

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990  
5985 HOUSE RESOURCES 8672

389

The Honorable Bettye Fahrenkamp  
The Honorable Cliff Davidson  
The Honorable Curt Menard

March 2, 1989  
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condition that the minimum term of imprisonment is served.  
Impositior. of sentence may not be suspended."

## VII. Reference to Perjury Statute

### A. Discussion of Problem

On page 28, lines 15 - 16, the proposed legislation states that a person who "falsifies an affidavit under (f) of this section is guilty of perjury under AS 11.56.200." As set out at page 27, lines 22-28, the affidavit must "be signed by the person," but is not required to be made under oath. Because this type of statement doe not fall within the definition of perjury, we do not believe it is possible to charge someone with perjury for making false statements in the required affidavit.<sup>8</sup> Since the conduct does fall within the definition of unsworn falsification under AS 11.56.210, the reference should be changed to accurately reflect the crime committed.

### B. Proposed Amendment to Correct Perjury Reference

Page 28, line 16:

Delete all material and insert:  
"of unsworn falsification under AS 11.56.210.

## VIII. Conclusion

The amendments proposed in this letter are intended to make the new guide-outfitter laws workable and enforceable. We have approached the issues involved solely from a technical point of view, with the aim of clarifying the law and making it easy to implement. Since the policy issues involved in setting the appropriate level of penalty were considered by the Task Force, the Criminal Division has not reanalyzed such matters.

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<sup>8</sup>Perjury is defined as making "a false sworn statement which the person does not believe to be true." A "sworn statement" means:

(A) a statement knowingly given under oath or affirmation attesting to the truth of what is stated, including a notarized statement; or

(B) a statement knowingly given under penalty of perjury under AS 09.63.020.

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If you have any questions about the amendments proposed in this letter, we will be happy to meet with you at your convenience.

Very truly yours,

DOUGLAS B. BAILY  
ATTORNEY GENERAL

By: 

Laurie H. Otto  
Assistant Attorney General

cc: Ron Clarke, Office of the Governor  
Bob Evans, Office of the Governor  
Randall Burns, Division of Occupational Licensing



Alaska State Legislature  
HOUSE OF REPRESENTATIVES  
COMMITTEE ON RESOURCES

POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-3715

M E M O R A N D U M

TO: HOUSE RESOURCES COMMITTEE MEMBERS  
FROM: COMMITTEE STAFF  
RE: AMENDMENTS TO WORK DRAFT OF 3/3/89 FOR HB 112  
DATE: MARCH 13, 1989

THE FOLLOWING ARE CHANGES TO HB 112 3/3/89 WORK DRAFT:

PAGE 5, LINE 25 - 29, PAGE 6, LINE 1, ADDS IN LANGUAGE FOR MASTER GUIDE-OUTFITTER CATEGORY AS FOLLOWS "(b) A person who receives a master guide-outfitter license under sec. 12 of this Act may use the title master guide-outfitter and may annually renew the license unless the license has been revoked or suspended or has lapsed under AS 08.54.440. A master guide-outfitter license is for all purposes under this chapter a guide-outfitter license.

PAGE 6, LINE 2 -4, ADDS LANGUAGE TO CLARIFY THAT A GUIDE-OUTFITTER MAY PROVIDE INCIDENTAL TRANSPORTATION WITHOUT HOLDING A TRANSPORTER LICENSE AS FOLLOWS:

"(c) A guide-outfitter may contract to guide-outfit hunts for big game and may provide transportation to, from, or in the field that is incidental to a guide-outfitted hunt.

PAGE 7, LINE 24, AFTER "MANAGEMENT", ADD "UNITS".

PAGE 13, LINE 17, BEFORE "COMPLAINT", INSERT "WRITTEN".

PAGE 18, LINE 25, AFTER "KNOWINGLY", INSERT "ENTER OR REMAIN".

PAGE 18, LINE 26, AFTER "WITHOUT" INSERT "PRIOR".

PAGE 19, LINES 6-7, DELETE [IF THE PERSON ADVERTISES, USES BOOKING AGENTS, OR USES OTHER MEANS TO PROMOTE BIG GAME HUNTING IN THE STATE] AND ADDS LANGUAGE AT PAGE 23, LINE 3-6, WHICH ALLOWS AN EXEMPTION TO THE TRANSPORTER LICENSE FOR THOSE TRANSPORTERS TO TRANSPORT HUNTERS IN THE FIELD AS AN INCIDENTAL PART OF THEIR BUSINESS.

PAGE 20, LINE 22, AFTER "STATE", DELETE [SPORT FISH].

PAGE 21, LINE 16-18, UNDER DEFINITIONS, ADD A DEFINITION FOR "BASE CAMP". "BASE CAMP" MEANS A GUIDE-OUTFITTER'S OR A MARINE MAMMAL GUIDE-OUTFITTER'S PRIMARY BASE OF OPERATIONS IN THE FIELD; "BASE CAMP" DOES NOT INCLUDE A SPIKE CAMP.

PAGE 22, LINE 7-8, UNDER DEFINITIONS, ADD A DEFINITION FOR "GAME MANAGEMENT UNIT". "GAME MANAGEMENT UNIT" MEANS ONE OF THE 26 GEOGRAPHIC AREAS DEFINED BY THE BOARD OF GAME FOR GAME MANAGEMENT PURPOSES.

#### TRANSITION SECTION CHANGES

PAGE 28, LINE 13-16: ADD IN LANGUAGE FROM PAGE 6, LINE 17-21:

HAS NOT BEEN CONVICTED OF VIOLATING A STATE OR FEDERAL GAME OR GUIDE-OUTFITTING STATUTE OR REGULATION DURING THE PREVIOUS FIVE YEARS FOR WHICH THE PERSON WAS FINED MORE THAN \$500 OR IMPRISONED FOR MORE THAN FIVE DAYS.

PAGE 28, LINE 5, BEFORE REGISTERED, INSERT "LAWFULLY"

PAGE 28, LINE 8, BEFORE "ENGAGED", INSERT "LEGALLY"

PAGE 28, LINE 20-23, ADD IN REQUIREMENT FOR SIX FAVORABLE HUNTER RECOMMENDATIONS AS IS REQUIRED UNDER GUIDE-OUTFITTER LICENSING.

PAGE 28, LINE 17-19, ADDS IN REQUIRED HUNTING EXPERIENCE IN THE STATE FOR FIVE YEARS AS IS REQUIRED UNDER GUIDE-OUTFITTER LICENSING.

PAGE 28, LINE 28-29, PAGE 29, LINE 1-29, PAGE 30, LINE 1-2, ADD IN AN APPEAL PROCESS SECTION, NOT SUBJECT TO THE A.P.A., WITH ALL DETERMINATIONS BY THE COMMISSIONER.

PAGE 30, LINE 3, DELETE [ONE] AND INSERT "TWO".

PAGE 28, LINE 11, DELETE [ONE], AND INSERT "TWO".

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 4, 1989

SUBJECT: Sectional Summary of SB 140; An Act relating to big game hunting and to the regulation of big game and marine mammal guide-outfitting, transportation, and other commercial services for big game hunters, creating the Big Game Commercial Services Board; and providing for an effective date.

TO: Senator Bettye Fahrenkamp

FROM: George Utermohle *GU*  
Legislative Counsel

The following is a sectional summary of SB 140 requested by Nancy Peterson of your staff.

Please note that a summary of a bill should not be considered an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Section 1 of the bill repeals and reenacts AS 08.01.010(10) to provide that the Big Game Commercial Services Board is subject to and benefits from centralized licensing procedures under AS 08.01.

Section 2 of the bill repeals and reenacts AS 08.03.-010(c)(20) to provide that the Big Game Commercial Services Board terminates on June 30, 1993 under the "sunset" provisions of AS 08.03.

Section 3 of the bill adds new sections to AS 08.54.

ARTICLE 4. BIG GAME COMMERCIAL SERVICES BOARD.

Sec. 08.54.300 establishes the Big Game Commercial Services Board (Board) in the Department of Commerce and Economic Development. The Board consists of nine members. Three members of the Board are the commissioners (or their designee) of fish and game, natural resources, and public safety.

Two members of the board are either guide-outfitters or class-A guide-outfitters. One member of the Board is a transporter. One member of the Board is a member of the Board of Game who is chosen by the Board of Game. One member is a person who represents Native landholders. And one member of the Board is a public member. The guide-outfitter, transporter, and public members of the Board, as well as the representative of Native landholders, are appointed by the governor.

Sec. 08.54.310 sets out the duties and powers of the Board. The Board shall prepare, grade, and administer examinations for guide-outfitters licenses and for game management unit certifications; determine qualifications for class-A guide-outfitter, marine mammal guide-outfitter, and assistant guide-outfitter licenses; establish performance standards for providers of big game commercial services and regulate the activities of these providers; publish an annual list of big game commercial services providers; prohibit big game commercial services that are unsportsmanlike, unethical, unsafe, etc; revoke, suspend, or deny renewal of licenses and permits; authorize issuance of transporter licenses and commercial use permits; and meet at least twice each year.

The Board may provide for registration of hunting camps and facilities; establish a management system for guide-outfitters; and establish standards of supervision that a guide-outfitter must exercise over class-A guide-outfitters and assistant guide-outfitters.

Sec. 08.54.320 provides that the Board shall adopt regulations as required by this chapter and as necessary for administration of this chapter.

#### ARTICLE 5. LICENSING.

Sec. 08.54.350 sets out the minimum qualifications necessary for a guide-outfitter license. A guide-outfitter may contract to guide-outfit hunts for big game.

Sec. 08.54.360 sets out the minimum qualifications necessary for a marine mammal guide-outfitter license. A marine mammal guide-outfitter may contract to guide-outfit hunts for marine mammals.

Sec. 08.54.370 sets out the requirements for renewal of guide-outfitter and marine mammal guide-outfitter licenses. The department may not renew a license unless these requirements are satisfied.

Sec. 08.54.380 sets out the minimum qualifications necessary for a class-A guide-outfitter license. A class-A guide-outfitter may not contract to guide-outfit hunts. A class-A guide-outfitter must be under the supervision of a guide-outfitter but may take charge of a camp in the absence of a guide-outfitter.

Sec. 08.54.390 sets out the minimum qualifications necessary for an assistant guide-outfitter license. An assistant guide-outfitter may not contract to guide-outfit hunts and must be employed by a guide-outfitter and supervised by a guide-outfitter or class-A guide-outfitter while in the field on a hunt.

Sec. 08.54.400 sets out the requirements for obtaining and renewing a transporter license.

A transporter may provide transportation services to big game hunters. A transporter may also provide accommodations to big game hunters in the field in certain situations. A transporter must place a decal provided by the department on each piece of transportation equipment that the transporter uses in providing transportation services to big game hunters.

Sec. 08.54.410 provides for an appeal to the commissioner of commerce and economic development if an applicant for any class of guide-outfitter license or transporter license is denied a license by the Board. Specific criteria that an appellant must satisfy in order to file an appeal under this section are set out.

Sec. 08.54.420 provides that guide-outfitter, marine mammal guide-outfitter, and transporter licenses are renewed annually.

Sec. 08.54.430 provides for examinations for any class of guide-outfitter license that may be required under this chapter. The Board shall administer qualification examinations at least twice a year and at least once each two years shall administer the examinations at a location

outside of Anchorage. The examinations must be administered at least 90 days apart.

The Board shall regularly provide information on examinations and qualifications for all classes of guide-outfitter licenses to residents of rural areas.

Sec. 08.54.440 provides for renewal of all classes of guide-outfitter licenses after the license has lapsed. If any class of guide-outfitter license has lapsed for two consecutive years, the applicant must satisfy the requirements for initial issuance of the license.

A guide-outfitter does not have to repeat the three year apprenticeship as a class-A guide-outfitter or an assistance guide-outfitter unless the guide-outfitter license has been lapsed for three years or more.

Sec. 08.54.450 provides that the department shall set fees for examinations and licenses required under this chapter. A license fee for any class of guide-outfitter license is in addition to the fee paid for a hunting license.

Sec. 08.54.460 requires that a person, other than a licensed guide-outfitter, marine mammal guide-outfitter, or transporter, who provides other big game commercial services for compensation register with the Board, obtain a commercial use permit, and pay the commercial use permit fee. Examples of "other big game commercial services" are listed.

Sec. 08.54.470 requires guide-outfitters, marine mammal guide-outfitters, and transporters to obtain an annual commercial use permit and pay the commercial use permit fee.

The department, in consultation with the Board, shall set the amount of the commercial use permit fee.

A guide-outfitter, marine mammal guide-outfitter, or transporter shall pay the commercial use permit fee with the application for issuance or renewal of their license.

The commissioner of administration shall separately account for the fees received for commercial use permits. The legislature may use the money received for commercial use permits to make appropriations to the Department of Fish and Game and the Department of Public Safety for game management and enforcement of game laws.

ARTICLE 6. PENALTIES.

Sec. 08.54.500 sets out the procedures for discipline of a person who holds any class of guide-outfitter license.

The Board may hold a disciplinary hearing upon receiving a complaint about the guide-outfitter licensee. The Board shall hold a disciplinary hearing upon receiving three complaints from members of three separate hunting parties about a licensee's activities or a complaint about a licensee's conduct in a life-threatening situation or if the licensee is convicted of certain state or federal laws.

The Board may revoke, suspend, or deny renewal of any class of guide-outfitter license after a hearing if the Board finds that the licensee engaged in certain proscribed activities or violated certain state or federal laws.

The Board shall revoke any class of guide-outfitter license after a hearing if the Board finds that the licensee is not qualified for the license held, is incompetent, or has been convicted of certain state or federal laws during the preceding five years.

The Board shall immediately suspend any class of guide-outfitter license if a certified copy of a judgment of conviction of a licensee for certain state or federal crimes is filed with the Board.

Sec. 08.54.505 provides for the discipline of transporters and commercial use permittees.

The Board may hold a disciplinary hearing regarding the activities of a transporter or commercial use permittee upon receiving a complaint about the transporter or commercial use permittee. The Board shall hold a disciplinary hearing upon receiving three complaints from members of three separate hunting parties about the transporter's or permittee's activities or if the transporter or permittee is convicted of certain state or federal laws.

The Board may revoke, suspend, or deny renewal of transporter license or commercial use permit after a hearing if the Board finds that the licensee or permittee engaged in certain proscribed activities or violated certain state or federal laws.

The board shall revoke a transporter license or commercial use permit after a hearing if the Board finds that the licensee or permittee is not qualified for the license or permit or has been convicted of certain state or federal laws during the preceding five years.

The Board shall immediately suspend a transporter license or commercial use permit, if a certified copy of a judgment of conviction of licensee or permittee for certain state or federal crimes is filed with the Board.

Sec. 08.54.510 sets out general provisions applicable to disciplinary proceedings.

A person who is disciplined under AS 08.54.500 or 08.54.505 may not engage or be employed in the business of providing big game commercial services during a period of license or permit revocation or other disciplinary action. A person who is licensed under this chapter or who holds a commercial use permit may not employ a person whose license or permit under this chapter has been suspended or revoked.

A license or permit that has been revoked must be surrendered immediately to the department.

A certified copy of a judgement of conviction is conclusive evidence of the commission of the offense in a disciplinary proceeding of the Board, regardless of whether the conviction resulted from a plea of nolo contendere or the conviction is under appeal, unless the conviction is overturned on appeal.

The Board shall notify a complainant of the result of the Board's hearing within 30 days after the hearing. The Board must also notify a complainant of its reasons for not taking disciplinary action.

Sec. 08.54.520 sets out unlawful acts involving the provision of big game commercial services and establishes the penalties for those acts.

A person may be punished by a fine of not more than \$30,000 or imprisonment for not less than two months or more than one year or both for

- (1) failing to report violations of certain laws by a client or employee if the person holds a license or permit issued under this chapter;
- (2) committing, aiding in the commission of, or allowing a violation of certain fish and game laws if the person holds a license or permit issued under this chapter;
- (3) providing commercial big game services without holding a commercial use permit;
- (4) obstructing the lawful hunting activities of hunter who is not a client of the person, if the person holds a license or permit under this chapter;
- (5) failing to transmit big game conservation fees to the department;
- (6) providing guide-outfitting services except while employed and supervised by a guide-outfitter, if the person is a class-A guide-outfitter or assistant guide-outfitter.

A person may be punished by a fine of not more than \$30,000, or imprisonment for not less than two months or more than one year, or both for a first offense or by a fine of not more than \$50,000 or imprisonment for not more than three years for a second or subsequent offense for

- (1) providing guide-outfitter services without having an appropriate class of guide-outfitter license and hunting license in actual possession;
- (2) advertising or to representing to be a guide-outfitter without holding a guide-outfitter or marine mammal guide-outfitter license;
- (3) providing transportation services to a big game hunter without holding a transporter license;
- (4) contracting to lead a hunt, if the person is a class-A guide-outfitter or assistant guide-outfitter.

A person who provides big game commercial services while the person's license to provide those services is suspended or

revoked is punishable by a fine of not more than \$50,000 or by imprisonment for not more than three years.

A person who is convicted of an act set out in this section may also be subject to revocation of the person's license to provide guide-outfitter and transportation services for not more than five years and forfeiture of guns, boats, aircraft, and other equipment used in committing the act.

A court may not suspend imposition of sentence, if a person is convicted of an act set out in this section.

Sec. 08.54.530 provides that the Board may obtain an injunction to stop a person from violating certain provisions of this chapter.

Sec. 08.54.540 provides that a guide-outfitter is subject to discipline by the Board under AS 08.54.500 for violations of certain state and federal laws committed during the course of employment by a class-A guide-outfitter or assistant guide who is employed by the guide-outfitter.

#### ARTICLE 7. GENERAL PROVISIONS.

Sec. 08.54.550 provides for the collection of certain information and reports from guide-outfitters, marine mammal guides, and transporters by the department. This information is confidential except that aggregated information may be released in reports by the department.

Sec. 08.54.590 established definitions for "big game", "board", "department", "guide-outfit", "field", "transportation services", and "unethical activity".

Section 4 of the bill amends AS 16.05. by adding a new section.

Sec. 16.05.344 establishes a big game conservation fee to be paid by guide-outfitters, marine mammal guide-outfitters, and transporters for certain big game animals taken by their clients. The amount of the fee is equal to 25 percent of the big game tag paid by the client under AS 16.05.340. The fee shall be paid to the Department of Commerce and Economic Development at the time that the guide-outfitter, marine mammal guide-outfitter, or transporter apply for renewal of their licenses. If the person who owes the fee to the department does not review the person's license, then the

fee must be paid by the end of the calendar year in which the animal was taken.

The commissioner of administration shall separately account for big game conservation fees deposited in the general fund. The funds in the account may be appropriated by the legislature to fund the game management activities of the Department of Fish and Game and the game law enforcement activities of the Department of Public Safety.

Section 5 of the bill amends AS 16.05.407(a) by adding mountain goat to the list of species for which a nonresident hunter is required to utilize the services of a guide-outfitter and by making certain technical changes that are necessary to conform with the remainder of the bill.

Section 6 of the bill amends AS 16.05.407(d) by making a technical change that is necessary to conform to the repeal of AS 16.05.407(e).

Section 7 of the bill amends AS 16.05.408(a) by making a technical change that is necessary to conform with Section 3 of the bill.

Section 8 of the bill amends AS 16.05 by adding a new section.

Sec. 16.05.783 prohibits hunting clubs from supporting big game hunting activities or providing facilities or services for big game hunting.

"Hunting club" is defined.

Section 9 of the bill amends AS 39.50.200(b)(48) in order that the members of the Big Game Commercial Services Board are subject to the conflict of interest law.

Section 10 of the bill amends AS 41.23.420(d) by making a technical change that is necessary to conform to section 3 of the bill.

Section 11 of the bill amends AS 44.62.330(a)(35) to provide that the Big Game Commercial Services Board is subject to certain provisions of the Administrative Procedure Act.

Section 12 of the bill provides for the transition from the existing classes of guide licenses to the new classes of guide-outfitter licenses.

All classes of guide licenses that are in effect on the effective date of this bill continue to be valid for the period for which the licenses were originally issued.

Persons who currently hold master guide or registered guide licenses shall be issued guide-outfitter licenses. Persons who currently hold class-A assistant guide licenses shall be issued class-A guide-outfitter licenses. Persons who currently hold assistant guide licenses shall receive an assistant guide-outfitter license. The new licenses shall be issued to the current licensee at the time of the next license renewal following the effective date of this bill, if the person is in good standing at the time of issuance and pays the appropriate fees.

If the Department of Commerce and Economic Development can issue new licenses sooner than is required by this section, the department may do so without charge to the licensee.

Section 13 of this bill provides that natural persons who have provided big game outfitting services in the past may qualify for a guide-outfitter license.

In order to qualify for a guide-outfitter license under this section, the person must have registered a camp, cabin, or lodge under AS 16.05.787 during 1988, engaged in the business of big game outfitting in 1986, 1987, and 1988, passed the guide-outfitter examination, and satisfied other requirements.

A person who provides sufficient proof of past history as a big game outfitter may receive an interim outfitter license that is valid for a period not to exceed a year from the effective date of this bill.

A person who holds an interim outfitter license may provide transportation and other big game commercial services to hunters in the field, except that the person may not provide big game guiding services.

A person who holds an interim outfitter license must promptly report violations of certain laws committed by a client or employee of the person.

A person who holds an interim outfitter license must register base camps, cabins, and lodges that the person uses in providing big game outfitting services. The person must report the amount and kinds of big game taken by each hunter who uses the registered camp, cabin, or lodge.

A person who holds an interim outfitter license and who fails to report violations of certain laws by clients and employees is punishable by a fine of not more than \$2,000 or imprisonment for up to one year or both. Falsification of an affidavit of registration for a base camp, cabin, or lodge constitutes perjury.

The terms "base camp", "big game", "field", "guiding", and "outfitting" are defined.

Section 14 of the bill allows certain extraordinary appointments to fill the initial vacancies on the Big Game Commercial Services Board.

The guide-outfitter and class-A guide-outfitter seats on the board may initially be filled by persons who are either a master guide, registered guide, or a class-A assistant guide under current law or who registered a camp, cabin, or lodge under AS 16.05.787 during 1988 and engaged in the business of big game outfitting in 1986, 1987, and 1988.

The transporter seat on the board may initially be filled by persons who engaged in the business of providing transportation to big game hunters in 1986, 1987, and 1988.

Section 15 of the bill provides for the continuance of legal proceedings, hearings, investigations, and regulations during the transition from the current guide statutes (AS 08.54.010 - 08.54.240) to the guide-outfitter statutes contained in this bill.

Section 16 of the bill provides for the repeal of the current guide statutes (AS 08.54.010 - 08.54.240); the requirement for big game tag harvest reports and big game transporter reports (AS 16.05.370(b) and (c)); the requirement that nonresident hunters provide information on big game hunting services used in taking moose and caribou (AS 16.05.407(e)); provisions relating to the duty of big game transporters to report violations of certain state law (AS 16.05.786); and the requirement for registration of big game hunting base camps, cabins, and lodges (AS 16.05.787).

Senator Bettye Fahrenkamp  
Page 12  
February 4, 1989

Section 17 of the bill provides for the repeal of certain amendments to AS 08.54 and AS 16.05 that are scheduled to take effect on July 1, 1989.

Section 18 of the bill provides that the bill takes effect immediately.

GU:gc  
W6/082



## Alaska Environmental Lobby, Inc.

P.O. Box 22151 Juneau, Alaska 99802

907-586-2345

### AEL ISSUE PAPER: HJR's 112 & 113; SB's 139 & 140 - BIG GAME GUIDING AND COMMERCIAL HUNTING BILLS

We would like to commend both the House and Senate Resources Committees for their hard work on a difficult subject. We applaud the recognition that regulation of all commercial activity related to big game hunting is necessary, including transport and outfitter services. Regulation of all hunting-related services is essential to wise conservation and management of our game resources.

We urge the task force to remember, as it develops alternative allocation systems, that its primary responsibility is to proper management of the game resource for all users, including noncommercial hunters and nonconsumptive users. This is our concern. We will be watching with interest.

March 14, 1989  
by Bill Glude



# Alaska State Legislature

## SENATE

Official Business

P.O. Box V  
State Capitol  
Juneau, Alaska 99811

### M E M O R A N D U M

TO: SENATE AND HOUSE RESOURCES COMMITTEE MEMBERS

FROM: SENATE AND HOUSE COMMITTEE STAFF

RE: AMENDMENTS TO SB 140 AND HB 112, REFLECTED IN CS SB 140 AND CS HB 112, An act relating to big game and creating the Big Game Commercial Services Board

DATE: March 3, 1989

The following are changes to SB 140, reflected in the Committee Substitute before you.  
Page 1, Lines 27 - 29, and

Page 2, Lines 1 - 10, Remove the commissioners of ADFG, DNR, DCED, and DPS, and add one air taxi member and one additional public member to the membership of the board. Removes Class-A guide-outfitter from the membership of the board.

Page 3, Line 6, Add "or federal" after state.

Page 3, Lines 23 - 25, Move "provide for registration of hunting camps..." under may "The board shall provide..." after Page 3, Line 21.

Page 3, Lines 26 - 29, add new language, to enable the board to make recommendations for regulations to ADFG to implement a resource-based management system for allocating access to big game hunting opportunities among guide-outfitters, upon the task force recommendations (on or before January 15, 1990); and the authority to adopt regulations to implement that system, upon concurrence by ADF&G.

Page 4, Line 7, amend Article 4 by adding a new section to read:

"AS 08.54.330. BOARD ASSISTANCE. The departments of fish and game, natural resources, and public safety shall provide the board with any information, data, or technical assistance requested by the board for the purposes of licensing and regulating the activities of the providers of commercial services subject to this chapter."

Page 8, Line 21, add "where required" after Coast Guard.

Page 9, Line 1 - 3, after "quarters", remove [owned by the transporter used for overnight commercial hunts for Sitka

blacktail deer, elk, and marine mammals] and add a provision that this applies only to "saltwater".

Page 9, Line 19, Add to "licensure by the Coast Guard" "where required".

Page 12, Line 7, after "accommodations", add "in the field".

Page 12, Line 9, after "services", delete [EXPEDITER SERVICES].

Page 13, Lines 4; Amend AS 08.54.500 (a) to read: After "board", delete [by a client of the licensee].

Page 14, Line 9, after "closed by", add "state or".

Page 15, Line 10, clarify that "unsafe flying" are practices governed under FAA.

Page 15, Line 24, after "by" add "state or".

Page 17, line 1, following "chapter to": insert "knowingly".

Page 17, Line 7, following "to", insert "knowingly".

Page 17, Line 19, following "to", insert "knowingly".

Page 17, Line 24 -26, delete:[(5) GUIDE-OUTFITTER, MARINE MAMMAL GUIDE-OUTFITTER, OR TRANSPORTER TO FAIL TO TRANSMIT TO THE DEPARTMENT BIG GAME CONSERVATION FEES DUE UNDER AS 16.05.344].

Page 17, Line 25, following "transporter to", insert "knowingly".

Page 17, Line 28, following "to" insert "knowingly".

Page 17, Line 27-29, and page 18, Line 1:  
(6) class-A assistant guide-otufitter or an assistant guide -outfitter to "knowingly guide-outfit [PROVIDE GUIDE-OUTFITTING SERVICES] in the field on a guided-outfitted hunt except while employed and supervised by a guide-outfitter.

Page 18, Line 2, following "to" insert "knowingly guide out-fit [PROVIDE GUIDE-OUTFITTING SERVICES].

Page 18, Line 7, follwing "license to" insert "knowingly".

Page 18, Line 9, following "person to" insert "knowingly".

Page 18, Line 12, following "to", insert "knowingly"

Page 18, Line 13, following "to", insert "knowingly".

Page 18, Line 13 -15, add anew subparagraph to read:  
"(12) person who is licensed or holds a commercial use permit under this chapter to use state, federal, or private land without authorization."

Page 18, Lines 25 - 27: Delete all material and insert:  
"(2) for a second or subsequent offense, or a Class C felony."

Page 19, lines 12 -14:  
Delete all material and insert:  
"(f) Upon conviction of a person for committing an offense set out in (a) of this section, the execution of sentence may not be suspended nor may probation be granted except on condition that the minimum term of imprisonment is served. Imposition of sentence may not be suspended."

Page 20, Lines 25 - 27, Amend AS 08.54.590 (4) to read:  
"guide -outfit" means to provide, for compensation, or with the intent or with an agreement to receive compensation, big game commercial hunting services in the field, [FOR COMPENSATION, IN THE FIELD BUT DOES NOT INCLUDE TRANSPORTATION SERVICES,] including accompanying or being present with a big game hunter in the field either personally or through an assistant; "guide-outfit" does not include providing transportation to, from, or in the field if the persons providing transportation and the persons being transported do not stalk, pursue, track, kill, or attempt to kill big game during the provision of those services;.

Page 21, Line 1, following "village" insert "including a base camp".

Page 21, following line 21: Insert a new section to read  
"Sec. 4. AS 12.55.125 (e) is amended by adding a new paragraph to read:

(4) if the offense is a first felony conviction, and the defendant violates AS 08.54.520 (c), one year."

Page 22, Line 13, delete [IF THE PERSON WHO OWES THE FEE DUE UNDER THIS SECTION DOES NOT APPLY FOR RENEWAL OF A LICENSE UNDER AS 08.54, THE PERSON SHALL PAY THE FEE TO THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT BY THE END OF THE CALENDAR YEAR IN WHICH THE ANIMAL WAS TAKEN.] Insert "A license may not be renewed unless all fees due under this section have been paid."

Page 23, Line 24, after "clubs", replace [PROHIBITED] with PROHIBITIONS.

Page 28, Line 16:  
Delete all material and insert:  
"of unsworn falsification under AS 11.56.210."

Add new language to transporters license section which gives an exemption to those transporter who do not advertise transportation services to big game hunters.

Insert new language to define "big game commercial services" and "for compensation".

## JOINT DEPARTMENT POSITION PAPER ON HB 112

### A. General Comments

HB 112 basically repeals the existing Guide Board and replaces it with a Big Game Commercial Services Board which is empowered to license and regulate not just one provider of commercial big game hunting services (i.e., guides) but all aspects of the commercial big game hunting industry in Alaska.

HB 112 reflects the work and recommendations of the Legislative Task Force on Guiding and Game, which included representatives from the Departments of Commerce and Economic Development, Fish and Game, and Public Safety, as well as the active (but nonvoting) participation of the Department of Law. The report of the Task Force reflects the position of the Administration on many of the issues addressed in HB 112, and has been endorsed by the departments' representatives. All members of the Task Force deserve thanks for the time, patience, and thought each member brought to the deliberations that resulted in both the final report and this bill.

Because the recommendations generally reflect Administration policy, we will not in detail reiterate here what has already been more than adequately expressed in the report and in this proposed legislation. However, we do wish to emphasize a few particular issues raised in the report and offer, where we believe appropriate or necessary, a number of amendments to HB 112.

First, we wish to stress our belief in and support for the "holistic" approach taken by the Task Force to the commercial taking of Alaska's "big game" resource. We believe it is key to the bill. The intent is clear: if any person directly or indirectly receives compensation from the commercial harvest of Alaska's big game, then that person needs to be identified and regulated. As envisioned by the Task Force and as drafted in SB 140, the degree to which a commercial big game services provider is regulated reflects the level of consumer and resource protection deemed necessary by the Task Force.

Thus, some service providers are only required to register with the Big Game Commercial Services Board, receiving a simple commercial use permit which identifies them as a beneficiary of our game resource but requires no special licensing or admission criteria. Examples of commercial use permit holders include a hunting lodge on a remote lake, a hunt broker, or a sporting goods store renting hunting gear.

Other providers, however, are required to meet certain conditions before they may be licensed and receive compensation for the big game commercial hunting services they provide. There are two classes of these more highly regulated commercial users: guide-outfitters and transporters.

Of these two, transporters (persons who may provide transportation services of any kind) are somewhat less regulated under this act than are guide-outfitters. As you are aware, a majority of the transporters provide air or water transportation services. Under this bill, any person

seeking to provide such services to big game hunters must have a transporter license from the board. However, to qualify for that license, the transporter must first provide proof to the board that the transporter holds the applicable FAA or Coast Guard commercial operator licenses.

For the guide-outfitter (a class which contains a number of subcategories: class A, marine mammal, and assistant), licensure is dependent upon demonstration -- to an extent and degree satisfactory to the board -- of considerable expertise in the field of guide-outfitting. For example, in order to be licensed as an assistant guide-outfitter (an apprentice, of sorts), a person must first pass an exam and meet other established criteria. An assistant must later pass a more rigorous exam to become a licensed guide-outfitter, because the guide-outfitter is the only licensed professional eligible to actually sign contracts to conduct big game hunts.

A license to transport or guide-outfit is conditioned because the activities of these two groups have the most significant impact on the resource. It is especially important to consider the impact of the airplane on the degree and distribution of the harvest of the resource and the impression of that impact (mostly negative) on the Task Force's actions in regulating transporters.

While there may only be some 180 FAA licensed air taxi/commercial air services in the state, there are in excess of 1,000 transportation services providers which have been identified by the Department of Fish and Game. While many of these businesses appear to principally provide outfitting or lodging, or both, almost all also provide transportation to, from, and in the field, and all serve big game hunters. The survey of rural residents and village and Native Corporations done by RurALCAP on behalf of the Task Force makes it clear that the use of the airplane -- because of its easy access to the game in the field -- may contribute substantially to the overharvest and waste of game. This conclusion is also concurred in by Departments of Fish and Game and Public Safety.

By requiring resident and nonresident transporters to have to meet FAA Part 135 requirements, the Task Force hopes to reduce the potential for unregulated overharvest of those big game species that are of great importance to subsistence and resident users as meat animals (i.e., moose and caribou).

This bill also eliminates the distinction between guides and outfitters, and creates a "guide-outfitter" class. Outfitters in the past have been unregulated; this bill now requires that these individuals meet the licensing criteria established for all persons given direct, one-on-one responsibility for the conduct of a big game hunt. By melding guides and outfitters into one license category, the Task Force -- through this bill -- hopes to establish a pool of well-qualified, licensed persons to provide guided or outfitted big game hunts. In addition, these licensing requirements will indirectly serve to regulate the numbers available to conduct guided or outfitted hunts.

(In fairness to the previously unregulated outfitters, the bill does provide some transition -- or grandfather -- provisions, in order that those who have outfitted for the past three years and met the require-

ments of last year's SB 191 might continue to outfit while preparing to take the guide-outfitter exam for which this bill makes them eligible to sit.)

The Task Force also recognized that the commercial harvest of Alaska's big game resource plays a major role in Alaska's economic well-being. The Administration is anxious that this point not be overlooked by the Legislature.

Hunts by nonresidents (whether U.S. citizens or foreigners) for Alaska's big game trophy animals are a significant part of our "tourist" industry. In addition, nonresident tag fees provide 75% or more of the fish and game funds currently supporting the resource management budget within the Division of Wildlife Conservation. Although, unfortunately, no one can currently say with any real authority just exactly how many millions of dollars are spent each year in Alaska as a result of the harvest of Alaska's wildlife resource (including how much is spent on incidentals and gift items while visiting here), no one has contested the \$100 million figure so often used by industry proponents.

It is important to note that, as with our fisheries, the "product" of this industry -- the game -- costs the commercial big game industry absolutely nothing to create: it is growing in the wild, free and available. The fact that such significant sums of money are generated from a public resource mandates that the state:

1. identify and regulate those who financially benefit from the commercial activities associated with big game hunting;
2. receive back from all private sector commercial users a portion of that revenue to assist in game management and enforcement of game laws and regulations; and
3. continue to manage the game resource in order to insure that not only subsistence and resident user needs are met, but that a sufficient yield is maintained to also provide for nonresident hunters and a viable big game commercial services industry.

HB 112 provides us with the tools to accomplish these three important goals.

The bill requires all persons covered by the act to pay a "commercial use permit fee" which will be separately accounted for in the general fund. The bill provides that the Legislature may make appropriations based on the annual estimated balance of that special fund to the Departments of Fish and Game and Public Safety for game management and enforcement. The bill also establishes a "big game conservation fee," which, under certain criteria, is due to the state for each animal taken by a big game hunter. Again, these fees are to be separately accounted for and utilized by Fish and Game and Public Safety.

These fees "reimburse," as it were, the citizens of Alaska for the annual commercial harvest of their game resource, and provide the state with

funds to continue to properly manage the game and adequately enforce game laws and regulations.

We are aware that many previously unregulated persons may well resist the sweeping changes proposed in the bill and resent its tough accountability provisions. We strongly believe, however, that the advantages to Alaskans generally that accrue from this bill outweigh the concerns of those commercial users who must now stand, be counted, assume some responsibility for the resource, and pay.

Finally, there is the issue of proposed amendments. The Administration has a few substantive changes to propose. We also have a number of mostly self-explanatory technical amendments, the majority of which were requested by the Department of Public Safety to clarify the discipline and penalty provisions of the bill. Each of these proposals is separately discussed below.

#### B. Rationale for Proposed Amendments

Attached to this position paper are our proposed amendments. They are numbered 1 through 14 and will be discussed in that order.

##### Amendment No. 1: Board Composition

Proposed AS 08.54.300(b)(1), (2), and (3) would include among the members of the proposed board three representatives of the Administration: the commissioners of fish and game, natural resources, and public safety (or their designees). We believe this is not a good idea.

The proposed board is a regulatory one. Its powers and duties would include the power to discipline those regulated by the proposed board. If a state agency filed a complaint with the proposed board, which might result in the proposed board taking disciplinary action, an obvious due process problem would result: with the agency bringing the complaint also being represented on the proposed board itself, the agency would be serving as both accuser and adjudicator.

A second problem: since the three named state departments are clearly within the executive branch and, therefore, represent the Administration, we believe agency representation on the proposed board might limit the Administration's flexibility in responding to the proposed board's actions and recommendations. A related problem is that, since the Administration always tries to speak with one voice, albeit not always successfully, having three separate agency representatives on the proposed board either would be redundant or, worse, would open the door to having internal disagreement within the Administration aired in a public forum.

None of these situations seem advisable to us. The board's disciplinary/enforcement role could be compromised and, if the agency representatives attempt to speak with but one voice, the board, which needs the benefit of free discussion, would be considerably hampered by the lack of independent viewpoints and perspectives.

We have proposed instead, two amendments. This first one would remove the three state agency representatives from the Big Game Commercial Services Board (CSB). In their place, we have added one seat for the class of commercial use permit holders discussed in AS 08.54.460, not previously represented on the board, and increased the public membership on the board from one to three.

In addition, we have clarified that the board member appointed by the Board of Game cannot, while serving on the CSB, also hold a commercial use permit. This would ensure that the Board of Game representative did not have a financial interest in the big game hunting industry while on the board, thus attempting to maintain (along with the additional public members) some balance of special interests on the board.

In addition, because we recognize that much of the impetus behind the Task Force's decision to place state agency representation on the CSB came from a desire that the board be assured of receiving adequate information and data from the various departments, we have proposed Amendment No. 4, which will state, in statute, that the Departments of Fish and Game, Natural Resources, and Public Safety must provide the board with technical assistance and information.

#### Amendment No. 2: Board Duties

This amendment clarifies that the roster of big game commercial services providers maintained by the CSB should list only those qualified to be listed, regardless of the origin (federal or state) of the convictions.

#### Amendment No. 3: Management System

A majority of the members of the Task Force were fairly clear in their desire to recreate, to the maximum extent possible, an area scheme similar in construction to that which was held unconstitutional in Owsichuk v. State, Guide Licensing and Control Board, 763 P.2d 488 (Alaska 1988). To this end, proposed AS 08.54.310(b)(2) provides that the CSB may "establish, in consultation with the Department of Fish and Game or the Department of Natural Resources, a resource-based management system for allocating access to big game hunting opportunities among guide-outfitters licensed under this chapter" (emphasis added). The inclusion of the Department of Natural Resources makes clear that a land-based, as well as resource-based system is contemplated. We are concerned over the constitutionality of this section.

Article VIII, section 3 of the Alaska Constitution provides: "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." In Owsichuk, the Court held that the statutes authorizing the establishment of restricted guide areas were unconstitutional under this common use provision.

The court also noted that the common use provision precluded restricted guide areas even if they could be justified as a wildlife management tool. In the court's view, traditional management tools -- "[l]icensing requirements, bag limits, and seasonal restrictions" -- are apparently

sufficient to protect game resources without conflicting with common use guarantees.

A majority of the Task Force, however, believes that some system of limitation may be available through the granting of leases and concessions on state lands. Inclusion of the commissioner of natural resources (or designee) on the proposed board and the grant of authority to "establish" an allocation system "in consultation" with the Department of Natural Resources signals, we believe, an intent to employ the state's land management authority to recreate, to the extent possible, the type of area system found unconstitutional in Owsichek.

As contemplated by the Task Force, commercial guide-outfitting concessions on state lands would involve fairly large tracts of land for substantial periods of time and would, again to the extent feasible, legally preclude anyone other than the designated concessionaire(s) from leading guided or outfitted hunts in the areas for which the concessions are granted. (Some members of the Task Force also expressed strong support for some form of preference rights under which individuals currently holding restricted guide areas would be given priority in obtaining such concessions.)

Other points must also be considered. First, the scheme presently contemplated by the Task Force would apply only to state land. It could not be applied to federal land or privately owned land (including land owned by Native corporations). It thus would not provide the statewide economic relief the guide-outfitters are seeking, nor would it provide Alaskans with what we most want: a game management system that will extend across all lands and be agreeable to all land owners. If we do not cooperatively develop a game management system acceptable to all land owners, the resulting loss of control over our statewide game resources will defeat any comprehensive attempt to manage our big game resources by the required sustained yield concepts. Finally, even with such a program, the limited duration of the exclusive concessions which could be granted probably would not provide the kind of long-term economic security and certainty the guide-outfitters desire.

In brief, it seems to us that the court has signalled in Owsichek that the common use clause requires that there be equal opportunity of access to the resource for all qualified guide-outfitters, and that traditional fish and game management tools -- e.g., licensing requirements, bag limits, and seasonal restrictions (we also believe these also include random permit drawings for both sport and commercial hunts) -- be used to protect the resource, at least unless and until the Alaska Constitution is amended to authorize exclusive guide areas.

Our proposed amendment removes the language providing the CSB with the authority to "establish" any kind of game management system. We believe that that must be done by the appropriate resource agencies. Instead, we suggest the board be given authority to "consult" with the Departments of Fish and Game and Natural Resources with respect to the creation of a resource-based management system that makes provision for commercial hunting opportunities for guide-outfitters.

We believe any language placing the CSB at the center of the creation of a system to allocate big game hunting opportunities among licensed guide-outfitters will give us the same complex problems that have dogged the Guide Board for so many years.

Amendment No. 4: Board Assistance

Justification for this amendment was previously discussed under Amendment No. 1 above. This new section would require specific state agencies to provide information and technical assistance to the CSB in lieu of those agencies holding seats on the Commercial Services Board itself.

Amendment No. 5: Commercial Use Permit Holders

This amendment clarifies that the class of commercial use permit holders does not include businesses providing accommodations (hotels, motels) within cities, towns and villages. Only lodges and the like situated in the "field" are required to get a commercial use permit if they provide accommodations (or other big game commercial services) to hunters.

Amendment No. 6: Discipline of Guide-Outfitters

This amendment expands the list of persons who may file a complaint against a guide-outfitter. The present language limits complaints to those filed with the board "by a client of the licensee." By deleting that restriction, other persons may file complaints, including land owners, fish and wildlife protection officers, and any others aware of potential violations.

Amendment No. 7: Discipline of Guide-Outfitters

This amendment would add, as a ground for discipline, the unauthorized use of state, federal, or private land by a licensed guide-outfitter.

Amendment No. 8: Discipline of Guide-Outfitters

This amendment clarifies that hunting in closed areas, whether closed by state or federal regulation, is grounds for the summary suspension of a guide-outfitter license.

Amendment No. 9: Discipline of Transporters/Commercial Use Permittees

This amendment clarifies that hunting in closed areas, whether closed by state or federal regulation, is grounds for the summary suspension of a transporter license or a commercial use permit.

Amendment No. 10: Unlawful Acts

This amendment would make it unlawful for big game commercial service providers to use state, federal, or private land without authorization.

Amendment No. 11: Unlawful Acts

This amendment clarifies which of the listed offenses is solely subject to misdemeanor penalties and deletes any specific reference to a required jail term.

This amendment, and the following two (numbers 12 and 13), follow suggestions provided to the Task Force by the Department of Law's Criminal Division, which deals regularly with these provisions in handling unlawful guiding activities.

Amendment No. 12: Unlawful Acts

This amendment clarifies which of the listed offenses is subject, on first offense, to misdemeanor penalties, and which, on a second or subsequent offense, is deemed serious enough to warrant escalation to felony penalties. The amendment also deletes the words "two months" in favor of "sixty consecutive days," which more tightly defines the sentencing conditions.

Amendment No. 13: Unlawful Acts

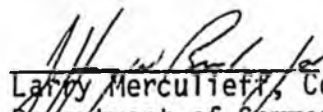
This amendment does not change the intent of this section in the bill, but adds language which specifically references the statutes which apply to the suspension or reduction of penalties during sentencing; the bill intends to limit the court's sentencing discretion in cases involving unlawful acts by big game commercial services providers.

Amendment No. 14: Definitions of "Guide-Outfit"

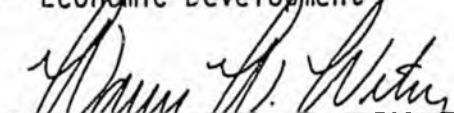
This amendment substantially rewrites the definition of "guide outfit" in the bill. The changes add language that exists in the definition of "guide" or "guiding" in the present statutes. We believe much important language was unintentionally left out during the drafting of the definition for guide-outfitting and, primarily for enforcement purposes, we are recommending that this definition be expanded to include portions of the language that presently exists in statute.

\* \* \*

In the final analysis, the Administration is very supportive of HB 112 and urges its passage. We would appreciate consideration of our proposed amendments as well.

  
Larry Mercuri, Commissioner  
Department of Commerce &  
Economic Development

2/15/89  
Date

  
Don W. Collinsworth, Commissioner  
Department of Fish and Game

2/15/89  
Date



Lennie Boston-Gorsuch, Commissioner  
Department of Natural Resources

2/14/89

Date



Arthur English, Commissioner  
Department of Public Safety

2-14-89

Date

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PROPOSED AMENDMENTS TO HB 112

Page/Lines

Amendments

Page 1, Lines 26  
through 29; Page 2,  
Lines 1 through 10

1. Repeal and reenact AS 08.54.300(b) to read:

(b) The board consists of nine members:

(1) two members who are either a licensed guide-outfitter or class-A guide-outfitter;

(2) one member who is a licensed transporter;

(3) one member who is a commercial use permit holder, as defined in AS 08.54.460;

(4) one member of the Board of Game who is chosen by the Board of Game, but who cannot hold a commercial use permit while serving on the board;

(5) one member who represents Native land holders; and

(6) three public members.

Page 3, Lines 4  
through 10

2. Amend AS 08.54.310(a)(4) to read:

(4) compile, maintain, and publish an annual register of big game commercial service providers subject to this chapter who have not been convicted of a violation of a state or federal statute or regulation relating to the provision of big game commercial services; a big game commercial services provider listed in the register whose license or permit is revoked or suspended shall be removed from the register while the provider's license or permit is revoked or suspended;

Page 3, Lines 26  
through 29

3. Amend AS 08.54.310(b)(2) to read:

(2) consult [ESTABLISH, IN CONSULTATION] with the Departments of Fish and Game and [OR DEPARTMENT OF] Natural Resources [,] with respect to a resource-based management system for allocating access to big game hunting opportunities among guide-outfitters licensed under this chapter;

Page 4, Line 7

4. Amend Article 4 ("Big Game Commercial Services Board") by adding a new section to read:

AS 08.54.330. BOARD ASSISTANCE. The departments of fish and game, natural resources, and public safety shall provide the board with any information, data, or technical assistance requested by the board for the pur-

poses of licensing and regulating the activities of the providers of commercial services subject to this chapter.

Page 12, Lines 1 through 10

5. Amend AS 08.54.460 to read:

Sec. 08.54.460. COMMERCIAL USE PERMIT HOLDER. A person, other than a guide-outfitter, marine mammal guide-outfitter, or a transporter, who provides other big game commercial services for compensation shall register with the board on a form provided by the board and shall obtain a commercial use permit and pay the annual commercial use permit fee set under AS 08.54.470. In this section "other big game commercial services" includes provision of accommodations in the field, hunt broker services, gear rental services, photographic or videographic services, expediter services, and services as defined by the board by regulation.

Page 12, Line 29;  
Page 13, Lines 1 through 6

6. Amend AS 08.54.500(a) to read:

Sec. 08.54.500. DISCIPLINE OF GUIDE-OUTFITTERS. (a) The board may hold a hearing to determine whether disciplinary action is necessary if a complaint concerning the guide-outfitting activities of a licensee who holds any class of guide-outfitter license is filed with the board [BY A CLIENT OF THE LICENSEE]. The board shall hold a hearing to determine whether a licensee should be disciplined within a reasonable time after . . .

Page 13, Lines 15 through 24

7. Amend AS 08.54.500(b) to read:

(b) After a hearing, the board may revoke, suspend, or deny renewal of any class of guide-outfitter license, if the board finds that the licensee

(1) engaged in unethical activity, unsafe activity, or activity that adversely affects the natural resources of the state when the activity is related to the purposes of providing guide-outfitting services; [OR]

(2) violated a provision of a federal or state statute or regulation relating to hunting or provision of big game commercial services; or

(3) used state, federal, or private land without authorization, when such authorization is required by state or federal law, regulation, or other authority.

Page 14, Lines 3 through 9

8. Amend AS 08.54.500(c)(3) to read:

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

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

Page 15, Lines 18 through 24

9. Amend AS 08.54.505(c)(2) to read:

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

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

Page 18, Lines 13 through 15

10. Amend AS 08.54.520(a) to add a new subparagraph to read:

(11) [A] person to engage in a big game commercial services activity during the period for which the person's license to conduct that activity is suspended or revoked;

(12) person who is licensed or holds a commercial use permit under this chapter to use state, federal, or private land without authorization, when such authorization is required by federal or state law, regulation, or other authority.

Page 18, Lines 16 through 19

11. Amend AS 08.54.520(b) to read:

(b) A person who commits an offense set out in (a)(1), (4) and (5) [(a)(1) - (6)] of this section is guilty of a misdemeanor and is punishable by a fine of not more than \$30,000 or by imprisonment for not [LESS THAN TWO MONTHS OR] more than one year, or both.

Page 18, Lines 20 through 27

12. Amend AS 08.54.520(c) to read:

(c) A person who commits an offense set out in (a)(2) and (3) and (6) - (12) [(a)(7) - (10)] of this section is guilty,

(1) for a first offense, of a misdemeanor and is punishable by a fine of not more than \$30,000 or by imprisonment for not less than sixty consecutive days [TWO MONTHS] or more than one year, or both;

(2) for a second or subsequent offense, of a felony and is punishable by a fine of not more than \$50,000 or by imprisonment for not less than one year or more than three years, or both.

Page 19, Lines 12  
through 14

13. Amend AS 08.54.520(f) to read:

(f) Upon conviction of a person for committing an offense set out in (a) of this section, [THE COURT MAY NOT SUSPEND IMPOSITION OF SENTENCE] the imposition or execution of the minimum sentence prescribed in this section may not be suspended or reduced in accordance with AS 12.55.080 or 12 55.085.

Page 20, Lines 25  
through 27

14. Amend AS 08.54.590(4) to read:

(4) "guide-outfit" means to provide, for compensation, or with the intent or with an agreement to receive compensation, big game commercial hunting services in the field, [FOR COMPENSATION, IN THE FIELD BUT DOES NOT INCLUDE TRANSPORTATION SERVICES,] including accompanying or being present with a big game hunter in the field either personally or through an assistant; "guide-outfit" does not include providing transportation services to, from, or in the field if the persons providing transportation services and the persons being transported do not stalk, pursue, track, kill, or attempt to kill big game during the provision of those services;

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STATE OF ALASKA  
THE LEGISLATURE

POUCHY STATE CAPITOL  
JUNEAU ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 15, 1989

SUBJECT: Sectional Summary of HB 112; An Act relating to big game hunting and to the regulation of big game and marine mammal guide-outfitting, transportation, and other commercial services for big game hunters, creating the Big Game Commercial Services Board; and providing for an effective date.

TO: Representative Curt Menard  
Representative Cliff Davidson  
Co-Chairs, House Resources Committee

FROM: George Utermohle *GU*  
Legislative Counsel

The following is a sectional summary of HB 112 requested by Johanna Munson of your staff.

Please note that a summary of a bill should not be considered an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Section 1 of the bill repeals and reenacts AS 08.01.010(10) to provide that the Big Game Commercial Services Board is subject to and benefits from centralized licensing procedures under AS 08.01.

Section 2 of the bill repeals and reenacts AS 08.03.-010(c)(20) to provide that the Big Game Commercial Services Board terminates on June 30, 1993 under the "sunset" provisions of AS 08.03.

Section 3 of the bill adds new sections to AS 08.54.

ARTICLE 4. BIG GAME COMMERCIAL SERVICES BOARD.

Sec. 08.54.300 establishes the Big Game Commercial Services Board (Board) in the Department of Commerce and Economic Development. The Board consists of nine members. Three members of the Board are the commissioners (or their designee) of fish and game, natural resources, and public safety.

Representative Curt Menard  
Representative Cliff Davidson  
Page 2  
February 15, 1989

Two members of the board are either guide-outfitters or class-A guide-outfitters. One member of the Board is a transporter. One member of the Board is a member of the Board of Game who is chosen by the Board of Game. One member is a person who represents Native landholders. And one member of the Board is a public member. The guide-outfitter, transporter, and public members of the Board, as well as the representative of Native landholders, are appointed by the governor.

Sec. 08.54.310 sets out the duties and powers of the Board. The Board shall prepare, grade, and administer examinations for guide-outfitters licenses and for game management unit certifications; determine qualifications for class-A guide-outfitter, marine mammal guide-outfitter, and assistant guide-outfitter licenses; establish performance standards for providers of big game commercial services and regulate the activities of these providers; publish an annual list of big game commercial services providers; prohibit big game commercial services that are unsportsmanlike, unethical, unsafe, etc; revoke, suspend, or deny renewal of licenses and permits; authorize issuance of transporter licenses and commercial use permits; and meet at least twice each year.

The Board may provide for registration of hunting camps and facilities; establish a management system for guide-outfitters; and establish standards of supervision that a guide-outfitter must exercise over class-A guide-outfitters and assistant guide-outfitters.

Sec. 08.54.320 provides that the Board shall adopt regulations as required by this chapter and as necessary for administration of this chapter.

#### ARTICLE 5. LICENSING.

Sec. 08.54.350 sets out the minimum qualifications necessary for a guide-outfitter license. A guide-outfitter may contract to guide-outfit hunts for big game.

Sec. 08.54.360 sets out the minimum qualifications necessary for a marine mammal guide-outfitter license. A marine mammal guide-outfitter may contract to guide-outfit hunts for marine mammals.

Sec. 08.54.370 sets out the requirements for renewal of guide-outfitter and marine mammal guide-outfitter licenses.

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Representative Cliff Davidson  
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The department may not renew a license unless these requirements are satisfied.

Sec. 08.54.380 sets out the minimum qualifications necessary for a class-A guide-outfitter license. A class-A guide-outfitter may not contract to guide-outfit hunts. A class-A guide-outfitter must be under the supervision of a guide-outfitter but may take charge of a camp in the absence of a guide-outfitter.

Sec. 08.54.390 sets out the minimum qualifications necessary for an assistant guide-outfitter license. An assistant guide-outfitter may not contract to guide-outfit hunts and must be employed by a guide-outfitter and supervised by a guide-outfitter or class-A guide-outfitter while in the field on a hunt.

Sec. 08.54.400 sets out the requirements for obtaining and renewing a transporter license.

A transporter may provide transportation services to big game hunters. A transporter may also provide accommodations to big game hunters in the field in certain situations. A transporter must place a decal provided by the department on each piece of transportation equipment that the transporter uses in providing transportation services to big game hunters.

Sec. 08.54.410 provides for an appeal to the commissioner of commerce and economic development if an applicant for any class of guide-outfitter license or transporter license is denied a license by the Board. Specific criteria that an appellant must satisfy in order to file an appeal under this section are set out.

Sec. 08.54.420 provides that guide-outfitter, marine mammal guide-outfitter, and transporter licenses are renewed annually.

Sec. 08.54.430 provides for examinations for any class of guide-outfitter license that may be required under this chapter. The Board shall administer qualification examinations at least twice a year and at least once each two years shall administer the examinations at a location outside of Anchorage. The examinations must be administered at least 90 days apart.

Representative Curt Menard  
Representative Cliff Davidson  
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The Board shall regularly provide information on examinations and qualifications for all classes of guide-outfitter licenses to residents of rural areas.

Sec. 08.54.440 provides for renewal of all classes of guide-outfitter licenses after the license has lapsed. If any class of guide-outfitter license has lapsed for two consecutive years, the applicant must satisfy the requirements for initial issuance of the license.

A guide-outfitter does not have to repeat the three year apprenticeship as a class-A guide-outfitter or an assistance guide-outfitter unless the guide-outfitter license has been lapsed for three years or more.

Sec. 08.54.450 provides that the department shall set fees for examinations and licenses required under this chapter. A license fee for any class of guide-outfitter license is in addition to the fee paid for a hunting license.

Sec. 08.54.460 requires that a person, other than a licensed guide-outfitter, marine mammal guide-outfitter, or transporter, who provides other big game commercial services for compensation register with the Board, obtain a commercial use permit, and pay the commercial use permit fee. Examples of "other big game commercial services" are listed.

Sec. 08.54.470 requires guide-outfitters, marine mammal guide-outfitters, and transporters to obtain an annual commercial use permit and pay the commercial use permit fee.

The department, in consultation with the Board, shall set the amount of the commercial use permit fee.

A guide-outfitter, marine mammal guide-outfitter, or transporter shall pay the commercial use permit fee with the application for issuance or renewal of their license.

The commissioner of administration shall separately account for the fees received for commercial use permits. The legislature may use the money received for commercial use permits to make appropriations to the Department of Fish and Game and the Department of Public Safety for game management and enforcement of game laws.

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#### ARTICLE 6. PENALTIES.

Sec. 08.54.500 sets out the procedures for discipline of a person who holds any class of guide-outfitter license.

The Board may hold a disciplinary hearing upon receiving a complaint about the guide-outfitter licensee. The Board shall hold a disciplinary hearing upon receiving three complaints from members of three separate hunting parties about a licensee's activities or a complaint about a licensee's conduct in a life-threatening situation or if the licensee is convicted or certain state or federal laws.

The Board may revoke, suspend, or deny renewal of any class of guide-outfitter license after a hearing if the Board finds that the licensee engaged in certain proscribed activities or violated certain state or federal laws.

The Board shall revoke any class of guide-outfitter license after a hearing if the Board finds that the licensee is not qualified for the license held, is incompetent, or has been convicted of certain state or federal laws during the preceding five years.

The Board shall immediately suspend any class of guide-outfitter license if a certified copy of a judgment of conviction of a licensee for certain state or federal crimes is filed with the Board.

Sec. 08.54.505 provides for the discipline of transporters and commercial use permittees.

The Board may hold a disciplinary hearing regarding the activities of a transporter or commercial use permittee upon receiving a complaint about the transporter or commercial use permittee. The Board shall hold a disciplinary hearing upon receiving three complaints from members of three separate hunting parties about the transporter's or permittee's activities or if the transporter or permittee is convicted of certain state or federal laws.

The Board may revoke, suspend, or deny renewal of transporter license or commercial use permit after a hearing if the Board finds that the licensee or permittee engaged in certain proscribed activities or violated certain state or federal laws.

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The board shall revoke a transporter license or commercial use permit after a hearing if the Board finds that the licensee or permittee is not qualified for the license or permit or has been convicted of certain state or federal laws during the preceding five years.

The Board shall immediately suspend a transporter license or commercial use permit, if a certified copy of a judgment of conviction of licensee or permittee for certain state or federal crimes is filed with the Board.

Sec. 08.54.510 sets out general provisions applicable to disciplinary proceedings.

A person who is disciplined under AS 08.54.500 or 08.54.505 may not engage or be employed in the business of providing big game commercial services during a period of license or permit revocation or other disciplinary action. A person who is licensed under this chapter or who holds a commercial use permit may not employ a person whose license or permit under this chapter has been suspended or revoked.

A license or permit that has been revoked must be surrendered immediately to the department.

A certified copy of a judgement of conviction is conclusive evidence of the commission of the offense in a disciplinary proceeding of the Board, regardless of whether the conviction resulted from a plea of nolo contendere or the conviction is under appeal, unless the conviction is overturned on appeal.

The Board shall notify a complainant of the result of the Board's hearing within 30 days after the hearing. The Board must also notify a complainant of its reasons for not taking disciplinary action.

Sec. 08.54.520 sets out unlawful acts involving the provision of big game commercial services and establishes the penalties for those acts.

A person may be punished by a fine of not more than \$30,000 or imprisonment for not less than two months or more than one year or both for

Representative Curt Menard  
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- (1) failing to report violations of certain laws by a client or employee if the person holds a license or permit issued under this chapter;
- (2) committing, aiding in the commission of, or allowing a violation of certain fish and game laws if the person holds a license or permit issued under this chapter;
- (3) providing commercial big game services without holding a commercial use permit;
- (4) obstructing the lawful hunting activities of hunter who is not a client of the person, if the person holds a license or permit under this chapter;
- (5) failing to transmit big game conservation fees to the department;
- (6) providing guide-outfitting services except while employed and supervised by a guide-outfitter, if the person is a class-A guide-outfitter or assistant guide-outfitter.

A person may be punished by a fine of not more than \$30,000, or imprisonment for not less than two months or more than one year, or both for a first offense or by a fine of not more than \$50,000 or imprisonment for not more than three years for a second or subsequent offense ' r

- (1) providing guide-outfitter services without having an appropriate class of guide-outfitter license and hunting license in actual possession;
- (2) advertising or to representing to be a guide-outfitter without holding a guide-outfitter or marine mammal guide-outfitter license;
- (3) providing transportation services to a big game hunter without holding a transporter license;
- (4) contracting to lead a hunt, if the person is a class-A guide-outfitter or assistant guide-outfitter.

A person who provides big game commercial services while the person's license to provide those services is suspended or

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revoked is punishable by a fine of not more than \$50,000 or by imprisonment for not more than three years.

A person who is convicted of an act set out in this section may also be subject to revocation of the person's license to provide guide-outfitter and transportation services for not more than five years and forfeiture of guns, boats, aircraft, and other equipment used in committing the act.

A court may not suspend imposition of sentence, if a person is convicted of an act set out in this section.

Sec. 08.54.530 provides that the Board may obtain an injunction to stop a person from violating certain provisions of this chapter.

Sec. 08.54.540 provides that a guide-outfitter is subject to discipline by the Board under AS 08.54.500 for violations of certain state and federal laws committed during the course of employment by a class-A guide-outfitter or assistant guide who is employed by the guide-outfitter.

#### ARTICLE 7. GENERAL PROVISIONS.

Sec. 08.54.550 provides for the collection of certain information and reports from guide-outfitters, marine mammal guides, and transporters by the department. This information is confidential except that aggregated information may be released in reports by the department.

Sec. 08.54.590 established definitions for "big game", "board", "department", "guide-outfit", "field", "transportation services", and "unethical activity".

Section 4 of the bill amends AS 16.05. by adding a new section.

Sec. 16.05.344 establishes a big game conservation fee to be paid by guide-outfitters, marine mammal guide-outfitters, and transporters for certain big game animals taken by their clients. The amount of the fee is equal to 25 percent of the big game tag paid by the client under AS 16.05.340. The fee shall be paid to the Department of Commerce and Economic Development at the time that the guide-outfitter, marine mammal guide-outfitter, or transporter apply for renewal of their licenses. If the person who owes the fee to the department does not review the person's license, then the

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fee must be paid by the end of the calendar year in which the animal was taken.

The commissioner of administration shall separately account for big game conservation fees deposited in the general fund. The funds in the account may be appropriated by the legislature to fund the game management activities of the Department of Fish and Game and the game law enforcement activities of the Department of Public Safety.

Section 5 of the bill amends AS 16.05.407(a) by adding mountain goat to the list of species for which a nonresident hunter is required to utilize the services of a guide-outfitter and by making certain technical changes that are necessary to conform with the remainder of the bill.

Section 6 of the bill amends AS 16.05.407(d) by making a technical change that is necessary to conform to the repeal of AS 16.05.407(e).

Section 7 of the bill amends AS 16.05.408(a) by making a technical change that is necessary to conform with Section 3 of the bill.

Section 8 of the bill amends AS 16.05 by adding a new section.

Sec. 16.05.783 prohibits hunting clubs from supporting big game hunting activities or providing facilities or services for big game hunting.

"Hunting club" is defined.

Section 9 of the bill amends AS 39.50.200(b)(48) in order that the members of the Big Game Commercial Services Board are subject to the conflict of interest law.

Section 10 of the bill amends AS 41.23.420(d) by making a technical change that is necessary to conform to section 3 of the bill.

Section 11 of the bill amends AS 44.62.330(a)(35) to provide that the Big Game Commercial Services Board is subject to certain provisions of the Administrative Procedure Act.

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Section 12 of the bill provides for the transition from the existing classes of guide licenses to the new classes of guide-outfitter licenses.

All classes of guide licenses that are in effect on the effective date of this bill continue to be valid for the period for which the licenses were originally issued.

Persons who currently hold master guide or registered guide licenses shall be issued guide-outfitter licenses. Persons who currently hold class-A assistant guide licenses shall be issued class-A guide-outfitter licenses. Persons who currently hold assistant guide licenses shall receive an assistant guide-outfitter license. The new licenses shall be issued to the current licensee at the time of the next license renewal following the effective date of this bill, if the person is in good standing at the time of issuance and pays the appropriate fees.

If the Department of Commerce and Economic Development can issue new licenses sooner than is required by this section, the department may do so without charge to the licensee.

Section 13 of this bill provides that natural persons who have provided big game outfitting services in the past may qualify for a guide-outfitter license.

In order to qualify for a guide-outfitter license under this section, the person must have registered a camp, cabin, or lodge under AS 16.05.787 during 1988, engaged in the business of big game outfitting in 1986, 1987, and 1988, passed the guide-outfitter examination, and satisfied other requirements.

A person who provides sufficient proof of past history as a big game outfitter may receive an interim outfitter license that is valid for a period not to exceed a year from the effective date of this bill.

A person who holds an interim outfitter license may provide transportation and other big game commercial services to hunters in the field, except that the person may not provide big game guiding services.

A person who holds an interim outfitter license must promptly report violations of certain laws committed by a client or employee of the person.

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Representative Cliff Davidson  
Page 11  
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A person who holds an interim outfitter license must register base camps, cabins, and lodges that the person uses in providing big game outfitting services. The person must report the amount and kinds of big game taken by each hunter who uses the registered camp, cabin, or lodge.

A person who holds an interim outfitter license and who fails to report violations of certain laws by clients and employees is punishable by a fine of not more than \$2,000 or imprisonment for up to one year or both. Falsification of an affidavit of registration for a base camp, cabin, or lodge constitutes perjury.

The terms "base camp", "big game", "field", "guiding", and "outfitting" are defined.

Section 14 of the bill allows certain extraordinary appointments to fill the initial vacancies on the Big Game Commercial Services Board.

The guide-outfitter and class-A guide-outfitter seats on the board may initially be filled by persons who are either a master guide, registered guide, or a class-A assistant guide under current law or who registered a camp, cabin, or lodge under AS 16.05.787 during 1988 and engaged in the business of big game outfitting in 1986, 1987, and 1988.

The transporter seat on the board may initially be filled by persons who engaged in the business of providing transportation to big game hunters in 1986, 1987, and 1988.

Section 15 of the bill provides for the continuance of legal proceedings, hearings, investigations, and regulations during the transition from the current guide statutes (AS 08.54.010 - 08.54.240) to the guide-outfitter statutes contained in this bill.

Section 16 of the bill provides for the repeal of the current guide statutes (AS 08.54.010 - 08.54.240); the requirement for big game tag harvest reports and big game transporter reports (AS 16.05.370(b) and (c)); the requirement that nonresident hunters provide information on big game hunting services used in taking moose and caribou (AS 16.05.407(e)); provisions relating to the duty of big game transporters to report violations of certain state law (AS 16.05.786); and the requirement for registration of big game hunting base camps, cabins, and lodges (AS 16.05.787).

Representative Curt Menard  
Representative Cliff Davidson  
Page 12  
February 15, 1989

Section 17 of the bill provides for the repeal of certain amendments to AS 08.54 and AS 16.05 that are scheduled to take effect on July 1, 1989.

Section 18 of the bill provides that the bill takes effect immediately.

GU:kb  
wkk2/008

① For Samantha Castle

Chairperson: Bettye Fahrenkamp -  
- Chairperson - members of the Legislature -

I would like to compliment you and thank each of you for your sincere efforts to protect and provide for our usage of our unique and valuable big game resources.

I wish to specifically compliment Henry Springer and his Task Force for the excellent job they have done. In the beginning I didn't think it was possible to come up with as many sound and workable solutions as this Task Force has. They have literally worked through every facet and turned our piles, as Mr. Springer so well put it, of that "smelled bad and needed aired!"

③

my livelihood and providing for my family

The Alaskan Registered and Master Guides are a unique group of people, in the main dedicated people. Dedicated to the wildlife resource for it is simple, they are completely dependent upon these resources.

I recall men like Hal Waugh, Charlie Madsen, Chuck Keim and Mark Jensen - the list goes on - each a great man, each completely dedicated to the big game. At a meeting a good many years ago in Fairbanks when a move to put all bears on the predator list with a bounty was proposed, Hal Waugh spoke up to say bears were a unique and

(5)

written record of every animal and person I have guided: Guides are our first line of defense and of sound usage of our wilderness - people resource.

The air-Taxi has little direct interest in wildlife aside as it coincides with travel and we must not confuse the transportation business with the protection of our wildlife resource. They are handy but not dependent and the future of the air-Taxi business is not fully dependent upon the future of our wildlife resource.

The Task Force reports really address all quite well but "nit-picking" can tear almost anything apart. After saying this I have a

⑦

also in good faith.

I'm honored to have been able to  
submit my ideas and I wish to  
thank you all.

Harmon R. (Bud) Helmerichs



February 9, 1989

TO: SENATOR FAHRENKAMP, AND ALL SENATE RESOURCE COMMITTEE MEMBERS  
REPRESENTATIVE MENARD, AND ALL HOUSE RESOURCE COMMITTEE MEMBERS

The Alaska Outfitters Association, Inc. (AOA) supports SB 140 and HB 112 at this time. The AOA does have some comments on the bill and some areas of concern. The AOA is not offering any amendments at this time, however should the bill receive what the AOA considers to be negative editing the AOA will become more involved.

AS 08.54.300. CREATION AND MEMBERSHIP OF BOARD

The new board could have a better balance of commercial use members. The different activities represented by the board should not be lumped together. Each activity has its own specific considerations that can only be understood by representation on the board. Please consider that the broad scope of the Task Force duties was not understood by many who are affected by the results, such as wilderness lodge operators, marine charter boat operators and transporters other than air taxis, consequently these other commercial users did not say much at the Task Force hearings.

Sec. 08. 54.310. DUTIES AND POWERS

On page 3 lines 26 through 29, the concern is that this may be setting the foundation for another restricted guide area concept, contrary to the Owsichuk decision.

Sec. 08.54.470. COMMERCIAL USE PERMIT HOLDER

The definition of other big game commercial services is too vague and has no definitions. Possibly lines 6 through 10 on page 12 would read better in this manner; In this section "other big game commercial services" includes provision of accommodations and services as defined by the board by regulation.

Sec. 13 TRANSITION: OUTFITTERS

Page 26, line 12; A few outfitters with camps registered on federal lands were instructed by representatives of the Department of Public Safety not to register their camps with the state. These few outfitters should be allowed to participate. This may be achieved by a judgement call by Occupational Licensing.

(2)



Page 26, line 17; The AOA would like to see the oral portion of the guide-outfitter exam waived for transitional outfitters or given by someone other than a registered guide. The guide-outfitter exam should be offered as many times as possible during the outfitter transitional period, with the first exam before the 1989 fall hunting season and with ample time after the effective date for study.

Page 26, line 28; There is no business license classified "big game outfitter", with evidence in accordance with number (3) of this section, on this page, any business license for recreational services should be appropriate.

Page 28, line 4; The outfitter affidavit should be considered as confidential information, not information available to the general public.

The AOA wanted a longer transitional period with a different structure but we will accept this, however we ask that you keep in mind the topics mentioned.

Thank you for taking the time to read this list of AOA concerns. We appreciate the interest that our senators and representatives have shown the AOA and look forward to a good working relationship with you in the future.

In closing, please do all you can to pass this legislation in the best possible form and as quickly as possible.

Respectfully,  
*Paul Ellis*  
Paul Ellis  
Vice-president

(3)



# Alaska State Legislature

Please enter into the record my testimony to the Senate Resources  
committee name  
committee on SB 140, dated \_\_\_\_\_,  
bill/subject

senator Fahrenkamp:

I very much appreciate being able to present this testimony to the Committee regarding SB 140 and the bill extending the Task Force Study period.

It is very important that action be taken on both these bills. There is a very pertinent consideration that SB 140 does not address - that of determining the legal way to allot commercial use of areas. However, SB 140 should move ahead regardless.

I have several concerns with the bill. First, the composition of the Commercial Services Board - I feel more guides should be on that board. Another point is conservation fees. I believe that the "25% of tag" fee should be added to the tag fee up front. Collecting from the commercial user is going to be extremely cumbersome.

I also would like to see the Master Guide rating retained with perhaps some upgrading of the requirements.

Thank you for considering these points.

Signed: \_\_\_\_\_

Testifier

*Ray McNutt*  
Ray McNutt, Chairman

Alaska Guide Board

Representing (Optional)

Box 469, Sterling, Ak 99672

Address

262-4678

Phone No.



# Alaska State Legislature

Please enter into the record my testimony to the Senate Resources  
 committee name  
 SB 140 Guide  
 committee on SB 139 Outfitters, dated 2/13/89  
 bill/subject

I am a Registered guide in Kodiak. I have been guiding 9 yrs. I did not have my own area. I would like to make the following remarks on the new G/O bill. 1. I strongly oppose the reduction in penalties from a felony to a misdemeanor. This is only going to encourage people to try to get away with more things than they already do. 2. I don't like the idea of someone who has not put the time in, in the field like I did to get my license to be able to get a registered license just because they outlitted for a couple of years. 3. I think on the makeup of the board that 1 member should be a guide from the time when exclusive areas were ~~legal~~ legal so that 2 "Outfitters" don't get on. That would be unfair for the guides we have been the only ones who have been compromised + been

Signed: William A Newcomer

Testifier

myself

Representing (Optional)

Box 2204 Kodiak AK 99615

Address

907 - 486 - 6096

Phone No.

just so far,  
Thank you.

1  
1 PAGE  
1 AC

Testimony on SB 139 & 140, HB 112 & 113  
Wed 5-8-89 1:30 PM Teleconference

Madam Chairman and members of the Committee  
I am Byron Haley of 1002 Pioneer Rd, Fairbanks  
Alaska 99701. Retired and a 40 year resident  
of Fairbanks. I am President of Chitina Dipnetter's  
Assoc., secretary of the Fairbanks Advisory Committee  
to the Boards of Fish and Game, a Life member  
of the Tanana Valley Sportmen Assoc. and a  
Trustee of the Alaska Outdoor Council.

I am not representing any of these organizations  
at this teleconference and this testimony is my  
own personal views.

I would like to thank the task  
force for their work on this very complex  
issue by bringing forth a bill that a majority  
of the users groups can support, but as  
was brought out at Monday teleconference  
the job is only half done now comes the  
job of making up a management plan for  
the whole state which all user groups  
can support which is going to take a lot of  
work by everyone that is involved and I  
would like the Legislature to pass SB 139 +  
HB 113 for a start.

On SB 140 + HB 112

The Big Game Commercial Services Board  
home office should be in Anchorage

1

2

so it would be more assailable to the public, guide-outfitters and transporters.

There are some change I think need to be made.

On page 4 lines 12 and 21 after the word hunting the word Fishing should be added. I think it is very important to include the words Fishing, Fishermen or Fish in the bill where ever it is needed. A lot of fishing takes place along with guide-outfitters hunt and would be used very much by a Transporter. Other areas in the bill where the word fishing should be added after the word hunting are as follows

Page 14 lines 8 and 9

Page 15 lines 2, 12, 23 and 24

Page 17 line 22

Page 18 line 10 use the word Fishermen

Page 21 line 7 add Fishermen and line 17 add Fishing.

On page 4 lines 22+23, Page 6 lines 13+14 Delete the words "For which the person was fined more than \$500 or imprisoned for more than five days" Any violation of Fish and Game laws should be used in

issuing or revoking a license. A dollar valuation or imprisonment should not be used in judging any violation of Fish and Game regulation and should be brought before the Big Game Commercial Service Board. a violation is a ~~real~~ violation and should be treated as such.

Under Transporter License Sec. 08.54.700 Pages ~~8~~<sup>8</sup>, ~~9~~<sup>9</sup> and ~~10~~<sup>10</sup> There should be some wording to the effect that if a transporter is illegally transporting Fish and Game his Transporter license will be revoked and a renewal denied.

Above all the resource has to be protected at all cost.

This concludes my testimony and I would like to thank the committee for this opportunity to testify.

Byron W. Halcy

TESTIMONY OF THE ALASKA AIR CARRIERS ASSOCIATION  
REGARDING SENATE BILL 140/HOUSE BILL 112  
BEFORE THE JOINT HOUSE/SENATE  
RESOURCE COMMITTEE  
February 8, 1989  
Juneau, Alaska

Senator Fahrenkamp, Representatives Menard and Jacko, and members of the House and Senate Resource Committees, my name is John Hajdukavich and I am here today on behalf of the Alaska Air Carriers Association.

The bill before you today deals mainly with the regulation of guides and outfitters. It is a carry-over of the debate last year which centered on regulating the outfitters, who were previously unregulated and growing rapidly. We think that the Legislature acted appropriately last year by passing SB 191. Since then, the Supreme Court decided that the existing system of exclusive guide areas was unconstitutional, and the Guide/Outfitters Task Force prepared recommendations which would create a new system of commercial users of big game. Many of the Task Force recommendations are included in SB 140.

The Alaska Air Carriers Association, which currently represents sixty-six carriers, believes that most of the bill seems reasonable, except for two sections. The first is Section 08.54.400, on page 8, which creates a new system of licensed "transporters." We believe this section should be deleted for the following reasons:

1. Air carriers are engaged in the transportation of persons from point to point, regardless of the purpose of one's trip. Almost all carriers charge point to point fares, not fares

which differ for hunters or other air travelers. ;Most carriers derive a small portion of their revenue from the transportation of hunters. It makes no sense to require carriers to obtain another license specifically for the purpose of transporting hunters to the field. We already have federal 135 certificates and must register all of our aircraft with the Department of Commerce (\$50/aircraft fee) after proof that we have adequate liability insurance (\$150,000/seat).

2. This section also requires transporters to pay a commercial use permit fee. Apparently the theory behind this requirement is that because we derive commercial benefit from game, which is a common property resource, we should pay a fee. We strongly disagree with that theory for the same reason cited above - we simply transport people from point A to point B for the same charter fee, regardless of the intended activity of that person.

If the State wants to tax businesses which benefit from our game resources, then to be fair, the State would have to tax a hunter's trip to Alaska (for non-residents), the sporting goods stores, the grocery stores, the hotels, and any other services that the hunter uses while in Alaska. Arbitrarily singling out the last leg of the trip - the charter to the remote lake or air strip where the hunting takes place - is not reasonable.

The logical extension of this theory, if enacted into statute here for hunting, is to begin charging a transportation tax on any use of state land for any purpose - fishing, hiking,

photography, rafting, etc., as each represent uses of a common property resource. We simply disagree.

3. Another reason cited for these requirements is to "protect the resource." The proposed requirements are a very inefficient means to this end. The best way to "protect the resource" is more effective and frequent field presence of wildlife protection officers. The simplest way to raise money for this purpose is to increase the big game tag fees - because it is the hunters themselves who derive the greatest benefit from the harvest of game - and because it does not require additional administrative costs to collect the increased fees. If air carriers pay the fee for each hunter which harvests game, we will be forced to pass on that fee to the hunter anyway.

4. Existing law already requires air carriers to report activities relating to the transportation of hunters and the harvest of game, and there are stiff fines associated with violation. If there is a problem with compliance of the existing law, it would make more sense to simply increase the fine and do a better job of monitoring the reports, and the same result will be achieved.

AACA's second concern with SB 140 is the proposed repeal of the existing requirement that guides and outfitters obtain Part 135 certificates, just like all other air carriers. The legislature acted responsibly by requiring professional and equal standards for anyone transporting passengers for hire. Guide and outfitters argue that they should not be subject to same require-

ments because their flying is "incidental" to their business. Whether the flying is incidental or not is irrelevant. To protect public safety, anyone who receives compensation is whole or in part for flying people should be subject to the same basic standards of quality and professionalism. Under SB 140, guide/outfitters may fly hunters to the field with only a private pilots' license and an annual plane inspection. There is no requirement for a commercial pilot's license for liability insurance, or other standards required for all other carriers.

We intend to meet with representatives of the guide/outfitters and the Task Force to discuss our continued concerns with SB 140 and to see if there are mutually acceptable solutions which will resolve them.

We thank you for the opportunity to testify on this legislation.

028



# Alaska State Legislature

Please enter into the record my testimony to the Resource  
 committee name  
 committee on Guide outfitting dated 2/18/89  
 bill/subject

*In regards to the user fees new & existing that will follow this legislation. These fees except for a minor percentage 10-15% for administration should be delegated to the management of the resources from which they were derived.*

Signed: William P. Schenk (SCHENK)  
 Testifier

Representing (Optional)  
Box 1541-2  
 Address  
Kenai, AK 99541  
 Phone No.  
476-5642



# Alaska State Legislature

Please enter into the record my testimony to the Resource Committee  
committee name

committee on SB. 140, dated Feb 8, 1989  
bill/subject

My husband, Dick has been in Alaska 20 years. He began as a packer 19 yrs ago - he worked his way through the system, becoming a registered guide, then a master guide. His major concern is the transition from outfitter to guide. It would be nice to have more stringent qualifications for outfitters to do, in the year what it took Dick 19 yrs. to do. If the transition passes, then what about looking into a rating system such as in place already for the guides, that is, assistant guide, registered guide, then master guide. Then clients would know who they are hiring & what their knowledge & experience is.

One 2nd concern is the emporium of the new trail. We would like to see a person or there who actually represents the guide profession - with the 2 positions for the guide - outfitter available →

Signed: Sue Parker  
Testifier

Rodney Bear Camp  
Representing (Optional)

Box 7219 Kodiak Ak 99615  
Address

486.5835  
Phone No.

it would be possible that those 2 positions  
could be filled by those who were rejected,  
thus still representing the same group.

We would recommend retaining the  
Master Guide (Rejected) classification.


We urge the extension of the Tax Free.  
We commend them on all the work they  
have done.

Thank you.

# — Alaska Adventures Unlimited

February 8, 1989

Alaska State Legislature  
Sixteenth Legislature  
Senate Resources and House Resources Committee Members



Thomas J. Kirtzin  
Registered Guide  
P.O. Box 84808  
Fairbanks, Alaska 99708  
Telephone (907) 455-0117

Dear Members,

*Dear Chase*

I'm here today to testify about my current situation as a Licensed Alaskan Registered Guide and how this Guide Task Force Bill (SB-140) relates to me and my future livelihood.

I started my guiding career 16 years ago as a assistant guide and after gaining the years of experience needed to be able to qualify for the registered guide examination and meeting those qualifications, I successfully passed the exam. That was eleven years ago and I'm still very proud to be an Alaskan Registered Guide today!

Over the years I have seen alot of changes that have to deal with the guiding industry. The current Guide Board that was established in the early 1970's and shortly there after the guide area system which was copied from the British Columbia guiding industry and adapted to Alaska's needs. I remember well the difficulty that was undertaken for all guides to adapt and give into this system of restricted guiding areas and the new regulations for guiding and its activities.

The Guide's Board task to impliment this system was monumental during its first conceptions. As time went on and guides began to settle into the area concepts and guide laws, I recall the atmosphere of guiding to become somewhat more personal with real concerns as to ones future in this guiding industry. The years of D-2 and the land grabs sure hurt Alaskan Residents, and the effect was devistating to hundreds of guides who operated their businesses in these areas. As we now begin to look back on that time period not so long ago I wonder if most Alaskan's are not just begining to realize what was lost in the late 70"s.

The past several years as I have become more involved with a concern for the future and making a living in this guiding business. I have invested like many other guides have, a considerable amount of monies into my business based on the system which has been in place now for 15 years. I have a camp located on the Alaska Peninsual and on Kodiak Island where I conduct my guiding services for my clients. The recent supreme court decision has effected my livilihood considerable, and what a surprise to me to now have everything I've worked for tossed out and the lawful rug pulled out from under my feet. The supreme courts decision was obviously based on a very narrow view point towards one persons individual rights, and to say it wasn't a game management tool is beyond that judge's comprehension I feel!

Needless to say the supreme court must of realized their fruitful error with this decision because of its effect on a whole industry and hundreds of people's livelihoods, thus granting in early December the courts Stay until June 1, My guess would be that thinking some changes would be made to correct the problems discribed in the courts decision of October 21, 1988.

Through many efforts of individuals concerned with their future livelihoods a panal meeting took place in early December which involved all State, Federal land, and Fish & Game agencies. This was the first ever such a gathering of different and varied agencies to deal with one main concern, the policies for guides in the coming future and those actions. To me this meeting had a very important outcome, the Interior Fish & wildlife Dept. came forth with their interium plans for all Federal Refuge Lands, thus putting a limit on the number of commercial users to the level of 1988 which deal with services for Big Game Hunting. Because i guide on Kodiak Island Wildlife Refuge this interium decision was very important due to the fact a emergency Board of Game meeting scheduled for mid-January was cancelled which had plans to deal with a crisis situation that had came up because of the supreme courts decision. Its been very obvious that the Federal agencies and our State Fish and Game Dept. recognized the importantct of guide areas as an important management tool for the game resources.

During Governor Sheffield's administration approximately 5 years ago when the guide board was under the sunset review process there was an amendment to delete the portion that addressed transporters, because of a conflict with federal FAA laws. During this same time period Alaska started a large scale advertising plan to build the tourism industry in Alaska. From that time of revamping the guide laws and all the advertising to have more people interested in coming to Alaska, the door was opened to a group of unregulated commercial users for which Senate Bill 191 would finally recognize for what they are worth. I think Senator Cognill's plan for a task force to deal with this issue was in fact a good one. The undertaking of that job by the Task Force has given proof that the wildlife resources in Alaska are important, and that a part of the commercial tourism industry using those resources is very viable to Alaska's future. The recommendations that the Task Force have come forth with, I feel are in the best interest of Alaska's Wildlife Resources. You would think from the previous years of many numerous teleconferences and now with the undertaking by your own Task Force and with all its public input these past months that the issues have been covered and the problems, with solutions recognized.

This coming March Board of Game hearings in Anchorage will determine my future in the guiding profession for those

seasons greatly affecting me will be determined at that time. I will be faced with the possibilities on the Alaska Peninsula of having my Moose season completely closed and the Brown Bear seasons changed or shortened because of the over reaction by the Dept. of Fish and Game. There are nearly two hundred guides whom are licensed for this region called unit 9, but with only about one-third of these being active in previous years. It doesn't take a master mind to see that the resource could easily suffer if all these commercial users hit this region because of this court decision opening up this State to over harvest. This was the problem in the 60's and is exactly what brought about the Guide Board and the Area Concept in the first place. I don't want to tell my clients they can't plan their hunting trips for this spring or for next fall. I don't like being in the situation of knowing that in thirty days from now I may be put out of business because of new regulations governing the Big Game Seasons in my region, that is not very comforting believe me! How would you like to explain this to your clients and return their deposit for services you have promised but no longer can produce. I don't like to think that the State of Alaska lead me down the path all these years holding a carrot out in front, I by my own choosing got into this guiding profession and I am damn proud for doing so, because I believe in our Alaska Renewable Resources and this profession is very unique for North America and to Alaska, its one of a kind!

Senate and House Resources Members page 6

I do honestly feel the State in good faith has given me the methods, means, and the rights to conduct my guiding business under the current system which has been in place for some 15 years. Now to only find out that the system has failed the test is really disheartening. I don't for one minute think the State of Alaska in good faith under the direction of the Guide Board set up the guiding industry to its current level and the guiding area system to have it all through out the window! I do feel the State of Alaska has responsibilities to the people in the guiding industry and all Alaskans to address these problems in a fast timely manner. I would like to ask that this 16th legislature take to heart this plea of testimony to deal with these issues quickly in order to get laws and direction in place to protect the Wildlife Resources of Alaska and get some stability back into the guiding industry.

Thank you all for taking the time to listen and for the efforts of the Guide Task Force.

Sincerely,

A handwritten signature in cursive script that reads "Thomas J. Kirstein". The signature is written in dark ink and is positioned above the printed name.

Thomas J. Kirstein

# *Iniakuk Lake Lodge*

*Finest Lodge in the Brooks Range*

BERND GAEDEKE  
Master Guide

Telephone: (907) 479-6354

P. O. Box 80424  
Fairbanks, Alaska 99708

7 February, 1989

Ms. Bettye Fahrenkamp  
Chairman  
Senate Resource Committee  
P.O.Box: V  
Juneau, AK 99811

ref: SB 139  
SB 140

Dear Ms. Fahrenkamp:

I am Bernd Gaedeke, master guide #43, a 28 year resident of Alaska and a full-time guide/outfitter since 1967.

When I first obtained my registered guide license in 1967 I felt extremely proud to become a member of a fairly exclusive group of dedicated and respected professionals. In those days it was still easy to find an area that was not already claimed by another guide. Although there was no exclusive guide area concept at that time, there was a gentlemen's agreement among the guides as to who operated where and any conflicts that arose were usually settled in a gentlemanly fashion. Hunting seasons were much longer and harvest quotas were more generous. I remember when the sheep hunts in the Brooks Range opened on July 15 and the limit was two sheep per hunter.

But within just a few years the number of guides increased rapidly as did the number of hunters. The seasons and bag limits were reduced in order to protect our game resources. Unfortunately there was also an increasing number of guides who were more interested in making big money than in protecting our game populations. These were the so-called vacuum cleaner guides, most of whom are fortunately no longer with us.

Suddenly the guiding industry was out of control and measures had to be taken to not only protect our resource, but to protect a profession that contributes millions of dollars to our economy. The exclusive guide area concept was conceived with the overwhelming support of the guides. The assignment of exclusive guide areas certainly had its flaws, but it was a valuable resource management tool for the Dep't. of Fish & Game as well as for Fish & Wildlife protection. It also gave the guides parameters within which they could operate and plan from year to year how many hunters could be booked in their exclusive areas on a sustained yield basis.

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P. O. Box 80424  
Fairbanks, Alaska 99708

Many guides suffered a severe, if not lethal blow when the many new national parks were established under ANILCA in '79. I, for one, lost 50% of my exclusive area to the Gates of the Arctic N.P. I lost my entire sheep hunting area as well as prime bear, moose and caribou habitat. Other guides lost everything and simply gave up.

But despite the numerous set-backs a good number of guides have prevailed and continue to offer some of the best professional services in the world. Guides have always been individuals who could stand on their own two feet and have never depended on the government to bail them out when the chips were falling.

The events that have transpired in recent years have made it evident to all of us and hopefully to all of you that legislation must be enacted in this session if we are to survive as a viable industry. An ever growing number of irresponsible and unethical so-called Outfitters have made a mockery of the guiding industry by being able to pretty much do as they damned well please. I believe that the Legislature should have acted several years ago instead of dragging their feet from one session to the next. We're all getting tired of testifying year after year on the same issues. I personally would like to get on with my life instead of living in limbo from one season to the next, never knowing what tomorrow will bring. I have invested hundreds of thousands of dollars in lodges, camps, inholdings, aircraft and equipment.

I feel it is our state's responsibility to protect our interests as well as those rights granted to us some 15 years ago. We are licensed professionals who have in good faith entered a contractual agreement with our government. We are managing a renewable resource in a responsible manner. Our fees and dues and insurance premiums ( as required on all federally managed lands) are climbing at a staggering rate. I often ask myself lately why I'm still in this business, but having invested the best 23 years of my life in an honorable profession, enjoying the outdoors and the many good clients who keep coming back year after year, and especially being totally self-reliant make it all pretty hard to just give up and walk away from. Our backs are to the wall and we're not going to retreat any farther.

# *Iniakuk Lake Lodge*

*Finest Lodge in the Brooks Range*

---

BERND GAEDEKE  
Master Guide

Telephone: (907) 479-6354

P. O. Box 80424  
Fairbanks, Alaska 99708

I know that chairman Springer and his task force have worked very hard at trying to address all the problems that face us. There are some items which I don't fully support, but since time is of the utmost importance in resolving this conflict, I urge you to do so expeditiously.

The bottom line is our resource which must be protected from exploitation. The game board is scheduled to deliberate from March 6 through the 22nd. It is essential that they know laws will be passed during this legislative session which will prevent a total collapse of the present guiding system. Without such assurances they will be forced to place restrictions on the taking of game in numerous critical areas of the state. And this, in turn, will jeopardize the contractual agreements we have signed with our clients.

As a final comment I'd like to recommend that the task force's proposal to re-name the presently licensed master guides and registered guides as Guide/Outfitters, be altered to continue issuance of a Master Guide/Outfitter license to those who are currently licensed as master guides and to allow others the opportunity to achieve the master status under present guidelines. After all, there are master and bachelor degrees issued at our universities and numerous other professions have masters as well as journeymen. I see no valid reason why I should be given a demotion that I did not deserve.

Thank you for your time and PLEASE, resolve this critical issue for once and for all.



# Alaska State Legislature

Please enter into the record my testimony to the TASK FORCE ON GUIDING & OUTFITTING  
committee name

committee on H.B. #13940, dated 2/8/89  
bill/subject

I SUPPORT THE PASSING OF THOSE BILLS  
EXCEPT FOR SEC 13. I AM AN  
ASSISTANT GUIDE. FOR ME TO QUALIFY  
TO TAKE THE REG. GUIDE EXAM I  
MUST HAVE 3 YRS FIELD EXPERIENCE  
AND SIX LETTERS FROM HUNTERS RECOMMENDING  
ME. THIS IS NOT FAIR ALLOWING  
OUTFITTERS TO WALK IN AND TAKE THE TEST  
I ALSO DISAGREE WITH A COMMERCIAL USE FEE.  
WE NEED AN EXCLUSIVE GUIDE AREA  
SYSTEM I WOULD SUPPORT AN AMENDMENT TO  
THE CONSTITUTION.

Signed: M. P. Roswell  
Testifier

Representing (Optional)  
BOY 3687 KODIAK AK 99615  
Address  
487-2541  
Phone No.



# Alaska State Legislature

Please enter into the record my testimony to the Joe Hinton  
committee name

committee on SB 140, dated 2-8-89  
bill/subject

I am an assistant guide on Kodiak and have worked for 3 years as one. Now with SB140 it lets any outfitter with no field experience take a test & become a registered guide which will flood an already overpopulated area, who will be competing with the guides who originally guided in a specific area for gone & affecting the livelihood of many people who rely only on guiding as their livelihood.

Signed: Joe Hinton  
Testifier

Representing (Optional)

Box 493 Kodiak, AK 99615  
Address

Phone No.

(2)  
(1)

455-6151

Mary Bishop  
1555 Cass Circle  
Fbx 99709

My name is Mary Bishop. I represent myself only, although I am especially influenced by my activities as a board member of Alaska Fish & Wildlife Safeguard — which you may recognize as the State's "crimestopper" program for fish & game violations.

I strongly support legislation like SB 140. I believe it's necessary to regulate all businesses that provide services to big game hunters.

I recently read that the illegal taking of wildlife resources is the 2<sup>nd</sup> largest illegal dollar grossing activity — 2<sup>nd</sup> only to drugs. It's an international industry 2<sup>nd</sup> only to drugs. I don't see Alaskans realize what a potential — or real — problem we have.

~~on a hand.~~

I strongly support our privilege to hunt — but every illegal or unethical activity related to hunting endangers that privilege. I believe legislation like this will aid our state's enforcement agency in its effort to keep tabs on what's going on out in-the-field & I think that is essential.



# Alaska State Legislature

Please enter into the record my testimony to the JT. Resource  
 committee on SB139+140 Big Game committee name  
Guide dated 2/6/89  
 bill/subject

Bill 140:

- ① When will INTERIM - OUTFITTERS LICENSES BE AVAILABLE?
- ② When will license fees be set for Guide - Outfitter Income + Commercial use operator?
- ③ What Business License Number (SIC) will apply to Guide - Outfitter - Transporter - Commercial Use permits?
- ④ Sec 13.3 - What is "Satisfactory Evidence," to Board of Big Game Commercial Services, that I have ~~engaged~~ engaged in the business of Big Game outfitting in 1986, 87, +88?

Signed: Bill Gavin

Testifier  
GAVIN'S KENAI RIVER CHARTERS

Representing (Optional)  
PO BOX 3628 SOLDOTNA AK 99669

Address  
262-7746

Phone No.



# Alaska State Legislature

Please enter into the record my testimony to the House & Senate Resource  
committee name  
committee on House Bill 112 & Senate Bill 139, dated Feb. 8, 1989  
bill/subject

I have the following comments on this proposed legislation:

1. The Big Game Commercial Services board should include representation from Private, Non-native landowners as well as consumer groups.
2. The Big Game Conservation Fee will be passed on to the hunter and will result in increased expense to the hunter. With the increase in license & tag fees also being proposed will make too much of an increase in one year. This fee is due only if an animal is killed, however the increase fees will probably be charged to the hunter if he kills an animal or not.
3. Adding Mountain Goat to the list of species which a nonresident needs a guide is an obvious attempt to increase income to guides in those areas which have goats. Would an outfitted hunt provided by a licensed guide-outfitter but with out a guide being with you when you killed the animal qualify under this provision?
4. This bill adds additional regulation to the providers of these services. This will increase cost to the hunter and will result in fewer hunters in the state. Then the guides will want a non-resident quota for tags to insure ~~profitability~~ profitability for their business.
5. The Big Game Commercial Services Board should only be concerned with the licensing and regulating of providers of services to Big Game hunters. Let the Fish and Game regulate the wildlife ~~resource~~ resource. This would be to do away with restricted areas for guides. Fish and Game should regulate the number of animals taken in each game management unit.

Signed: Harry M. Champlin  
Testifier

Representing (Optional)  
Box 428 Delta Jct. AK 99737  
Address  
895-4241 Day 895-5004 Home  
Phone No.

Senator Bettye Fahrenkamp  
P.O. Box V  
Seward, AK 99811

Guy Turner  
P.O. Box 92710  
Fairbanks, AK 99509  
2/9/89

Dear Senator Bettye Fahrenkamp,

I wrote you and the rest of the task force concerning the pending changes to better regulate the big game industry in Alaska in December of 1988.

Since you are chairman, and I haven't heard from you. I'm once again writing.

The task force since my first letter has now another set of recommendations in Senate Bill 140, that Jain Fuiks was so kind to send me a copy of. After reviewing I find that an outfitter such as myself who has invested five years of hard work, time, and money, and very conservative game management practices, but did not file with the State in 1988 stating where my cabins or camps are ect., will be black balled. I had no knowledge that this was even a requirement, and after talking with Fish + Game right after my last letter. They informed me that only a very small number of outfitters were aware of the new ruling to Register. All my cabins are

on land owned by me, + I only had one tent Camp last year. I live year round at my lodge and never recieved anything letting me know of this Requirement.

I do not believe that I am being treated fairly if 5B140 goes through as written. just because of a camp registration rule I knew nothing about for 1988.

I have lived in Alaska for 24 years. I've been a licensed assistant guide for 10 year. I've had a state buisness license for 5 years stating my buisness as Guiding and Outfitting

What am I to do about this years booking of clients? Can I, or can I not book clients?

I do have a family to feed, and I am in favor of proper management of our wildlife.

Please don't take away the lively hood I've spent all this time building.

I would appreciate you presenting my facts to the task force, and some proper representation.

If I can help please write or call 907-257-5770 or 257-5960

Certified Return Receipt

Thank You,  
Mary Turner  
Gay Turner

REPRESENTATIVE  
C.E. "SWACK" SWACKHAMMER

# Alaska State Legislature



## House of Representatives

### MEMORANDUM

TO: Cliff Davidson, Co-Chair  
Curt Menard, Co-Chair  
House Resources Committee

FROM: Rep. C.E. Swackhammer *Swack*

DATE: February 28, 1989

RE: Guide/Outfitters Legislation

RECEIVED MAR - 3 1988

Attached is a letter from the South Peninsula Sportsmens Association in Homer which outlines their objections to the Guide/Outfitters legislation.

I respectfully request your committee consider their objections during your committee's deliberations on House Bill 112.

Thank you for your attention to this matter.

CES/tw

Attachment

SOLDOTNA

312 TYEE STREET  
SOLDOTNA, ALASKA 99699  
(907) 262-7841

JUNEAU

BOX V  
JUNEAU, ALASKA 99811  
(907) 465-2689



## SOUTH PENINSULA SPORTSMENS ASSOC.

---

P.O. BOX 1999 HOMER, ALASKA 99603

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February 24, 1989

Representative C.E. Swackhammer  
Box V  
Juneau, Alaska 99811

Dear Mr. Swackhammer,

The South Peninsula Sportsman's Association would like to go on record as opposing part of the pending legislation on the guide outfitting bill in the section regarding transporters license. Specifically, we oppose the part about limiting live-aboard boats to hunts for elk, deer and marine mammals only.

We feel this would restrict resident hunters from taking charters for other species. Any person should be able to charter a boat for all species not requiring a guide.

Under the section referring to marine mammal guide outfitters, there is no requirement for a Coast Guard license. Federal law requires anyone taking people for hire to have this licence if using a power driven vessel to have this license.

If this bill becomes law as it is written, it will create a new commercial user group and eliminate an existing user group that is fully licensed and insured. This hardly seems to be appropriate.

Thank you for your attention.

Sincerely,

*Jody A. Fica*

Jody A. Fica, Secretary  
South Peninsula Sportsman's Association

CONSTITUENT TELEPHONE CONTACT FORM

NAME Dick Rohrer

ADDRESS \_\_\_\_\_

CITY ADO TELEPHONE 1500 Guides

35 affected

INQUIRY: Dick & Jack Lechner have serious concerns about Section 13 of the outfitters bill. They feel we are rewarding a group who, prior to last year, we in the field w/out a license. Now, they can take the test without the 3 years under another guide.?? Now that the guide areas are thrown out, they have access that they didn't have before, shouldn't they have to do what the other guides did? ~~Or~~ "Please don't allow them to bypass this step"

DATE CALL RECEIVED 3/3/89 STAFF INITIALS SL

H

B

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6-0399E ✓  
Utermohle  
2/15/89

Original sponsor: Resources Committee

1 IN THE HOUSE BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 113 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act providing for retroactive extension of the  
7 termination date of the Task Force on Guiding and  
8 Game; increasing the membership of the Task Force on  
9 Guiding and Game; authorizing certain agencies to  
10 assist the Task Force on Guiding and Game; and  
11 providing for an effective date."

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

13 \* Section 1. Section 14(d), ch. 160, SLA 1988, is repealed and re-  
14 enacted to read:

15 (d) The task force terminates on the earlier of

16 (1) January 15, 1990; or

17 (2) the date of enactment into law of

18 (A) a licensing system for hunting guides and other  
19 persons who provide services to hunters for the purpose of  
20 facilitating the harvest of big game; and

21 (B) a management system for allocating rights of  
22 access to big game to licensed guides.

23 \* Sec. 2. Notwithstanding the qualifications for members of the Task  
24 Force on Guiding and Game set out in sec. 14(a), ch. 160, SLA 1988, the  
25 members of the task force on January 8, 1989, shall continue to serve until  
26 they resign or the task force is terminated.

27 \* Sec. 3. Notwithstanding the number and composition of the Task Force  
28 on Guiding and Game set out in sec. 14(a), ch. 160, SLA 1988, the member-  
29 ship of the task force is increased by two additional members appointed by

1 the governor. Persons appointed to the task force under this section shall  
2 have expertise in research and analysis and, if possible, particular knowl-  
3 edge in resource management or allocation systems. Persons appointed to  
4 the task force under this section may not have a financial interest in any  
5 business involving or related to the commercial taking of game.

6 \* Sec. 4. The Office of the Governor, office of management and budget,  
7 division of policy and the legislature's House Research Agency and Senate  
8 Advisory Council shall provide information, data, research, analysis, and  
9 technical assistance to the task force, as requested by the task force, for  
10 the purpose of developing a management system for allocating rights of  
11 access to big game to licensed guides.

12 \* Sec. 5. Sections 1 - 4 of this Act are retroactive to January 8,  
13 1989.

14 \* Sec. 6. This Act takes effect immediately under AS 01.10.070(c).  
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Original sponsor: Resources Committee

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

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