."

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

12 * Section 1. AS 08.01.065 is amended by adding a new subsection to
13 read:

14 (e) Notwithstanding other provisions of this section, the de-
15 partment shall establish the amount of a fee for a nonresident guide
16 license at three times the amount of the fee for a resident guide
17 license.

18 * Sec. 2. AS 08.54.210 is amended to read:

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

20 (1) a master guide, registered guide, special guide,
21 class-A assistant guide, or assistant guide to fail to timely report
22 to the Department of Public Safety, division of fish and wildlife
23 protection, and in no event later than 30 days, a violation of a state
24 fish, game, or guiding statute or regulation that the guide reasonably
25 believes was committed by a client or an employee of the guide;

26 (2) a guide to commit or aid the commission of a violation
27 of this chapter or of a state game or guiding statute or regulation or
28 to permit the commission of a violation that the guide knows or rea-
29 sonably believes is being or will be committed without attempting to

1 prevent it, short of using force, and without reporting it;

2 (3) a person to guide without having a current valid guide
3 license and [RESIDENT] hunting license in actual possession;

4 (4) a person to advertise as or represent to be a guide
5 without holding a current valid registered or master guide license;

6 (5) a guide to intentionally obstruct or hinder or attempt
7 to obstruct or hinder lawful hunting engaged in by a person who is not
8 a client of the guide;

9 (6) a person to guide without being validly licensed as a
10 guide under this chapter and as a [RESIDENT] hunter under AS 16;

11 (7) an assistant guide to contract to conduct a guided
12 hunt;

13 (8) an assistant guide to be in the field on a guided hunt
14 except while employed and supervised by a registered or master guide;

15 (9) a person to compensate or agree to compensate another
16 person for guiding in violation of (6) of this subsection.

17 (b) A person who violates (a)(1) - (5) or (9) of this section is
18 guilty of a misdemeanor and upon conviction is punishable by a fine of
19 not more than \$2,000 [\$1,000] or by imprisonment for not more than one
20 year, or by both, and the person's license may be revoked for a period
21 up to five years. However, a person who engages in guiding activity
22 during the period for which the person's license is suspended or
23 revoked under this chapter, or who violates (a)(6) - (8) of this
24 section, is guilty of a felony punishable, upon conviction, by a fine
25 of not more than \$5,000 and by imprisonment for not less than one year
26 nor more than three years. In addition to punishment for a felony,
27 all guns, fishing tackle, boats, aircraft, automobiles or other vehi-
28 cles, camping gear and other equipment and paraphernalia used in, or
29 in aid of, guiding activity engaged in during the period of suspension

1 or revocation may be seized by persons authorized to enforce this
2 chapter and may be forfeited to the state as provided under AS 16.05.-
3 195.

4 * Sec. 3. AS 08.54.240(3) is repealed and reenacted to read:

5 (3) "guide" or "guiding" means accompanying or being pre-
6 sent with, or providing an established camp for, a big game hunter in
7 the field, personally or through an assistant, for compensation or
8 with the intent or an agreement to receive compensation; "guide" or
9 "guiding" does not include accompanying or being present with a hunter

10 (A) in a boat with living quarters;

11 (B) at a permanent lodge or structure; or *lawfully established cabin*

12 (C) while providing transportation to or from the
13 field, if the persons providing transportation and the persons
14 being transported do not stalk, pursue, track, kill, or attempt
15 to kill big game;

16 * Sec. 4. AS 08.54.240 is amended by adding a new paragraph to read:

17 (7) "compensation" means any money, thing of value, or
18 economic benefit conferred on or received by a person in return for
19 services rendered or to be rendered by the person for another.
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STATE OF ALASKA THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 9, 1988

SUBJECT: Sectional analysis of CSSB 191 (3d Resources)
(3/8/88 draft)

TO: Senator Jack Coghill
Chairman, Senate Resources Committee

FROM: Edward H. Hein *E.H.*
Legislative Counsel

Section 1 extends the Guide Board for two years.

Section 2 authorizes the Guide Board to license and regulate transporters.

Section 3 requires assistant guides to be familiar with terrain and transportation problems of a district before being licensed for that district.

Section 4 establishes a transporter license requirement and bans from transporting any former guide whose guide license has been revoked. Air carriers don't need a transporter license unless they derive more than half their income from transporting hunters, or unless they provide big game hunting services besides transportation. Guides don't need a transporter license unless they are providing transporting services outside their own guide area or their employer's guide area. Limitations are placed on the lawful activities of transporters. A transporter cannot be in the field with a hunter for pay, except under any of six circumstances. A transporter's advertising must state that the transporter is not a guide or outfitter and is not authorized by law to provide a guided hunt in Alaska. Samples of the advertising may be required by the Guide Board.

All licensed transporters and master and registered guides must provide services by written contract, with a copy of all contracts going to the Department of Commerce and Economic Development, and additional copies forwarded to

Department of Fish and Game and the division of fish and wildlife protection.

Section 5 makes transporters responsible for employees' fish, game, guiding, or transporting law violations for purposes of disciplinary action by the Guide Board.

Section 6 directs the Department of Commerce and Economic Development to set fees for the transporter license.

Section 7 requires the Guide Board to hold a disciplinary hearing to investigate every complaint received against a guide or transporter.

Sections 8 - 11 add transporters to the Guide Board's disciplinary provisions to make them equally accountable as guides for ethical and other violations.

Section 12 makes transporters criminally liable for failing to report violations by clients and employees, and for aiding in violations, to the same extent guides are now liable. This section makes it unlawful to use the term "outfitter" in advertising or promotion big game hunting services unless the person is a master or registered guide. It also makes it unlawful to provide air transportation as a transporter or guide without the appropriate FAA certificate. The section also provides for a civil fine of up to \$1,500 for being in the field during a hunt while being guided by an unlicensed guide.

Section 13 requires the Department of Commerce to send copies of guide reports to the Department of Fish and Game and to the division of fish and wildlife protection.

Section 14 requires a transporter report and specifies the information to be included in it; requires the report to be in actual possession of the transporter while providing transportation, and to be filled out as soon as information is available; requires report to be submitted to Department of Commerce within 21 days; exempts guides who submit SFRs.

Sections 15 and 16 provide definitions for guiding, compensation, and transporting.

Section 17 exempts the Guide Board from conflict of interest requirements.

Senator Jack Coghill
Page 3
March 9, 1988

Section 18 establishes an interim task force to study the Guide Board and the problems of guides, transporters, and others involved in the commercial taking of game in the state, and to report to the legislature by January 31, 1989, with recommendations for legislation.

Sections 19 - 22 provide for the suspended operation of certain provisions of the bill and for effective dates.

EHH:bb
b3/091

Original sponsors: Coghill and Faiks

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 191 (3d Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Guide Board, the taking of
7 big game, and businesses or professions that provide
8 goods and services to big game hunters; and providing
9 for an effective date."

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

11 * Section 1. AS 08.03.010(c)(20) is amended to read:

12 (20) Guide Board (AS 08.54.010) -- June 30, 1989 [1988].

13 * Sec. 2. TASK FORCE ON GUIDING AND GAME. (a) The interim task force
14 on the Guide Board and the commercial taking of big game is established
15 under the jurisdiction of the legislative council. The task force consists
16 of the commissioners of fish and game, commerce and economic development,
17 and public safety, or their designees; two members of the senate who are
18 not licensed big game guides, appointed by the president of the senate; two
19 members of the house of representatives who are not licensed big game
20 guides, appointed by the speaker of the house; and four members appointed
21 by the governor as follows: one member of the Guide Board; one big game
22 guide licensed under AS 08.54 who is not a member of the Guide Board; one
23 person engaged in a business, other than guiding, that includes transport-
24 ing big game hunters to and from the field; and one public member.

25 (b) The task force shall review the operations of the Guide Board and
26 shall study problems and issues concerning the commercial taking of big
27 game in the state and the businesses or professions that provide goods and
28 services to big game hunters in the state. The task force shall submit to
29 the legislative council, not later than January 15, 1989, a report on its

1 findings and proposed legislation to address the problems and issues cover-
2 ed in the report.

3 (c) The task force terminates January 15, 1989.

4 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c).
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5-0848H
Hein
3/8/88

Original sponsors: Coghill and Faiks

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 191 (3d Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Guide Board and big game
7 guiding, transporting, outfitting, and hunting;
8 establishing a task force on guiding and the commer-
9 cial taking of game; and providing for an effective
10 date."

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

12 * Section 1. AS 08.03.010(c)(20) is amended to read:

13 (20) Guide Board (AS 08.54.010) -- June 30, 1990 [1988].

14 * Sec. 2. AS 08.54.010 is amended to read:

15 Sec. 08.54.010. CREATION AND MEMBERSHIP OF BOARD. For the
16 purposes of licensing and regulating the activities of guides and
17 transporters in the interest of the state's wildlife resources there
18 is created the Guide Board consisting of seven members. No more than
19 three members of the board shall hold or have held a registered,
20 master, or class A assistant guide license. The other members must
21 have a general knowledge of the game resources of the state and may
22 not have a vested interest in the guiding industry. A minimum of 10
23 years residence in the state is required for all members of the board.
24 For administrative purposes, the board is in the Department of Com-
25 merce and Economic Development.

26 * Sec. 3. AS 08.54.140 is amended to read:

27 Sec. 08.54.140. QUALIFICATIONS FOR ASSISTANT GUIDE LICENSE. A
28 person is entitled to be licensed as an assistant guide if the person
29 (1) is 19 years of age or more;

1 (2) [REPEALED

2 (3)] is favorably recommended to the board, in writing, by a
3 registered guide;

4 (3) [(4)] meets additional qualifications which the board
5 may require;

6 (4) [(5)] is in sound physical condition; and

7 (5) is familiar with ^{Alaskan} ~~the terrain and transportation problems~~
8 ~~in the district for which the license is requested.~~

9 * Sec. 4. AS 08.54 is amended by adding new sections to read:

10 Sec. 08.54.142. TRANSPORTER LICENSE. (a) A person may not
11 engage in the business of transporting unless the person is licensed
12 as a transporter under this chapter.

13 (b) A person may be licensed as a transporter if the person

14 (1) pays the annual license fee required under AS 08.54.-
15 170(a);

16 (2) holds a current Alaska business license to do business
17 as a transporter; and

18 (3) has not had a guide license revoked by the board.

19 Sec. 08.54.143. EXEMPTIONS FROM TRANSPORTER LICENSE REQUIREMENT.

20 (a) A person, other than a licensed guide, who provides air transpor-
21 tation to big game hunters for compensation is exempt from the license
22 requirements for transporters under this chapter unless the person

23 (1) derives more than 50 percent of gross income as an air
24 carrier from transporting big game hunters or their equipment or game
25 to or from the field; or

26 (2) provides big game hunting services in addition to air
27 transportation.

28 (b) A licensed guide who provides transportation services only
29 in the restricted guide area assigned to the guide or the guide's

1 employer is exempt from the license requirements for transporters
2 under this chapter.

3 Sec. 08.54.144. LIMITATIONS ON TRANSPORTERS. (a) A person
4 required to be licensed as a transporter under this chapter may not
5 accompany or be present with a big game hunter in the field for com-
6 pensation or with an intent or an agreement to receive compensation
7 except under the following circumstances:

8 (1) to drop off or pick up the hunter or the hunter's
9 equipment or game;

10 (2) to provide assistance to another person whose health or
11 safety is threatened;

12 (3) if prevented from leaving the field by mechanical
13 failure of a vehicle, an accident, weather, or an act of God;

14 (4) to provide cooking or other personal services to the
15 hunter at a camp not serviced by aircraft, motorized watercraft, or
16 other motorized vehicle, as long as the services do not include spot-
17 ting, stalking, pursuing, tracking, killing, or attempting to kill big
18 game or meat packing;

19 (5) in a boat with living quarters;

20 (6) at a lawfully established cabin or permanent lodge.

21 (b) Advertising for transporting services must state, if appli-
22 cable, that the transporter is not a licensed big game guide or out-
23 fitter and is not authorized by law to provide a guided hunt in the
24 state. A copy or sample of the advertising shall be submitted to the
25 board, as provided in regulations of the board.

26 Sec. 08.54.145. CONTRACTS FOR GUIDING AND TRANSPORTING. A
27 person required to be licensed as a master or registered guide or as a
28 transporter under this chapter may provide services only by written
29 contract. The contract must contain the text of AS 08.54.210. A copy

1 of each contract shall be submitted to the Department of Commerce and
2 Economic Development not later than 30 days after the contract is
3 signed or the services are provided, whichever occurs first. The
4 department shall forward a copy of each contract to the Department of
5 Fish and Game and to the Department of Public Safety, division of fish
6 and wildlife protection.

7 * Sec. 5. AS 08.54.150 is repealed and reenacted to read:

8 Sec. 08.54.150. RESPONSIBILITY OF REGISTERED OR MASTER GUIDE OR
9 TRANSPORTER FOR VIOLATIONS. A registered or master guide contracting
10 for a hunt, or a transporter contracting to transport a big game
11 hunter, is equally responsible under AS 08.54.200 for a violation of a
12 federal or state sport fish, game, guide, or transporter statute or
13 regulation committed by an employee of the guide or transporter,
14 respectively, if

15 (1) the employee is licensed or required to be licensed
16 under this chapter; and

17 (2) the violation was committed in the course of the em-
18 ployment.

19 * Sec. 6. AS 08.54.170(z) is amended to read:

20 (a) The Department of Commerce and Economic Development shall
21 set license fees under AS 08.01.065 for each of the following:

- 22 (1) master guide;
23 (2) registered guide;
24 (3) class A assistant guide;
25 (4) assistant guide;
26 (5) special guide;
27 (6) transporter.

28 * Sec. 7. AS 08.54.200(a) is repealed and reenacted to read:

29 (a) The board shall hold a hearing to determine whether a

1 licensee should be disciplined within a reasonable time after (1) a
2 complaint concerning a licensee's guiding or transporting activities
3 is filed with the board by a client of the licensee; (2) a complaint
4 concerning a licensee's conduct during a life-threatening situation
5 while guiding or transporting is filed with the board; or (3) a li-
6 censee has been convicted of a violation of a federal or state game,
7 guiding, or transporting statute or regulation.

8 * Sec. 8. AS 08.54.200(b) is amended to read:

9 (b) After a hearing, the board may revoke, suspend, or deny
10 renewal of a license, and may withdraw a licensee's restricted guide
11 area assignment, if the board finds that the licensee

12 (1) engaged in unethical activity, unsafe activity, or
13 activity that adversely affects the natural resources of the state
14 when the activity is related to the purposes of the contract hunt or
15 contracted transportation; or

16 (2) violated a provision of a federal or state game, guid-
17 ing, or transporting [GUIDE] statute or regulation.

18 * Sec. 9. AS 08.54.200(d) is amended to read:

19 (d) A person who is disciplined under this section may not
20 engage in a guiding or transporting activity during the period of
21 license revocation or disciplinary action. A person licensed under
22 this chapter may not hire as a guide or transporter a person whose
23 [GUIDE] license is suspended or revoked under this section. A person
24 [GUIDE] whose license is suspended or revoked may not guide or trans-
25 port in the employ of a person licensed under this chapter.

26 * Sec. 10. AS 08.54.200(f) is amended to read:

27 (f) If a certified copy of a judgment of conviction of a li-
28 cencee [GUIDE] for an offense described under (c)(3) of this section,
29 or for each of two offenses under (c)(4) of this section, is filed

1 with the board, the board shall immediately suspend the licensee's
2 [GUIDE'S] license. The suspension may be ordered even if the con-
3 viction resulted from a plea of nolo contendere or if the conviction
4 is under appeal. The order remains in effect until after the final
5 disposition of the disciplinary proceeding under this section.

6 * Sec. 11. AS 08.54.200(g) is amended to read:

7 (g) A certified copy of a judgment of conviction of a licensee
8 [GUIDE] for an offense is conclusive evidence of the commission of
9 that offense in a disciplinary proceeding instituted against the
10 licensee [GUIDE] under this section based on that conviction.

11 * Sec. 12. AS 08.54.210 is amended to read:

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

13 (1) a guide or a transporter [MASTER GUIDE, REGISTERED
14 GUIDE, SPECIAL GUIDE, CLASS-A ASSISTANT GUIDE, OR ASSISTANT GUIDE] to
15 fail to promptly [TIMELY] report to the Department of Public Safety,
16 division of fish and wildlife protection, and in no event later than
17 30 days, a violation of a state fish, game, [OR] guiding, or trans-
18 porting statute or regulation that the guide or transporter reasonably
19 believes was committed by a client or an employee of the guide or
20 transporter, respectively;

21 (2) a guide or transporter to commit or aid the commission
22 of a violation of this chapter or of a state game, [OR] guiding,
23 transporting statute or regulation, or for a guide or transporter to
24 permit the commission of a violation that the guide or transporter
25 [KNOWS OR] reasonably believes is being or will be committed without
26 attempting to prevent it, short of using force, and without reporting
27 it;

28 (3) a person to guide without [HAVING] a current valid
29 guide license and [RESIDENT] hunting license in actual possession;

1 (4) a person to advertise as or represent to be a guide
2 without holding a current valid registered or master guide license;

3 (5) a person who offers big game hunting services, includ-
4 ing transportation, for compensation to advertise as or represent to
5 be an outfitter with respect to the services without holding a current
6 valid registered or master guide license;

7 (6) a guide or transporter to intentionally obstruct or
8 hinder or attempt to obstruct or hinder lawful hunting engaged in by a
9 person who is not a client of the guide or transporter, respectively;

10 (7) a person to violate AS 08.54.235;

11 (8) [6] a person to guide without being validly licensed as
12 a guide under this chapter and as a [RESIDENT] hunter under AS 16, or
13 to engage in the business of transporting in violation of AS 08.54.-
14 142;

15 (9) [(7)] an assistant guide to contract to conduct a
16 guided hunt;

17 (10) [(8)] an assistant guide to be in the field on a
18 guided hunt except while employed and supervised by a registered or
19 master guide;

20 (11) a person to provide transportation for which a license
21 is required under AS 08.54.142 if the transportation is in an aircraft
22 for which the person does not hold a current valid air taxi/commercial
23 operator (ATCO) operating certificate issued by the Federal Aviation
24 Administration;

25 (12) a guide to provide transportation to a client in the
26 restricted guide area assigned to the guide or the guide's employer if
27 the transportation is in an aircraft

28 (A) for which the guide does not hold a current valid
29 air taxi/commercial operator (ATCO) operating certificate issued

1 by the Federal Aviation Administration; or

2 (B) owned by the guide and the guide does not hold a
3 commercial or air transport pilot certificate issued by the
4 Federal Aviation Administration;

5 (13) a person to be accompanied during a big game hunt by an
6 individual who is guiding the person in violation of (8) of this
7 subsection.

8 (b) A person who violates (a)(1) - (7) [(a)(1) - (5)] of this
9 section is guilty of a misdemeanor and upon conviction is punishable
10 by a fine of not more than \$2,000 [\$1,000] or by imprisonment for not
11 more than one year, or by both, and the person's license may be re-
12 voked for a period up to five years. However, a person who engages in
13 guiding or transporting [ACTIVITY] during the period for which the
14 person's license is suspended or revoked under this chapter, or who
15 violates (a)(8) - (10) [(a)(6) - (8)] of this section, is guilty of a
16 felony punishable, upon conviction, by a fine of not more than \$5,000
17 and by imprisonment for not less than one year nor more than three
18 years. In addition to punishment for a felony, all guns, fishing
19 tackle, boats, aircraft, automobiles or other vehicles, camping gear
20 and other equipment and paraphernalia used in, or in aid of, guiding
21 or transporting [ACTIVITY] engaged in during the period of suspension
22 or revocation, or used during a violation of (a)(8) of this section,
23 may be seized by persons authorized to enforce this chapter and may be
24 forfeited to the state as provided under AS 16.05.195. A person who
25 violates (a)(11) or (12) of this section is guilty of a class B misde-
26 meanor and upon conviction is punishable by a fine of not less than
27 \$500 nor more than \$1,000. A person who violates (a)(13) of this
28 section is subject to a civil fine of not more than \$1,500.

29 * Sec. 13. AS 08.54.230 is amended to read:

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Sec. 08.54.230. RECORDS OF GUIDED HUNTS. The Department of Commerce and Economic Development shall collect and maintain records of hunts conducted by guides. The department shall send a copy of records pertaining to each hunt to the Department of Fish and Game and to the Department of Public Safety, division of fish and wildlife protection, and shall make the records available to other state and federal agencies charged with the enforcement of statutes and regulations relating to guiding or game if requested for enforcement purposes. For all other purposes, the records are confidential and are not subject to inspection or copying under AS 09.25.110 - 09.25.-121.

* Sec. 14. AS 08.54 is amended by adding a new section to read:

Sec. 08.54.235. TRANSPORTER REPORT. (a) ^{person required to be licensed} A transporter shall record on report forms provided by the Department of Commerce and Economic Development the following information:

(1) the names and addresses of all persons transported;

(2) the numbers from the Alaska hunting license and big game tags possessed by each person transported;

(3) the date of transporting; ~~and~~

(4) the game taken; and

(5) if known, the locality where the game was taken.

^{person required to be licensed as a}

(b) A transporter shall have in actual possession, while providing transportation, a report required under this section. The transporter shall enter the information required under (a) of this section as soon as it is available.

(c) The report shall be submitted to the Department of Commerce and Economic Development within 21 days after providing the transportation. The department shall send a copy of each report to the Department of Fish and Game and the Department of Public Safety, division of fish and wildlife protection.

1 (d) This section does not apply to transportation provided by a
2 guide for which a statement of financial remuneration (SFR) is submit-
3 ted to the Department of Commerce and Economic Development, as re-
4 quired under regulations of the board.

5 * Sec. 15. AS 08.54.240(3) is repealed and reenacted to read:

6 (3) "guide" or "guiding" means accompanying or being pre-
7 sent with, or providing a camp or personal service for, a big game
8 hunter in the field, personally or through an assistant, for compen-
9 sation or with the intent or an agreement to receive compensation;
10 "guide" or "guiding" does not include the lawful activities of a
11 licensed transporter under AS 08.54.144(a).

12 (See Page 3, lines 3 - 20)

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18 * Sec. 16. AS 08.54.240 is amended by adding new paragraphs to read:

19 (7) "compensation" means any money, thing of value, or
20 economic benefit conferred on or received by a person in return for
21 services rendered or to be rendered by the person for another;

22 (8) "transport" or "transporting" means, for compensation
23 or with the intent or an agreement to receive compensation,

24 (A) conveying an individual to or from the field for
25 the purpose of taking big game;

26 (B) conveying from the field meat or parts from the
27 big game that the individual has taken; or

28 (C) in conjunction with conveying a big game hunter,
29

1 providing

- 2 (i) hunting or camping gear;
3 (ii) a campsite; or
4 (iii) general hunting advice.

7 * Sec. 18. TASK FORCE ON GUIDING AND GAME. (a) The interim task force
8 on the Guide Board and the commercial taking of big game is established
9 under the jurisdiction of the Legislative Council. The task force consists
10 of the commissioners of fish and game, commerce and economic development,
11 and public safety, or their designees; two members of the senate appointed
12 by the president of the senate; two members of the house of representatives
13 appointed by the speaker of the house; and three members appointed by the
14 governor as follows: one member of the Guide Board; one big game guide
15 licensed under AS 08.54 who is not a member of the Guide Board; and one
16 person engaged in a business, other than guiding, that includes transport-
17 ing big game hunters to and from the field.

18 (b) The task force shall review the operations of the Guide Board and
19 shall study problems and issues concerning the commercial taking of big
20 game in the state and the businesses or professions that provide goods and
21 services to big game hunters in the state. The task force shall submit to
22 the Legislative Council, not later than January 15, 1989, a report on its
23 findings and proposed legislation to address the problems and issues
24 covered in the report.

23 (c) The task force terminates February 1, 1989.

24 * Sec. 19. Notwithstanding the provisions of AS 08.54.210, amended by
25 sec. 12 of this Act, the operation of AS 08.54.210(a)(5), (11), and (12),
26 as added by sec. 12 of this Act, is suspended until January 1, 1989.

27 * Sec. 20. Sections 1 - 3, 5 - 13, 15 - 17, and 19 of this Act take
28 effect immediately under AS 01.10.070(c).

29 * Sec. 21. Section 18 of this Act takes effect June 1, 1988.

* Sec. 22. Sections 4 and 14 of this Act take effect January 1, 1989.

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GUIDE/OUTFITTER MEETING OF JANUARY 7, 1988

IN ATTENDANCE:

Nick Peirskalla, President, Alaska Outfitters Association
Phil Driver, President, Alaska Professional Hunters
Association
Brent Jones, Secretary-Treasurer, Alaska Professional
Hunters Association
Jay Massey, Alaska Outfitters Association
Charlie Wilcox, Treasurer, Alaska Outfitters Association
Rocky Keen, Alaska Professional Hunters Association
Nelson Stimaker, Alaska Professional Hunters Association
Mel Gillis, Alaska Professional Hunters Association
Ed Grasser, Vice President, Alaska Professional Hunters
Association
Wayne H. Walters, Alaska Outfitters Association Spokesman
Vice-President, Fairbanks Chapter AOA
Ken Fanning, Alaska Professional Hunters Association
Michael J. Triolo, Alaska Outfitters Association

On January 7, 1988, representatives of the Alaska Professional Hunters Association met with representatives of the Alaska Outfitters Association to explore areas of possible common ground relative to ensuring regulation of commercial utilization of our big game resources in Alaska. The meeting was held in the Senate Conference Room at the Anchorage legislative offices.

This particular meeting represented a landmark of progress in that it was the first time that the major recognized statewide organizations representing both sides agreed conceptually on several basic principles that should be included in statute.

Representatives at that meeting, and by this report, recognized that many individuals who are not members of these two organizations, and even some of their members, are not likely to be satisfied or pleased with any "compromises" or agreements, such as those discussed.

It was recognized that complete agreement is extremely remote, in that some of the desires of each group of commercial resource users are mutually exclusive.

Discussion did not concentrate on the "non-negotiable" differences; rather, it centered on areas of agreement or possible areas of agreement.

A brief discussion of the history, introduction and movement of SB 191 and HB 183 ensued, as well as a discussion of pre-filed bills and potential legislation which would place

some or all big game species on the guide-required list as a simplified alternative.

APHA noted that at its annual member meeting in December 1987 the members voted to support "guide-required" legislation as perhaps the best and simplest solution. APHA considers SB 191 in its "best" form, as compromise legislation.

The Alaska Outfitters Association noted that it was working on different versions of draft legislation, and that it had some various other states' legislation, and was requesting others. Additionally, various Canadian provinces had been contacted to review their respective situations. They may choose to introduce additional legislation.

Both organizations felt a desire to "control their own" regulatory structure through either separate or common boards with equal representation, whose functions among others would be to license and regulate all groups that are involved in providing services to big game hunters on a commercial basis. Leaders of both groups recognize unacceptable abuses of our fish and game resources as well as dismal business practices which reflect poorly on our state by certain segments of the hunting service industry. As in many instances, bad apples appear to be creating a black mark for all. Prevalent among the abusers seem to be non-resident "outfitters" and previously-registered guides who have lost their licenses through illegal practices, and are now "outfitting." Additionally, it is obvious that others, including quick buck artists, be they resident or non, are guiding illegally and/or outfitting illegitimately, or in a manner inconsistent with proper game conservation and good business practice.

ALL PARTIES PRESENT AGREED UPON THE FOLLOWING:

- 1.) Everyone involved in the commercial activity of assisting big game hunters - guides, transporters, gear providers, air taxis, etc - should be licensed and regulated as such. (Currently, "transporters," "providers," and "outfitters" are not so licensed).
- 2.) All groups should be held equally and legally liable and responsible for known game violations by their clients or employees. Additionally, those who provide transportation or food or equipment should be comparably held responsible for providing for reasonable safety and comfort and accurate and proper advertising and business practices. (Current law requires this of guides).
- 3.) All businesses providing services to hunters as discussed should have signed contracts, accurately describing the services offered. (Current law requires a "SFR" contract by guides).

Several methods of achieving the above goals in actual legislative amendment language were discussed. "Conceptual" amendments are being circulated among the parties to attempt to find common ground where possible.

The confusion with the term "outfitter" was discussed. All agreed that all guides are outfitters, in that they provide some or all of the following: Transportation, pre-hunt correspondence, tents, cabins, camping equipment, food, etc., in addition to personal services in the camps and in the field. Likewise, it was agreed that many transporters, gear providers or "outfitters" don't want to guide, per se, and don't want to provide personal field services.

Since all agreed that licensing requirements were essential, an amendment is being proposed that in essence would create a new licensed class of hunting services provider, and would clarify guide/outfitter as one class, and transporter or transporter/outfitter [NO agreement on the actual names] as another class. This concept would basically reinstate the transporter license which was dropped from the statutes three years ago.

Another amendment is being circulated that would change the makeup of the board (currently 4 public members, 3 guides) to an equal representation of guides and transporter/outfitters. This new board would be empowered to regulate the various "transporter", "provider", and "outfitter" services of all who provide hunter services. This proposal would allow the various providers to help formulate and draft regulations applicable to their particular "degree of service" under the jurisdiction of a board of their peers and the public without creating new and additional boards and the additional conflicting and overlapping responsibilities that would create.

Additional areas of possible solutions to the protection problem of proving that certain types of employees "in the field" are not engaged in guiding activities, such as special permits for occasional photographic accompaniment or special cases where a "white water" oarsman is necessary on a float trip, were discussed, and will continue to be explored.

All present recognized the seriousness of the current problem, and desire some legislative solution. Discussion arose concerning the timeliness of solutions, in that the primary booking season of February, March and April is about to begin.

APHA representatives pointed out the importance not only of having legislative solutions in place by mid-summer 1988, but of taking action early to ensure clarification of state law prior to winter commitments to the best degree possible.

In summary, everyone recognizes that there are and will likely continue to be areas of disagreement. Likewise, there appears to be some common ground. Attempts will continue to be made to pinpoint those areas of agreement and work with the Legislature as they take action on pending and/or proposed legislation.

This report was drafted by Senator Ken Fanning, and has been circulated to the officers of both organizations for corrections, deletions, or additions. It is only intended to be a fair and accurate report of the meeting that took place on January 7.

ADDENDUM:

Upon circulation of this report to the various representatives of Alaska Professional Hunters Association and Alaska Outfitters Association, all agreed that it accurately reflected what took place at the meeting.



WHO WE ARE
AND
WHAT WE ARE DOING

The Alaska Outfitters Association, Inc. (AOA) was incorporated in the state of Alaska in November, 1987 by a group of concerned businessmen. This group started in 1986 with a handfull of informed individuals and is rapidly becoming a focal point for both residents and nonresidents of Alaska who are tired of being legislated and harassed out of their hunting rights and businesses by the Alaska Professional Hunters Association, of the Alaska guiding industry.

The AOA is composed of concerned citizens of Alaska and the lower 48 states, outfitters, transporters, registered and assistant Alaskan guides, booking agents and other tourist related concerns. This rapidly growing organization is dedicated to preserving the Alaska hunting rights of all U.S. citizens, to promoting the maximum sustained yield of Alaska's big game and to a well balanced and well regulated outfitting and guiding industry in Alaska. The AOA believes that a monopoly on big game hunting services by Alaska's registered guides will result in a totally corrupt and unconstitutional commercial use of this resource.

The AOA is committed to using any legally and financially available means to achieve the realization of a well licensed and regulated outfitter/transporter industry. This realization will give the state of Alaska automatic checks and balances within the commercial consumptive user groups of the big game resource with no cost to the state. This realization will also give every interested hunter in the United States the opportunity to decide for himself what type of Alaskan hunt is best for him, and will insure the annual flow of tourist dollars brought into Alaska by outfitter/transporters.

The AOA would like your support. If you have any questions about the AOA, contact the AOA at the address listed below.

APPROVED BY ALASKA OUTFITTERS ASSOCIATION, STEERING COMM. 2/7/88

1) Outfitter/transporter board

a) State outfitter/transporter board composed of 3 or 5 total members, 2 nonvested members and 1 outfitter/transporter member, or 3 nonvested members and 2 outfitter/transporter members

2) New license classifications

a) outfitter/transporter

3) Outfitter/transporter licensing criteria

a) Alaska business license

b) three consecutive years of valid alaska hunting license

c) must be 19 years of age & a U.S. citizen

d) no game violations in the past three years, subject to board discretion.

e) does not have a guide license currently revoked or suspended for game violations, subject to board discretion.

f) must have first aid or CPR knowledge

g) pay licensing fee of \$_____ for a resident and \$_____ for a nonresident

h) comply with state & federal laws & outfitter/transporter code of ethics (code of ethics to be established by board)

4) outfitter/hunter contracts

a) all hunts must be contracted prior to the hunt

b) contracts or contract contents will be established by the board

c) contracts must be submitted to the state within 60 days of season completion

d) contracts must be submitted to receive license for next licensing period

5) all kills must be reported by the hunter on an expanded harvest ticket or other means established by the state

a) expanded harvest ticket must have space for name of public transporter, outfitter/transporter or guide

b) must be signed by outfitter/transporter

c) must be mailed in by hunter

d) must include space for game taken with archery equipment

6) outfitter/transporter license classifications

- a) class #1 outfitter/transporter
- b) class #2 outfitter/transporter

7) class #1 outfitter/transporter is

any person or corporation that had an Alaska business license for hunting or recreational or transportation or lodging services before 1988 and has invoices, or contracts, or other proof of providing outfitter/transporter services before 1988 will be grandfathered in as a class #1 outfitter/transporter and will be able to conduct class #1 outfitter/transporter services unless future resource management edicts otherwise.

8) a class #1 outfitter/transporter & his employees may personally supply and engage in the following services or activities for hunters for compensation

a) supply personal services for hunting not limited to providing saddle and pack animals, vehicles, airplanes, boats, snowmachines, dog teams, or any conveyance that is legal to hunt, capture or kill any game animal

b) pack trips for hunter transportation to or from temporary or permanent camps

c) river trips for hunters, using temporary or permanent camps

d) provide logistics planning, food or food services, lodging, camping equipment or any other related equipment, transportation, meat/trophy packing and care, and other duties for hunters from temporary or permanent camp locations

e) meat/trophy packing services for hunters may be supplied under the following conditions

1) the animal is tagged, harvest ticket notched and filled out before outfitter/transporter begins packing

f) all class #2 outfitter/transporter services & activities

g) any outfitter/transporter employee must have an ID card with a photo of himself, signed by the outfitter/transporter employer

9) class #2 outfitter/transporter is

any person or corporation that did not have an Alaska business license for hunting or recreational or transportation or lodging services before 1988

10) a class #2 outfitter/transporter or his employees may personally supply and engage in the following services for big game hunters for compensation

a) transportation to or from a legally established camp

b) lodging, food service and other camp duties

c) meat/trophy packing as prescribed for class #1 license

d) transportation of hunters meat/trophies from the camp to a public transportation service

e) same employee ID requirements as prescribed for class #1

11) misc. licensing information

a) licenses may be conveyed

b) a license may be revoked for a conviction of same day airborne or wanton waste or hunting during a closed hunting season or hunting in an area closed by federal regulation, subject to boards discretion.

c) the board will have the option to temporarily retire any revoked license for resource protection purposes only and to re-issue the license

12) definition of outfitter/transporter

a) a person who supplies or engages in planning hunts, or transportation to or from a hunting camp, or who packs meat or trophies, or who provides camps or lodging, or food and food services or camp duties, or other duties or any person or corporation that supplies equipment and transportation for hunters for compensation.

13) unlawful acts. it is unlawful for

a) an outfitter/transporter to assist or accompany a hunter for compensation while the hunter is in the process of stalking, pursuing, judging, attempting to kill or killing big game.

b) a paying client of an outfitter/transporter to stalk, pursue, judge, track, attempt to kill or kill big game in the presence of an outfitter/transporter

c) an outfitter/transporter to fail to timely report to the department of public safety, division of fish and wildlife protection, and in no event no later than 30 days, a violation of state game, or outfitter/transporter statute or regulation that the outfitter/transporter reasonably believes was committed by a client or an employee of the outfitter/transporter.

d) an outfitter/transporter, to commit or aid the commission of a violation of state game or outfitter/transporter statute or regulation or to permit the commission of a violation that the outfitter/transporter knows or reasonably believes is being or will be committed without attempting to prevent it, short of using force, and without reporting it

e) a person or a registered guide out of his guide area to engage in outfitter/transporter services without having a current valid outfitter/transporter license and a valid Alaska hunting license in actual possession

f) a person to advertise as or represent to be an outfitter/transporter without holding a current valid outfitter/transporter license

g) an outfitter/transporter to intentionally obstruct or hinder or attempt to obstruct or hinder lawful hunting engaged in by a person who is not a client of the outfitter/transporter

h) a person to conduct or engage in outfitter/transporter services without being validly licensed as an outfitter/transporter and a resident or nonresident hunter or while his outfitter/transporter or guide license is under suspension or after his license has been revoked

14) a person who violates 12a-12g is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$1000 or by imprisonment for not more than one year, or by both and a person's license may be revoked for up to five years. a person who violates 12h is guilty of a felony and upon conviction is punishable by a fine of not more than \$5000 or by imprisonment for no less than one year or more than three years. in addition to the felony charge all equipment and paraphernalia used while engaging in the unlawful act or acts may be forfeited to the state.

LEGISLATIVE INTENT:

Outfitter/transporter licensing system should be funded solely by outfitter/transporter license fees.



WHO WE ARE
AND
WHAT WE ARE DOING

The Alaska Outfitters Association, Inc. (AOA) was incorporated in the state of Alaska in November, 1987 by a group of concerned businessmen. This group started in 1986 with a handfull of informed individuals and is rapidly becoming a focal point for both residents and nonresidents of Alaska who are tired of being legislated and harassed out of their hunting rights and businesses by the Alaska Professional Hunters Association, of the Alaska guiding industry.

The AOA is composed of concerned citizens of Alaska and the lower 48 states, outfitters, transporters, registered and assistant Alaskan guides, booking agents and other tourist related concerns. This rapidly growing organization is dedicated to preserving the Alaska hunting rights of all U.S. citizens, to promoting the maximum sustained yield of Alaska's big game and to a well balanced and well regulated outfitting and guiding industry in Alaska. The AOA believes that a monopoly on big game hunting services by Alaska's registered guides will result in a totally corrupt and unconstitutional commercial use of this resource.

The AOA is committed to using any legally and financially available means to achieve the realization of a well licensed and regulated outfitter/transporter industry. This realization will give the state of Alaska automatic checks and balances within the commercial consumptive user groups of the big game resource with no cost to the state. This realization will also give every interested hunter in the United States the opportunity to decide for himself what type of Alaskan hunt is best for him, and will insure the annual flow of tourist dollars brought into Alaska by outfitter/transporters.

The AOA would like your support. If you have any questions about the AOA, contact the AOA at the address listed below.

APPROVED BY ALASKA OUTFITTERS ASSOCIATION, STEERING COMM. 2/7/88

1) Outfitter/transporter board

a) State outfitter/transporter board composed of 3 or 5 total members, 2 nonvested members and 1 outfitter/transporter member, or 3 nonvested members and 2 outfitter/transporter members

2) New license classifications

a) outfitter/transporter

3) Outfitter/transporter licensing criteria

a) Alaska business license

b) three consecutive years of valid alaska hunting license

c) must be 19 years of age & a U.S. citizen

d) no game violations in the past three years, subject to board discretion.

e) does not have a guide license currently revoked or suspended for game violations, subject to board discretion.

f) must have first aid or CPR knowledge

g) pay licensing fee of \$ _____ for a resident and \$ _____ for a nonresident

h) comply with state & federal laws & outfitter/transporter code of ethics (code of ethics to be established by board)

4) outfitter/hunter contracts

a) all hunts must be contracted prior to the hunt

b) contracts or contract contents will be established by the board

c) contracts must be submitted to the state within 60 days of season completion

d) contracts must be submitted to receive license for next licensing period

5) all kills must be reported by the hunter on an expanded harvest ticket or other means established by the state

a) expanded harvest ticket must have space for name of public transporter, outfitter/transporter or guide

b) must be signed by outfitter/transporter

c) must be mailed in by hunter

d) must include space for game taken with archery equipment

6) outfitter/transporter license classifications

- a) class #1 outfitter/transporter
- b) class #2 outfitter/transporter

7) class #1 outfitter/transporter is

any person or corporation that had an Alaska business license for hunting or recreational or transportation or lodging services before 1988 and has invoices, or contracts, or other proof of providing outfitter/transporter services before 1988 will be grandfathered in as a class #1 outfitter/transporter and will be able to conduct class #1 outfitter/transporter services unless future resource management edicts otherwise.

*Need
limitation
for number
of*

8) a class #1 outfitter/transporter & his employees may personally supply and engage in the following services or activities for hunters for compensation

a) supply personal services for hunting not limited to providing saddle and pack animals, vehicles, airplanes, boats, snowmachines, dog teams, or any conveyance that is legal to hunt, capture or kill any game animal since when do?

b) pack trips for hunter transportation to or from temporary or permanent camps

c) river trips for hunters, using temporary or permanent camps

d) provide logistics planning, food or food services, lodging, camping equipment or any other related equipment, transportation, meat/trophy packing and care, and other duties for hunters from temporary or permanent camp locations

e) meat/trophy packing services for hunters may be supplied under the following conditions

1) the animal is tagged, harvest ticket notched and filled out before outfitter/transporter begins packing

f) all class #2 outfitter/transporter services & activities

g) any outfitter/transporter employee must have an ID card with a photo of himself, signed by the outfitter/transporter employer

9) class #2 outfitter/transporter is — *(limited entry to outfitting)*

any person or corporation that did not have an Alaska business license for hunting or recreational or transportation or lodging services before 1988

10) a class #2 outfitter/transporter or his employees may personally supply and engage in the following services for big game hunters for compensation

a) transportation to or from a legally established camp

b) lodging, food service and other camp duties

c) meat/trophy packing as prescribed for class #1 license

d) transportation of hunters meat/trophies from the camp to a public transportation service

e) same employee ID requirements as prescribed for class #1

11) misc. licensing information

a) licenses may be conveyed

b) a license may be revoked for a conviction of same day airborne or wanton waste or hunting during a closed hunting season or hunting in an area closed by federal regulation, subject to boards discretion.

c) the board will have the option to temporarily retire any revoked license for resource protection purposes only and to re-issue the license

12) definition of outfitter/transporter

a) a person who supplies or engages in planning hunts, or transportation to or from a hunting camp, or who packs meat or trophies, or who provides camps or lodging, or food and food services or camp duties, or other duties or any person or cooperation that supplies equipment and transportation for hunters for compensation. *too broad*

13) unlawful acts. it is unlawful for

a) an outfitter/transporter to assist or accompany a hunter for compensation while the hunter is in the process of stalking, pursuing, judging, attempting to kill or killing big game. *spotting?*

b) a paying client of an outfitter/transporter to stalk, pursue, judge, track, attempt to kill or kill big game in the presence of an outfitter/transporter

c) an outfitter/transporter to fail to timely report to the department of public safety, division of fish and wildlife protection, and in no event no later than 30 days, a violation of state game, or outfitter/transporter statute or regulation that the outfitter/transporter reasonably believes was committed by a client or an employee of the outfitter/transporter.

d) an outfitter/transporter, to commit or aid the commission of a violation of state game or outfitter/transporter statute or regulation or to permit the commission of a violation that the outfitter/transporter knows or reasonably believes is being or will be committed without attempting to prevent it, short of using force, and without reporting it

e) a person or a registered guide out of his guide area to engage in outfitter/transporter services without having a current valid outfitter/transporter license and a valid Alaska hunting license in actual possession

f) a person to advertise as or represent to be an outfitter/transporter without holding a current valid outfitter/transporter license

g) an outfitter/transporter to intentionally obstruct or hinder or attempt to obstruct or hinder lawful hunting engaged in by a person who is not a client of the outfitter/transporter

h) a person to conduct or engage in outfitter/transporter services without being validly licensed as an outfitter/transporter and a resident or nonresident hunter or while his outfitter/transporter or guide license is under suspension or after his license has been revoked

14) a person who violates 12a-12g is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$1000 or by imprisonment for not more than one year, or by both and a person's license may be revoked for up to five years. a person who violates 12h is guilty of a felony and upon conviction is punishable by a fine of not more than \$5000 or by imprisonment for no less than one year or more than three years. in addition to the felony charge all equipment and paraphernalia used while engaging in the unlawful act or acts may be forfeited to the state.

LEGISLATIVE INTENT:

Outfitter/transporter licensing system should be funded solely by outfitter/transporter license fees.



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE

ALASKA REGIONAL OFFICE
2525 Gambell Street, Room 107
Anchorage, Alaska 99503-2892



C38(ARO-OC)

29 JAN 1988

Honorable John B. "Jack" Coghill
Chairman, Resources Committee
P.O. Box V
Juneau, AK 99811

Dear Senator Coghill,

As the resource committee hearings on Senate Bill No. 191 will be convening in the near future, Senator Fanning asked us to offer comments for consideration. His request came as the result of a meeting with my concessions staff on January 8.

We are pleased to see the state recognize the problems which can arise by not having a clear definition of "guiding" for the purposes of hunting. We would, however, like to encourage a more restrictive definition than the one proposed. We recommend deleting the word "established" when referring to camps on page 3, line 7 of the bill. The use of the term "established" connotes permanent camps as opposed to temporary camps. The impacts of outfitting for hunting when a camp goes up with the client and down with the client, or when a camp goes up for just several weeks, are not necessarily less than those of an established camp. It has been our experience that the duration of the camp does not, in itself, distinguish between guiding and outfitting. It is the actions of the operator and the management of the camp that makes the distinction.

It has not been our policy to allow outfitting for hunting in the Alaskan national preserves. Unlike many government agencies, we do have the discretion to determine if a commercial activity is both "necessary and appropriate" relative to the purpose of the area. Our current stance will allow any private individual who has the knowledge and expertise to provide his own camp and hunt without a guide. Unguided persons may still rent equipment and charter an air taxi service to transport them to the field, but should be completely self-sufficient in the field. We feel those individuals who are not capable of taking care of all their needs in a wilderness setting are a risk to themselves and to others and probably should hire a registered guide to provide the needed services.

In addition to our concerns for visitor safety, we feel authorization of outfitting of hunting parties within a registered guide's area could have a significant negative impact on that guide's operation and the resources in the unit. Uncontrolled outfitting could lead to overharvesting of game within a guide area. The incentives to practice good game management are less for outfitters than for guides since it is the guides

who have a long-term stake in a guide area. When the game is depleted in an area, the outfitter simply moves on; the guide cannot.

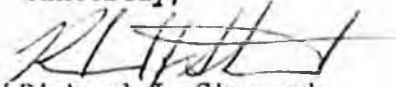
Another issue of concern addressed in the bill is on page 2, lines 16 and 17, whereby it is unlawful for "a person to compensate or agree to compensate another person for guiding..." without being validly licensed as a guide. It seems unrealistic to expect the consumer to be knowledgeable of AS 08.54.210 (a)(9). Keep in mind one of the reasons people hire registered guides is for their knowledge of the game laws. If consumers are duped into believing they have contracted with a legitimate guide, should the state hold the consumers liable?

One last item of concern centers around pilots knowingly dropping hunting parties off in areas closed to hunting. The addition of a statement such as the following would place accountability on air taxi pilots: "It is unlawful for a person to aid and abet a hunting violation by knowingly transporting persons for the purpose of hunting, into areas closed to hunting."

After discussing the various issues and possible resolutions, with our staff and several guides, it seems a simple and viable means to control the conflicts between outfitting and hunting would perhaps be the reinstatement of the transporter license. We found the transporter license to work well with our system of permitting commercial activities and would support its return.

Thank you for the opportunity to comment.

Sincerely,



Richard J. Stenmark

Acting Regional Director

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF FISH AND GAME
OFFICE OF THE COMMISSIONER

P.O. BOX 3-2000
JUNEAU, ALASKA 99802
PHONE: 907 465-4100

March 28, 1986

The Honorable Jack Coghill
Alaska State Legislature
P. O. Box V
Juneau, AK 99811

Dear Senator Coghill:

This responds to your telephone request for comments from the Department of Fish and Game regarding the Guide Board legislation and, specifically, regarding the concept of exclusive guiding areas (EGA) and "joint use."

The department has no authority or responsibility over the guiding system, although it affects our management programs. Complaints of nonresident hunters are often directed to this department because they assume we have responsibility for all aspects of hunting. More importantly, guiding activities direct hunting pressure to specific areas and certain species; this has the potential for impact on the resources and on use by state residents of those resources.

The use of EGAs primarily affects the economics of guiding and is, therefore, more properly addressed by the Department of Commerce and Economic Development. Whatever system is used, however, it is desirable for the Board of Game to be able to predict likely levels of guiding activity in order to adopt regulatory measures that are effective in meeting management goals. If guides are free to operate over wide areas of the state, many guides (and their clients) are able to hunt, for example, in the opening of bear season on the Alaska Peninsula and then again in the opening of bear season in the Brooks Range a few weeks later. In the past, the Board of Game often either would have to establish simultaneous openings for major seasons statewide (which may be inappropriate given differences in climate and other conditions), or would have to establish extremely restrictive regulations. These problems frequently arose prior to initiation of the ECAs.


On the issue of joint use, prudence would seem to dictate that joint use, particularly that involving a number of guides, should be approached very cautiously. If too many

March 28, 1986

guides were allowed joint use in an area it could lead to management problems because of less predictability in guiding activity and harvest pressure. The subject of guiding and the number of guides have an impact on allocation issues and the Board of Game will have to take that into consideration when adopting regulations affecting those areas.

I hope this general review provides the information you need.

Sincerely,


Don W. Collinsworth
Commissioner



Alaska

Professional Hunters Association, Inc.

ALASKA PROFESSIONAL HUNTER'S ASSOCIATION

POSITION ON SB 191

The Alaska Professional Hunters Association is a professional organization dedicated to sound conservation principles and fair chase ethics for all sport hunting. Our membership includes licensed guides, businesses associated with sport hunting and hundreds of individuals, both residents and non-residents of Alaska.

Currently, we are in support of SB 191, "An act relating to guiding"; however, we do have some reservations about certain provisions in this piece of legislation. For the record, we are not in favor of eliminating businesses which offer legitimate support functions for individuals planning to hunt. We are in favor of eliminating illegitimate businesses that too closely parallel those basic services provided by guides, such as established camps, camp help, guides and packers.

In our annual meeting this past December, our membership voted to require all non-residents to be accompanied by a licensed guide whenever hunting big game species here in Alaska. Many members felt this would be the best way all the loopholes allowing quasi-legal operations to exist could be closed. This approach may seem a little far-reaching, but it seems to us to be the cleanest method for solving an increasingly complex problem.

There are probably other solutions, like SB 191, which may resolve this issue in a positive manner; however, we feel certain points must be kept in mind when discussing any proposals. First, it is important to note that the current system does work for those who choose to use it. While many critics of the restricted guide area concept claim it precludes new people from entering the field, the fact is that in the years since the original guide areas were established and assigned by the guide board to licensed guides, many other individuals have worked their way up through the system, become registered guides and have acquired areas of their own. To allow other individuals to legitimately participate in facilitating hunts who have not followed the proscribed rules, would be a gross injustice to those who have.

Everywhere outside of Alaska, the term outfitter is equivalent to what a registered or master guide in Alaska is and because

of that individuals and businesses not recognized under a state licensing system should not be allowed to use the term outfitter. It only serves to add confusion to the problem, not to mention undesirable effects on Alaska's tourist industry.

Last of all and most important, any solution must take into account the finite status of Alaska's game resources and the limited enforcement capabilities we can expect due to Alaska's vast size. Allowing individuals in the field other than licensed guides increases the potential for illegal guiding. The crucial point here regards the increased chances for success whenever a hunter's efforts are facilitated by other individuals. Because quasi-guides, known by some as outfitters, do a large volume of business at cut-rate prices, they put much more pressure on the resource than do licensed guides. If something isn't done soon, this kind of pressure will lead to more complex problems. One such problem will be an escalation of the subsistence controversy.

We appreciate the Legislature's difficulties in resolving this issue of importance to Alaskans and dedicated sportsmen from the world over. We understand the problems caused by the current economic decline and the Legislature's interest in preserving and promoting viable economic activities. In view of that, we would submit the guide industry and its emphasis on quality Alaskan adventures offers long term economic benefits to the Alaskan economy which quasi-guide industries with their emphasis on low quality, wholesale operations do not. We believe an indepth investigation of the issues will lead members of the Legislature to concur with many of our points for a reasonable resolution of this growing problem.

John: in Idaho A outfitter is ~~the~~ same
 AS A Registered or Master Guide in AK. When
 you are talking about Hunting - The guide in Idaho is
 THE SAME AS AN ASSN'G Guide in AK

OUTFITTERS AND GUIDES ACT, AS AMENDED

IDAHO CODE -- TITLE 36 -- CHAPTER 21

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36-2101. DECLARATION OF POLICY. The natural resources of the state of Idaho are an invaluable asset to every community in which they abound. Every year, in rapidly increasing numbers, the inhabitants of the state of Idaho and nonresidents are enjoying the recreational value of Idaho's mountains, rivers and streams many of which are far remote and removed from ordinary auto travel. The tourist trade is of vital importance to the state of Idaho, and the recreational value of these natural resources is such that the number of persons who are each year participating in their enjoyment is steadily increasing. The intent of this legislation is to promote and encourage residents and nonresidents alike to participate in the enjoyment and use of the mountains, rivers and streams of Idaho, and the fish and game therein, and to that end to regulate and license those persons who undertake for compensation to provide equipment or personal services to such persons, for the explicit purpose of safeguarding the health, safety, welfare and freedom from injury or danger of such persons, in the exercise of the police power of this state. It is not the intent of this legislation to interfere in any way with the business of livestock operations, nor to prevent the owner of pack animals from using same to accommodate friends where no consideration is involved for the use thereof, nor is it the intent of this legislation to interfere in any way with the right of the general public to enjoy the recreational value of Idaho's mountains, rivers and streams when the services of commercial outfitters and guides are not utilized, nor to interfere with the right of the United States to manage the public lands under its control.

36-2102. DEFINITIONS. (a) "Person" includes any individual, firm, partnership, corporation or other organization or any combination thereof.

(b) "Outfitter" includes any person who, in any manner, advertises or holds himself out to the public for hire providing facilities and services, for the conduct of outdoor recreational activities limited to the following: hunting animals or birds; float or power boating on Idaho rivers and streams; fishing; and hazardous mountain excursions and maintenance, leases or otherwise uses equipment or accommodations for such purposes. Any firm, partnership, corporation or other organization or combination thereof operating as an outfitter shall designate one (1) or more individuals as agents who shall conduct its operations and who shall meet all of the qualifications of a licensed outfitter.

(c) "Guide" is any natural person who, for compensation or other gain or promise thereof, furnishes personal services for the conduct of outdoor recreational activities limited to the following: hunting animals or birds; float or power boating on Idaho rivers and streams; fishing; and hazardous mountain excursions, except any employee of the state of Idaho or the United States when acting in his official capacity. Any such person must be employed by an outfitter and anyone offering or providing such services who is not so employed shall be deemed to be an

outfitter.

(d) "Board" means the Idaho outfitters and guides board.

(e) "Resident" means a person who has resided in the state of Idaho for a period of six (6) months next preceding the time of application for license.

(f) "Nonresident" means any person not included in subsection (e) above.

(g) "License year" means that period of time beginning on April 1 and ending with March 31 of the following year.

(h) "Big game hunting area" means department of fish and game management unit or units, or portions thereof.

(i) "Individual" means any person other than a partnership, corporation or any other organization or combination thereof.

36-2103. EXCEPTIONS. The foregoing definitions of the terms "outfitter" and "guide" will not apply to a person who, for accommodation and not for compensation or gain or promise thereof, furnishes a pack or saddle horse, or other equipment, to a hunter or a fisherman when such furnishing is for a temporary use.

36-2104. LICENSE A PREREQUISITE FOR OUTFITTING AND GUIDING.

(a) It is a misdemeanor for any person to engage in the business of or act in the capacity of, an outfitter or outfitting, or in the occupation of guiding, as an independent contractor or as the agent or employee of another, unless such person has first secured an outfitter's or guide's license in accordance with the provisions of this act.

(b) Any person who shall violate the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof, such person shall be punished as provided in section 36-2117, Idaho Code.

36-2105. CREATION OF IDAHO OUTFITTERS AND GUIDES BOARD.

There is hereby created in the department of self-governing agencies the Idaho outfitters and guides board, herein referred to as "the board," consisting of five (5) members appointed by the governor, as provided in section 36-2106, Idaho Code.

36-2106. APPOINTMENT AND QUALIFICATION OF MEMBERS -- ORGANIZATION OF BOARD. One (1) member shall be a member of the Idaho fish and game commission, or a person selected by that body. One (1) member shall be selected from the public. Three (3) members of the board shall be qualified and licensed outfitters and guides who have not had less than five (5) years' experience in the business of outfitting and guiding in the state of Idaho. Each appointment shall be for the term of three (3) years and each board member shall hold office for a term of three (3) years. Upon the death, resignation or removal of any but the member representing the fish and game commission the governor shall appoint a member to fill out the unexpired term. Immediately upon the creation of a vacancy in one (1) of the positions held by an outfitter or guide, either through expiration of term, death, resignation or removal, the Idaho outfitters and guides association shall submit to the governor the names of two (2) qualified men for each such vacancy created and the appointment to fill such vacancy shall be made by the governor from the names

submitted within thirty (30) days after the receipt by the governor of the names submitted. Appointments to fill any vacancy other than that created by the expiration of a term shall be made for the unexpired term. A majority of said board shall constitute a quorum. The board shall meet at least four (4) times a year, and at least two (2) meetings shall be held in Boise, Idaho. Each member of the board shall be compensated as provided by section 59-509(g), Idaho Code, except the member representing the fish and game commission, who shall be compensated as provided in section 36-102, Idaho Code, which shall be paid by the fish and game commission.

36-2107. POWERS AND DUTIES OF BOARD. The board which may by written agreement authorize the bureau of occupational licenses as agent to act in its interest, shall have the following duties and powers:

(a) To conduct examinations to ascertain the qualifications of applicants for outfitter's or guide's licenses, and to issue such licenses to qualified applicants, with such restrictions and limitations thereon as the board may find reasonable.

(b) To prescribe and establish rules of procedure and regulations to carry into effect the provisions of this act, including but not limited to regulations prescribing all requisite qualifications of training, experience, knowledge of rules and regulations of governmental bodies, condition and type of gear and equipment, examinations to be given applicants, whether oral, written or demonstrative, or a combination thereof.

(c) To conduct hearings and proceedings to suspend or revoke licenses of outfitters and/or guides, and to suspend or revoke said licenses for due cause in the manner hereinafter provided.

(d) The board is expressly vested with the power and the authority to make and enforce any and all reasonable rules and regulations which shall by it be deemed necessary and which are not in conflict with the provisions of this act, for the express purpose of safeguarding the health, safety, welfare and freedom from injury or danger of those persons utilizing the services of outfitters and guides, and for the conservation of wildlife and range resources.

(e) The board shall have the power to cooperate with the federal and state government through its appropriate agency or instrumentality in matters of mutual concern regarding the business of outfitting and guiding in Idaho.

(f) The board shall have the power throughout the state of Idaho to request the attendance of witnesses and the production of such books, records and papers as may be required at any hearing before it, and for that purpose the board may request a district court to issue a subpoena for any witness or a subpoena duces tecum to compel the production of any books, records or papers. Subpoenas shall be directed to the sheriff of any county in the state of Idaho where such witness resides or may be found. Subpoenas shall be served and returned in the same manner as subpoenas in a criminal case. The fees and mileage of the sheriff and witnesses shall be the same as that allowed in district court criminal cases, which fees and mileage shall be paid from any funds in the state treasury available therefor in the same manner as other expenses of the board are paid. Disobedience of any subpoena issued by the district court or the refusal by any witness

In failing to testify concerning any matter regarding which he may lawfully be interrogated, or the failure to produce any books, records or papers shall constitute a contempt of the district court of any county where such disobedience or refusal occurs, and said court, or any judge thereof, by proceedings for contempt in said court, may, if such contempt be found, punish said witness as in any other case of disobedience of a subpoena issued from such court or refusal to testify therein.

36-2108. APPLICATION FOR LICENSE -- CONTENTS -- FEE -- QUALIFICATIONS -- TERM -- BOND. (a) Each applicant for an outfitter's or guide's license shall make application for such license upon a form to be prescribed and furnished by the board.

1. All applications for an outfitter's license shall be signed by the applicant, under oath or affirmation that all information supplied by him in the application form is true and correct as he verily believes and shall be duly notarized. Such applications shall include, but are not limited to, a worded description of the boundaries of the area in which such activity will be conducted.

2. All applications for a guide's license shall be signed by the applicant. Such application shall contain the written endorsement of the outfitter(s) by whom the applicant will be employed.

(b) Applications shall be made to and filed with the board and accompanied by a bond to the state of Idaho for the benefit of person or persons employing the licensee and in a form approved by the board in the sum of five thousand dollars (\$5,000) for outfitters, executed by a qualified surety, duly authorized to do business in this state, conditioned that for the current license year said applicant, his agents and employees, if said license is issued to him, shall conduct his business as an outfitter without fraud or fraudulent representation, and will faithfully perform his contracts with and duties to his patrons; said bond shall be filed with the board before issuance of the license as provided herein.

(c) The board, in its discretion, may make such additional investigation and inquiry relative to the applicant and his qualifications as it shall deem advisable, provided that final decision by the board upon an application submitted by an applicant who has held during the preceding license year a license of the same kind for which application is made shall not be later than March 31 of the year in which the board receives all materials required to be submitted in order to complete a license application or thirty (30) days from the date the board receives all such materials, whichever is later; and upon an application submitted by an applicant not holding during the preceding license year a license of the same kind or embracing the same activity(ies) or area for which application is made, not later than March 31 of the year in which the board receives all materials required to be submitted in order to complete a license application or ninety (90) days from the date the board receives all such materials, whichever is later.

(d) After the board has acted favorably upon an application, the applicant shall pay a license fee, as hereinafter provided, to the board.

1. The license fee shall be paid prior to the issuance of a

license.

2. The license fee shall be used for the investigation of applicants, for enforcement of this act, and for the administration costs of the board.

3. The license fee for resident outfitters shall be one hundred seventy-five dollars (\$175) and for resident guides sixty-five dollars (\$65.00) and the license fee for nonresident outfitters shall be two hundred dollars (\$200) and for nonresident guides seventy-five dollars (\$75.00). A penalty fee in the amount of fifty dollars (\$50.00) shall be charged in addition to the regular resident or nonresident outfitter's license fee for any such renewal applicant whose application is not complete by March 31 of the year in which application for such license is made; this does not apply to a new applicant for an outfitter's license. A ten dollar (\$10.00) fee shall be charged for every amendment to a license.

36-2109. FORM AND TERM OF LICENSE -- NOTICE OF DENIAL. (a) Upon concurrence of a majority, the board, in its discretion may issue a license to any applicant who has filed an application in proper form with the board, including but not limited to payment of the license fee and furnishing of bond. Said license shall be in the form prescribed by the board, and shall be valid for the licensing year in which issued from the date issued until the end of the license year in which it is issued; provided, that no outfitter's or guide's license may be assigned or otherwise transferred either by any holder thereof or by the operation of law except as provided in this chapter.

(b) A license granted by the board shall specify the activities licensed and the exact territorial limits of the outfitter's area of operation and shall specify the species of game to be hunted. In so approving and/or licensing any outfitter's or guide's activity, the board shall consider the following matters, among others:

1. The length of time in which the applicant has operated in that area;
2. The extent to which the applicant is qualified by reason of experience, equipment or resources to operate in that area;
3. The applicant's previous safety record;
4. The accessibility of the area, the particular terrain, and the weather conditions normal to that area during the outfitter's or guide's season;
5. The total amount of outfitter's area requested by any applicant giving due consideration to the effect which such area license grant would have upon the environment, the amount of game which can be harvested, and the number of persons which can be adequately served in the area.

(c) The board shall refuse to issue any license to any applicant for an outfitter's or guide's license who the board finds is not a competent person of good moral character, less than eighteen (18) years of age and does not possess a working knowledge of the game and fishing laws of the state of Idaho and the regulations of the United States forest service. The board shall also refuse to issue an outfitter's license to any applicant who the board finds does not have sufficient financial

responsibility to conduct adequately the business of an outfitter. The board shall refuse to issue any license to a firm, partnership, corporation or other organization or any combination thereof which fails to have at least one (1) designated agent conducting its outfitting business who meets all of the qualifications and requirements of a licensed outfitter. The board may also refuse to grant an outfitter's or guide's license to any applicant for violation of any of the provisions hereinafter specified in this chapter as grounds for revocation or suspension of an outfitter's or guide's license. If the application is denied, the board shall notify the applicant, in writing, of the reasons for such denial within ten (10) days and if the applicant shall correct, to the satisfaction of the board, such reasons within thirty (30) days of receipt of such notice and if, thereafter, a majority of the board concur, the board may issue a license to the applicant.

(d) No license shall be issued by the board until a majority thereof has reported favorably thereon; except, an application for a license identical to a license held during the previous year may be issued on approval by one (1) board member providing there is no adverse information on file regarding the applicant.

36-2110. OPERATIONS OF LICENSEES -- ADJUSTMENT OF AREA -- RULES AND REGULATIONS. (a) Possession of a valid license issued by the board shall be a prerequisite to acting as an outfitter or guide.

1. No more than one (1) person may operate as an outfitter or guide under one (1) license.

2. The big game hunting area as set forth on the license shall be the limit of such operations for each licensee, subject to subsection (b) below.

(b) The board may adjust the territorial scope of operations of any licensed outfitter or guide for reasons of game harvest, where territorial conflict exists between the big game operations of outfitters and guides, or for the safety of persons utilizing the services of outfitters and guides.

(c) The board shall adopt rules and regulations to carry out the provisions of this section.

36-2111. DISPOSITION OF FUNDS -- CONTINUING APPROPRIATION. All fees collected by the board under the provisions of this chapter shall be deposited with the state treasurer in a special fund, which fund is hereby created, and designated as the Idaho outfitters and guides board fund. All monies deposited in such fund are hereby continually appropriated to the outfitters and guides board for the purpose of conducting all operations of the board.

36-2112. LICENSED OUTFITTERS MAY ACT AS GUIDES. Any natural person holding a current and valid outfitter's license may act as a guide without a guide's license if he possesses the qualifications of a guide as determined by the board.

36-2113. REVOCATION OR SUSPENSION OF LICENSE -- GROUNDS. (a) Every license shall, by virtue of this chapter, be subject to suspension or revocation by the board for the commission of any of the following acts:

1. For supplying false information or for failure to provide information required to be furnished by the license application form for a license currently valid or for other fraud or deception in procuring a license under the provisions of this chapter.

2. For fraudulent, untruthful or misleading advertising.

3. For conviction for a felony.

4. For conviction of violation of regulations of the United States forest service or the bureau of land management.

5. For immoral, unethical or dishonorable conduct.

6. For conviction of any violation of the fish and game laws of the state.

7. For a substantial breach of any contract with any person utilizing his services.

8. For willfully (i) operating in any area for which the licensee is not licensed, or (ii) engaging in any activity for which the licensee is not licensed.

9. For the employment of an unlicensed guide by an outfitter.

10. For inhumane treatment of any animal used by the licensed outfitter or guide in the conduct of his business which endangers the health or safety of any guest or patron or which interferes with the conduct of his business.

11. For failure by any firm, partnership, corporation or other organization or any combination thereof licensed as an outfitter to have at least one (1) licensed outfitter as designated agent conducting its outfitting business who meets all of the qualifications and requirements of a licensed outfitter.

12. For the failure to provide any animal used by the licensed outfitter or guide in the conduct of his business with proper food, drink and shelter, or for the subjection of any such animal to needless abuse or cruel and inhumane treatment.

13. For failure of an outfitter to serve the public in any of the following ways: (i) by nonuse of license privileges as defined by rules and regulations of the board, (ii) by limiting services to any individual, group, corporation or club that limits its services to a membership, or (iii) by not offering services to the general public.

14. For violation of or noncompliance with any applicable provision of this act, or for violation of any lawful rule, regulation, or order of the outfitter's and guide's board.

(b) For the purposes of this section, the term "conviction" shall mean a finding of guilt, an entry of a guilty plea by a defendant and its acceptance by the court, or a forfeiture of bail bond or collateral deposited to secure a defendant's appearance.

36-2114. REVOCATION OR SUSPENSION OF LICENSE -- REVIEW OF DENIAL OF LICENSE -- PROCEDURE. (a) Proceedings for the revocation or suspension of a license issued hereunder may be taken upon information and recommendation of any person. All accusations must be made in writing and signed by a person familiar therewith and submitted to the board. Thereupon, the board, acting as a board, or through its secretary, shall make a preliminary investigation of all facts in connection with such charge.