

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672
6488 SENATE RESOURCES

798

FISCAL NOTE FOR SENATE BILL 140

Page 2 of 2

	FY89		FY90		FY91		FY92	
	Mos.	Cost	Mos.	Cost	Mos.	Cost	Mos.	Cost
LINE 100								
WB III @ \$4.5/month	3	13.5	11	49.5	11	49.5	11	49.5
AP II @ \$3.3/month	3	9.9	5	16.5	3	9.9	1	3.3
DPC II @ \$2.7/month	3	8.1	4	10.8	3	8.1	2	5.4
TOTAL		31.5		76.8		67.5		58.2
LINE 200 TRAVEL		1.5		5.0		3.0		1.0
LINE 300 CONTRACTUAL SERVICES		0.0		0.5		0.5		0.5
LINE 400 SUPPLIES		0.0		1.7		1.0		1.0
LINE 500 EQUIPMENT		0.0		6.0		0.0		0.0
TOTAL		33.0		90.0		72.0		60.7*

* This total may vary with the role that ADF&G ultimately plays in the guide/outfitter area management system.

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Commerce & Economic Dev.
 Title: An Act providing for retro. exten. BRU: Occupational Licensing
of the term. date of the Task Force on Guiding and Game...
 Sponsor: Senate Resources Committee Components: _____
 Requestor: Senate Resources Committee

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Jennifer Strickler, Administrative Officer Phone: 465-2144
 Division: Occupational Licensing Date: February 14, 1989
 Approved by Commissioner: Larry Merculieff Date: 2/14/89
 Agency: Commerce and Economic Development

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

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: An Act extending Task force
on guiding and game
 Sponsor: Resources
 Requestor: Senator Fahrenkamp

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: *Low P...* Phone: 465-4190
 Division: Wildlife Conservation Date: 2/15/89
 Approved by Commissioner: *Alvin M. Nelson* Date: 2/15/89
 Agency: Fish and Game

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

MESSAGE TO THE SENATE

HOUSE

March 17, 1989

MR. PRESIDENT:

The House has passed:

CS FOR SENATE BILL NO. 139 (Resources)

"An Act providing for retroactive extension of the termination date of the Task Force on Guiding and Game; increasing the membership of the Task Force on Guiding and Game; authorizing certain agencies to assist the Task Force on Guiding and Game; and providing for an effective date."

with the following amendment:

HOUSE CS FOR CS FOR SENATE BILL NO. 139 (Resources)
(same title)

and it is transmitted for consideration.

Copies to:
Sen. Kelly
Sen. Johnson
Sen. Stupaczuk
Sen. Harford

*letter of
intent not
mentioned
came in
after
passing*



CHIEF CLERK OF THE HOUSE



Alaska State Legislature

HOUSE OF REPRESENTATIVES
COMMITTEE ON RESOURCES

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

Letter of Intent
For
HCS CS SB 139 (Res)

It is the intent of the legislature that the task force established under the provisions of SB 139 shall consider the implications of the Owsichek decision issued by the Alaska Supreme Court on October 21, 1988 when developing the resource-based management system for allocating big game hunting opportunities among guide-outfitters.

It is the intent of the legislature that the foremost purpose of any management system should be the conservation of game resources. Any system that places restrictions on free market competition between guides must be based on clear findings that such restrictions are needed to prevent harmful impacts on game populations that cannot be prevented through licensing requirements, bag limits, seasonal restrictions, or other traditional game management tools that are now available to the state.

Without a constitutional amendment, a system would have to provide the broad access guaranteed by the common use clause of the constitution. The system would have to have access rights that are limited in duration, and the system would have to provide equal opportunity to all qualified guides when these rights are reassigned. In order to prevent the development of non-uniform policies by various federal, state, and private landowners, the system should have statewide applicability.

Handwritten signature of Cliff Davidson.

Rep. Cliff Davidson
Co-Chair

Handwritten signature of Curt Menard.

Rep. Curt Menard
Co-Chair

JOINT DEPARTMENT POSITION PAPER ON SB 139

SB 139 provides for the continuation of the Legislative Task Force on Guiding and Game. Under this bill, the Task Force -- despite the requirements of SB 191 -- would continue with the same membership and terminate on the earlier of either January 15, 1991 or the date of enactment into law of two systems: one for the licensing of the state's big game commercial service providers and another for the management of game in order to allocate hunting rights to licensed guides (or guide-outfitters).

SB 139 reflects the recommendation 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.

Because the recommendation to continue the Task Force generally reflects Administration policy, we will not reiterate here justification for the continuation that has already been addressed in the report of the Task Force. However, because we do quarrel with some provisions of SB 139, we wish to propose a number of amendments and discuss our reasons for the proposed changes.

First, however, we wish to emphasize our belief that the Owsichek decision has made it abundantly clear that the state must develop and put into place a game management system that is sensitive to the needs of Alaska's big game commercial services industry. We support in full the Task Force's conclusion that a method for the commercial allocation of our wildlife resource is vital and needs to be established. Without the assurance of a commercial allocation, the resultant instability and negative national and international publicity will deal a significant blow to Alaska's world famous and highly respected big game industry.

Nevertheless, the state remains anxious over the nature of the management system contemplated by a number of the members of the Task Force. Any attempt to create a management scheme that parallels the former guide area system declared unconstitutional by the Alaska Supreme Court in Owsichek will only delay and otherwise obstruct progress toward a viable management system that must meet these identified needs:

1. ensure a commercial allocation;
2. provide a measure of economic stability;
3. provide for wildlife management on a statewide basis.

Therefore, while we believe the present members of the Task Force deserve praise for their work to date, we are concerned that the goals they have set for themselves vis a vis creation of a resource-based management system are potentially beyond the immediate expertise of those members. Please recall that the present members were appointed with a specific task in mind: consideration of appropriate regulation for persons involved in the commercial taking of game in Alaska. It was the effects of the Owsichek decision which greatly expanded the Task Force's role and made consideration of a management system a must. Besides the very

obvious constraints on its time, unfamiliarity may also explain why the management system was not fully addressed by the Task Force.

Our first proposed amendment to SB 139, then, is that two additional members be added to the Task Force, to be appointed by the Governor, neither of whom may have financial interest in any business involving or related to the commercial taking of game, and who have recognized expertise in research and analysis with, if possible, particular knowledge in resource management or allocation systems.

Our second amendment proposes specific language mandating that the staff of a number of specifically identified entities be required to provide information, data, research, analysis, and technical assistance to the Task Force.

Attached are draft amendments to SB 139 accomplishing the proposals outlined above. We urge their consideration.

Finally, please hear our concern for the time it will take to successfully and competently meet the requirements of SB 139. We do not believe a comprehensive and thorough analysis of the complexities involved in establishing a game management system that provides for a commercial allocation acceptable to all state, federal, and private land owners in Alaska will be easily accomplished. We expect it, in fact, to be very hard but important work.

There has been some concern expressed that the management system must be in place when -- and if -- the licensing scheme envisioned in SB 140 is enacted. We do not believe this needs be the case. First, to rush establishment of the management system may doom it to mediocrity. Second, unless we can demonstrate that the system is fair, well thought-out, and reasonable, we anticipate that federal (and private) land owners will reject the plan outright, chilling any hope of creating an integrated management system that will apply statewide.

Third, while the Board of Game is legitimately concerned for the potential impact of additional registered guides being able to conduct hunts in areas previously not available to them, we believe passage of SB 140, with its licensing scheme intact, will go far in curtailing unregulated commercial hunts until the management system is in place. Under SB 140, only outfitters able to meet the requirements of the bill's transition provisions will be able to provide commercial big game hunting services directly to hunters. This appears to be less than 50 people. And only air and boat operators with proper FAA and Coast Guard licenses will be able to transport hunters into the field. We believe this will also significantly reduce pressure on the game.

We believe there are sufficient protections in SB 140 to give the Task Force the time it needs to develop a quality management system without Alaska's big game resource suffering from overharvesting in the interim.

* * *

We support passage of SB 139 and urge consideration of our proposed amendments.

S. Merrill
Larry Mercurieff, Commissioner
Department of Commerce &
Economic Development

2/13/89
Date

Don W. Collinsworth
Don W. Collinsworth, Commissioner
Department of Fish and Game

2/13/89
Date

Lennie Boston-Gorsuch
Lennie Boston-Gorsuch, Commissioner
Department of Natural Resources

2/13/89
Date

for Arthur English
Arthur English, Commissioner
Department of Public Safety

2-13-89
Date

RB/cw9375c
21389c

PROPOSED AMENDMENTS TO SB 139

Amend SB 139 by adding a new section to read:

*Sec. 3. Notwithstanding the number and composition of members of the Task Force on Guiding and Game set out in Sec. 14(a), ch. 160, SLA 1988, two additional members will be added to the Task Force, to be appointed by the Governor, neither of whom may have a financial interest in any business involving or related to the commercial taking of game, who shall have expertise in research and analysis and, if possible, particular knowledge in resource management or allocation systems.

Amend SB 139 by adding a new section to read:

*Sec. 4. In addition to the departments represented on the Task Force, the staff of the Legislature's House Research Agency and Senate Advisory Council and the Governor's Division of Policy shall provide information, data, research, analysis and technical assistance to the Task Force, as requested by the Task Force, for the purpose of developing the statewide game management system described in Section 14(d)(2)(B) of ch. 160, SLA 1988.

Amend SB 139 as follows:

*Sec. 5 [SEC. 3]. Sections 1 - 5 of this Act are retroactive to January 8, 1989.

*Sec. 6 [SEC. 4]. This Act takes effect immediately under AS 01.10.070(c).

RB/cw9376c
21289b

Alaska State Legislature

Senate Resources Committee

Senator Bettye Fahrenkamp, Chairman

Senator Jay Kerttula, Vice Chairman
Senator Dick Eliason
Senator Steve Frank
Senator Rick Hallford
Senator Artiss Sturgeski
Senator Fred Zkaroff



P.O. Box V
Juneau, Alaska 99811
(907) 465-4907

M E M O R A N D U M

TO: Sen. Rick Uehling, Co-Chair, Senate Finance
Committee

FROM: Sen. Bettye Fahrenkamp, ^{BT}Chair, Senate Resources
Committee

RE: CS SB 139 (Res) Extension of Task Force on Guiding
and Game

DATE: February 17, 1989

The Interim Task Force on Guiding and Game ("Task Force") was established by SB 191 last session. Their mission was to study problems and issues concerning the commercial taking of big game in the state and the businesses or professions that provide goods and services to big game hunters in the state. The task force submitted their recommendations to the 16th Legislature on January 15, 1989.

On October 21, 1988, the Alaska Supreme Court issued an opinion on Owsichuk vs. State which decided that the statutes and regulations that underlie the state's exclusive guide area system ("EGA") are unconstitutional. As a result of that decision the Task Force's focus changed as they wrestled with determining a new system for the guiding industry and others involved in providing commercial services to big game hunters.

The Task Force submitted two draft bills as a part of their report which were introduced by both House and Senate Resources Committees as HB 112 and HB 113, and SB 139 and SB 140.

The Departments of Fish and Game, Commerce and Economic Development, Natural Resources, and Public Safety issued a joint department position paper on SB 139, and proposed amendments which would add two additional members to the Task Force, to be appointed by the Governor. It was felt that the role of the Task Force had changed, and it would be of benefit to have members whose expertise is research and analysis, and, if possible, one who has particular knowledge of resource management or allocation systems.

February 17, 1989

Their second amendment proposes specific language mandating that the staff of a number of entities be required to provide research, analysis and technical assistance to the Task Force.

The Senate Resources Committee considered one additional amendment, and changed the date the Task Force reports to the Legislature from January 15, 1991, to January 15, 1990. The Senate Resources Committee adopted those amendments, which are reflected in the Committee Substitute for SB 139, currently before your committee.

The fiscal note prepared by Legislative Affairs Agency reflects travel and per diem projected costs for the public members. It also provides for clerical staff support, advertising for public notification, and transcribing of minutes. All other fiscal notes are zero fiscal notes.

I have provided copies of the Joint Department Position Paper on SB 139, a portion of the final report to the 16th Legislature, and a letter from the Attorney General's office which explains more fully the implications of the Owsichek decision for your review.

Passage of CS SB 139 (Res) ensures that the Task Force can continue their work to develop a licensing system for those providing commercial services to big game hunters, and to develop a management system for allocating rights of access to big game by those providers.

RURAL ALASKA COMMUNITY ACTION PROGRAM, INC.
P.O. BOX 200908
ANCHORAGE, ALASKA 99520
FAX # (907) 279-6343
(907) 279-2511

FACSIMILE TRANSMITTAL FORM

TO: 465-3700 Senator Bettye Fahrenkamp
(FAX NUMBER) (INDIVIDUAL TO RECEIVE TRANSMITTAL)

NUMBER OF PAGES BEING SENT INCLUDING THIS PAGE: 1

DESCRIPTION OF DOCUMENT: Recommendation f. BOB KINMAN
to be appointed to Guiding and Game Taskforce

FROM: Heinrich Springer
(INDIVIDUAL SENDING TRANSMITTAL)

COMMENTS: _____

WE ARE TRANSMITTING FROM OUR RICOH FAX 10 AT FAX NUMBER (907) 279-6343.

IF THERE IS A PROBLEM WITH THE RECEIPT OF THIS TRANSMISSION , PLEASE CALL (907) 279-2511 AND ASK FOR May.

THANK YOU.

Heinrich Springer
3730 Perenosa Circle
Anchorage, Ak. 99515

3. April 1989

To
Sheila Gottahrer
Dir. Div. Boards & Commissions
Box A
Juneau, Ak. 99811-0101

Subject: Taskforce on Guiding and Game.

SB 139 extends this taskforce and expands it by two members. As you know, I recently resigned as chairman of this taskforce after I got appointed to the Board of Game.

The continued taskforce has a different mission than the previous one, primarily due to the Owsichek decision by the State Supreme Court. It's prime objective is to find a game-management system and an allocation process that complies with the provisions of the Court decision. Since the taskforce consists of representatives from the State's executive and legislative branches and special interest groups it is particularly difficult to find a chairman who has the neutrality required of such a position and in addition has the parliamentary skills, personality and taskspecific knowledge.

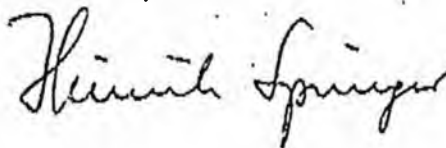
In my opinion one of the newly created positions has to be filled with such a person, appointed by the Governor. I understand that BOB HINMAN has shown interest in such an appointment. Having known Bob for about 20 years and his work during his career with the Ak. Dept. Fish and Game and more recently as chairman of the S.E. Regional Council, I highly recommend him for such an appointment.

Bob has demonstrated that he has extensive knowledge about the subject matters, has the administrative and operational skills, has a good perspective of the historic development in regards to guiding and game in Alaska, knows the people involved, and is a man of integrity with a good sense for fairness.

I hope that the Governor will appoint him to this important position and I hope that the taskforce members recognize his qualifications and abilities to consider him as their chairman.

I welcome any inquiries or questions. (Tel. home 344-3821, work 279-2511 ext.238).

Sincerely,



cc. Taskforce members

INTRODUCTION OF BILLS (Senate)

SB 137 (cont'd)

By coming into compliance with federal law, the state will maintain its eligibility for continued federal highway funding, and also will become entitled to additional federal money to assist in implementation of the licensing program itself.

I urge your favorable action on this bill.

Foster Parent Training

SENATE BILL NO. 138, by Senator Fischer. Amends AS 47.35 (Welfare, Social Services & Institutions. Private Institutions) by adding a new section to the law prohibiting a person from becoming licensed to maintain or conduct a foster home unless the person has completed an orientation for foster parents approved by the Department of Health & Social Services.

The orientation will have to provide information about foster care regulations, policies, and procedures, and practical instruction about the realities of caring for a child who is placed in a foster home. To maintain a license for a foster home, a licensee will have to complete annual foster parent training approved by the department. Training need not be conducted in a classroom setting, but has to include methods of instruction that meet the varying needs of foster parents and the department.

The requirements for foster parent training cannot be waived. A licensee will be considered to have completed annual training if they complete it during either fiscal year 1990 or fiscal year 1991. The Dept. of Health & Social Services can schedule training so that approximately half the licensees receive training during each of the fiscal years 1990 and 1991.

The bill takes effect 90 days after being signed by the Governor.

Introduced January 23, 1989 and referred to Health, Education & Social Services; Finance.

Guiding & Game Task Force (retroactive extension of termination date)

SENATE BILL NO. 139, by the Resources Committee. Rewrites section 14(d), Chapter 160, SLA 1988 so that the Task Force on Guiding and Game will terminate on the earlier of January 15, 1991; or the date of enactment into law of a licensing system for hunting guides and other persons who provide services to hunters for the purpose of facilitating the harvest of big game; and a management system for allocating rights of access to big game to licensed guides.

Note: section 14(d), Chapter 160, SLA 1988 established the interim task force on the Guide Board and the commercial taking of big game under the jurisdiction of the legislative council. The task force was responsible for reviewing the operations of the Guide Board and studying problems and issues concerning the commercial taking of big game in the state and the businesses or professions that provide goods and services to big game hunters in the state. The task force was required to submit their report to the legislative council by January 15, 1989, and it terminated on that date.

INTRODUCTION OF BILLS (Senate)

SB 139, (cont'd)

Under this bill, members who served on the task force on January 8, 1989 will continue to serve until they resign or the task force is terminated. The bill is retroactive to January 8, 1989, and it takes effect immediately after it is signed by the Governor.

Introduced January 24, 1989 and referred to Resources; Finance.

Big Game Hunting (regulation of)

SENATE BILL NO. 140, by the Resources Committee. Relates 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.

Creates the Big Game Commercial Services Board to license and regulate the activities of providers of commercial services to big game hunters, in the interest of the state's wildlife resources. The board will consist of the commissioners of fish and game, natural resources, and public safety; two members who are either a licensed guide-outfitter or class-A guide-outfitter; one member who is a licensed transporter; one member of the Board of Game who is chosen by the Board of Game; one member who represents Native landholders; and one public member.

The board will be responsible for preparing, administering and grading examinations for the guide-outfitter license, and an exam of a guide-outfitter who seeks an amendment of a game management unit certification. The board will determine qualifications of and issue licenses to applicants for class-A guide-outfitter, marine mammal guide-outfitter, and assistant guide-outfitter licenses; it will establish performance standards for providers of big game commercial service and regulate their activities.

The board will publish an annual register of big game commercial service providers who have been convicted of violations of state law or regulation, and a big game commercial services provider whose license or permit is revoked or suspended will be removed from the register while the license or permit is revoked or suspended. The board will prohibit guide-outfitting, transporting, and other big game commercial services activities that are unsportsmanlike, unethical, unsafe, against principles of game conservation, degrading to a profession subject to the law, or that adversely affect natural resources.

Outlines other responsibilities of the board including holding hearings relating to revocation and suspension of licenses and permits. The board can provide for registration of hunting camps and facilities used by licensed guides; can establish, in consultation with the Dept. of Fish and Game or Dept. of Natural Resources, a resource-based management system for allocating access to big game hunting opportunities among guide-outfitters; and can establish the level of supervision that a guide-outfitter has to provide for class-A guide-outfitters and assistant guide-outfitters who are employed by the guide-outfitter.

Outlines qualifications for licensure as a class-A guide-outfitter; an assistant guide-outfitter, a transporter, a guide-outfitter, a marine mammal guide-outfitter. Outlines procedure for renewal of licenses. Outlines procedures for appeals to the commissioner of commerce and economic development when a license is denied.

Individuals who provide other big game commercial services including providing

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

INTRODUCTION OF BILLS (Senate)

SB 137 (cont'd)

By coming into compliance with federal law, the state will maintain its eligibility for continued federal highway funding, and also will become entitled to additional federal money to assist in implementation of the licensing program itself.

I urge your favorable action on this bill.

Foster Parent Training

SENATE BILL NO. 138, by Senator Fischer. Amends AS 47.35 (Welfare, Social Services & Institutions. Private Institutions) by adding a new section to the law prohibiting a person from becoming licensed to maintain or conduct a foster home unless the person has completed an orientation for foster parents approved by the Department of Health & Social Services.

The orientation will have to provide information about foster care regulations, policies, and procedures, and practical instruction about the realities of caring for a child who is placed in a foster home. To maintain a license for a foster home, a licensee will have to complete annual foster parent training approved by the department. Training need not be conducted in a classroom setting, but has to include methods of instruction that meet the varying needs of foster parents and the department.

The requirements for foster parent training cannot be waived. A licensee will be considered to have completed annual training if they complete it during either fiscal year 1990 or fiscal year 1991. The Dept. of Health & Social Services can schedule training so that approximately half the licensees receive training during each of the fiscal years 1990 and 1991.

The bill takes effect 90 days after being signed by the Governor.

Introduced January 23, 1989 and referred to Health, Education & Social Services; Finance.

Guiding & Game Task Force (retroactive extension of termination date)

SENATE BILL NO. 139, by the Resources Committee. Rewrites section 14(d), Chapter 160, SLA 1988 so that the Task Force on Guiding and Game will terminate on the earlier of January 15, 1991; or the date of enactment into law of a licensing system for hunting guides and other persons who provide services to hunters for the purpose of facilitating the harvest of big game; and a management system for allocating rights of access to big game to licensed guides.

Note: section 14(d), Chapter 160, SLA 1988 established the interim task force on the Guide Board and the commercial taking of big game under the jurisdiction of the legislative council. The task force was responsible for reviewing the operations of the Guide Board and studying problems and issues concerning the commercial taking of big game in the state and the businesses or professions that provide goods and services to big game hunters in the state. The task force was required to submit their report to the legislative council by January 15, 1989, and it terminated on that date.

January 30, 1989

REPORT NO. 3INTRODUCTION OF BILLS (Senate)Child Support
(misc. changes
to laws)

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 54, by Senators Uehling and Pearce. The Sponsor Substitute version is identical to the original bill (see page 37), except that it deletes language that says section 6 of the bill has the effect of amending Rule 90.3, Alaska Rules of Civil Procedure.

Introduced January 27, 1989 and referred to Judiciary; Finance.

Alaska Education
Trust Fund
(establishing)

SENATE BILL NO. 136, by Senator Kerttula. See HB 31, page 99, identical.

Introduced January 23, 1989 and referred to Health, Education & Social Services; Finance.

Commercial Vehicle
Driver Licensing
(exemptions)

SENATE BILL NO. 137, by the Rules Committee by Request of the Governor. Relates to commercial vehicle driver licensing (see accompanying letter).

Introduced January 23, 1989 and referred to State Affairs.

In his message accompanying the bill, Governor Cowper stated:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to commercial vehicle driver licensing.

This bill is intended to bring Alaska into compliance with the Commercial Motor Vehicle Safety Act of 1985 (49 U.S.C. 2701 -- 2716), which conditions future federal highway funding upon adoption of a commercial vehicle driver licensing program that is consistent with federal law.

The primary component of this bill is a definition of "commercial motor vehicle" in sec. 4 of the bill, which adopts federal standards while recognizing the uniqueness of Alaska roadways. The definition continues the tradition of less strict regulation of vehicles on roads not connected to the main state highway system or to heavily-travelled roads. See, e.g., AS 28.10.011 (registration) and AS 28.22.200 (insurance).

INTRODUCTION OF BILLS (Senate)

SB 139, (cont'd)

Under this bill, members who served on the task force on January 8, 1989 will continue to serve until they resign or the task force is terminated. The bill is retroactive to January 8, 1989, and it takes effect immediately after it is signed by the Governor.

Introduced January 24, 1989 and referred to Resources; Finance.

Big Game Hunting (regulation of)

SENATE BILL NO. 140, by the Resources Committee. Relates 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.

Creates the Big Game Commercial Services Board to license and regulate the activities of providers of commercial services to big game hunters, in the interest of the state's wildlife resources. The board will consist of the commissioners of fish and game, natural resources, and public safety; two members who are either a licensed guide-outfitter or class-A guide-outfitter; one member who is a licensed transporter; one member of the Board of Game who is chosen by the Board of Game; one member who represents Native landholders; and one public member.

The board will be responsible for preparing, administering and grading examinations for the guide-outfitter license, and an exam of a guide-outfitter who seeks an amendment of a game management unit certification. The board will determine qualifications of and issue licenses to applicants for class-A guide-outfitter, marine mammal guide-outfitter, and assistant guide-outfitter licenses; it will establish performance standards for providers of big game commercial service and regulate their activities.

The board will publish an annual register of big game commercial service providers who have been convicted of violations of state law or regulation, and a big game commercial services provider whose license or permit is revoked or suspended will be removed from the register while the license or permit is revoked or suspended. The board will prohibit guide-outfitting, transporting, and other big game commercial services activities that are unsportsmanlike, unethical, unsafe, against principles of game conservation, degrading to a profession subject to the law, or that adversely affect natural resources.

Outlines other responsibilities of the board including holding hearings relating to revocation and suspension of licenses and permits. The board can provide for registration of hunting camps and facilities used by licensed guides; can establish, in consultation with the Dept. of Fish and Game or Dept. of Natural Resources, a resource-based management system for allocating access to big game hunting opportunities among guide-outfitters; and can establish the level of supervision that a guide-outfitter has to provide for class-A guide-outfitters and assistant guide-outfitters who are employed by the guide-outfitter.

Outlines qualifications for licensure as a class-A guide-outfitter; an assistant guide-outfitter, a transporter, a guide-outfitter, a marine mammal guide-outfitter. Outlines procedure for renewal of licenses. Outlines procedures for appeals to the commissioner of commerce and economic development when a license is denied.

Individuals who provide other big game commercial services including providing

INTRODUCTION OF BILLS (Senate)

SB 140 (cont'd)

accommodations, hunt broker services, gear rental services, photographic or videographic services, expediter services, and other regulated services have to register with the board and must obtain a commercial use permit and pay an annual permit fee. Individuals licensed as guide-outfitters, marine mammal guide-outfitters, or transporters have to obtain an annual commercial use permit and pay an annual permit fee.

Outlines penalties for violations of the law, and disciplinary action that can be taken by the board. Offenses that are misdemeanors can carry a fine of up to \$30,000 and prison sentences of between two months and one year, or both. Second and subsequent offenses are felonies, and are punishable by a fine of up to \$50,000 or by a prison sentence of up to three years.

A person who engages in a big game commercial services activity while their license is suspended or revoked is guilty of a felony punishable, upon conviction, by a fine of not more than \$50,000 and by imprisonment for not more than three years. In addition to the fines and prison sentences, the court can revoke a person's license for guide-outfitting and transporting services for up to five years; and all guns, fishing tackle, boats, aircraft, automobiles or other vehicles, camping gear and other equipment and paraphernalia used in, or in aid of, an unlawful act can be seized and forfeited to the state. Prohibits suspended imposition of a sentence upon conviction of a violation of big game hunting provisions.

The Dept. of Commerce and Economic Development is required to collect and maintain hunt records provided by guide-outfitters or marine mammal guide-outfitters. The record has to include a list of all big game hunters who used the services of the guide-outfitter or marine mammal guide-outfitter, the number of each big game species taken, and other information required by the board. The records will be made available if requested, to state and federal agencies that enforce laws and regulations relating to game. The department can also include compiled data in departmental reports, but for all other purposes, the hunt records and activity reports are confidential and are not subject to inspection or copying under public information laws.

Adds a new section to the Fish and Game Code (AS 16.05) requiring a big game conservation fee to be paid to the state for each animal taken by a hunter who must have a big game tag in order to take an animal; and who uses the services of a guide-outfitter, marine mammal guide-outfitter, or transporter in order to take the animal. The big game conservation fee will be equal to 25 percent of the big game tag fee. The fee must be paid by the guide who contracted to guide-outfit the hunt on which the animal was taken. If the animal was not taken on a guide-outfitted hunt, the fee has to be paid by the transporter who transports the animal from the field. The commissioner of commerce and economic development will separately account for the fees and the annual estimated balance in the account can be used by the legislature to make appropriations to the Department of Fish and Game and the Dept. of Public Safety to carry out their respective game management and enforcement responsibilities.

Prohibits a nonresident from hunting mountain goats unless personally accompanied by a person who is licensed as a guide-outfitter, or by a resident who is over 19 who is the nonresident's spouse or is related to the nonresident by marriage or blood. Current law prohibits nonresidents from hunting brown bear, grizzly bear, polar bear or sheep unless personally accompanied by a guide, resident spouse or relative.

INTRODUCTION OF BILLS (Senate)

SB 140 (cont'd)

Prohibits a big game hunting club from engaging in activities in direct support of big game hunting, including transportation or guide-outfitting of big game hunters; or providing facilities for big game hunting.

Provides for transition from the current big game guiding licensing procedure to the new method outlined in this bill.

Repeals current statute relating to guiding (AS 08.54.010 - 08.54.240).

Repeals AS 16.05.370(b) & (c) (Fish and Game Code. Reports by licensees, tag holders, and transporters -- subsection (b) requires a person who sells big game tags to give a game report form to the hunter to be completed after the big game is taken); subsection (c) requires a person who transports big game from the field to notify the Dept. of Fish and Game within seven days after providing transportation, of the amount and kinds or species of game transported.

Repeals AS 16.05.407(e), (Nonresident hunting big game animals must be accompanied), subsection (e) requires an applicant for a nonresident big game tag for moose or caribou to first furnish the state with an affidavit showing where the applicant will be hunting and what guiding, transportation, or other big game hunting services the applicant will be employing.

Repeals AS 16.05.786 (Duty of big game transporters to report violations); and AS 16.05.787 (Registration of big game hunting base camps, cabins, and lodges).

Repeals sections 4, 6, 12, and 13, Chapter 160, SLA 1988. Section 4 rewrites AS 08.54.210 (Guides. Licensing. Unlawful acts), effective June 30, 1989; section 6 rewrites AS 08.54.240 (Guides. Licensing. definition of "guide" or "guiding"), effective June 30, 1989; sections 12 and 13 rewrite AS 16.05.787 (Registration of big game hunting base camps, cabins, and lodges), effective June 30, 1989. See editor's notes, Alaska statutes, for complete language of amendments.

The bill takes effect immediately after it is signed by the Governor.

Introduced January 24, 1989 and referred to Resources; Finance.

Municipal School Construction (state payment of debt)

SENATE BILL NO. 141, by Senators Kerttula and Szymanski. Will require the state ". . . to assume and make all future payments on the indebtedness outstanding on January 1, 1989, that is represented by obligations incurred by a municipality that is a school district to pay the costs of school construction that have been approved by the Department of Education under AS 14.07.020(II)."

Note: AS 14.07.020(II) says that the Dept. of Education has to "(II) review plans for construction of new public elementary and secondary schools and for additions to and major rehabilitation of existing public elementary and secondary schools and, in accordance with regulations adopted by the department, determine and approve the extent of eligibility for state aid of a school construction project begun after July 1, 1978; for the purposes of this paragraph, 'plans' include educational specifications, schematic designs, and final contract documents; . . ." The state will have to reimburse a

INTRODUCTION OF BILLS (Senate)

SB 141 (cont'd)

municipality for the payments made by the municipality after December 31, 1988, on the obligations assumed by the state.

The commissioner of education will have to administer the payment programs and establish by regulation the procedures necessary for administration of the programs. Payment will be subject to appropriation of funds by the state. A municipality that is a school district will have to secure and maintain adequate property loss insurance for the replacement cost of all facilities for which state funds are available.

Rewrites AS 14.11.100(a) (State aid for costs of school construction debt). Under current law the state reimburses a municipality for between 80 and 100 percent of payments made by the municipality for the retirement of principal and interest on money spent for school construction, depending on when the indebtedness was incurred.

Under this rewrite, the state will allocate to a municipality that is a school district 80 percent of the payments made by the municipality during the fiscal year for the retirement of principal and interest on outstanding bonds, notes, or other indebtedness, if the indebtedness is incurred by the municipality after December 31, 1988, to pay the costs of school construction, excluding rehabilitation projects of \$25,000 or less, and if the indebtedness has been authorized by the qualified voters of the municipality, and is approved by the Dept. of Education under state law requiring department review of construction and rehabilitation plans.

Amounts paid by the state will be reduced by the amount of money used for the construction of residential space, hockey rinks, planetariums, saunas, and other facilities for single purpose sporting or recreational uses that are not suitable for other activities and by the money used for construction that exceeds the amount needed for construction of a facility of efficient design as determined by the Dept. of Education. Payments are subject to certain conditions, and the state cannot allocated money to a municipality unless the project is approved by the commissioner of education and the bond issue is approved by local voters.

Amends AS 14. 11.115(b) (Construction, Rehabilitation, and Improvement of Schools and Education-Related Facilities. State aid) by changing language to provide that payment of state aid ". . . is limited to an amount that does not exceed 80 percent of the cost of the school construction project."

The bill takes effect 90 days after it is signed by the Governor.

Introduced January 24, 1989 and referred to Community & Regional Affairs; Health, Education & Social Services; Finance.

Municipal Port Authorities (establishment of)

SENATE BILL NO. 142, by Senators Duncan and Zharoff. Will allow municipalities other than a second class city, to establish a port authority. The port authority will be under the supervision and control of a port commission consisting of three elected members.

The port commission will study and analyze the effect of economic changes and growth on the waterfront and waterways; will acquire, construct, repair, renovate, and manage sea

FIRST COMMITTEE OF REFERRAL

Date of 5-DAY NOTICE 2/16/89
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER FINANCE

**FISCAL NOTE(S) MUST BE ATTACHED
IN ACCORDANCE WITH AS 24.08.035

DATE TURNED INTO OFFICE 2/19/89

1/9/89

Mr. President:

RESOURCES

Committee considered SB 30

repealing the 25-cent resident hunting, trapping, and sport fishing license and a related exemption from commercial fishing permit requirements.

and recommended:

- replace with CS SB 30 (Res) same title
- attached amendment(s) and new title
- Resources letter of intent adopted

- do pass
- do not pass
- no recommendation
- individual recommendations
- further referral to _____

FISCAL NOTE(S) attached zero
 appropriation no FN attached

fiscal impact
 Gov. FN introduced w/ bill

MEMBERS SIGNING DO PASS

Rich Halford
Mark
~~_____~~
Mike Elson
Willis Sturgulinski

Fiscal Note
 &
 zero Fiscal
 Note forthcoming
 to the CS

[Signature]
Chairman

Committee backup attached

S B

140

Original sponsor: Resources Committee

IN THE SENATE

BY THE RESOURCES COMMITTEE

CS FOR SENATE BILL NO. 140 (Resources)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SIXTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "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; relating to presumptive sentences for violation of certain big game commercial services statutes; and providing for an effective date."

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

- * Section 1. AS 08.01.010(10) is repealed and reenacted to read:
 - (10) Big Game Commercial Services Board (AS 08.54.300);
- * Sec. 2. AS 08.03.010(c)(20) is repealed and reenacted to read:
 - (20) Big Game Commercial Services Board (AS 08.54.300) --
June 30, 1993.
- * Sec. 3. AS 08.54 is amended by adding new sections to read:

ARTICLE 4. BIG GAME COMMERCIAL SERVICES BOARD.

Sec. 08.54.300. CREATION AND MEMBERSHIP OF BOARD. (a) For the purposes of licensing and regulating the activities of providers of commercial services to big game hunters in the interest of the state's wildlife resources there is created the Big Game Commercial Services Board. For administrative purposes, the board is in the Department of Commerce and Economic Development.

(b) The board consists of nine members:

- (1) two members who are licensed guide-outfitters;

1 (2) two members who are licensed transporters, one of whom
 2 must be engaged in the business of providing air transportation ser-
 3 vices;

4 (3) one member who holds a commercial use permit, but does
 5 not hold any class of guide-outfitter license or a transporter license

6 (4) one member of the Board of Game who is chosen by the
 7 Board of Game and who does not hold a commercial use permit;

8 (5) one member who represents Native landholders; and

9 (6) two public members.

10 Sec. 08.54.310. DUTIES AND POWERS. (a) The board shall

11 (1) prepare, grade, and administer

12 (A) a written and oral examination of an applicant for
 13 a guide-outfitter license that requires demonstration that the
 14 applicant is qualified generally to provide guide-outfitted hunts
 15 and, in particular, to guide-outfit in each game management unit
 16 the applicant has selected; if an applicant demonstrates limited
 17 ability to read or write the English language, the entire examin-
 18 ation shall be administered orally; and

19 (B) an oral examination of a guide-outfitter who seeks
 20 an amendment of a game management unit certification; the examin-
 21 ation must require demonstration that the guide-outfitter is
 22 qualified to provide guide-outfitted hunts in each new game
 23 management unit for which the guide-outfitter seeks to be certi-
 24 fied;

25 (2) determine qualifications of applicants for class-A
 26 assistant guide-outfitter, marine mammal guide-outfitter, and assis-
 27 tant guide-outfitter licenses and authorize the issuance of licenses
 28 to those who qualify;

1 (3) establish performance standards for providers of big
2 game commercial services and regulate the activities of these provid-
3 ers;

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

12 (5) prohibit guide-outfitting, transporting, and other big
13 game commercial services activities that are unsportsmanlike, uneth-
14 ical, unsafe, against principles of game conservation, degrading to a
15 profession subject to this chapter, or that adversely affect natural
16 resources;

17 (6) after a hearing, revoke, suspend, or deny renewal of a
18 license or permit under AS 08.54.500 - 08.54.510;

19 (7) authorize issuance of transporter licenses;

20 (8) authorize issuance of commercial use permits;

21 (9) meet at least twice annually, once in Anchorage and
22 once in another municipality;

23 (10) provide for registration of hunting camps and facil-
24 ities used by persons who are licensed or who hold a permit under this
25 chapter.

26 (b) The board may

27 (1) establish, subject to the prior approval of the commis-
28 sioner of fish and game, a resource-based management system for allo-
29 cating access to big game hunting opportunities among guide-outfitters

licensed under this chapter;

1
2 (2) establish the level of supervision that a guide-out-
3 fitter shall provide for class-A assistant guide-outfitters and assis-
4 tant guide-outfitters who are employed by the guide-outfitter.

5 Sec. 08.54.320. BOARD REGULATIONS. The board shall adopt proce-
6 dural and substantive regulations required by this chapter or reason-
7 ably necessary for its administration.

8 Sec. 08.54.330. BOARD ASSISTANCE. The Department of Fish and
9 Game, Department of Natural Resources, and Department of Public Safety
10 shall provide the board with information, data, or technical assis-
11 tance requested by the board for the purposes of licensing and reg-
12 ulating the activities of providers of commercial services to big game
13 hunters.

14 ARTICLE 5. LICENSING.

15 Sec. 08.54.350. GUIDE-OUTFITTER LICENSE. (a) A natural person
16 is entitled to a guide-outfitter license if the person

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

18 (2) has practical field experience in the handling of
19 firearms, hunting, judging trophies, field preparation of meat and
20 trophies, first aid, photography, and related guide-outfitting activi-
21 ties;

22 (3) is familiar with the terrain and transportation prob-
23 lems in the game management unit for which the license is requested;

24 (4) has passed the qualification examinations prepared and
25 administered by the board;

26 (5) has demonstrated to the board sufficient standards of
27 competence and ethical conduct and has not been convicted of a state
28 or federal hunting or guide-outfitting statute or regulation within
29 the last five years for which the person was fined more than \$500 or

imprisoned for more than five days;

1
2 (6) has legally hunted in the state for part of each of any
3 five years in a manner directly contributing to the person's experi-
4 ence and competency as a guide-outfitter;

5 (7) has been licensed as and performed the services of a
6 class-A assistant guide-outfitter or assistant guide-outfitter in the
7 state for a part of each of three years, or has guide-outfitted in the
8 state for a part of each of three years under a marine mammal guide-
9 outfitter license issued under AS 08.54.360;

10 (8) has demonstrated a current knowledge of fishing, hunt-
11 ing, and guide-outfitting regulations;

12 (9) is capable of performing the essential duties associ-
13 ated with guide-outfitting;

14 (10) has been favorably recommended in writing by six big
15 game hunters, two for each year of the person's most recent three
16 years as a class-A assistant guide-outfitter or assistant guide-out-
17 fitter, when the person has guide-outfitted or assisted in guide-out-
18 fitting as a class-A assistant guide-outfitter or assistant guide-out-
19 fitter, whose recommendations have been solicited by the board from a
20 list provided by the applicant;

21 (11) possesses a business license to provide guide-out-
22 fitting services; and

23 (12) has paid the license fee and commercial use permit
24 fee.

25 (b) A guide-outfitter may contract to guide-outfit hunts for big
26 game.

27 Sec. 08.54.360. MARINE MAMMAL GUIDE-OUTFITTER LICENSE. (a) The
28 board may issue a marine mammal guide-outfitter license to a natural
29 person who applies to guide-outfit a hunt for a specific species of

1 marine mammal in a specifically designated area if the person

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

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

5 (3) is able to perform the duties of a marine mammal guide-
6 outfitter;

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

9 (A) current fish and game laws and regulations;

10 (B) relevant characteristics of the specific species
11 to be hunted;

12 (C) field preparation of trophies;

13 (D) care of game meat;

14 (E) use of guide-outfitting gear;

15 (F) firearm safety;

16 (G) practical first aid; and

17 (H) booking and contracting hunts;

18 (5) has not been convicted of violating a state or federal
19 game or guide-outfitting statute or regulation during the previous
20 five years for which the person was fined more than \$500 or imprisoned
21 for more than five days;

22 (6) possesses a business license to provide guide-out-
23 fitting services; and

24 (7) has paid the license fee and commercial use permit fee.

25 (b) A marine mammal guide-outfitter may contract to guide-outfit
26 hunts for species of marine mammals for which the marine mammal guide-
27 outfitter license is issued.

28 Sec. 08.54.370. RENEWAL OF GUIDE-OUTFITTER LICENSE AND MARINE
29 MAMMAL GUIDE-OUTFITTER LICENSE. (a) An applicant for renewal of a

1 guide-outfitter license or a marine mammal guide-outfitter license
2 shall submit with the application for renewal

3 (1) the hunt record required under AS 08.54.550 for the
4 period covered by the current license;

5 (2) the license fee for the next licensing period; and

6 (3) the commercial use permit fee for the next licensing
7 period.

8 (b) The department may not renew a license under this section
9 unless all fees have been paid in full and the hunt record has been
10 filed.

11 Sec. 08.54.380. CLASS-A ASSISTANT GUIDE-OUTFITTER LICENSE. (a)
12 A natural person is entitled to a class-A assistant guide-outfitter
13 license if the person

14 (1) has been employed for at least one season as a licensed
15 assistant guide-outfitter; and

16 (2) has had at least 10 years hunting experience in the
17 game management unit in which the person is to be employed; military
18 service outside the state for not more than three years and be
19 accepted as part of the required 10 years hunting experience.

20 (b) A class-A assistant guide-outfitter

21 (1) may not contract to guide-outfit hunts;

22 (2) shall be under the supervision of a guide-outfitter who
23 has contracted with the client for whom the class-A assistant guide-
24 outfitter is conducting the hunt; and

25 (3) may take charge of a camp and conduct guide-outfitter
26 activities from it without the guide-outfitter being present in the
27 area if the guide-outfitter is supervising the guide-outfitting activ-
28 ities.

29 Sec. 08.54.390. ASSISTANT GUIDE-OUTFITTER LICENSE. (a) A

1 natural person is entitled to an assistant guide-outfitter license if
2 the person

- 3 (1) is 18 years of age or older;
4 (2) passes an examination administered by the board;
5 (3) has hunted in the state in two of the last five years;
6 (4) has demonstrated practical knowledge of first aid and
7 cardiopulmonary resuscitation;
8 (5) is in sound physical condition; and
9 (6) meets additional qualifications that the board may
10 establish.

11 (b) An assistant guide-outfitter

- 12 (1) may not contract to guide-outfit hunts; and
13 (2) shall be employed by a guide-outfitter and under the
14 supervision of a guide-outfitter or class-A assistant guide-outfitter
15 at all times while the assistant guide-outfitter is in the field on
16 guide-outfitted hunts.

17 Sec. 08.54.400. TRANSPORTER LICENSE. (a) A person is entitled
18 to a transporter license if the person

- 19 (1) applies on a form provided by the department;
20 (2) pays the license fee;
21 (3) pays the commercial use permit fee;
22 (4) provides proof of

23 (A) an air taxi/commercial operator certificate issued
24 by the Federal Aviation Administration under 14 C.F.R. Part 135,
25 if the person provides air transportation services to big game
26 hunters;

27 (B) licensure by the Coast Guard to carry passengers
28 for hire, if the person provides water transportation services to
29 big game hunters and if licensure is required by the Coast Guard;

and

1 (5) has a business license to transport big game hunters.

2 (b) A transporter may provide transportation services for com-
3 pensation to big game hunters. A transporter may not provide any
4 service in the field to big game hunters other than transportation,
5 except that a transporter may provide accommodations in the field at a
6 permanent lodge, house, or cabin owned by the transporter or on a boat
7 with permanent living quarters located on salt water.

8 (c) An applicant for renewal of a transporter license shall
9 submit with the application for renewal

10 (1) an activity report on a form provided by the department
11 for the period covered by the current license; an activity report
12 shall contain information required by the board by regulation;

13 (2) the license fee for the next licensing period;

14 (3) the commercial use permit fee for the next licensing
15 period; and

16 (4) proof of

17 (A) an air taxi/commercial operator certificate issued
18 by the Federal Aviation Administration under 14 C.F.R. Part 135,
19 if the applicant provides air transportation services to big game
20 hunters;

21 (B) licensure by the Coast Guard to carry passengers
22 for hire, if the applicant provides water transportation services
23 to big game hunters and if licensure is required by the Coast
24 Guard.

25 (d) The department may not renew a transporter license unless
26 all fees have been paid in full and the activity report required under
27 (c)(1) of this section and the proof required under (c)(4) of this
28 section have been filed.

29

1 (e) A transporter shall place a decal provided by the department
2 on each plane, boat, vehicle, or other equipment used by the trans-
3 porter to provide transportation services to big game hunters. The
4 decal must bear the transporter's license number. The decal is valid
5 only for the plane, boat, vehicle, or other equipment for which the
6 decal is issued.

7 Sec. 08.54.410. APPEAL TO COMMISSIONER FROM BOARD ON DENIAL OF
8 LICENSE. The commissioner of commerce and economic development may
9 order that an applicant for an initial license under AS 08.54.350 -
10 08.54.400 be allowed to take the license examination or be issued the
11 license if, after reviewing a petition filed by the applicant, the
12 commissioner finds that

13 (1) the board denied the applicant an opportunity to take
14 the license examination or refused to approve issuance of the license;

15 (2) the board's denial or refusal has been upheld by a
16 final administrative order and the order has not been appealed to the
17 superior court under AS 44.62.560;

18 (3) the board's denial or refusal was based on

19 (A) an error of fact by the board; or

20 (B) the applicant's failure of the license examination
21 due to faulty or unfair examination questions or procedures;

22 (4) the applicant is otherwise qualified to take the exam-
23 ination or to be issued the license; and

24 (5) sustaining the board's denial or refusal would work a
25 substantial injustice on the applicant.

26 Sec. 08.54.420. RENEWAL OF LICENSES. Notwithstanding AS 08.01.-
27 100(a), guide-outfitter, marine mammal guide-outfitter, and transport-
28 er licenses shall be renewed annually on dates set by the department
29 with the approval of the board.

1 Sec. 08.54.430. EXAMINATIONS FOR GUIDE-OUTFITTER LICENSES. (a)
2 The board shall administer the qualification examinations required
3 under this chapter at least twice a year. An examination may not be
4 given within 90 days after the previous examination. At least once
5 every other year the board shall give the examination at a location
6 other than Anchorage.

7 (b) The board shall regularly disseminate information regarding
8 examinations and other qualifications for all classes of guide-out-
9 fitter licenses to residents of the rural areas of the state.

10 Sec. 08.54.440. FAILURE TO RENEW. (a) A license may not be
11 issued to a guide-outfitter, marine mammal guide-outfitter, class-A
12 assistant guide-outfitter, or assistant guide-outfitter who has failed
13 to renew a license issued under this chapter for two consecutive years
14 unless the guide-outfitter, marine mammal guide-outfitter, class-A
15 assistant guide-outfitter, or assistant guide-outfitter again meets
16 the qualifications for initial issuance of the license.

17 (b) Notwithstanding (a) of this section, a guide-outfitter who
18 fails to renew a license is not required to requalify under AS 08.54.-
19 350(a)(7), unless the license has been lapsed for three or more years.

20 Sec. 08.54.450. LICENSE AND EXAMINATION FEES. (a) The depart-
21 ment shall set license fees under AS 08.01.065 for each of the follow-
22 ing:

- 23 (1) guide-outfitter
- 24 (2) class-A assistant guide-outfitter;
- 25 (3) assistant guide-outfitter;
- 26 (4) marine mammal guide-outfitter;
- 27 (5) transporter.

28 (b) The license fee for the guide-outfitter, marine mammal
29 guide-outfitter, class-A assistant guide-outfitter, or assistant

1 guide-outfitter license is in addition to the fee required for a
2 hunting license.

3 (c) An applicant for a qualifying examination for any class of
4 guide-outfitter license shall pay a fee established by regulations
5 adopted under AS 08.01.065.

6 Sec. 08.54.460. COMMERCIAL USE PERMIT HOLDER. A person, other
7 than a guide-outfitter, marine mammal guide-outfitter, or a trans-
8 porter, who provides other big game commercial services for compen-
9 sation shall register with the board on a form provided by the board
10 and shall obtain a commercial use permit and pay the annual commercial
11 use permit fee set under AS 08.54.470. In this section "other big
12 game commercial services" includes provision of accommodations in the
13 field, hunt broker services, gear rental services, photographic or
14 videographic services, and services as defined by the board by regu-
15 lation.

16 Sec. 08.54.470. COMMERCIAL USE PERMIT AND FEE. (a) A person
17 who is licensed under this chapter as a guide-outfitter, marine mammal
18 guide-outfitter, or transporter shall obtain an annual commercial use
19 permit and pay an annual commercial use permit fee.

20 (b) The department, in consultation with the board, shall set
21 the amount of the commercial use permit fee.

22 (c) A guide-outfitter, marine mammal guide-outfitter, and trans-
23 porter shall pay the commercial use permit fee at the time of applica-
24 tion for issuance or renewal of a guide-outfitter license, marine
25 mammal guide-outfitter license, or transporter license.

26 (d) The commissioner of administration shall separately account
27 for commercial use permit fees deposited in the general fund by the
28 department. The annual estimated balance in the account may be used
29 by the legislature to make appropriations to the Department of Fish

1 and Game and the Department of Public Safety to carry out their re-
2 spective responsibilities for management of game resources and en-
3 forcement of game laws.

4 ARTICLE 6. PENALTIES.

5 Sec. 08.54.500. DISCIPLINE OF GUIDE-OUTFITTERS. (a) The board
6 may hold a hearing to determine whether disciplinary action is neces-
7 sary if a complaint concerning the guide-outfitting activities of a
8 licensee who holds any class of guide-outfitter license is filed with
9 the board. The board shall hold a hearing to determine whether a
10 licensee should be disciplined within a reasonable time after

11 (1) complaints concerning a licensee's guide-outfitting
12 activities are filed with the board by three or more of the licensee's
13 clients from separate hunting parties;

14 (2) a complaint concerning a licensee's conduct during a
15 life-threatening situation is filed with the board; or

16 (3) a licensee has been convicted of a violation of a
17 federal or state statute or regulation relating to hunting or pro-
18 vision of big game commercial services.

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

22 (1) engaged in unethical activity, unsafe activity, or
23 activity that adversely affects the natural resources of the state
24 when the activity is related to the purposes of providing guide-out-
25 fitting services, however the board may not discipline a licensee
26 under this paragraph for unsafe operation of an aircraft; or

27 (2) violated a provision of a federal or state statute or
28 regulation relating to hunting or provision of big game commercial
29 services.

1 (c) After a hearing, the board shall revoke any class of guide-
2 outfitter license if the board finds that the licensee

3 (1) does not meet the qualifications specified by statute
4 or regulation for the license held;

5 (2) is incompetent as a guide-outfitter, marine mammal
6 guide-outfitter, class-A assistant guide-outfitter, or assistant
7 guide-outfitter; or

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

11 (A) waste of a wild food animal;

12 (B) hunting on the same day airborne;

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

14 (D) hunting in an area closed by state or federal

15 regulation.

16 (d) If a certified copy of a judgment of conviction of a licens-
17 ee who holds any class of guide-outfitter license for an offense
18 described under (c)(3) of this section is filed with the board, the
19 board shall immediately suspend the licensee's license. The suspen-
20 sion may be ordered even if the conviction resulted from a plea of
21 nolo contendere or if the conviction is under appeal. The suspension
22 remains in effect until after the final disposition of the disciplin-
23 ary proceeding under this section.

24 Sec. 08.54.505. DISCIPLINE OF TRANSPORTERS AND COMMERCIAL USE
25 PERMITTEES. (a) The board may hold a hearing to determine whether
26 disciplinary action is necessary if a complaint concerning the big
27 game commercial service activities of a transporter who is licensed
28 under AS 08.54.400 or a commercial use permittee who holds a permit
29 issued under AS 08.54.460 is filed with the board. The board shall

1 hold a hearing to determine whether a licensee or permittee should be
2 disciplined within a reasonable time after

3 (1) complaints concerning a licensee's or permittee's
4 activities are filed with the board by three or more of the licensee's
5 or permittee's clients from separate hunting parties; or

6 (2) a licensee or permittee has been convicted of a viola-
7 tion of a federal or state statute or regulation relating to hunting
8 or provision of big game commercial services.

9 (b) After a hearing, the board may revoke, suspend, or deny
10 renewal of a transporter license or commercial use permit issued under
11 this chapter, if the board finds that the licensee or permittee

12 (1) engaged in unethical activity, unsafe activity, or
13 activity that adversely affects the natural resources of the state
14 when the activity is related to the purposes of providing big game
15 commercial services, however the board may not discipline a licensee
16 or permittee under this paragraph for unsafe operation of an aircraft;
17 or

18 (2) violated a provision of a federal or state statute or
19 regulation relating to hunting or provision of big game commercial
20 services.

21 (c) The board may not revoke, suspend, or deny renewal of a
22 transporter license or commercial use permit for a violation of a
23 federal or state statute or regulation relating to game or provision
24 of big game commercial services committed by an employee of the
25 licensee or permittee unless the licensee or permittee participated or
26 aided in the violation.

27 (d) After a hearing, the board shall revoke a license or permit
28 if the board finds that the licensee or permittee

29 (1) does not meet the qualifications specified by statute

1 or regulation for the license held; or

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

5 (A) waste of a wild food animal;

6 (B) hunting on the same day airborne;

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

8 (D) hunting in an area closed by state or federal

9 regulation.

10 (e) If a certified copy of a judgment of conviction of a licens-
11 ee or permittee for an offense described under (d)(2) of this section
12 is filed with the board, the board shall immediately suspend the
13 licensee's or permittee's license or permit. The suspension may be
14 ordered even if the conviction resulted from a pleas of nolo con-
15 tendere or if the conviction is under appeal. The suspension remains
16 in effect until after the final disposition of the disciplinary pro-
17 ceeding under this section.

18 Sec. 08.54.510. DISCIPLINE; GENERAL PROVISIONS. (a) A person
19 who is disciplined under AS 08.54.500 or 08.54.505 may not engage in
20 the provision of big game commercial services during the period of
21 license or permit revocation or other disciplinary action. A person
22 who is licensed under this chapter, or who holds a permit issued under
23 this chapter, may not hire a person whose license or permit to provide
24 big game commercial services is suspended or revoked under AS 08.54.-
25 500 or 08.54.505. A person whose license or permit is suspended or
26 revoked may not be employed by a person who is licensed or who holds a
27 permit under this chapter.

28 (b) If the board revokes a license or permit under AS 08.54.500
29 or 08.54.505, the person whose license or permit has been revoked

1 shall surrender immediately the license or permit to the department.

2 (c) A certified copy of a judgment of conviction of a licensee
3 or permittee for an offense is conclusive evidence of the commission
4 of that offense in a disciplinary proceeding instituted against the
5 licensee or permittee under AS 08.54.500 or 08.54.505 based on that
6 conviction, regardless of whether the conviction resulted from a plea
7 of nolo contendere or the conviction is under appeal, unless the
8 conviction is overturned on appeal.

9 (d) Within 30 days after conclusion of a hearing under AS 08.-
10 54.500 or 08.54.505, the board shall notify the complainant of the
11 results of the hearing, including written reasons justifying a deci-
12 sion not to take disciplinary action.

13 Sec. 08.54.520. UNLAWFUL ACTS. (a) It is unlawful for a

14 (1) person who is licensed or who holds a commercial use
15 permit under this chapter to knowingly fail to timely report to the
16 Department of Public Safety, division of fish and wildlife protection,
17 and in no event later than 30 days, a violation of a state fish, game,
18 or big game commercial services statute or regulation that the person
19 reasonably believes was committed by a client or an employee of the
20 person;

21 (2) person who is licensed or who holds a commercial use
22 permit under this chapter to knowingly

23 (A) commit or aid the commission of a violation of
24 this chapter, a regulation adopted under this chapter, or a state
25 fish or game statute or regulation; or

26 (B) permit the commission of a violation of this
27 chapter, a regulation adopted under this chapter, or a state fish
28 or game statute or regulation that the person knows or reasonably
29 believes is being or will be committed without

1 (1) attempting to prevent it, short of using
2 force; and

3 (ii) reporting it;

4 (3) person without a current commercial use permit issued
5 under this chapter to knowingly provide big game commercial services;

6 (4) person who is licensed or who holds a commercial use
7 permit issued under this chapter to intentionally obstruct or hinder
8 or attempt to obstruct or hinder lawful hunting engaged in by a person
9 who is not a client of the person;

10 (5) class-A assistant guide-outfitter or an assistant
11 guide-outfitter to knowingly guide-outfit a hunt except while employed
12 and supervised by a guide-outfitter;

13 (6) person who holds any class of guide-outfitter license
14 to knowingly use state, federal, or private land without authorization
15 during the course of providing guide-outfitting services;

16 (7) person to knowingly guide-outfit without having a
17 current guide-outfitter, marine mammal guide-outfitter, class-A assis-
18 tant guide-outfitter, or assistant guide-outfitter license and hunting
19 license in actual possession;

20 (8) person without a current guide-outfitter or marine
21 mammal guide-outfitter license to knowingly advertise as or represent
22 to be a guide-outfitter;

23 (9) person to knowingly provide transportation services to
24 big game hunters without holding a transporter license if the person
25 advertises, uses booking agents, or uses other means to promote big
26 game hunting in the state;

27 (10) class-A assistant guide-outfitter or an assistant
28 guide-outfitter to knowingly contract for a hunt; or

29 (11) person to knowingly engage in a big game commercial

1 services activity during the period for which the person's license to
2 conduct that activity is suspended or revoked.

3 (b) A person who commits an offense set out in (a)(1) - (6) of
4 this section is guilty of a misdemeanor and is punishable by a fine of
5 not more than \$30,000 or by imprisonment for not less than two months
6 or more than one year, or both.

7 (c) A person who commits an offense set out in (a)(7) - (10) of
8 this section is guilty,

9 (1) for a first offense, of a misdemeanor and is punishable
10 by a fine of not more than \$30,000 or by imprisonment for not less
11 than two months or more than one year, or both;

12 (2) for a second or subsequent offense, of a class C
13 felony.

14 (d) A person who violates (a)(11) of this section, is guilty of
15 a class C felony.

16 (e) In addition to the penalties set out in (b), (c) and (d) of
17 this section,

18 (1) the court may revoke the person's license to provide
19 guide-outfitting or transportation services for not more than five
20 years; and

21 (2) all guns, fishing tackle, boats, aircraft, automobiles
22 or other vehicles, camping gear, and other equipment and paraphernalia
23 used in, or in aid of, a violation of (a) of this section may be
24 seized by persons authorized to enforce this chapter and may be for-
25 feited to the state as provided under AS 16.05.195.

26 (f) Upon conviction of a person for committing an offense set
27 out in (a) of this section, the execution of sentence may not be
28 suspended and probation may not be granted except on the condition
29 that the minimum term of imprisonment is served. Imposition of

1 sentence may not be suspended.

2 Sec. 08.54.530. INJUNCTION AGAINST UNLAWFUL ACTION. When in the
3 judgment of the board a person has engaged in an act in violation of
4 AS 08.54.380(b), 08.54.390(b), 08.54.400(b), 08.54.510(a), and 08.54.-
5 520 or the regulations adopted under them, the board may apply to the
6 appropriate court for an order enjoining the action. Upon a showing
7 by the board that the person is engaging in the act, the court shall
8 grant injunctive relief or other appropriate order without bond.

9 Sec. 08.54.540. RESPONSIBILITY OF GUIDE-OUTFITTER FOR VIOLA-
10 TIONS. A guide-outfitter who contracts to guide-outfit a hunt is
11 equally responsible under AS 08.54.500 for a violation of a federal or
12 state sport fish, game, or guide-outfitting statute or regulation
13 committed by a class-A assistant guide-outfitter or an assistant
14 guide-outfitter while in the course of the class-A assistant guide-
15 outfitter's or assistant guide-outfitter's employment for the guide-
16 outfitter.

17 ARTICLE 7. GENERAL PROVISIONS.

18 Sec. 08.54.550. HUNT RECORDS; CONFIDENTIALITY OF HUNT RECORDS
19 AND ACTIVITY REPORTS. (a) The department shall collect and maintain
20 hunt records provided by guide-outfitters or marine mammal guide-out-
21 fitters. A hunt record must include a list of all big game hunters
22 who used the services of the guide-outfitter or marine mammal guide-
23 outfitter, the number of each big game species taken, and other infor-
24 mation required by the board. The department shall provide forms for
25 reporting hunt records.

26 (b) The department shall make hunt records, and activity reports
27 received under AS 08.54.400, available to state and federal agencies
28 charged with the enforcement of statutes and regulations relating to
29 guide-outfitting or game or with management of game if requested for

1 game management or law enforcement purposes. Aggregated data compiled
2 from hunt records and activity reports may be included in reports by
3 the department. For all other purposes, the hunt records and activity
4 reports are confidential and are not subject to inspection or copying
5 under AS 09.25.110 - 09.25.125.

6 Sec. 08.54.590. DEFINITIONS. In this chapter

7 (1) "big game" means brown bear, grizzly bear, polar bear,
8 caribou, moose, black bear, bison, Sitka blacktail deer, elk, mountain
9 goat, musk-ox, wolf, wolverine, mountain or Dall sheep, and walrus;

10 (2) "big game commercial hunting service" means a service
11 for which the provider of the service must obtain a guide-outfitter,
12 marine mammal guide-outfitter, class-A assistant guide-outfitter, or
13 assistant guide-outfitter license;

14 (3) "big game commercial service" means a service for which
15 the provider of the service must obtain a commercial use permit;

16 (4) "board" means the Big Game Commercial Services Board;

17 (5) "compensation" means payment for services including
18 wages or other remuneration but not including reimbursement for actual
19 expenses incurred;

20 (6) "department" means the Department of Commerce and
21 Economic Development;

22 (7) "guide-outfit" means to provide, for compensation or
23 with the intent or with an agreement to receive compensation, big game
24 commercial hunting services in the field; "guide-outfit" includes
25 accompanying or being present with a big game hunter in the field
26 either personally or through an assistant; "guide-outfit" does not
27 include the provision of transportation to, from, or in the field if
28 the person providing the transportation and the person being trans-
29 ported do not stalk, pursue, track, kill, or attempt to kill big game

1 during the provision of transportation;

2 (8) "field" means an area outside of established year-round
3 dwellings, businesses, or other developments usually associated with a
4 city, town, or village; "field" does not include permanent hotels or
5 roadhouses on the state road system or state or federally maintained
6 airports;

7 (9) "transportation services" means the carriage for com-
8 pensation of big game hunters, their equipment, or big game animals
9 harvested by hunters to, from, or in the field; "transportation ser-
10 vices" does not include the carriage of big game hunters, their equip-
11 ment, or big game animals harvested by hunters by aircraft on nonstop
12 flights between state or federally maintained airports;

13 (10) "unethical activity" means

14 (A) deception or misrepresentation involving prospec-
15 tive or actual clients either before, during, or following the
16 provision of big game commercial services, including misrepresen-
17 tations through private or public advertising of the type, dura-
18 tion, cost, or conditions of the services;

19 (B) making a guaranty that a species or certain number
20 of species of game will be taken on a hunt;

21 (C) engaging in unsafe or unsportsmanlike activities
22 that are detrimental to the game resources of the state, as
23 defined by regulations of the board, including violations of
24 state hunting or big game commercial services statutes or regu-
25 lations; or

26 (D) accepting a deposit for big game commercial ser-
27 vices without providing before the services are rendered a signed
28 written contract to provide the services.

29 * Sec. 4. AS 12.55.125(e) is amended to read:

1 (e) A defendant convicted of a class C felony may be sentenced
2 to a definite term of imprisonment of not more than five years, and
3 shall be sentenced to the following presumptive terms, subject to
4 adjustment as provided in AS 12.55.155 - 12.55.175:

5 (1) if the offense is a second felony conviction, two
6 years;

7 (2) if the offense is a third felony conviction, three
8 years;

9 (3) if the offense is a first felony conviction, and the
10 defendant knowingly directed the conduct constituting the offense at a
11 uniformed or otherwise clearly identified peace officer, fire fighter,
12 correctional officer, emergency medical technician, paramedic, ambu-
13 lance attendant, or other emergency responder who was engaged in the
14 performance of official duties at the time of the offense, one year;

15 (4) if the offense is a first felony conviction, and the
16 defendant violated AS 08.54.520(a)(7) - (10), one year.

17 * Sec. 5. AS 16.05.407(a) is amended to read:

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

21 (1) a person who is licensed as a guide-outfitter, [MASTER
22 GUIDE, REGISTERED GUIDE,] class-A assistant guide-outfitter, [GUIDE]
23 or assistant guide-outfitter [GUIDE] by the Big Game Commercial Ser-
24 vices [GUIDE] Board; or

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

26 (A) the spouse of the nonresident; or

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

29 * Sec. 6. AS 16.05.407(d) is amended to read:

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

* Sec. 7. AS 16.05.408(a) is amended to read:

(a) It is a class A misdemeanor for a nonresident alien

(1) to hunt, pursue, or take marine mammals unless personally
accompanied by a licensed marine mammal guide-outfitter [GUIDE];
or

(2) to hunt, pursue, or take a big game animal as defined
by the Board of Game unless personally accompanied by a guide-outfit-
ter [LICENSED MASTER GUIDE, REGISTERED GUIDE,] or class-A assistant
guide-outfitter licensed [GUIDE] under AS 08.54.

* Sec. 8. AS 16.05 is amended by adding a new section to read:

Sec. 16.05.783. PROHIBITION. (a) A hunting club may not

(1) engage in activities in direct support of big game
hunting, including transportation or guide-outfitting of big game
hunters; or

(2) provide facilities or services for big game hunting.

(b) In this section "hunting club" means

(1) an organization that offers use of property or services
to individuals who pay a membership fee for the privilege of using the
property or services for hunting; or

(2) a partnership, limited partnership, corporation, or
unincorporated association through which property is jointly owned,
leased, or otherwise held by members of the entity and through which
the members are entitled to use the property for hunting.

* Sec. 9. AS 39.50.200(b)(48) is amended to read:

1 (48) Big Game Commercial Services [GUIDE] Board AS 08.54.-
2 300 [(AS 08.54.010)]; and

3 * Sec. 10. AS 41.23.420(d) is amended to read:

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

6 (1) the Department of Fish and Game, the Board of Fisher-
7 ies, the Board of Game, or the Big Game Commercial Services [GUIDE
8 LICENSING AND CONTROL] Board under AS 08.54, AS 16, or AS 41.99.010;

9 (2) the Department of Environmental Conservation under AS
10 46.03; or

11 (3) state agencies and municipalities under AS 44.19.145(a)-
12 (11) and AS 46.40.100.

13 * Sec. 11. AS 44.62.330(a)(35) is amended to read:

14 (35) Big Game Commercial Services [GUIDE LICENSING AND
15 CONTROL] Board

16 * Sec. 12. TRANSITION: GUIDE-OUTFITTER LICENSES. (a) Notwithstanding
17 the repeal of AS 08.54.010 - 08.54.240, all licenses issued under AS 08.-
18 54.010 - 08.54.240 are valid for the period for which the licenses were is-
19 sued.

20 (b) For the purposes of AS 08.54.300 - 08.54.590 as enacted by sec. 3
21 of this Act, until new licenses are issued under this section, a

22 (1) master guide license issued under former AS 08.54.100 and a
23 registered guide license issued under former AS 08.54.110 shall be con-
24 sidered a guide-outfitter license issued under AS 08.54.350;

25 (2) class-A assistant guide license issued under former AS 08.-
26 54.120 shall be considered a class-A assistant guide-outfitter license
27 issued under AS 08.54.380;

28 (3) an assistant guide license issued under former AS 08.54.140
29 shall be considered an assistant guide-outfitter license issued under

AS 08.54.390.

1 (c) At the time of the next license renewal following the effective
2 date of this Act, each person licensed as

3 (1) a master guide or registered guide shall receive a guide-
4 outfitter license if the person

5 (A) is in good standing at the time of issuance of the
6 license; and

7 (B) has paid the guide-outfitter license fee and the com-
8 mercial use permit fee;

9 (2) a class-A assistant guide shall receive a class-A assistant
10 guide-outfitter license if the person

11 (A) is in good standing at the time of issuance of the
12 license; and

13 (B) has paid the class-A assistant guide-outfitter license
14 fee;

15 (3) an assistant guide shall receive an assistant guide-out-
16 fitter license if the person

17 (A) is in good standing at the time of issuance of the
18 license; and

19 (B) pays the assistant guide-outfitter license fee.

20 (d) Notwithstanding (c) of this section, the Department of Commerce
21 and Economic Development may issue a new license under AS 08.54.300 -
22 08.54.590, without an additional fee, to a person licensed under former
23 AS 08.54.010 - 08.54.240 before the next renewal period following the
24 effective date of this Act, if the person satisfies the requirements for
25 the license and the license is valid only for the same period for which the
26 replaced license was issued.

27 * Sec. 13. TRANSITION; OUTFITTERS. (a) Notwithstanding AS 08.54.350,
28 as enacted by sec. 3 of this Act, a natural person is entitled to receive a

29 CSSB 140(Res)

guide-outfitter license if the person

1 (1) applies on a form provided by the Department of Commerce and
2 Economic Development;

3 (2) registered a camp, cabin, or lodge under AS 16.05.787 during
4 1988;

5 (3) provides evidence satisfactory to the Big Game Commercial
6 Services Board that the person has engaged in the business of big game
7 outfitting in 1986, 1987, and 1988;

8 (4) passes the guide-outfitter examination administered by the
9 Big Game Commercial Services Board within one year after the effective date
10 of this Act;

11 (5) pays the guide-outfitter license fee and the commercial use
12 permit fee; and

13 (6) possesses a business license to provide guide-outfitting
14 services.

15 (b) A guide-outfitter license issued under (a) of this section is for
16 all purposes a license issued under AS 08.54.350, as enacted by sec. 3 of
17 this Act.

18 (c) A person who satisfies (a)(1) - (3) of this section, holds a
19 business license as a big game outfitter, and pays a license fee set by the
20 Department of Commerce and Economic Development is entitled to receive an
21 interim outfitter license pending a final determination of a person's
22 eligibility for a guide-outfitter license under (a) of this section. The
23 right to receive and hold an interim outfitter license terminates on the
24 earlier of

25 (1) the date of issuance of a guide-outfitter license to the
26 person;

27 (2) a final determination under (a) of this section that the
28 person is not eligible to receive a guide-outfitter license; or

29

(3) one year from the effective date of this Act.

1
2 (d) A person who holds an interim outfitter license, notwithstanding
3 contrary provisions of AS 08.54, may provide transportation to, from, and
4 in the field to big game hunters and supply other services in the field to
5 big game hunters. The person may not provide guiding services.

6 (e) A person who holds an interim outfitter license shall promptly
7 report to the Department of Public Safety, division of fish and wildlife
8 protection, but not later than 30 days after the violation, a violation of
9 a state fish, game, or big game commercial services statute or regulation
10 that the person reasonably believes was committed by a client or employee
11 of the person.

12 (f) A person who holds an interim outfitter license may accompany or
13 be present with a hunter at a base camp, cabin, or permanent lodge in
14 connection with a big game hunt for compensation only if the person has
15 furnished an affidavit to the Department of Public Safety, division of fish
16 and wildlife protection, at least two weeks in advance. The person may not
17 register more than two base camps. The affidavit must be signed by the
18 person and must provide the following information:

19 (1) the specific location of the camp, cabin, or lodge;

20 (2) the number of big game hunters in each party that will use
21 the camp, cabin, or lodge; and

22 (3) the kinds or species of big game that will be hunted.

23 (g) A person who furnishes an affidavit under (f) of this section
24 shall notify the Department of Public Safety of the amount and kinds or
25 species of big game taken by each hunter who uses the base camp, cabin, or
26 permanent lodge to which the affidavit relates. Notice shall be given
27 within 30 days after the game is taken. The Department of Public Safety
28 shall provide the information received under this subsection to the Depart-
29 ment of Fish and Game.

(h) A person who

1 (1) violates (e) of this section is guilty of a misdemeanor and
2 upon conviction is punishable by a fine of not more than \$2,000 or by
3 imprisonment for not more than one year, or by both; or

4 (2) falsifies an affidavit under (f) of this section is guilty
5 of unsworn falsification under AS 11.56.210.

6 (i) In this section,

7 (1) "big game" and "field" have the meaning given in AS 08.54.-
8 590, as enacted by sec. 3 of this Act;

9 (2) "base camp" does not include spike camp, fly camp, or over-
10 night camp;

11 (3) "guiding" means accompanying or being present with a big
12 game hunter in the field, personally or through an assistant, for compen-
13 sation or with the intent or an agreement to receive compensation; "guid-
14 ing" does not include

15 (A) providing transportation to or from the field, if the
16 person providing transportation and the persons being transported do
17 not stalk, pursue, track, kill, or attempt to kill big game during the
18 transportation; or

19 (B) selling, leasing, or renting goods, if the transaction
20 does not take place in the field;

21 (4) "outfitting" means the provision of services, other than
22 guiding services, to big game hunters in the field for compensation.

23 * Sec. 14. INITIAL APPOINTMENTS TO BIG GAME COMMERCIAL SERVICES BOARD.
24 Notwithstanding AS 08.54.300(b), as enacted by sec. 3 of this Act, the
25 initial appointments to the Big Game Commercial Services Board under

26 (1) AS 08.54.300(b)(1) may also be filled by the appointment of
27 a master guide or registered guide licensed under former AS 08.54.010 -
28 08.54.240 or a person who registered a camp, cabin, or lodge under
29

1 AS 16.05.787 during 1988 and engaged in the business of big game outfitting
2 in 1986, 1987, and 1988;

3 (2) AS 08.54.300(b)(2) may also be filled by the appointment of
4 a person who engaged in the business of providing transportation to big
5 game hunters in 1986, 1987, and 1988.

6 * Sec. 15. TRANSITION. Litigation, hearings, investigations, and other
7 proceedings pending under a law amended or repealed by this Act continue in
8 effect and may be continued and completed notwithstanding an amendment or
9 repeal provided for in this Act. Licenses, orders, and regulations issued
10 or adopted under authority of a law amended or repealed by this Act remain
11 in effect for the term issued or until revoked, vacated, or otherwise
12 modified under the provisions of this Act.

13 * Sec. 16. AS 08.54.010, 08.54.030, 08.54.035, 08.54.040, 08.54.045,
14 08.54.050, 08.54.060, 08.54.070, 08.54.100, 08.54.110, 08.54.120, 08.54.-
15 130, 08.54.140, 08.54.141, 08.54.150, 08.54.160, 08.54.170, 08.54.180,
16 08.54.186, 08.54.190, 08.54.195, 08.54.200, 08.54.210, 08.54.220, 08.54.-
17 230, 08.54.240; AS 16.05.370(b), 16.05.370(c), 16.05.407(e), 16.05.786, and
18 16.05.787 are repealed.

19 * Sec. 17. Sections 4, 6, 12, and 13, ch. 160, SLA 1988 are repealed.

20 * Sec. 18. AS 08.54.310(b)(1), as enacted by sec. 3 of this Act, takes
21 effect on the earlier of

22 (1) January 15, 1990; or

23 (2) the date of submission to the legislature of a recom-
24 mendation by the Task Force on Guiding and Game for a resource-based
25 management system for allocating access to big game hunting opportuni-
26 ties among guide-outfitters licensed under AS 08.54.

27 * Sec. 19. Except for AS 08.54.310(b)(1), as enacted by sec. 3 of this
28 Act, this Act takes effect immediately under AS 01.10.070(c).

6-0626H
Utermohle
3/13/89

Original sponsor: Resources Committee

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 140 (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 relating to big game hunting and to the
7 regulation of big game and marine mammal guide-out-
8 fitting, transportation, and other commercial ser-
9 vices for big game hunters; creating the Big Game
10 Commercial Services Board; relating to presumptive
11 sentences for violation of certain big game commer-
12 cial services statutes; and providing for an effec-
13 tive date."

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

- 15 * Section 1. AS 08.01.010(10) is repealed and reenacted to read:
16 (10) Big Game Commercial Services Board (AS 08.54.300);
- 17 * Sec. 2. AS 08.03.010(c)(20) is repealed and reenacted to read:
18 (20) Big Game Commercial Services Board (AS 08.54.300) --
19 June 30, 1993.
- 20 * Sec. 3. AS 08.54 is amended by adding new sections to read:
21 ARTICLE 4. BIG GAME COMMERCIAL SERVICES BOARD.
22 Sec. 08.54.300. CREATION AND MEMBERSHIP OF BOARD. (a) For the
23 purposes of licensing and regulating the activities of providers of
24 commercial services to big game hunters in the interest of the state's
25 wildlife resources there is created the Big Game Commercial Services
26 Board. For administrative purposes, the board is in the Department of
27 Commerce and Economic Development.
28 (b) The board consists of nine members:
29 (1) two members who are licensed guide-outfitters;

1 (2) two members who are licensed transporters, one of whom
2 must be engaged in the business of providing air transportation ser-
3 vices;

4 (3) one member who holds a commercial use permit, but does
5 not hold any class of guide-outfitter license or a transporter
6 license;

7 (4) one member of the Board of Game who is chosen by the
8 Board of Game and who does not hold a commercial use permit;

9 (5) one member who represents Native landholders; and

10 (6) two public members.

11 Sec. 08.54.310. DUTIES AND POWERS. (a) The board shall

12 (1) prepare, grade, and administer

13 (A) a written and oral examination of an applicant for
14 a guide-outfitter license that requires demonstration that the
15 applicant is qualified generally to provide guide-outfitted hunts
16 and, in particular, to guide-outfit in each game management unit
17 the applicant has selected; if an applicant demonstrates limited
18 ability to read or write the English language, the entire examin-
19 ation shall be administered orally; and

20 (B) an oral examination of a guide-outfitter who seeks
21 an amendment of a game management unit certification; the examin-
22 ation must require demonstration that the guide-outfitter is
23 qualified to provide guide-outfitted hunts in each new game
24 management unit for which the guide-outfitter seeks to be certi-
25 fied;

26 (2) determine qualifications of applicants for class-A
27 assistant guide-outfitter, marine mammal guide-outfitter, and assis-
28 tant guide-outfitter licenses and authorize the issuance of licenses
29 to those who qualify;

1 (3) establish performance standards for providers of big
2 game commercial services and regulate the activities of these provid-
3 ers;

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

12 (5) prohibit guide-outfitting, transporting, and other big
13 game commercial services activities that are unsportsmanlike, uneth-
14 ical, unsafe, against principles of game conservation, degrading to a
15 profession subject to this chapter, or that adversely affect natural
16 resources;

17 (6) after a hearing, revoke, suspend, or deny renewal of a
18 license or permit under AS 08.54.500 - 08.54.510;

19 (7) authorize issuance of transporter licenses;

20 (8) authorize issuance of commercial use permits;

21 (9) meet at least twice annually, once in Anchorage and
22 once in another municipality;

23 (10) provide for registration of base camps and facilities
24 used by persons who are licensed or who hold a permit under this
25 chapter.

26 (b) The board may

27 (1) establish, subject to the prior approval of the commis-
28 sioner of fish and game, a resource-based management system for allo-
29 cating access to big game hunting opportunities among guide-outfitters

1 licensed under this chapter;

2 (2) establish the level of supervision that a guide-out-
3 fitter shall provide for class-A assistant guide-outfitters and assis-
4 tant guide-outfitters who are employed by the guide-outfitter.

5 Sec. 08.54.320. BOARD REGULATIONS. The board shall adopt proce-
6 dural and substantive regulations required by this chapter or reason-
7 ably necessary for its administration.

8 Sec. 08.54.330. BOARD ASSISTANCE. The Department of Fish and
9 Game, Department of Natural Resources, and Department of Public Safety
10 shall provide the board with information, data, or technical assis-
11 tance requested by the board for the purposes of licensing and reg-
12 ulating the activities of providers of commercial services to big game
13 hunters.

14 ARTICLE 5. LICENSING.

15 Sec. 08.54.350. GUIDE-OUTFITTER LICENSE. (a) A natural person
16 is entitled to a guide-outfitter license if the person

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

18 (2) has practical field experience in the handling of
19 firearms, hunting, judging trophies, field preparation of meat and
20 trophies, first aid, photography, and related guide-outfitting activi-
21 ties;

22 (3) is familiar with the terrain and transportation prob-
23 lems in the game management unit for which the license is requested;

24 (4) has passed the qualification examinations prepared and
25 administered by the board;

26 (5) has demonstrated to the board sufficient standards of
27 competence and ethical conduct and has not been convicted of a state
28 or federal hunting or guide-outfitting statute or regulation within
29 the last five years for which the person was fined more than \$500 or

1 imprisoned for more than five days;

2 (6) has legally hunted in the state for part of each of any
3 five years in a manner directly contributing to the person's experi-
4 ence and competency as a guide-outfitter;

5 (7) has been licensed as and performed the services of a
6 class-A assistant guide-outfitter or assistant guide-outfitter in the
7 state for a part of each of three years, or has guide-outfitted in the
8 state for a part of each of three years under a marine mammal guide-
9 outfitter license issued under AS 08.54.360;

10 (8) has demonstrated a current knowledge of fishing, hunt-
11 ing, and guide-outfitting regulations;

12 (9) is capable of performing the essential duties associ-
13 ated with guide-outfitting;

14 (10) has been favorably recommended in writing by six big
15 game hunters, two for each year of the person's most recent three
16 years as a class-A assistant guide-outfitter or assistant guide-out-
17 fitter, when the person has guide-outfitted or assisted in guide-out-
18 fitting as a class-A assistant guide-outfitter or assistant guide-out-
19 fitter, whose recommendations have been solicited by the board from a
20 list provided by the applicant;

21 (11) possesses a business license to provide guide-out-
22 fitting services; and

23 (12) has paid the license fee and commercial use permit
24 fee.

25 (b) A person who receives a master guide-outfitter license under
26 sec. 12 of this Act may use the title master guide-outfitter and may
27 annually renew the license unless the license has been revoked or
28 suspended or has lapsed under AS 08.54.440. A master guide-outfitter
29 license is for all purposes under this chapter a guide-outfitter

1 license.

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

5 Sec. 08.54.360. MARINE MAMMAL GUIDE-OUTFITTER LICENSE. (a) The
6 board may issue a marine mammal guide-outfitter license to a natural
7 person who applies to guide-outfit a hunt for a specific species of
8 marine mammal in a specifically designated area if the person

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

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

12 (3) is able to perform the duties of a marine mammal guide-
13 outfitter;

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

16 (A) current fish and game laws and regulations;

17 (B) relevant characteristics of the specific species
18 to be hunted;

19 (C) field preparation of trophies;

20 (D) care of game meat;

21 (E) use of guide-outfitting gear;

22 (F) firearm safety;

23 (G) practical first aid; and

24 (H) booking and contracting hunts;

25 (5) has not been convicted of violating a state or federal
26 game or guide-outfitting statute or regulation during the previous
27 five years for which the person was fined more than \$500 or imprisoned
28 for more than five days;

29 (6) possesses a business license to provide guide-

1 outfitting services; and

2 (7) has paid the license fee and commercial use permit fee.

3 (b) A marine mammal guide-outfitter may contract to guide-outfit
4 hunts for species of marine mammals for which the marine mammal guide-
5 outfitter license is issued.

6 Sec. 08.54.370. RENEWAL OF GUIDE-OUTFITTER LICENSE AND MARINE
7 MAMMAL GUIDE-OUTFITTER LICENSE. (a) An applicant for renewal of a
8 guide-outfitter license or a marine mammal guide-outfitter license
9 shall submit with the application for renewal

10 (1) the hunt record required under AS 08.54.550 for the
11 period covered by the current license;

12 (2) the license fee for the next licensing period; and

13 (3) the commercial use permit fee for the next licensing
14 period.

15 (b) The department may not renew a license under this section
16 unless all fees have been paid in full and the hunt record has been
17 filed.

18 Sec. 08.54.380. CLASS-A ASSISTANT GUIDE-OUTFITTER LICENSE. (a)
19 A natural person is entitled to a class-A assistant guide-outfitter
20 license if the person

21 (1) has been employed for at least one season as a licensed
22 assistant guide-outfitter; and

23 (2) has had at least 10 years hunting experience in the
24 game management units in which the person is to be employed; military
25 service outside the state for not more than three years shall be
26 accepted as part of the required 10 years hunting experience.

27 (b) A class-A assistant guide-outfitter

28 (1) may not contract to guide-outfit hunts;

29 (2) shall be under the supervision of a guide-outfitter who

1 has contracted with the client for whom the class-A assistant guide-
2 outfitter is conducting the hunt; and

3 (3) may take charge of a camp and conduct guide-outfitter
4 activities from it without the guide-outfitter being present in the
5 area if the guide-outfitter is supervising the guide-outfitting activ-
6 ities.

7 Sec. 08.54.390. ASSISTANT GUIDE-OUTFITTER LICENSE. (a) A
8 natural person is entitled to an assistant guide-outfitter license if
9 the person

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

11 (2) passes an examination administered by the board;

12 (3) has hunted in the state in two of the last five years;

13 (4) has demonstrated practical knowledge of first aid and
14 cardiopulmonary resuscitation;

15 (5) is in sound physical condition; and

16 (6) meets additional qualifications that the board may
17 establish.

18 (b) An assistant guide-outfitter

19 (1) may not contract to guide-outfit hunts; and

20 (2) shall be employed by a guide-outfitter and under the
21 supervision of a guide-outfitter or class-A assistant guide-outfitter
22 at all times while the assistant guide-outfitter is in the field on
23 guide-outfitted hunts.

24 Sec. 08.54.400. TRANSPORTER LICENSE. (a) A person is entitled
25 to a transporter license if the person

26 (1) applies on a form provided by the department;

27 (2) pays the license fee;

28 (3) pays the commercial use permit fee;

29 (4) provides proof of

1 (A) an air taxi/commercial operator certificate issued
2 by the Federal Aviation Administration under 14 C.F.R. Part 135,
3 if the person provides air transportation services to big game
4 hunters;

5 (B) licensure by the Coast Guard to carry passengers
6 for hire, if the person provides water transportation services to
7 big game hunters and if licensure is required by the Coast Guard;
8 and

9 (5) has a business license to transport big game hunters.

10 (b) A transporter may provide transportation services for com-
11 pensation to big game hunters and accommodations in the field at a
12 permanent lodge, house, or cabin owned by the transporter or on a boat
13 with permanent living quarters located on salt water. A transporter
14 may also provide, under authority of a commercial use permit, other
15 big game commercial services as defined under AS 08.54.460. A trans-
16 porter may not provide big game commercial hunting services without
17 holding the appropriate license.

18 (c) An applicant for renewal of a transporter license shall
19 submit with the application for renewal

20 (1) an activity report on a form provided by the department
21 for the period covered by the current license; an activity report
22 shall contain information required by the board by regulation;

23 (2) the license fee for the next licensing period;

24 (3) the commercial use permit fee for the next licensing
25 period; and

26 (4) proof of

27 (A) an air taxi/commercial operator certificate issued
28 by the Federal Aviation Administration under 14 C.F.R. Part 135,
29 if the applicant provides air transportation services to big game

1 hunters;

2 (B) licensure by the Coast Guard to carry passengers
3 for hire, if the applicant provides water transportation services
4 to big game hunters and if licensure is required by the Coast
5 Guard.

6 (d) The department may not renew a transporter license unless
7 all fees have been paid in full and the activity report required under
8 (c)(1) of this section and the proof required under (c)(4) of this
9 section have been filed.

10 (e) A transporter shall place a decal provided by the department
11 on each plane, boat, vehicle, or other equipment used by the trans-
12 porter to provide transportation services to big game hunters. The
13 decal must bear the transporter's license number. The decal is valid
14 only for the plane, boat, vehicle, or other equipment for which the
15 decal is issued.

16 Sec. 08.54.410. APPEAL TO COMMISSIONER FROM BOARD ON DENIAL OF
17 LICENSE. The commissioner of commerce and economic development may
18 order that an applicant for an initial license under AS 08.54.350 -
19 08.54.400 be allowed to take the license examination or be issued the
20 license if, after reviewing a petition filed by the applicant, the
21 commissioner finds that

22 (1) the board denied the applicant an opportunity to take
23 the license examination or refused to approve issuance of the license;

24 (2) the board's denial or refusal has been upheld by a
25 final administrative order and the order has not been appealed to the
26 superior court under AS 44.62.560;

27 (3) the board's denial or refusal was based on

28 (A) an error of fact by the board; or

29 (B) the applicant's failure of the license examination

1 due to faulty or unfair examination questions or procedures;

2 (4) the applicant is otherwise qualified to take the exam-
3 ination or to be issued the license; and

4 (5) sustaining the board's denial or refusal would work a
5 substantial injustice on the applicant.

6 Sec. 08.54.420. RENEWAL OF LICENSES. Notwithstanding AS 08.01.-
7 100(a), guide-outfitter, marine mammal guide-outfitter, and transport-
8 er licenses shall be renewed annually on dates set by the department
9 with the approval of the board.

10 Sec. 08.54.430. EXAMINATIONS FOR GUIDE-OUTFITTER LICENSES. (a)
11 The board shall administer the qualification examinations required
12 under this chapter at least twice a year. An examination may not be
13 given within 90 days after the previous examination. At least once
14 every other year the board shall give the examination at a location
15 other than Anchorage.

16 (b) The board shall regularly disseminate information regarding
17 examinations and other qualifications for all classes of guide-out-
18 fitter licenses to residents of the rural areas of the state.

19 Sec. 08.54.440. FAILURE TO RENEW. (a) A license may not be
20 issued to a guide-outfitter, marine mammal guide-outfitter, class-A
21 assisçant guide-outfitter, or assistant guide-outfitter who has failed
22 to renew a license issued under this chapter for two consecutive years
23 unless the guide-outfitter, marine mammal guide-outfitter, class-A
24 assistant guide-outfitter, or assistant guide-outfitter again meets
25 the qualifications for initial issuance of the license.

26 (b) Notwithstanding (a) of this section, a guide-outfitter who
27 fails to renew a license is not required to requalify under AS 08.54.-
28 350(a)(7), unless the license has been lapsed for three or more years.

29 Sec. 08.54.450. LICENSE AND EXAMINATION FEES. (a) The

1 department shall set license fees under AS 08.01.065 for each of the
2 following:

- 3 (1) guide-outfitter
- 4 (2) class-A assistant guide-outfitter;
- 5 (3) assistant guide-outfitter;
- 6 (4) marine mammal guide-outfitter;
- 7 (5) transporter.

8 (b) The license fee for the guide-outfitter, marine mammal
9 guide-outfitter, class-A assistant guide-outfitter, or assistant
10 guide-outfitter license is in addition to the fee required for a
11 hunting license.

12 (c) An applicant for a qualifying examination for any class of
13 guide-outfitter license shall pay a fee established by regulations
14 adopted under AS 08.01.065.

15 Sec. 08.54.460. COMMERCIAL USE PERMIT HOLDER. A person, other
16 than a guide-outfitter, marine mammal guide-outfitter, or a trans-
17 porter, who provides other big game commercial services for compen-
18 sation shall register with the board on a form provided by the board
19 and shall obtain a commercial use permit and pay the annual commercial
20 use permit fee set under AS 08.54.470. In this section "other big
21 game commercial services" includes provision of accommodations in the
22 field at a permanent lodge, house, or cabin owned by the commercial
23 use permit holder, hunt broker services, gear rental services, photo-
24 graphic or videographic services, and services as defined by the board
25 by regulation.

26 Sec. 08.54.470. COMMERCIAL USE PERMIT AND FEE. (a) A person
27 who is licensed under this chapter as a guide-outfitter, marine mammal
28 guide-outfitter, or transporter shall obtain an annual commercial use
29 permit and pay an annual commercial use permit fee.

1 (b) The department, in consultation with the board, shall set
2 the amount of the commercial use permit fee.

3 (c) A guide-outfitter, marine mammal guide-outfitter, and trans-
4 porter shall pay the commercial use permit fee at the time of applica-
5 tion for issuance or renewal of a guide-outfitter license, marine
6 mammal guide-outfitter license, or transporter license.

7 (d) The commissioner of administration shall separately account
8 for commercial use permit fees deposited in the general fund by the
9 department. The annual estimated balance in the account may be used
10 by the legislature to make appropriations to the Department of Fish
11 and Game and the Department of Public Safety to carry out their re-
12 spective responsibilities for management of game resources and en-
13 forcement of game laws.

14 ARTICLE 6. PENALTIES.

15 Sec. 08.54.500. DISCIPLINE OF GUIDE-OUTFITTERS. (a) The board
16 may hold a hearing to determine whether disciplinary action is neces-
17 sary if a written complaint concerning the guide-outfitting activities
18 of a licensee who holds any class of guide-outfitter license is filed
19 with the board. The board shall hold a hearing to determine whether a
20 licensee should be disciplined within a reasonable time after

21 (1) complaints concerning a licensee's guide-outfitting
22 activities are filed with the board within a two-year period by three
23 or more of the licensee's clients from separate hunting parties;

24 (2) a complaint concerning a licensee's conduct during a
25 life-threatening situation is filed with the board; or

26 (3) a licensee has been convicted of a violation of a
27 federal or state statute or regulation relating to hunting or pro-
28 vision of big game commercial services.

29 (b) After a hearing, the board may revoke, suspend, or deny

1 renewal of any class of guide-outfitter license, if the board finds
2 that the licensee

3 (1) engaged in unethical activity, unsafe activity, or
4 activity that adversely affects the natural resources of the state
5 when the activity is related to the purposes of providing guide-out-
6 fitting services, however the board may not discipline a licensee
7 under this paragraph for unsafe operation of an aircraft; or

8 (2) violated a provision of a federal or state statute or
9 regulation relating to hunting or provision of big game commercial
10 services.

11 (c) After a hearing, the board shall revoke any class of guide-
12 outfitter license if the board finds that the licensee

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

15 (2) is incompetent as a guide-outfitter, marine mammal
16 guide-outfitter, class-A assistant guide-outfitter, or assistant
17 guide-outfitter; or

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

21 (A) waste of a wild food animal;

22 (B) hunting on the same day airborne;

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

24 (D) hunting in an area closed by state or federal

25 regulation.

26 (d) If a certified copy of a judgment of conviction of a licens-
27 ee who holds any class of guide-outfitter license for an offense
28 described under (c)(3) of this section is filed with the board, the
29 board shall immediately suspend the licensee's license. The

1 suspension may be ordered even if the conviction resulted from a plea
2 of nolo contendere or if the conviction is under appeal. The suspen-
3 sion remains in effect until after the final disposition of the disci-
4 plinary proceeding under this section.

5 Sec. 08.54.505. DISCIPLINE OF TRANSPORTERS AND COMMERCIAL USE
6 PERMITTEES. (a) The board may hold a hearing to determine whether
7 disciplinary action is necessary if a complaint concerning the big
8 game commercial service activities of a transporter who is licensed
9 under AS 08.54.400 or a commercial use permittee who holds a permit
10 issued under AS 08.54.460 is filed with the board. The board shall
11 hold a hearing to determine whether a licensee or permittee should be
12 disciplined within a reasonable time after

13 (1) complaints concerning a licensee's or permittee's
14 activities are filed with the board within a two-year period by three
15 or more of the licensee's or permittee's clients from separate hunting
16 parties; or

17 (2) a licensee or permittee has been convicted of a viola-
18 tion of a federal or state statute or regulation relating to hunting
19 or provision of big game commercial services.

20 (b) After a hearing, the board may revoke, suspend, or deny
21 renewal of a transporter license or commercial use permit issued under
22 this chapter, if the board finds that the licensee or permittee

23 (1) engaged in unethical activity, unsafe activity, or
24 activity that adversely affects the natural resources of the state
25 when the activity is related to the purposes of providing big game
26 commercial services, however the board may not discipline a licensee
27 or permittee under this paragraph for unsafe operation of an aircraft;
28 or

29 (2) violated a provision of a federal or state statute or

1 regulation relating to hunting or provision of big game commercial
2 services.

3 (c) The board may not revoke, suspend, or deny renewal of a
4 transporter license or commercial use permit for a violation of a
5 federal or state statute or regulation relating to game or provision
6 of big game commercial services committed by an employee of the li-
7 censee or permittee unless the licensee or permittee participated or
8 aided in the violation.

9 (d) After a hearing, the board shall revoke a license or permit
10 if the board finds that the licensee or permittee

11 (1) does not meet the qualifications specified by statute
12 or regulation for the license held; or

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

16 (A) waste of a wild food animal;

17 (B) hunting on the same day airborne;

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

19 (D) hunting in an area closed by state or federal
20 regulation.

21 (e) If a certified copy of a judgment of conviction of a licens-
22 ee or permittee for an offense described under (d)(2) of this section
23 is filed with the board, the board shall immediately suspend the
24 licensee's or permittee's license or permit. The suspension may be
25 ordered even if the conviction resulted from a pleas of nolo con-
26 tendere or if the conviction is under appeal. The suspension remains
27 in effect until after the final disposition of the disciplinary pro-
28 ceeding under this section.

29 Sec. 08.54.510. DISCIPLINE; GENERAL PROVISIONS. (a) A person

1 who is disciplined under AS 08.54.500 or 08.54.505 may not engage in
2 the provision of big game commercial services during the period of
3 license or permit revocation or other disciplinary action. A person
4 who is licensed under this chapter, or who holds a permit issued under
5 this chapter, may not hire a person whose license or permit to provide
6 big game commercial services is suspended or revoked under AS 08.54.-
7 500 or 08.54.505. A person whose license or permit is suspended or
8 revoked may not be employed by a person who is licensed or who holds a
9 permit under this chapter.

10 (b) If the board revokes a license or permit under AS 08.54.500
11 or 08.54.505, the person whose license or permit has been revoked
12 shall surrender immediately the license or permit to the department.

13 (c) A certified copy of a judgment of conviction of a licensee
14 or permittee for an offense is conclusive evidence of the commission
15 of that offense in a disciplinary proceeding instituted against the
16 licensee or permittee under AS 08.54.500 or 08.54.505 based on that
17 conviction, regardless of whether the conviction resulted from a plea
18 of nolo contendere or the conviction is under appeal, unless the
19 conviction is overturned on appeal.

20 (d) Within 30 days after conclusion of a hearing under AS 08.-
21 54.500 or 08.54.505, the board shall notify the complainant of the
22 results of the hearing, including written reasons justifying a deci-
23 sion not to take disciplinary action.

24 Sec. 08.54.520. UNLAWFUL ACTS. (a) It is unlawful for a

25 (1) person who is licensed or who holds a commercial use
26 permit under this chapter to knowingly fail to timely report to the
27 Department of Public Safety, division of fish and wildlife protection,
28 and in no event later than 30 days, a violation of a state fish, game,
29 or big game commercial services statute or regulation that the person

1 reasonably believes was committed by a client or an employee of the
2 person;

3 (2) person who is licensed or who holds a commercial use
4 permit under this chapter to knowingly

5 (A) commit or aid the commission of a violation of
6 this chapter, a regulation adopted under this chapter, or a state
7 fish or game statute or regulation; or

8 (B) permit the commission of a violation of this
9 chapter, a regulation adopted under this chapter, or a state fish
10 or game statute or regulation that the person knows or reasonably
11 believes is being or will be committed without

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

14 (ii) reporting it;

15 (3) person without a current commercial use permit issued
16 under this chapter to knowingly provide big game commercial services;

17 (4) person who is licensed or who holds a commercial use
18 permit issued under this chapter to intentionally obstruct or hinder
19 or attempt to obstruct or hinder lawful hunting engaged in by a person
20 who is not a client of the person;

21 (5) class-A assistant guide-outfitter or an assistant
22 guide-outfitter to knowingly guide-outfit a hunt except while employed
23 and supervised by a guide-outfitter;

24 (6) person who holds any class of guide-outfitter license
25 to knowingly enter or remain unlawfully on state, federal, or private
26 land without prior authorization during the course of providing guide-
27 outfitting services;

28 (7) person to knowingly guide-outfit without having a
29 current guide-outfitter, marine mammal guide-outfitter, class-A

1 assistant guide-outfitter, or assistant guide-outfitter license and
2 hunting license in actual possession;

3 (8) person without a current guide-outfitter or marine
4 mammal guide-outfitter license to knowingly advertise as or represent
5 to be a guide-outfitter;

6 (9) person to knowingly provide transportation services to
7 big game hunters without holding a transporter license;

8 (10) class-A assistant guide-outfitter or an assistant
9 guide-outfitter to knowingly contract for a hunt; or

10 (11) person to knowingly engage in a big game commercial
11 services activity during the period for which the person's license to
12 conduct that activity is suspended or revoked.

13 (b) A person who commits an offense set out in (a)(1) - (6) of
14 this section is guilty of a misdemeanor and is punishable by a fine of
15 not more than \$30,000 or by imprisonment for not less than two months
16 or more than one year, or both.

17 (c) A person who commits an offense set out in (a)(7) - (10) of
18 this section is guilty,

19 (1) for a first offense, of a misdemeanor and is punishable
20 by a fine of not more than \$30,000 or by imprisonment for not less
21 than two months or more than one year, or both;

22 (2) for a second or subsequent offense, of a class C fel-
23 ony.

24 (d) A person who violates (a)(11) of this section, is guilty of
25 a class C felony.

26 (e) In addition to the penalties set out in (b), (c) and (d) of
27 this section,

28 (1) the court may revoke the person's license to provide
29 guide-outfitting or transportation services for not more than five

1 years; and

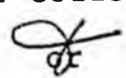
2 (2) all guns, fishing tackle, boats, aircraft, automobiles
3 or other vehicles, camping gear, and other equipment and paraphernalia
4 used in, or in aid of, a violation of (a) of this section may be
5 seized by persons authorized to enforce this chapter and may be for-
6 feited to the state as provided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

7 (f) Upon conviction of a person for committing an offense set
8 out in (a) of this section, the execution of sentence may not be
9 suspended and probation may not be granted except on the condition
10 that the minimum term of imprisonment is served. Imposition of sen-
11 tence may not be suspended.

12 Sec. 08.54.530. INJUNCTION AGAINST UNLAWFUL ACTION. When in the
13 judgment of the board a person has engaged in an act in violation of
14 AS 08.54.380(b), 08.54.390(b), 08.54.400(b), 08.54.510(a), and 08.54.-
15 520 or the regulations adopted under them, the board may apply to the
16 appropriate court for an order enjoining the action. Upon a showing
17 by the board that the person is engaging in the act, the court shall
18 grant injunctive relief or other appropriate order without bond.

19 Sec. 08.54.540. RESPONSIBILITY OF GUIDE-OUTFITTER FOR VIOLA-
20 TIONS. A guide-outfitter who contracts to guide-outfit a hunt is
21 equally responsible under AS 08.54.500 for a violation of a federal or
22 state game or guide-outfitting statute or regulation committed by a
23 class-A assistant guide-outfitter or an assistant guide-outfitter
24 while in the course of the class-A assistant guide-outfitter's or
25 assistant guide-outfitter's employment for the guide-outfitter.

26 ARTICLE 7. GENERAL PROVISIONS.

27 Sec. 08.54.550. HUNT RECORDS; CONFIDENTIALITY OF HUNT RECORDS
28 AND ACTIVITY REPORTS. (a) The department shall collect and maintain
29 hunt records provided by guide-outfitters  marine mammal

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 140

Page 7, line 7, after "if", through line 13:

Delete all material and insert:

"(1) the person

(A) has been employed for at least one season as a licensed assistant guide-outfitter; and

(B) has had at least 10 years hunting experience in the game management units in which the person is to be employed; ~~military service outside the state for not more than three years shall be accepted as part of the required 10 years hunting experience,~~ or

(2) the person

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

(B) has had at least 15 years hunting experience in the game management unit in which the person is to be employed; ~~military service outside of the state for not more than three years shall be accepted as part of the required 15 years hunting experience,~~ and

(C) has passed qualification examinations prepared and administered by the board."

1 guide-outfitters. A hunt record must include a list of all big game
2 hunters who used the services of the guide-outfitter or marine mammal
3 guide-outfitter, the number of each big game species taken, and other
4 information required by the board. The department shall provide forms
5 for reporting hunt records.

6 (b) The department shall make hunt records, and activity reports
7 received under AS 08.54.400, available to state and federal agencies
8 charged with the enforcement of statutes and regulations relating to
9 guide-outfitting or game or with management of game if requested for
10 game management or law enforcement purposes. Aggregated data compiled
11 from hunt records and activity reports may be included in reports by
12 the department. For all other purposes, the hunt records and activity
13 reports are confidential and are not subject to inspection or copying
14 under AS 09.25.110 - 09.25.125.

15 Sec. 08.54.590. DEFINITIONS. In this chapter

16 (1) "base camp" means a guide-outfitter's or marine mammal
17 guide-outfitter's primary base of operations in the field; "base camp"
18 does not include a spike camp;

19 (2) "big game" means brown bear, grizzly bear, polar bear,
20 caribou, moose, black bear, bison, Sitka blacktail deer, elk, mountain
21 goat, musk-ox, wolf, wolverine, mountain or Dall sheep, and walrus;

22 (3) "big game commercial hunting service" means a service
23 for which the provider of the service must obtain a guide-outfitter,
24 marine mammal guide-outfitter, class-A assistant guide-outfitter, or
25 assistant guide-outfitter license;

26 (4) "big game commercial service" means a service for which
27 the provider of the service must obtain a commercial use permit;

28 (5) "board" means the Big Game Commercial Services Board;

29 (6) "compensation" means payment for services including

1 wages or other remuneration but not including reimbursement for actual
2 expenses incurred;

3 (7) "department" means the Department of Commerce and
4 Economic Development;

5 (8) "enter or remain unlawfully" has the meaning given in
6 AS 11.46.350(a);

7 (9) "game management unit" means one of the 26 geographic
8 areas defined by the Board of Game for game management purposes;

9 (10) "guide-outfit" means to provide, for compensation or
10 with the intent or with an agreement to receive compensation, big game
11 commercial hunting services in the field; "guide-outfit" includes
12 accompanying or being present with a big game hunter in the field
13 either personally or through an assistant; "guide-outfit" does not
14 include the provision of transportation to, from, or in the field if
15 the person providing the transportation and the person being trans-
16 ported do not stalk, pursue, track, kill, or attempt to kill big game
17 during the provision of transportation;

18 (11) "field" means an area outside of established year-round
19 dwellings, businesses, or other developments usually associated with a
20 city, town, or village; "field" does not include permanent hotels or
21 roadhouses on the state road system or state or federally maintained
22 airports;

23 (12) "spike camp" means a camp in the field other than a
24 base camp and includes a fly camp or an overnight camp;

25 (13) "transportation services" means the carriage for com-
26 pensation of big game hunters, their equipment, or big game animals
27 harvested by hunters to, from, or in the field; "transportation ser-
28 vices" does not include the carriage by aircraft of big game hunters,
29 their equipment, or big game animals harvested by hunters

1 (A) on nonstop flights between state or federally
2 maintained airports; or

3 (B) by an air taxi operator or air carrier for which
4 the carriage of big game hunters, their equipment, or big game
5 animals harvested by hunters is only an incidental, as defined by
6 the board, portion of its business;

7 (14) "unethical activity" means

8 (A) deception or misrepresentation involving prospec-
9 tive or actual clients either before, during, or following the
10 provision of big game commercial services, including misrepresen-
11 tations through private or public advertising of the type, dura-
12 tion, cost, or conditions of the services;

13 (B) making a guaranty that a species or certain number
14 of species of game will be taken on a hunt;

15 (C) engaging in unsafe or unsportsmanlike activities
16 that are detrimental to the game resources of the state, as
17 defined by regulations of the board, including violations of
18 state hunting or big game commercial services statutes or regu-
19 lations; or

20 (D) accepting a deposit for big game commercial ser-
21 vices without providing before the services are rendered a signed
22 written contract to provide the services.

23 * Sec. 4. AS 12.55.125(e) is amended to read:

24 (e) A defendant convicted of a class C felony may be sentenced
25 to a definite term of imprisonment of not more than five years, and
26 shall be sentenced to the following presumptive terms, subject to
27 adjustment as provided in AS 12.55.155 - 12.55.175:

28 (1) if the offense is a second felony conviction, two
29 years;

1 (2) if the offense is a third felony conviction, three
2 years;

3 (3) if the offense is a first felony conviction, and the
4 defendant knowingly directed the conduct constituting the offense at a
5 uniformed or otherwise clearly identified peace officer, fire fighter,
6 correctional officer, emergency medical technician, paramedic, ambu-
7 lance attendant, or other emergency responder who was engaged in the
8 performance of official duties at the time of the offense, one year;

9 (4) if the offense is a first felony conviction, and the
10 defendant violated AS 08.54.520(a)(7) - (10), one year.

11 * Sec. 5. AS 16.05.407(a) is amended to read:

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

15 (1) a person who is licensed as a guide-outfitter, [MASTER
16 GUIDE, REGISTERED GUIDE,] class-A assistant guide-outfitter, [GUIDE]
17 or assistant guide-outfitter [GUIDE] by the Big Game Commercial Ser-
18 vices [GUIDE] Board; or

19 (2) a resident over 19 years of age who is
20 (A) the spouse of the nonresident; or
21 (B) is related to the nonresident, within and includ-
22 ing the second degree of kindred, by marriage or blood.

23 * Sec. 6. AS 16.05.407(d) is amended to read:

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

29 * Sec. 7. AS 16.05.408(a) is amended to read:

1 (a) It is a class A misdemeanor for a nonresident alien

2 (1) to hunt, pursue, or take marine mammals unless person-
3 ally accompanied by a licensed marine mammal guide-outfitter [GUIDE];
4 or

5 (2) to hunt, pursue, or take a big game animal as defined
6 by the Board of Game unless personally accompanied by a guide-outfit-
7 ter [LICENSED MASTER GUIDE, REGISTERED GUIDE,] or class-A assistant
8 guide-outfitter licensed [GUIDE] under AS 08.54.

9 * Sec. 8. AS 16.05 is amended by adding a new section to read:

10 Sec. 16.05.783. PROHIBITION. (a) A hunting club may not

11 (1) engage in activities in direct support of big game
12 hunting, including transportation or guide-outfitting of big game
13 hunters; or

14 (2) provide facilities or services for big game hunting.

15 (b) In this section "hunting club" means

16 (1) an organization that offers use of property or services
17 to individuals who pay a membership fee for the privilege of using the
18 property or services for hunting; or

19 (2) a partnership, limited partnership, corporation, or
20 unincorporated association through which property is jointly owned,
21 leased, or otherwise held by members of the entity and through which
22 the members are entitled to use the property for hunting.

23 * Sec. 9. AS 39.50.200(b)(48) is amended to read:

24 (48) Big Game Commercial Services [GUIDE] Board AS 08.54.-
25 300 [(AS 08.54.010)]; and

26 * Sec. 10. AS 41.23.420(d) is amended to read:

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

29 (1) the Department of Fish and Game, the Board of

1 Fisheries, the Board of Game, or the Big Game Commercial Services
2 [GUIDE LICENSING AND CONTROL] Board under AS 08.54, AS 16, or AS
3 41.99.010;

4 (2) the Department of Environmental Conservation under AS
5 46.03; or

6 (3) state agencies and municipalities under AS 44.19.145(a)-
7 (11) and AS 46.40.100.

8 * Sec. 11. AS 44.62.330(a)(35) is amended to read:

9 (35) Big Game Commercial Services [GUIDE LICENSING AND
10 CONTROL] Board

11 * Sec. 12. TRANSITION: GUIDE-OUTFITTER LICENSES. (a) Notwithstanding
12 the repeal of AS 08.54.010 - 08.54.240, all licenses issued under AS 08.-
13 54.010 - 08.54.240 are valid for the period for which the licenses were is-
14 sued.

15 (b) For the purposes of AS 08.54.300 - 08.54.590 as enacted by sec. 3
16 of this Act, until new licenses are issued under this section, a

17 (1) master guide license issued under former AS 08.54.100 and a
18 registered guide license issued under former AS 08.54.110 shall be con-
19 sidered a guide-outfitter license issued under AS 08.54.350;

20 (2) class-A assistant guide license issued under former AS 08.-
21 54.120 shall be considered a class-A assistant guide-outfitter license
22 issued under AS 08.54.380;

23 (3) an assistant guide license issued under former AS 08.54.140
24 shall be considered an assistant guide-outfitter license issued under
25 AS 08.54.390.

26 (c) At the time of the next license renewal following the effective
27 date of this Act, each person licensed as

28 (1) a master guide shall receive a master guide-outfitter li-
29 cense if the person

1 (A) is in good standing at the time of issuance of the
2 license; and

3 (B) has paid the guide-outfitter license fee and the com-
4 mercial use permit fee;

5 (2) a registered guide shall receive a guide-outfitter license
6 if the person

7 (A) is in good standing at the time of issuance of the
8 license; and

9 (B) has paid the guide-outfitter license fee and the com-
10 mercial use permit fee;

11 (3) a class-A assistant guide shall receive a class-A assistant
12 guide-outfitter license if the person

13 (A) is in good standing at the time of issuance of the
14 license; and

15 (B) has paid the class-A assistant guide-outfitter license
16 fee;

17 (4) an assistant guide shall receive an assistant guide-out-
18 fitter license if the person

19 (A) is in good standing at the time of issuance of the
20 license; and

21 (B) pays the assistant guide-outfitter license fee.

22 (d) Notwithstanding (c) of this section, the Department of Commerce
23 and Economic Development may issue a new license under AS 08.54.300 -
24 08.54.590, without an additional fee, to a person licensed under former
25 AS 08.54.010 - 08.54.240 before the next renewal period following the
26 effective date of this Act, if the person satisfies the requirements for
27 the license and the license is valid only for the same period for which the
28 replaced license was issued.

29 * Sec. 13. TRANSITION; OUTFITTERS. (a) Notwithstanding AS 08.54.350,

1 as enacted by sec. 3 of this Act, a natural person is entitled to receive a
2 guide-outfitter license if the person

3 (1) applies on a form provided by the Department of Commerce and
4 Economic Development;

5 (2) lawfully registered a camp, cabin, or lodge under AS 16.-
6 05.787 during 1988;

7 (3) provides evidence satisfactory to the Big Game Commercial
8 Services Board that the person has legally engaged in the business of big
9 game outfitting in 1986, 1987, and 1988;

10 (4) passes the guide-outfitter examination administered by the
11 Big Game Commercial Services Board within two years after the effective
12 date of this Act;

13 (5) has not been convicted of violating a state or federal game
14 or guide-outfitting statute or regulation during the previous five years
15 for which the person was fined more than \$500 or imprisoned for more than
16 five days;

17 (6) has legally hunted in the state for part of each of any five
18 years in a manner directly contributing to the person's experience and
19 competency as a guide-outfitter;

20 (7) has been favorably recommended in writing by six big game
21 hunters, two for each year of the person's most recent three years as a big
22 game outfitter, whose recommendations have been solicited by the Big Game
23 Commercial Services Board from a list provided by the applicant;

24 (8) pays the guide-outfitter license fee and the commercial use
25 permit fee; and

26 (9) possesses a business license to provide recreational ser-
27 vices.

28 (b) A person who is denied a guide-outfitter license under (a) of
29 this section by the Big Game Commercial Services Board may appeal to the
CSSB 140(Res)

1 commissioner of commerce and economic development. The commissioner may
2 order that the applicant be allowed to take the license examination or be
3 issued the license if, after reviewing a petition filed by the applicant,
4 the commissioner finds that

5 (1) the board denied the applicant an opportunity to take the
6 license examination or refused to approve issuance of the license;

7 (2) the board's denial or refusal has been upheld by a final
8 administrative order and the order has not been appealed to the superior
9 court under AS 44.62.560;

10 (3) the board's denial or refusal was based on

11 (A) an error of fact by the board; or

12 (B) the applicant's failure of the license examination due
13 to faulty or unfair examination questions or procedures;

14 (4) the applicant is otherwise qualified to take the examination
15 or to be issued the license; and

16 (5) sustaining the board's denial or refusal would work a sub-
17 stantial injustice on the applicant.

18 (c) A guide-outfitter license issued under (a) of this section is for
19 all purposes a license issued under AS 08.54.350, as enacted by sec. 3 of
20 this Act.

21 (d) A person who satisfies (a)(1) - (3) of this section, holds a
22 business license as a big game outfitter, and pays a license fee set by the
23 Department of Commerce and Economic Development and the commercial use
24 permit fee is entitled to receive an interim outfitter license pending a
25 final determination of a person's eligibility for a guide-outfitter license
26 under (a) of this section. The right to receive and hold an interim out-
27 fitter license terminates on the earlier of

28 (1) the date of issuance of a guide-outfitter license to the
29 person;

1 (2) a final determination under (a) of this section that the
2 person is not eligible to receive a guide-outfitter license; or

3 (3) two years from the effective date of this Act.

4 (e) A person who holds an interim outfitter license, notwithstanding
5 contrary provisions of AS 08.54, may provide transportation to, from, and
6 in the field to big game hunters and supply other services in the field to
7 big game hunters. The person may not provide guiding services.

8 (f) A person who holds an interim outfitter license shall promptly
9 report to the Department of Public Safety, division of fish and wildlife
10 protection, but not later than 30 days after the violation, a violation of
11 a state fish, game, or big game commercial services statute or regulation
12 that the person reasonably believes was committed by a client or employee
13 of the person.

14 (g) A person who holds an interim outfitter license may accompany or
15 be present with a hunter at a base camp, cabin, or permanent lodge in
16 connection with a big game hunt for compensation only if the person has
17 furnished an affidavit to the Department of Public Safety, division of fish
18 and wildlife protection, at least two weeks in advance. The person may not
19 register more than two base camps. The affidavit must be signed by the
20 person and must provide the following information:

21 (1) the specific location of the camp, cabin, or lodge;

22 (2) the number of big game hunters in each party that will use
23 the camp, cabin, or lodge; and

24 (3) the kinds or species of big game that will be hunted.

25 (h) A person who furnishes an affidavit under (g) of this section
26 shall notify the Department of Public Safety of the amount and kinds or
27 species of big game taken by each hunter who uses the base camp, cabin, or
28 permanent lodge to which the affidavit relates. Notice shall be given
29 within 30 days after the game is taken. The Department of Public Safety

1 shall provide the information received under this subsection to the Depart-
2 ment of Fish and Game.

3 (i) A person who

4 (1) violates (f) of this section is guilty of a misdemeanor and
5 upon conviction is punishable by a fine of not more than \$2,000 or by
6 imprisonment for not more than one year, or by both; or

7 (2) falsifies an affidavit under (g) of this section is guilty
8 of unsworn falsification under AS 11.56.210.

9 (j) In this section,

10 (1) "base camp" does not include spike camp, fly camp, or over-
11 night camp;

12 (2) "big game" and "field" have the meaning given in AS 08.54.-
13 590, as enacted by sec. 3 of this Act;

14 (3) "guiding" means accompanying or being present with a big
15 game hunter in the field, personally or through an assistant, for compen-
16 sation or with the intent or an agreement to receive compensation; "guid-
17 ing" does not include

18 (A) providing transportation to or from the field, if the
19 person providing transportation and the persons being transported do
20 not stalk, pursue, track, kill, or attempt to kill big game during the
21 transportation; or

22 (B) selling, leasing, or renting goods, if the transaction
23 does not take place in the field;

24 (4) "outfitting" means the provision of services, other than
25 guiding services, to big game hunters in the field for compensation.

26 * Sec. 14. INITIAL APPOINTMENTS TO BIG GAME COMMERCIAL SERVICES BOARD.
27 Notwithstanding AS 08.54.300(b), as enacted by sec. 3 of this Act, the
28 initial appointments to the Big Game Commercial Services Board under

29 (1) AS 08.54.300(b)(1) may also be filled by the appointment of

1 a master guide or registered guide licensed under former AS 08.54.010 -
2 08.54.240 or a person who lawfully registered a camp, cabin, or lodge under
3 AS 16.05.787 during 1988 and legally engaged in the business of big game
4 outfitting in 1986, 1987, and 1988;

5 (2) AS 08.54.300(b)(2) may also be filled by the appointment of
6 a person who engaged in the business of providing transportation to big
7 game hunters in 1986, 1987, and 1988.

8 * Sec. 15. TRANSITION. Litigation, hearings, investigations, and other
9 proceedings pending under a law amended or repealed by this Act continue in
10 effect and may be continued and completed notwithstanding an amendment or
11 repeal provided for in this Act. Licenses, orders, and regulations issued
12 or adopted under authority of a law amended or repealed by this Act remain
13 in effect for the term issued or until revoked, vacated, or otherwise
14 modified under the provisions of this Act.

15 * Sec. 16. AS 08.54.010, 08.54.030, 08.54.035, 08.54.040, 08.54.045,
16 08.54.050, 08.54.060, 08.54.070, 08.54.100, 08.54.110, 08.54.120, 08.54.-
17 130, 08.54.140, 08.54.141, 08.54.150, 08.54.160, 08.54.170, 08.54.180,
18 08.54.186, 08.54.190, 08.54.195, 08.54.200, 08.54.210, 08.54.220, 08.54.-
19 230, 08.54.240; AS 16.05.370(b), 16.05.370(c), 16.05.407(e), 16.05.786, and
20 16.05.787 are repealed.

21 * Sec. 17. Sections 4, 6, 12, and 13, ch. 160, SLA 1988 are repealed.

22 * Sec. 18. AS 08.54.310(b)(1), as enacted by sec. 3 of this Act, takes
23 effect on the earlier of

24 (1) January 15, 1990; or

25 (2) the date of submission to the legislature of a recom-
26 mendation by the Task Force on Guiding and Game for a resource-based
27 management system for allocating access to big game hunting opportuni-
28 ties among guide-outfitters licensed under AS 08.54.

29 * Sec. 19. Except for AS 08.54.310(b)(1), as enacted by sec. 3 of this

1 Act, this Act takes effect immediately under AS 01.10.070(c).
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STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: SB 140
PUBLISH DATE: 3/14/89

FISCAL NOTE

REQUEST:

Revision Date: 6-Feb-89 Agency Affected: Natural Resources
Title: An Act relating to big game hunting and regulation of commercial services. BRU: Management and Administration
Sponsor: Senate Resources Components: Commissioners Office
Requestor: Senate Resources

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0					

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Travel costs for Natural Resources will be included in DCED fiscal note.

Prepared by: Carol Wilson Phone: 465-2400
Division: Commissioners Office Date: 6-Feb-89
Approved by Commissioner: Lernie Gorsuch Date: 6-Feb-89
Agency: Department of Natural Resources

Distribution (by preparer) :

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

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Commerce & Economic Dev.
 Title: An Act relating to big game hunting and to the regulation of big game and marine mammal guide-outfitting... BRU: Occupational Licensing
 Sponsor: Senate Resources Components: All
 Requestor: Senate Resources

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		39.8	39.8	39.8	39.8	39.8
TRAVEL		28.7	28.7	13.9	13.9	13.9
CONTRACTUAL		16.3	16.3	16.3	16.3	16.3
SUPPLIES		2.0	2.0	2.0	2.0	2.0
EQUIPMENT		12.0				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		98.8	86.8	72.0	72.0	72.0

CAPITAL						
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REVENUE		103.0	105.5	108.0	110.5	113.0
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER		98.8	86.8	72.0	72.0	72.0
TOTAL		98.8	86.8	72.0	72.0	72.0

POSITIONS:

FULL-TIME						
PART-TIME		2	2	2	2	2
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See attached for explanation.

Prepared by: Jennifer Strickler, Administrative Officer
 Division: Occupational Licensing

Phone: 465-2144
 Date: February 14, 1989

Approved by Commissioner: Larry Mercurieff
 Agency: Commerce and Economic Development

Date: 2/14/89

Distribution (by preparer):

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