

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672
6524 SENATE RESOURCES

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1 permit is void. If a conditional use area permit is voided under this
2 subsection, the board shall offer the use area permit to the next best
3 qualified applicant for the use area.

4 Sec. 08.54.660. TERM AND SUSPENSION OR REVOCATION OF GUIDE-
5 OUTFITTER USE AREA PERMIT; OPERATIONS PLAN. (a) The board shall
6 grant guide-outfitter use area permits for a term not to exceed 10
7 years, unless the board determines, after consultation with the De-
8 partment of Fish and Game, that a longer term will further promote the
9 wildlife conservation and management objectives of the use areas. The
10 term of a use area permit may not in any instance exceed 15 years.

11 (b) The board may after a hearing suspend or revoke a use area
12 permit for

13 (1) violation of the conditions of the use area permit;

14 (2) failure to exercise the privileges conferred by the use
15 area permit for one year;

16 (3) a significant unauthorized deviation, as defined by the
17 board, from an operations plan;

18 (4) fraud in applying for a use area permit or assignment
19 of a use area permit; or

20 (5) other good cause, as defined by the board.

21 (c) The board may suspend or revoke a use area permit upon
22 conviction of the permittee of an unlawful act under AS 08.54.520.

23 (d) A use area permit is suspended automatically if the permit-
24 tee fails to pay the wildlife conservation fee when due. The suspen-
25 sion remains in effect until the wildlife conservation fee is paid.

26 (e) A use area permit is revoked automatically upon revocation
27 of the permittee's guide-outfitter license. A use area permit is
28 suspended automatically upon suspension of the permittee's guide-
29 outfitter license.

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1 (f) If the license of a guide-outfitter is summarily suspended
2 under AS 08.01.075(c), the use area permits held by the guide-out-
3 fitter are suspended automatically until after the final disposition
4 of the disciplinary proceeding by the board.

5 (g) A hearing to suspend or revoke a use area permit may be
6 combined with a disciplinary proceeding under AS 03.01.075 or AS 08.-
7 54.500 involving the use area permittee.

8 (h) A use area permit may be revoked or the terms of the use
9 area permit or an operations plan may be altered by the board for
10 wildlife conservation and management considerations.

11 (i) A use area permittee shall submit an amended operations plan
12 if the permittee intends to vary the permittee's guide-outfitting
13 operation from that stated in the plan. An amended operations plan is
14 not effective until approved by the board. A permittee may not con-
15 duct a guide-outfitting operation outside of the terms of an approved
16 operations plan.

17 Sec. 08.54.670. ASSIGNMENT OF GUIDE-OUTFITTER USE AREA PERMIT.

(A) *(a) except as provided in this section, a use area may not be sold, leased, or otherwise assigned.*
18 (a) A use area permit may be assigned by the board under regulations
19 of the board if the assignment is

20 (1) consistent with the purposes of AS 08.54.610 - 08.-
21 54.690;

22 (2) not for consideration to the former permittee;

23 (3) to a guide-outfitter qualified to receive the use area
24 permit; and

25 (4) due to the death or disability of the former permittee
26 or for other good cause, as defined by the board.

as delete [27 (b) The sale of guide-outfitter facilities and equipment between
28 the former permittee and the assignee of a use area permit may not be
29 for an amount that exceeds the replacement value of the property. The

1 sale of property between the former permittee and the assignee of a
2 use area permit for an amount in excess of the replacement value of
3 the property voids the assignment of the use area permit.

4 (c) An assigned use area permit is valid only for the period for
5 which the use area permit was originally issued.

6 (d) If proceedings in which a guide-outfitter license may be
7 revoked or suspended under this chapter are pending against a guide-
8 outfitter, the guide-outfitter's use area permits may not be assigned
9 unless allowed for good cause by the board. During the period for
10 which a guide-outfitter's license is suspended under this chapter, use
11 area permits held by the guide-outfitter may not be assigned.

12 (e) If proceedings in which a guide-outfitter use area permit
13 may be revoked or suspended under AS 08.54.660 are pending against a
14 guide-outfitter, the use area permits that are the subject of the
15 pending proceedings may not be assigned. During the period for which
16 a use area permit is suspended under AS 08.54.660, the use area permit
17 may not be assigned.

18 Sec. 08.54.680. INFORMATION ON GUIDE-OUTFITTER USE AREAS. (a)
19 The board shall maintain and publish on a regular basis a comprehen-
20 sive list of all unawarded guide-outfitter use areas that are open to
21 application for use by qualified guide-outfitters.

22 (b) The board shall maintain a centralized information center
23 where information on guide-outfitter use areas and all commercial use
24 permittees can be readily obtained by guide-outfitters, government
25 agencies, and the public.

26 Sec. 08.54.690. DEFINITIONS. In AS 08.54.610 - 08.54.690

27 (1) "joint use" means the utilization of a guide-outfitter
28 use area by more than one use area permittee;

29 (2) "sole use" means the utilization of a guide-outfitter

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use area by one use area permittee.

* Sec. 3. AS 08.54.310(a) is amended by adding new paragraphs to read:

(11) certify guide-outfitters to conduct guide-outfitting activities within a game management unit;

(12) establish by regulation a system of guide-outfitter use areas for allocating access to big game hunting opportunities among guide-outfitters.

→ Sec 4. AS 08.54.350(a) (12) has applied for a

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* Sec. 4. AS 08.54 is amended by adding a new section to read:

Sec. 08.54.355. GAME MANAGEMENT UNIT CERTIFICATION. (a) The board shall certify guide-outfitters licensed under AS 08.54.350 to guide-outfit hunts within a game management unit.

(b) A guide-outfitter may not guide-outfit hunts in a game management unit unless the guide-outfitter is certified by the board to guide-outfit hunts in the game management unit.

(c) The board shall allow a guide-outfitter to prequalify for certification for each game management unit in which the guide-outfitter is competent to guide-outfit hunts. The board shall allow a guide-outfitter to transfer a certification between game management units.

* Sec. 5. AS 08.54.370(a) is amended to read:

(a) An applicant for renewal of a guide-outfitter license or a marine mammal guide-outfitter license shall submit with the application for renewal

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

(2) the license fee for the next licensing period; [AND]

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

(4) an amended guide-outfitter use area permit operations

✓ sec 6 AS 08.54.360(a) is amended (7) after and " has applied for

1 plans, if appropriate; and
2 (5) the wildlife conservation fee for the period covered by
3 the current license.

✓ AX
4 * Sec 6 AS 08.54.470 is amended by adding a new ^{sub-} section [to article 2] to read: *(e) notwithstanding (a) of this section + AS 08.54.370, a person who is licensed under this section operates as a gui-o but who is held out or does not engage in gui-o net. is exempt from requirements to obtain a commercial use permit fee. The dept shall adopt reg's to implement this section.*

9 (b) The wildlife conservation fee paid by a guide-outfitter is
10 the sum of \$25 for each big game animal other than deer and \$5 for
11 each deer taken by a client during the year. A guide-outfitter shall
12 pay the fee at the time for renewal of guide-outfitters' licenses.
13 Failure to renew a guide-outfitter's license does not excuse payment
14 of the fee.

Remove delete
15 (c) The wildlife conservation fee paid by a transporter is the
16 sum of \$25 for each big game animal other than deer and \$5 for each
17 deer that is (1) taken on a non-guide-outfitted hunt by a customer of
18 the transporter, and (2) transported by the transporter. Transporters
19 shall pay the fee at the time set by the department.

20 (d) The commissioner of administration shall separately account
21 for wildlife conservation fees deposited in the general fund by the
22 department. The annual estimated balance in the account may be used
23 by the legislature to make appropriations to the Department of Fish
24 and Game and the Department of Public Safety to carry out their re-
25 spective responsibilities for management of game resources and en-
26 forcement of game laws.]

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27 * Sec. 7. AS 08.54.590(13) is amended to read: *see (a) (3) the C up fee for the [next licensing] period covered by the current permit of a advertising to carry*
28 (13) "transportation services" means the carriage for
29 compensation [of] big game hunters, their equipment, or big game animals

(4) an amended gui-
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out use area operations
plan, & approp.

1 harvested by hunters to, from, or in the field; "transportation ser-
2 vices" does not include the carriage by aircraft of big game hunters,
3 their equipment, or big game animals harvested by hunters

4 (A) on nonstop flights between state^{municipally} or federally
5 maintained airports; ^{and float plane docks} or

6 (B) by an air taxi operator or air carrier, for [which]
7 ^{charge more than the usual tariff or charter rate} the carriage of big game hunters, their equipment, or big game
8 animals harvested by hunters ^{who does not} is only an incidental, as defined by
9 the board, portion of its business unless the air taxi operator
10 or air carrier advertises hunting services to the public;

11 * Sec. 8. IDENTIFICATION OF PROPOSED GUIDE-OUTFITTER USE AREAS. (a)

12 The Department of Fish and Game shall propose guide-outfitter use areas for
13 use by the Big Game Commercial Services Board in establishing a resource-
14 based management system for allocating access to big game hunting oppor-
15 tunities among guide-outfitters. The department shall identify proposed
16 guide-outfitter use areas for appropriate regions and areas of the state.
17 The department may set priorities for identifying use areas and may deter-
18 mine the extent and number of use areas to be identified at one time. The
19 department shall complete the identification of proposed use areas within
20 two years after the close of the first public comment period prescribed
21 under (e) of this section. The department shall complete the identifica-
22 tion of proposed use areas for a significant portion of the state within
23 nine months after the close of the first public comment period prescribed
24 under (e) of this section.

25 (b) The Big Game Commercial Services Board may recommend to the
26 department those areas of the state that should receive priority in identi-
27 fying use areas.

28 (c) The department shall publish a public notice that it is accepting
29 public comment for identification of areas as proposed guide-outfitter use

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1 areas. The department shall accept public comment for 60 days after the
2 notice is first published.

3 (d) The department shall propose use areas in light of the following
4 considerations:

5 (1) wildlife management concerns, including abundance and diver-
6 sity of wildlife, historical harvest of wildlife from the area, and exist-
7 ing administrative boundaries established for wildlife management purposes;

8 (2) wildlife law enforcement concerns;

9 (3) public comment received under (c) of this section;

10 (4) land ownership in the area;

11 (5) administrative restrictions;

12 (6) existence of boundaries that can be readily identified in
13 the field;

14 (7) accessibility of the area and other transportation consid-
15 erations;

16 (8) existence of complementary and noncomplementary land uses
17 within the area;

18 (9) existing facilities within the area; and

19 (10) other considerations relevant to the purposes of this sec-
20 tion.

21 (e) The department shall provide maps or descriptions to the public
22 of the use areas proposed under (d) of this section and shall solicit
23 public comment on the proposed use areas. The public shall have 45 days
24 after the maps or descriptions are distributed to comment on the use areas
25 proposed by the department. At the close of the comment period, the de-
26 partment shall review the proposed use areas in light of the public comment
27 received and shall then recommend boundaries for the proposed use areas.
28 The department shall transmit its boundary recommendations to the Big Game
29 Commercial Services Board as the recommendations are made final.

1 (f) The actions of the department under this section are exempt from
2 the Administrative Procedure Act (AS 44.62).

3 (g) In this section

4 (1) "department" means the Department of Fish and Game;

5 (2) "public" includes a natural person, corporation, associa-
6 tion, organization, society, company, partnership, or state, federal, or
7 local government agency.

8 * Sec. 9. PRELIMINARY DETERMINATION OF ELIGIBILITY FOR GUIDE-OUTFITTER

9 USE AREA PERMIT. (a) In order to facilitate and expedite the process for
10 issuing guide-outfitter use area permits during the first five years that
11 offerings of guide-outfitter use areas are made under AS 08.54.610 - 08.-
12 54.690, enacted by sec. 2 of this Act, the Big Game Commercial Services
13 Board shall make preliminary determinations of the eligibility of a guide-
14 outfitter to receive use area permits.

15 (b) A guide-outfitter may apply, at times set by the board, for a
16 preliminary determination of eligibility for a use area permit for each
17 game management unit in which the guide-outfitter is certified or prequal-
18 ified for certification to guide-outfit hunts under AS 08.54.355, enacted
19 by [sec. 4] of this Act.

20 (c) A guide-outfitter is qualified for a preliminary determination of
21 eligibility to receive a use area permit if the board finds that the guide-
22 outfitter satisfies the criteria of AS 08.54.650(b), enacted by sec. 2 of
23 this Act, that can be satisfied without reference to the characteristics of
24 a specific use area.

25 (d) A preliminary determination of eligibility to receive a use area
26 permit does not vest a right in the guide-outfitter to receive a use area
27 permit when use areas are offered under AS 08.54.650, enacted by sec. 2 of
28 this Act.

29 * Sec. 10. During the first five years that offerings of use areas are

172
(is now
Sec 18)

Sec 10

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08.54.400(c) covered by the current permit

secs

08.54.460(a) is amended to read:

C.U.P. Fee

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sec 11 AS 08.54.470 (a) is amended to read permit fee shall be paid as set out in this section

(AT) cfd

following by?

1 made under AS 08.54.610 - 08.54.690, enacted by sec. 2 of this Act, the Big Game Commercial Services Board shall offer all guide-outfitter use areas.

new bill section - sec 11 - The operation of AS 08.54.470 is suspended until JAN 1.

2 * Sec. 11. SEVERABILITY. If a provision of this Act or the application of this Act to a person or circumstance is held invalid, the remainder of this Act and the application of this Act to other persons or circumstances are not affected by the invalidity.

sec 13. Sec 11 of this Act is retroactive to May 12, 1989.

3 * Sec. 12. AS 08.54.310(b)(1) is repealed.

4 "Sec 15. Sections 11 + 13 of this Act take effect immediately under AS.01.10.070(C)."

(AT)

5 Sec 12. AS.08.54.470 (b) is repealed and *new* enacted to read (A) set by the dept

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→ Marine Mammal

→ air carriers
OK w/ need

→ Class @ museum
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→ airport
DOT

→ replacement &
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→ Severability
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Bill Horn

→ fee
P16 - see Kont.

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6-1716E
Utermohle
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Original sponsor(s): Rules Committee by request

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 422 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECCND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to guide-outfitter use area permits,
7 the Big Game Commercial Services Board, guide-out-
8 fitters, transporters and air carriers, and providers
9 of other big game commercial services, and commercial
10 use permits; and providing for an effective date."

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

12 * Section 1. FINDINGS AND PURPOSE. (a) The legislature finds that

13 (1) unregulated access to game management units by guide-out-
14 fitters

15 (A) can potentially harm the state's valuable big game
16 resources by allowing overharvest of big game species or populations
17 that have a low recovery capacity or that exist in low abundance; and

18 (B) has hindered management of hunters guide-outfitted by
19 guide-outfitters, led to conflicts among guide-outfitters, and de-
20 creased the quality of the hunting experience for clients of guide-
21 outfitters and other hunters;

22 (2) an economically viable guide-outfitter industry can offer a
23 quality hunting experience to hunters from throughout the world who seek a
24 unique opportunity to pursue and take trophy big game animals in the state
25 and can contribute significantly to the state's economy by increasing
26 tourism and supporting a variety of businesses associated with the guide-
27 outfitter industry;

28 (3) the guide-outfitter industry provides an opportunity for
29 enhancing the state's economy, particularly the underdeveloped economies of

1 the rural regions of the state;

2 (4) intense competition exists for big game in many parts of the
3 state and the allocation of access to big game hunting opportunities among
4 guide-outfitters will prevent overharvest of big game in those areas and
5 will provide continued open access to the big game resource by all users;

6 (5) a resource-based management system for allocating access to
7 big game hunting opportunities among guide-outfitters will alleviate con-
8 flicts among guide-outfitters, will provide an effective basis for regulat-
9 ing guide-outfitters, and will enhance conservation and management of big
10 game;

11 (6) a long-term interest in the conservation of wildlife encour-
12 ages sound management practices among users of wildlife and fosters a
13 mutually beneficial relationship between wildlife and the users of wildlife
14 because the user understands that the user's own future well-being is
15 dependent upon wise use of the resource in the present.

16 (b) The purpose of this Act is to

17 (1) establish a resource-based system of allocating access to
18 big game hunting opportunities among guide-outfitters that is fully con-
19 sistent with common use principles of the Constitution of the State of
20 Alaska; and

21 (2) support the conservation and management of the state's
22 wildlife, provide economic and noneconomic benefits to the state and to the
23 citizens of the state, and generate revenue for the state from the wise use
24 of wildlife for commercial purposes.

25 (c) This Act does not affect the existing rights and privileges of
26 subsistence and resident sport hunters to take game in the state.

27 * Sec. 2. AS 08.54 is amended by adding new sections to read:

28 ARTICLE 5. GUIDE-OUTFITTER USE AREAS.

29 Sec. 08.54.610. GUIDE-OUTFITTER USE AREAS. (a) The board shall:

1 establish guide-outfitter use areas throughout the state. The board
2 shall consider the recommendations of the Department of Fish and Game
3 in identifying the boundaries of the use areas. The board shall adopt
4 the recommendations of the Department of Fish and Game for each use
5 area unless the board obtains a finding from the Department of Fish
6 and Game that an amended use area boundary as proposed by the board
7 will not adversely affect wildlife conservation and management.

8 (b) The board may amend the boundaries of use areas adopted
9 under (a) of this section if

10 (1) the Department of Fish and Game finds that the proposed
11 amendment will not adversely affect wildlife conservation and manage-
12 ment; and

13 (2) the board notifies all guide-outfitters who hold use
14 area permits for the affected use areas of the proposed amendment and
15 provides those guide-outfitters with an opportunity to comment on the
16 proposed amendment.

17 (c) AS 08.54.620 - 08.54.690 do not apply within an area or to
18 the activities of a guide-outfitter within an area of the state that
19 is not included within the boundary of a guide-outfitter use area
20 adopted by the board.

21 Sec. 08.54.620. OFFERINGS OF GUIDE-OUTFITTER USE AREAS. (a)
22 The board shall annually offer available use areas to qualified guide-
23 outfitters. The board shall stagger the offering of use areas.

24 (b) The board may request recommendations from the public for
25 use areas to be offered at the next offering of use areas.

26 (c) The board shall decide whether a use area will be offered
27 for sole or joint use before offering the use area. In making its
28 decision, the board shall consider for each use area

29 (1) information provided by the Department of Fish and Game

1 on the status of big game populations, historical harvests of big
2 game, and uses of wildlife in the use area;

3 (2) information gathered from previous use by guide-outfit-
4 ters that would facilitate big game management and planning;

5 (3) requirements for economically viable guide-outfitter
6 operations;

7 (4) the number of economically viable guide-outfitter
8 operations that the use area could support;

9 (5) the effect of guide-outfitting activities on resident
10 hunters; and

11 (6) other relevant factors, including land ownership con-
12 cerns, land management concerns, and law enforcement concerns.

13 (d) Use areas for which use area permits have expired, been
14 relinquished by the permittee, automatically revoked under AS 08.54.-
15 660, or revoked by the board may be offered by the board at the next
16 offering of use areas.

17 (e) The notice of the offering of use areas must include for
18 each use area

19 (1) the location and a brief description of the use area;

20 (2) whether the use area is available for sole or joint
21 use.

22 Sec. 08.54.630. GUIDE-OUTFITTER USE AREA PERMIT; REGISTRATION
23 PERMIT. (a) A guide-outfitter use area permit or registration permit
24 authorizes a guide-outfitter to guide-outfit hunts in the use area for
25 those big game species specified by the permit and may limit the
26 number of clients that may be guide-outfitted in the use area each
27 year.

28 (b) A sole use area permit grants to the permittee the sole
29 privilege to guide-outfit hunts for all big game species that occur

1 within the use area. A joint use area permit grants to the permittee
2 the privilege to guide-outfit hunts in the use area for the big game
3 species specified in the permit; however, all joint use area permits
4 for a use area, when considered together, must grant privileges to
5 guide-outfit hunts for all big game species that occur within the use
6 area.

7 (c) A use area that is not awarded to a guide-outfitter under
8 AS 08.54.650 is open to use by guide-outfitters who are certified to
9 guide-outfit hunts in the game management unit in which the use area
10 is located and who obtain a registration permit for the use area. The
11 board may establish the number of registration permits that will be
12 issued for each use area. Registration permits are valid for the
13 calendar year in which they are issued. A registration permit must
14 specify the big game species for which hunts may be guide-outfitted
15 under the authority of the permit.

16 (d) A guide-outfitter may not guide-outfit a hunt for a big game
17 species in a use area, unless the guide-outfitter has a use area
18 permit or registration permit that entitles the guide-outfitter to
19 guide-outfit hunts for that species in that use area.

20 (e) A guide-outfitter shall physically participate in field
21 operations while guide-outfitted hunts are conducted under the author-
22 ity of a use area permit or registration permit held by the guide-
23 outfitter.

24 Sec. 08.54.640. APPLICATION FOR A GUIDE-OUTFITTER USE AREA
25 PERMIT. (a) A guide-outfitter who is licensed under AS 08.54.350 and
26 is certified by the board to guide-outfit hunts in the game management
27 unit in which the use area is located may apply for a guide-outfitter
28 use area permit.

29 (b) A guide-outfitter shall submit a separate application for

1 each use area permit sought. The application shall be made on a form
2 provided by the board and shall be accompanied by the application fee
3 and a proposed operations plan for the conduct of guide-outfitted
4 hunts under the use area permit, including locations of base camps,
5 the number of clients, and the big game species to be hunted.

6 (c) The department shall set the application fee for a guide-
7 outfitter use area permit under AS 08.01.065.

8 Sec. 08.54.650. PROCEDURES FOR AWARDING GUIDE-OUTFITTER USE AREA
9 PERMIT. (a) The board shall adopt procedures for evaluating the
10 qualifications of applicants for guide-outfitter use area permits.
11 The procedures must appropriately balance the criteria included under
12 (b) of this section to ensure that new guide-outfitter licensees under
13 this chapter are not unfairly disadvantaged or denied an opportunity
14 to obtain a use area permit in those game management units for which
15 the licensee is certified by the board.

16 (b) The board shall evaluate each application and determine
17 whether the applicant is qualified for a guide-outfitter use area per-
18 mit under criteria adopted by the board, including

19 (1) the applicant's ability and means to provide the type
20 and quality of guide-outfitting services proposed by the applicant, as
21 demonstrated by the applicant's proposed operations plan;

22 (2) whether the applicant has proposed a guide-outfitting
23 operation in the use area that is economically feasible given the
24 economic resources of the applicant;

25 (3) the applicant's history of safety in guide-outfitting
26 hunts or demonstrated ability to guide-outfit hunts safely;

27 (4) the applicant's history of compliance with state and
28 federal fish and game and guide-outfitting statutes and regulations;

29 (5) the applicant's experience in or knowledge of the use

1 area;

2 (6) the applicant's history of compliance with AS 06.54.
3 520(a) in regard to prior authorization to enter or remain on state
4 federal, or private land;

5 (7) whether the applicant has obtained those prior autho-
6 rizations to guide-outfit hunts on state, federal, or private land in
7 the use area from the significant or major landowners in the use area
8 or has demonstrated the ability to acquire those authorizations;

9 (8) whether the applicant holds all permits and licenses
10 necessary to guide-outfit hunts in the use area or has demonstrated
11 the ability to obtain the necessary permits and licenses.

12 (c) If the board determines that more applicants are qualified
13 to receive a use area permit for a use area than there are use area
14 permits available, then the board shall reevaluate the applications of
15 the qualified applicants and, with or without requesting additional
16 documentation, shall select the best qualified applicants to receive
17 the available permits. The board may request the qualified applicants
18 to appear before the board to discuss the applicant's application in
19 regard to the criteria in (b) of this section.

20 (d) The board shall award a use area permit only to a qualified
21 applicant.

22 (e) If a successful applicant does not provide, at the time the
23 board awards the use area permit, proof of the permits and licenses
24 necessary to guide-outfit hunts in the use area or the authorizations
25 to guide-outfit hunts on state, federal, or private land in the use
26 area from the significant or major landowners in the use area, the
27 board shall issue a conditional use area permit that is valid for 120
28 days. A conditional use area permit does not entitle the permittee to
29 guide-outfit hunts within the use area. If the successful applicant

1 provides proof satisfactory to the board within 120 days after issu-
2 ance of the conditional use area permit that the applicant has re-
3 ceived the necessary permits and licenses and land use authorizations,
4 the applicant shall be awarded a use area permit. If the successful
5 applicant does not provide the required proof within 120 days after
6 issuance of the conditional use area permit, the conditional use area
7 permit is void. If a conditional use area permit is voided under this
8 subsection, the board shall offer the use area permit to the next best
9 qualified applicant for the use area.

10 Sec. 08.54.660. TERM AND SUSPENSION OR REVOCATION OF GUIDE-
11 OUTFITTER USE AREA PERMIT; OPERATIONS PLAN. (a) The board shall
12 grant guide-outfitter use area permits for a term not to exceed 10
13 years, unless the board determines, after consultation with the De-
14 partment of Fish and Game, that a longer term will further promote the
15 wildlife conservation and management objectives of the use areas. The
16 term of a use area permit may not in any instance exceed 15 years.

17 (b) The board may after a hearing suspend or revoke a use area
18 permit for

- 19 (1) violation of the conditions of the use area permit;
20 (2) failure to exercise the privileges conferred by the use
21 area permit for one year;
22 (3) a significant unauthorized deviation, as defined by the
23 board, from an operations plan;
24 (4) fraud in applying for a use area permit or assignment
25 of a use area permit; or
26 (5) other good cause, as defined by the board.

27 (c) The board may suspend or revoke a use area permit upon
28 conviction of the permittee of an unlawful act under AS 08.54.520.

29 (d) A use area permit is revoked automatically upon revocation

1 of the permittee's guide-outfitter license. A use area permit is
2 suspended automatically upon suspension of the permittee's guide-
3 outfitter license.

4 e) If the license of a guide-outfitter is summarily suspended
5 under AS 08.01.075(c), the use area permits held by the guide-out-
6 fitter are suspended automatically until after the final disposition
7 of the disciplinary proceeding by the board.

8 (f) A hearing to suspend or revoke a use area permit may be
9 combined with a disciplinary proceeding under AS 08.01.075 or AS 06.-
10 54.500 involving the use area permittee.

11 (g) A use area permit may be revoked or the terms of the use
12 area permit or an operations plan may be altered by the board for
13 wildlife conservation and management considerations.

14 (h) A use area permittee shall submit an amended operations plan
15 if the permittee intends to vary the permittee's guide-outfitting
16 operation from that stated in the plan. An amended operations plan is
17 not effective until approved by the board. A permittee may not con-
18 duct a guide-outfitting operation outside of the terms of an approved
19 operations plan.

20 Sec. 08.54.670. ASSIGNMENT OF GUIDE-OUTFITTER USE AREA PERMIT.

21 (a) Except as provided in this section, a use area permit may not be
22 sold, leased, or otherwise assigned.

23 (b) A use area permit may be assigned by the board under regu-
24 lations of the board if the assignment is

25 (1) consistent with the purposes of AS 08.54.610 - 08.-
26 54.690;

27 (2) not for consideration to the former permittee;

28 (3) to a guide-outfitter qualified to receive the use area
29 permit; and

1 (4) due to the death or disability of the former permittee
2 or for other good cause, as defined by the board.

3 (c) An assigned use area permit is valid only for the period for
4 which the use area permit was originally issued.

5 (d) If proceedings in which a guide-outfitter license may be
6 revoked or suspended under this chapter are pending against a guide-
7 outfitter, the guide-outfitter's use area permits may not be assigned
8 unless allowed for good cause by the board. During the period for
9 which a guide-outfitter's license is suspended under this chapter, use
10 area permits held by the guide-outfitter may not be assigned.

11 (e) If proceedings in which a guide-outfitter use area permit
12 may be revoked or suspended under AS 08.54.660 are pending against a
13 guide-outfitter, the use area permits that are the subject of the
14 pending proceedings may not be assigned. During the period for which
15 a use area permit is suspended under AS 08.54.660, the use area permit
16 may not be assigned.

17 Sec. 08.54.680. INFORMATION ON GUIDE-OUTFITTER USE AREAS AND
18 COMMERCIAL USE PERMITTEES. (a) The board shall maintain and publish
19 on a regular basis a comprehensive list of all unawarded guide-out-
20 fitter use areas that are open to application for use by qualified
21 guide-outfitters.

22 (b) The board shall maintain a centralized information center
23 where information on guide-outfitter use areas and all commercial use
24 permittees can be readily obtained by guide-outfitters, government
25 agencies, and the public.

26 Sec. 08.54.690. DEFINITIONS. In AS 08.54.610 - 08.54.690

27 (1) "joint use" means the utilization of a guide-outfitter
28 use area by more than one use area permittee;

29 (2) "sole use" means the utilization of a guide-outfitter

1 use area by one use area permittee.

2 * Sec. 3. AS 08.54.310(a) is amended by adding new paragraphs to read:

3 (11) certify guide-outfitters to conduct guide-outfitting
4 activities within a game management unit;

5 (12) establish by regulation a system of guide-outfitter use
6 areas for allocating access to big game hunting opportunities among
7 guide-outfitters.

8 * Sec. 4. AS 08.54.350(a) is amended to read:

9 (a) A natural person is entitled to a guide-outfitter license if
10 the person

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

12 (2) has practical field experience in the handling of
13 firearms, hunting, judging trophies, field preparation of meat and
14 trophies, first aid, photography, and related guide-outfitting activi-
15 ties;

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

18 (4) has passed the qualification examinations prepared and
19 administered by the board;

20 (5) has demonstrated to the board sufficient standards of
21 competence and ethical conduct and has not been convicted of a state
22 or federal hunting or guide-outfitting statute or regulation within
23 the last five years for which the person was fined more than \$500 or
24 imprisoned for more than five days;

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

28 (7) has been licensed as and performed the services of a
29 class-A assistant guide-outfitter or assistant guide-outfitter in the

1 state for a part of each of three years, or has guide-outfitted in the
2 state for a part of each of three years under a marine mammal guide-
3 outfitter license issued under AS 08.54.360;

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

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

8 (10) has been favorably recommended in writing by six big
9 game hunters, two for each year of the person's most recent three
10 years as a class-A assistant guide-outfitter or assistant guide-
11 outfitter, when the person has guide-outfitted or assisted in guide-
12 outfitting as a class-A assistant guide-outfitter or assistant guide-
13 outfitter, whose recommendations have been solicited by the board from
14 a list provided by the applicant;

15 (11) possesses a business license to provide guide-outfit-
16 ting services; and

17 (12) has paid the license fee and has applied for a commer-
18 cial use permit [FEE].

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

20 Sec. 08.54.355. GAME MANAGEMENT UNIT CERTIFICATION. (a) The
21 board shall certify guide-outfitters licensed under AS 08.54.350 to
22 guide-outfit hunts within a game management unit.

23 (b) A guide-outfitter may not guide-outfit hunts in a game
24 management unit unless the guide-outfitter is certified by the board
25 to guide-outfit hunts in the game management unit.

26 (c) The board shall allow a guide-outfitter to prequalify for
27 certification for each game management unit in which the guide-out-
28 fitter is competent to guide-outfit hunts. The board shall allow a
29 guide-outfitter to transfer a certification between game management

1 units.

2 * Sec. 6. AS 08.54.360(a) is amended to read:

3 (a) The board may issue a marine mammal guide-outfitter licens
4 to a natural person who applies to guide-outfit a hunt for a specifi
5 species of marine mammal in a specifically designated area if th
6 person

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

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

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

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

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

15 (B) relevant characteristics of the specific species
16 to be hunted;

17 (C) field preparation of trophies;

18 (D) care of game meat;

19 (E) use of guide-outfitting gear;

20 (F) firearm safety;

21 (G) practical first aid; and

22 (H) booking and contracting hunts;

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

27 (6) possesses a business license to provide guide-outfit-
28 ting services; and

29 (7) has paid the license fee and has applied for a

1 commercial use permit [FEE].

2 * Sec. 7. AS 08.54.370(a) is amended to read:

3 (a) An applicant for renewal of a guide-outfitter license or a
4 marine mammal guide-outfitter license shall submit with the applica-
5 tion for renewal

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

8 (2) the license fee for the next licensing period; [AND]

9 (3) the commercial use permit fee for the [NEXT LICENSING]
10 period covered by the current permit; and

11 (4) an amended guide-outfitter use area operations plan, if
12 appropriate.

13 * Sec. 8. AS 08.54.400(a) is amended to read:

14 (a) A person is entitled to a transporter license if the person

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

16 (2) pays the license fee;

17 (3) applies for a [PAYS THE] commercial use permit [FEE];

18 (4) provides proof of

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

23 (B) licensure by the Coast Guard to carry passengers
24 for hire, if the person provides water transportation services to
25 big game hunters and if licensure is required by the Coast Guard,
26 and

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

28 * Sec. 9. AS 08.54.400(c) is amended to read:

29 (c) An applicant for renewal of a transporter license shall

1 submit with the application for renewal

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

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

6 (3) the commercial use permit fee for the [NEXT LICENSING]
7 period covered by the current permit; and

8 (4) proof of

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

12 (B) licensure by the Coast Guard to carry passengers
13 for hire, if the applicant provides water transportation services
14 to big game hunters and if licensure is required by the Coast
15 Guard.
16

17 * Sec. 10. AS 08.54.460(a) is amended to read:

18 (a) A person, other than a guide-outfitter, marine mammal guide-
19 outfitter, or a transporter, who provides other big game commercial
20 services for compensation shall register with the board on a form
21 provided by the board and shall obtain a commercial use permit and pay
22 the annual commercial use permit fee set by the department in consul-
23 tation with the board [UNDER AS 08.54.470]. In this section, "other
24 big game commercial services" includes provision of accommodations in
25 the field at a permanent lodge, house, or cabin owned by the commer-
26 cial use permit holder, hunt broker services, gear rental services,
27 photographic or videographic services, and services as defined by the
28 board by regulation.

29 * Sec. 11. AS 08.54.470(a) is amended to read:

1 (a) A person who is licensed under this chapter as a guide-
 2 outfitter, marine mammal guide-outfitter, or transporter shall obtain
 3 an annual commercial use permit. The [AND PAY AN] annual commercial
 4 use permit fee shall be paid as set out in this section.

5 * Sec. 12. AS 08.54.470(b) is repealed and reenacted to read:

6 (b) The commercial use permit fee shall be

7 (1) set by the department, in consultation with the board,
 8 for transporters on the basis of a progressive fee in proportion to
 9 the number of big game hunters transported by the transporter during
 10 the period for which the permit was issued;

11 (2) for guide-outfitters and marine mammal guide-outfit-
 12 ters, at a minimum of equal to the following amounts based on the number of clients
 13 guide-outfitted by the guide-outfitter or marine mammal guide-outfit-
 14 ter during the period for which the permit was issued:

15	0 - 5 clients	\$ 250
16	6 - 10 clients	500
17	11 - 15 clients	750
18	16 - 20 clients	1,000
19	21 - 25 clients	1,500
20	26 - 30 clients	2,000
21	31 or more clients	2,500.

22 * Sec. 13. AS 08.54.470(c) is amended to read:

23 (c) A guide-outfitter, marine mammal guide-outfitter, and trans-
 24 porter shall pay the commercial use permit fee at the time of applica-
 25 tion for [ISSUANCE OR] renewal of a guide-outfitter license, marine
 26 mammal guide-outfitter license, or transporter license. If the guide-
 27 outfitter, marine mammal guide-outfitter, or transporter does not
 28 apply for renewal of the guide-outfitter license, marine mammal guide-
 29 outfitter license, or transporter license, the commercial use permit

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fee shall be paid within 30 days after the end of the annual period for which the commercial use permit was issued.

* Sec. 14. AS 08.54.470 is amended by adding a new subsection to read:

(e) Notwithstanding (a) of this section and AS 08.54.370, a person who is licensed under this chapter as a guide-outfitter but who is retired from or does not engage in guide-outfitting activities is exempt from requirements to obtain a commercial use permit and to pay the commercial use permit fee. The department shall adopt regulations to implement this subsection.

* Sec. 15. AS 08.54.590(13) is amended to read:

(13) "transportation services" means carriage of, or advertising to carry for compensation, big game hunters, their equipment, or big game animals harvested by hunters to, from, or in the field; "transportation services" does not include the carriage by aircraft of big game hunters, their equipment, or big game animals harvested by hunters

(A) on nonstop flights between state or federally maintained airports, and float plane docks; or

(B) by an air taxi operator or air carrier who does not

(i) charge more than the ^{usual} tariff or charter rate.

[if listed] for [WHICH] the carriage of big game hunters, their equipment, or big game animals harvested by hunters;

[or]
(ii) advertise big game commercial services to the public [IS ONLY AN INCIDENTAL, AS DEFINED BY THE BOARD. PORTION OF ITS BUSINESS];

* Sec. 16. AS 42.30 is amended by adding a new section to read:

Sec. 42.30.230. REPORTS RELATING TO CARRIAGE OF BIG GAME

(f)

HUNTERS. (a) A person who is subject to AS ~~42-30-200~~ shall submit to the department by January 31 of each year an activity report relating to the carriage during the previous year of big game hunters, their equipment, and big game animals harvested by hunters. The report shall be made on a form provided by the department and must contain information required by the Big Game Commercial Services Board by regulation.)

(b) A person who ~~violates~~ this section is guilty of a class B misdemeanor.

Knowing of the circumstances that a report is needed for a report is guilty of a violation.

fringe who fails to report as required violation

* Sec. 17. IDENTIFICATION OF PROPOSED GUIDE-OUTFITTER USE AREAS. (a)

The Department of Fish and Game shall propose guide-outfitter use areas for use by the Big Game Commercial Services Board in establishing a resource-based management system for allocating access to big game hunting opportunities among guide-outfitters. The department shall identify proposed guide-outfitter use areas for appropriate regions and areas of the state. The department may set priorities for identifying use areas and may determine the extent and number of use areas to be identified at one time. The department shall complete the identification of proposed use areas within two years after the close of the first public comment period prescribed under (e) of this section. The department shall complete the identification of proposed use areas for a significant portion of the state within nine months after the close of the first public comment period prescribed under (e) of this section.

(b) The Big Game Commercial Services Board may recommend to the department those areas of the state that should receive priority in identifying use areas.

(c) The department shall publish a public notice that it is accepting public comment for identification of areas as proposed guide-outfitter use areas. The department shall accept public comment for 60 days after the

1 notice is first published.

2 (d) The department shall propose use areas in light of the following
3 considerations:

4 (1) wildlife management concerns, including abundance and diver-
5 sity of wildlife, historical harvest of wildlife from the area, and exist-
6 ing administrative boundaries established for wildlife management purposes:

7 (2) wildlife law enforcement concerns;

8 (3) public comment received under (c) of this section;

9 (4) land ownership in the area;

10 (5) administrative restrictions;

11 (6) existence of boundaries that can be readily identified in
12 the field;

13 (7) accessibility of the area and other transportation consid-
14 erations;

15 (8) existence of complementary and noncomplementary land uses
16 within the area;

17 (9) existing facilities within the area; and

18 (10) other considerations relevant to the purposes of this sec-
19 tion.

20 (e) The department shall provide maps or descriptions to the public
21 of the use areas proposed under (d) of this section and shall solicit
22 public comment on the proposed use areas. The public shall have 45 days
23 after the maps or descriptions are distributed to comment on the use areas
24 proposed by the department. At the close of the comment period, the de-
25 partment shall review the proposed use areas in light of the public comment
26 received and shall then recommend boundaries for the proposed use areas.
27 The department shall transmit its boundary recommendations to the Big Game
28 Commercial Services Board as the recommendations are made final.

29 (f) The actions of the department under this section are exempt from

1 the Administrative Procedure Act (AS 44.62).

2 (g) In this section

3 (1) "department" means the Department of Fish and Game;

4 (2) "public" includes a natural person, corporation, associa-
5 tion, organization, society, company, partnership, or state, federal, or
6 local government agency.

7 * Sec. 18. PRELIMINARY DETERMINATION OF ELIGIBILITY FOR GUIDE-OUTFITTER
8 USE AREA PERMIT. (a) In order to facilitate and expedite the process for
9 issuing guide-outfitter use area permits during the first five years that
10 offerings of guide-outfitter use areas are made under AS 08.54.610 - 08.-
11 54.690, enacted by sec. 2 of this Act, the Big Game Commercial Services
12 Board shall make preliminary determinations of the eligibility of a guide-
13 outfitter to receive use area permits.

14 (b) A guide-outfitter may apply, at times set by the board, for a
15 preliminary determination of eligibility for a use area permit for each
16 game management unit in which the guide-outfitter is certified or prequal-
17 ified for certification to guide-outfit hunts under AS 08.54.355, enacted
18 by sec. 5 of this Act.

19 (c) A guide-outfitter is qualified for a preliminary determination of
20 eligibility to receive a use area permit if the board finds that the guide-
21 outfitter satisfies the criteria of AS 08.54.650(b), enacted by sec. 2 of
22 this Act, that can be satisfied without reference to the characteristics of
23 a specific use area.

24 (d) A preliminary determination of eligibility to receive a use area
25 permit does not vest a right in the guide-outfitter to receive a use area
26 permit when use areas are offered under AS 08.54.650, enacted by sec. 2 of
27 this Act.

28 * Sec. 19. During the first five years that offerings of use areas are
9 made under AS 08.54.610 - 08.54.690, enacted by sec. 2 of this Act, the Big
CSSB 422(Res)

1 Game Commercial Services Board shall offer all guide-outfitter use areas.

2 * Sec. 20. The operation of AS 08.54.440 is suspended until January 1,
3 1991.

4 * Sec. 21. TRANSITION; COMMERCIAL USE PERMIT FEE FOR 1991 AND SUBSE-
5 QUENT YEARS. AS 08.54.350(a), as amended by sec. 4 of this Act, AS 08.54.-
6 360(a), as amended by sec. 6 of this Act, AS 08.54.370(a), as amended by
7 sec. 7 of this Act, AS 08.54.400(a), as amended by sec. 8 of this Act,
8 AS 08.54.400(c), as amended by sec. 9 of this Act, AS 08.54.470(a), as
9 amended by sec. 11 of this Act, AS 08.54.470(b), as amended by sec. 12 of
10 this Act, and AS 08.54.470(c), as amended by sec. 13 of this Ac. apply to
11 initial applications for and renewals of guide-outfitter licenses, marine
12 mammal guide-outfitter licenses, and transporter licenses for 1991 and
13 subsequent years and to payment of commercial use permit fees for 1991 and
14 subsequent years. Applicants for guide-outfitter licenses, marine mammal
15 guide-outfitter licenses, and transporter licenses for 1990 or for renewal
16 of these licenses for 1990 shall pay the commercial use permit fee in
17 accordance with AS 08.54 as it existed on the day before the effective date
18 of this section.

19 * Sec. 22. SEVERABILITY. If a provision of this Act or the application
20 of this Act to a person or circumstance is held invalid, the remainder of
21 this Act and the application of this Act to other persons or circumstances
22 are not affected by the invalidity.

23 * Sec. 23. Section 20 of this Act is retroactive to May 12, 1989.

24 * Sec. 24. AS 08.54.310(b)(1) is repealed.

25 * Sec. 25. Sections 20 and 23 of this Act take effect immediately under
26 AS 01.10.070(c).

AMENDMENT

3/22/90

Offered to CS (3/21/90) for Senate Bill No. 422

Page 16

* Sec. 12. AS 08.54.470(b)

Delete lines 6 - 21 and replace with the following:

(b) The commercial use permit fee shall be set by the department in consultation with the board, for transporters, guide-outfitters, and marine mammal guide-outfitters, on the basis of a progressive fee in proportion to the number of big game hunters transported by the transporter, or guide-outfitted by the guide-outfitter or marine mammal guide-outfitter, during the period for which the permit was issued.

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 422

Page 1, line 8, after "transporters"

Insert "and air carriers"

Page 13, lines 6 - 10:

Delete all material and insert:

"(B) by an air taxi operator or air carrier who does not

(i) charge more than the tariff or charter rate,
[if listed] for [WHICH] the carriage of big game hunters,
their equipment, or big game animals harvested by hunters;

or

(ii) advertise big game commercial services to the
public [IS ONLY AN INCIDENTAL, AS DEFINED BY THE BOARD,
PORTION OF ITS BUSINESS];

* Sec. 8. AS 42.30 is amended by adding a new section to read:

Sec. 42.30.230. REPORTS RELATING TO CARRIAGE OF BIG GAME HUNTERS. (a) A person who is subject to AS 42.30.200 shall submit to the department by January 31 of each year an activity report relating to the carriage of big game hunters, their equipment, and big game animals harvested by hunters during the preceding year. The report shall be made on a form provided by the department and must contain

information required by the Big Game Commercial Services Board by regulation.

(b) A person who violates this section is guilty of a class B misdemeanor."

Renumber the following bill sections accordingly.

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 422

Page 1, line 9, after "services":

Insert "; and providing for an effective date"

Page 16, following line 2:

Insert a new bill section to read:

"* Sec. 11. The operation of AS 08.54.440 is suspended until January 1, 1991."

Renumber the following bill section accordingly.

Page 16, following line 6:

Insert a new bill section to read:

"* Sec. 13. Section 11 of this Act is retroactive to May 12, 1989."

Renumber the following bill section accordingly.

Page 16, following line 7:

Insert a new bill section to read:

"* Sec. 15. Sections 11 and 13 of this Act take effect immediately under AS 01.10.070(c)."

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 422

Page 3, following line 15:

Insert a new subsection to read:

"(c) AS 08.54.620 - 08.54.690 do not apply within an area or to the activities of a guide-outfitter within an area of the state that is not included within the boundary of a guide-outfitter use area adopted by the board."

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 422

Page 4, line 8:

Delete "or"

Insert ", "

Page 4, line 9:

After "permittee":

Insert ", automatically revoked under AS 08.54.660,"

After "offered":

Insert "by the board"

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 422

OK

Page 9, following line 17:

Insert a new subsection to read:

"(a) Except as provided in this section, a use area may not be sold, leased, or otherwise assigned."

Reletter the following subsections accordingly.

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 422

*Wrong
Solution*

Page 12, following line 3:

Insert a new bill section to read:

"* Sec. 6. AS 08.54.470 is amended by adding a new subsection to read:

(e) Notwithstanding (a) of this section and AS 08.54.370, a person who is licensed under this chapter as a guide-outfitter but who is retired from or does not engage in guide-outfitting activities is exempt from requirements to obtain a commercial use permit and to pay the commercial use permit fee. The department shall adopt regulations to implement this subsection."

Renumber the following bill sections accordingly.

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 422

Page 1, line 9, after "services":

Insert ", and commercial use permits"

Page 8, lines 23 - 25:

Delete all material.

Reletter the following subsection accordingly.

Page 11, following line 7:

Insert a new bill section to read:

"* Sec. 4. AS 08.54.350(a) is amended to read:

(a) A natural person is entitled to a guide-outfitter license if the person

(1) is 21 years of age or older;

(2) has practical field experience in the handling of firearms, hunting, judging trophies, field preparation of meat and trophies, first aid, photography, and related guide-outfitting activities;

(3) is familiar with the terrain and transportation problems in the game management unit for which the license is requested;

(4) has passed the qualification examinations prepared and

administered by the board;

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

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

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

(8) has demonstrated a current knowledge of fishing, hunting, and guide-outfitting regulations;

(9) is capable of performing the essential duties associated with guide-outfitting;

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

(11) possesses a business license to provide

guide-outfitting services; and

(12) has paid the license fee and has applied for a commercial use permit [FEE]."

Renumber the following bill section accordingly.

Page 11, line 20, through page 12, line 26:

Delete all material and insert:

"* Sec. 6. AS 08.54.360(a) is amended to read:

(a) The board may issue a marine mammal guide-outfitter license to a natural person who applies to guide-outfit a hunt for a specific species of marine mammal in a specifically designated area if the person

(1) is 21 years of age or older;

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

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

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

(A) current fish and game laws and regulations;

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

(C) field preparation of trophies;

(D) care of game meat;

(E) use of guide-outfitting gear;

- (F) firearm safety;
- (G) practical first aid; and
- (H) booking and contracting hunts;

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

(6) possesses a business license to provide guide-outfitting services; and

(7) has paid the license fee and has applied for a commercial use permit [FEE].

* Sec. 7. AS 08.54.370(a) is amended to read:

(a) An applicant for renewal of a guide-outfitter license or a marine mammal guide-outfitter license shall submit with the application for renewal

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

(2) the license fee for the next licensing period; [AND]

(3) the commercial use permit fee for the [NEXT LICENSING] period covered by the current permit; and

(4) an amended guide-outfitter use area operations plan, if appropriate.

* Sec. 8. AS 08.54.400(a) is amended to read:

(a) A person is entitled to a transporter license if the person

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

(2) pays the license fee;

(3) applies for a [PAYS THE] commercial use permit [FEE];

(4) provides proof of

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

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

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

* Sec. 9. AS 08.54.400(c) is amended to read:

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

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

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

(3) the commercial use permit fee for the [NEXT LICENSING] period covered by the current permit; and

(4) proof of

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

(B) licensure by the Coast Guard to carry passengers

for hire, if the applicant provides water transportation services to big game hunters and if licensure is required by the Coast Guard.

* Sec. 10. AS 08.54.460(a) is amended to read:

(a) A person, other than a guide-outfitter, marine mammal guide-outfitter, or a transporter, who provides other big game commercial services for compensation shall register with the board on a form provided by the board and shall obtain a commercial use permit and pay the annual commercial use permit fee set by the department in consultation with the board [UNDER AS 08.54.470]. In this section, "other big game commercial services" includes provision of accommodations in the field at a permanent lodge, house, or cabin owned by the commercial use permit holder, hunt broker services, gear rental services, photographic or videographic services, and services as defined by the board by regulation.

* Sec. 11. AS 08.54.470(a) is amended to read:

(a) A person who is licensed under this chapter as a guide-outfitter, marine mammal guide-outfitter, or transporter shall obtain an annual commercial use permit. The [AND PAY AN] annual commercial use permit fee shall be paid as set out in this section.

* Sec. 12. AS 08.54.470(b) is repealed and reenacted to read:

(b) The commercial use permit fee shall be
(1) set by the department, in consultation with the board, for transporters on the basis of a progressive fee in proportion to the number of big game hunters transported by the transporter during the period for which the permit was issued;

(2) for guide-outfitters and marine mammal guide-outfitters, equal to the following amounts based on the number of clients guide-outfitted by the guide-outfitter or marine mammal guide-outfitter during the period for which the permit was issued:

0 - 5 clients	\$ 250
6 - 10 clients	500
11 - 15 clients	750
16 - 20 clients	1,000
21 - 25 clients	1,500
26 - 30 clients	2,000
31 or more clients	2,500.

*Minimum
in consult with the board
adopt*

* Sec. 13. AS 08.54.470(c) is amended to read:

(c) A guide-outfitter, marine mammal guide-outfitter, and transporter shall pay the commercial use permit fee at the time of application for [ISSUANCE OR] renewal of a guide-outfitter license, marine mammal guide-outfitter license, or transporter license. If the guide-outfitter, marine mammal guide-outfitter, or transporter does not apply for renewal of the guide-outfitter license, marine mammal guide-outfitter license, or transporter license, the commercial use permit fee shall be paid within 30 days after the end of the annual period for which the commercial use permit was issued."

Renumber the following bill sections accordingly.

Page 15, line 19:

Delete "sec. 4"

Insert "sec. 5"

Page 16, following line 2:

Insert a new bill section to read:

"* Sec. 18. TRANSITION; COMMERCIAL USE PERMIT FEE FOR 1991 AND SUBSEQUENT YEARS. AS 08.54.350(a), as amended by sec. 4 of this Act, AS 08.54.360(a), as amended by sec. 6 of this Act, AS 08.54.370(a), as amended by sec. 7 of this Act, AS 08.54.400(a), as amended by sec. 8 of this Act, AS 08.54.400(c), as amended by sec. 9 of this Act, AS 08.54.470(a), as amended by sec. 11 of this Act, AS 08.54.470(b), as amended by sec. 12 of this Act, and AS 08.54.470(c), as amended by sec. 13 of this Act apply to initial applications for and renewals of guide-outfitter licenses, marine mammal guide-outfitter licenses, and transporter licenses for 1991 and subsequent years and to payment of commercial use permit fees for 1991 and subsequent years. Applicants for guide-outfitter licenses, marine mammal guide-outfitter licenses, and transporter licenses for 1990 or for renewal of these licenses for 1990 shall pay the commercial use permit fee in accordance with AS 08.54 as it existed on the day before the effective date of this section."

Renumber the following bill sections accordingly.

Original sponsor(s): Rules Committee by request

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 448 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to guide-outfitter use area permits,
7 the Big Game Commercial Services Board, guide- out-
8 fitters, transporters, and providers of other big
9 game commercial services, and commercial use permits;
10 and providing for an effective date."

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

12 * Section 1. FINDINGS AND PURPOSE. (a) The legislature finds that

13 (1) unregulated access to game management units by guide-out-
14 fitters

15 (A) can potentially harm the state's valuable big game
16 resources by allowing overharvest of big game species or populations
17 that have a low recovery capacity or that exist in low abundance; and

18 (B) has hindered management of hunters guide-outfitted by
19 guide-outfitters, led to conflicts among guide-outfitters, and de-
20 creased the quality of the hunting experience for clients of guide-
21 outfitters and other hunters;

22 (2) an economically viable guide-outfitter industry can offer a
23 quality hunting experience to hunters from throughout the world who seek a
24 unique opportunity to pursue and take trophy big game animals in the state
25 and can contribute significantly to the state's economy by increasing
26 tourism and supporting a variety of businesses associated with the guide-
27 outfitter industry;

28 (3) the guide-outfitter industry provides an opportunity for
29 enhancing the state's economy, particularly the underdeveloped economies of

1 the rural regions of the state;

2 (4) intense competition exists for big game in many parts of the
3 state and the allocation of access to big game hunting opportunities among
4 guide-outfitters will prevent overharvest of big game in those areas and
5 will provide continued open access to the big game resource by all users;

6 (5) a resource-based management system for allocating access to
7 big game hunting opportunities among guide-outfitters will alleviate con-
8 flicts among guide-outfitters, will provide an effective basis for regulat-
9 ing guide-outfitters, and will enhance conservation and management of big
10 game;

11 (6) a long-term interest in the conservation of wildlife encour-
12 ages sound management practices among users of wildlife and fosters a
13 mutually beneficial relationship between wildlife and the users of wildlife
14 because the user understands that the user's own future well-being is
15 dependent upon wise use of the resource in the present.

16 (b) The purpose of this Act is to

17 (1) establish a resource-based system of allocating access to
18 big game hunting opportunities among guide-outfitters that is fully con-
19 sistent with common use principles of the Constitution of the State of
20 Alaska; and

21 (2) support the conservation and management of the state's
22 wildlife, provide economic and noneconomic benefits to the state and to the
23 citizens of the state, and generate revenue for the state from the wise use
24 of wildlife for commercial purposes.

25 (c) This Act does not affect the existing rights and privileges of
26 subsistence and resident sport hunters to take game in the state.

27 * Sec. 2. AS 08.54 is amended by adding new sections to read:

28 ARTICLE 5. GUIDE-OUTFITTER USE AREAS.

29 Sec. 08.54.610. GUIDE-OUTFITTER USE AREAS. (a) The board shall

*until new area
is in place, old
system is in effect*

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establish guide-outfitter use areas throughout the state. The board shall consider the recommendations of the Department of Fish and Game in identifying the boundaries of the use areas. The board shall adopt the recommendations of the Department of Fish and Game for each use area unless the board obtains a finding from the Department of Fish and Game that an amended use area boundary as proposed by the board will not adversely affect wildlife conservation and management.

(b) The board may amend the boundaries of use areas adopted under (a) of this section if

(1) the Department of Fish and Game finds that the proposed amendment will not adversely affect wildlife conservation and management; and

(2) the board notifies all guide-outfitters who hold use area permits for the affected use areas of the proposed amendment and provides those guide-outfitters with an opportunity to comment on the proposed amendment.

(c) AS 08.54.620 - 08.54.690 do not apply within an area or to the activities of a guide-outfitter within an area of the state that is not included within the boundary of a guide-outfitter use area adopted by the board.

Sec. 08.54.620. OFFERINGS OF GUIDE-OUTFITTER USE AREAS. (a) The board shall annually offer available use areas to qualified guide-outfitters. The board shall stagger the offering of use areas.

(b) The board may request recommendations from the public for use areas to be offered at the next offering of use areas.

(c) The board shall decide whether a use area will be offered for sole or joint use before offering the use area. In making its decision, the board shall consider for each use area

(1) information provided by the Department of Fish and Game

1 on the status of big game populations, historical harvests of big
2 game, and uses of wildlife in the use area;

3 (2) information gathered from previous use by guide-outfitter
4 ters that would facilitate big game management and planning;

5 (3) requirements for economically viable guide-outfitter
6 operations;

7 (4) the number of economically viable guide-outfitter
8 operations that the use area could support;

9 (5) the effect of guide-outfitting activities on resident
10 hunters; and

11 (6) other relevant factors, including land ownership con-
12 cerns, land management concerns, and law enforcement concerns.

13 (d) Use areas for which use area permits have expired, been
14 relinquished by the permittee, automatically revoked under AS 08.54.-
15 660, or revoked by the board, ^{returned to the board} may be offered by the board at the next
16 offering of use areas.

17 (e) The notice of the offering of use areas must include for
18 each use area .

19 (1) the location and a brief description of the use area;

20 (2) whether the use area is available for sole or joint
21 use.

22 Sec. 08.54.630. GUIDE-OUTFITTER USE AREA PERMIT; REGISTRATION
23 PERMIT. (a) A guide-outfitter use area permit or registration permit
24 authorizes a guide-outfitter to guide-outfit hunts in the use area for
25 those big game species specified by the permit and may limit the
26 number of clients that may be guide-outfitted in the use area each
27 year.

28 (b) A sole use area permit grants to the permittee the sole
29 privilege to guide-outfit hunts for all big game species that occur

1 within the use area. A joint use area permit grants to the permittee
2 the privilege to guide-outfit hunts in the use area for the big game
3 species specified in the permit; however, all joint use area permits
4 for a use area, when considered together, must grant privileges to
5 guide-outfit hunts for all big game species that occur within the use
6 area.

7 (c) A use area that is not awarded to a guide-outfitter under
8 AS 08.54.650 is open to use by guide-outfitters who are certified to
9 guide-outfit hunts in the game management unit in which the use area
10 is located and who obtain a registration permit for the use area. The
11 board may establish the number of registration permits that will be
12 issued for each use area. Registration permits are valid for the
13 calendar year in which they are issued. A registration permit must
14 specify the big game species for which hunts may be guide-outfitted
15 under the authority of the permit.

16 (d) A guide-outfitter may not guide-outfit a hunt for a big game
17 species in a use area, unless the guide-outfitter has a use area
18 permit or registration permit that entitles the guide-outfitter to
19 guide-outfit hunts for that species in that use area.

20 (e) A guide-outfitter shall physically participate in field
21 operations while guide-outfitted hunts are conducted under the author-
22 ity of a use area permit or registration permit held by the guide-
23 outfitter.

24 Sec. 08.54.640. APPLICATION FOR A GUIDE-OUTFITTER USE AREA
25 PERMIT. (a) A guide-outfitter who is licensed under AS 08.54.350 and
26 is certified by the board to guide-outfit hunts in the game management
27 unit in which the use area is located may apply for a guide-outfitter
28 use area permit.

29 (b) A guide-outfitter shall submit a separate application for

1 each use area permit sought. The application shall be made on a form
2 provided by the board and shall be accompanied by the application fee
3 and a proposed operations plan for the conduct of guide-outfitter
4 hunts under the use area permit, including locations of base camps,
5 the number of clients, and the big game species to be hunted.

6 (c) The department shall set the application fee for a guide-
7 outfitter use area permit under AS 08.01.065.

8 Sec. 08.54.650. PROCEDURES FOR AWARDING GUIDE-OUTFITTER USE AREA
9 PERMIT. (a) The board shall adopt procedures for evaluating the
10 qualifications of applicants for guide-outfitter use area permits.
11 The procedures must appropriately balance the criteria included under
12 (b) of this section to ensure that new guide-outfitter licensees under
13 this chapter are not unfairly disadvantaged or denied an opportunity
14 to obtain a use area permit in those game management units for which
15 the licensee is certified by the board.

16 (b) The board shall evaluate each application and determine
17 whether the applicant is qualified for a guide-outfitter use area per-
18 mit under criteria adopted by the board, including

19 (1) the applicant's ability and means to provide the type
20 and quality of guide-outfitting services proposed by the applicant, as
21 demonstrated by the applicant's proposed operations plan;

22 (2) whether the applicant has proposed a guide-outfitting
23 operation in the use area that is economically feasible given the
24 economic resources of the applicant;

25 (3) the applicant's history of safety in guide-outfitting
26 hunts or demonstrated ability to guide-outfit hunts safely;

27 (4) the applicant's history of compliance with state and
28 federal fish and game and guide-outfitting statutes and regulations;

29 (5) the applicant's experience in or knowledge of the use

1 area;

2 (6) the applicant's history of compliance with AS 08.54.-
3 520(a) in regard to prior authorization to enter or remain on state,
4 federal, or private land;

5 (7) whether the applicant has obtained those prior autho-
6 rizations to guide-outfit hunts on state, federal, or private land in
7 the use area from the significant or major landowners in the use area
8 or has demonstrated the ability to acquire those authorizations;

9 (8) whether the applicant holds all permits and licenses
10 necessary to guide-outfit hunts in the use area or has demonstrated
11 the ability to obtain the necessary permits and licenses.

12 (c) If the board determines that more applicants are qualified
13 to receive a use area permit for a use area than there are use area
14 permits available, then the board shall reevaluate the applications of
15 the qualified applicants and, with or without requesting additional
16 documentation, shall select the best qualified applicants to receive
17 the available permits. The board may request the qualified applicants
18 to appear before the board to discuss the applicant's application in
19 regard to the criteria in (b) of this section.

20 (d) The board shall award a use area permit only to a qualified
21 applicant.

22 (e) If a successful applicant does not provide, at the time the
23 board awards the use area permit, proof of the permits and licenses
24 necessary to guide-outfit hunts in the use area or the authorizations
25 to guide-outfit hunts on state, federal, or private land in the use
26 area from the significant or major landowners in the use area, the
27 board shall issue a conditional use area permit that is valid for 120
28 days. A conditional use area permit does not entitle the permittee to
29 guide-outfit hunts within the use area. If the successful applicant

1 provides proof satisfactory to the board within 120 days after issu-
2 ance of the conditional use area permit that the applicant has re-
3 ceived the necessary permits and licenses and land use authorizations,
4 the applicant shall be awarded a use area permit. If the successful
5 applicant does not provide the required proof within 120 days after
6 issuance of the conditional use area permit, the conditional use area
7 permit is void. If a conditional use area permit is voided under this
8 subsection, the board shall offer the use area permit to the next best
9 qualified applicant for the use area.

10 Sec. 08.54.660. TERM AND SUSPENSION OR REVOCATION OF GUIDE-
11 OUTFITTER USE AREA PERMIT; OPERATIONS PLAN. (a) The board shall
12 grant guide-outfitter use area permits for a term not to exceed 10
13 years, unless the board determines, after consultation with the De-
14 partment of Fish and Game, that a longer term will further promote the
15 wildlife conservation and management objectives of the use areas. The
16 term of a use area permit may not in any instance exceed 15 years.

17 (b) The board may after a hearing suspend or revoke a use area
18 permit for -

- 19 (1) violation of the conditions of the use area permit;
20 (2) failure to exercise the privileges conferred by the use
21 area permit for one year;
22 (3) a significant unauthorized deviation, as defined by the
23 board, from an operations plan;
24 (4) fraud in applying for a use area permit or assignment
25 of a use area permit; or
26 (5) other good cause, as defined by the board.

27 (c) The board may suspend or revoke a use area permit upon
28 conviction of the permittee of an unlawful act under AS 08.54.520.

29 (d) A use area permit is revoked automatically upon revocation

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of the permittee's guide-outfitter license. A use area permit is suspended automatically upon suspension of the permittee's guide-outfitter license.

(e) If the license of a guide-outfitter is summarily suspended under AS 08.01.075(c), the use area permits held by the guide-outfitter are suspended automatically until after the final disposition of the disciplinary proceeding by the board.

(f) A hearing to suspend or revoke a use area permit may be combined with a disciplinary proceeding under AS 08.01.075 or AS 08.54.500 involving the use area permittee.

(g) A use area permit may be revoked or the terms of the use area permit or an operations plan may be altered by the board for wildlife conservation and management considerations.

(h) A use area permittee shall submit an amended operations plan if the permittee intends to vary the permittee's guide-outfitting operation from that stated in the plan. An amended operations plan is not effective until approved by the board. A permittee may not conduct a guide-outfitting operation outside of the terms of an approved operations plan.

Sec. 08.54.670. ASSIGNMENT OF GUIDE-OUTFITTER USE AREA PERMIT.

(a) Except as provided in this section, a use area permit may not be sold, leased, or otherwise assigned.

(b) A use area permit may be assigned by the board under regulations of the board if the assignment is

- (1) consistent with the purposes of AS 08.54.610 - 08.54.690;
- (2) not for consideration to the former permittee;
- (3) to a guide-outfitter qualified to receive the use area permit; and

map to POC

*Value of permit
cannot transfer*

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(4) due to the death or disability of the former permittee or for other good cause, as defined by the board.

(c) The sale of guide-outfitter facilities and equipment between the former permittee and the assignee of a use area permit may not be for an amount that exceeds the replacement value of the property. The sale of property between the former permittee and the assignee of a use area permit for an amount in excess of the replacement value of the property voids the assignment of the use area permit.

(d) An assigned use area permit is valid only for the period for which the use area permit was originally issued.

(e) If proceedings in which a guide-outfitter license may be revoked or suspended under this chapter are pending against a guide-outfitter, the guide-outfitter's use area permits may not be assigned unless allowed for good cause by the board. During the period for which a guide-outfitter's license is suspended under this chapter, use area permits held by the guide-outfitter may not be assigned.

(f) If proceedings in which a guide-outfitter use area permit may be revoked or suspended under AS 08.54.660 are pending against a guide-outfitter, the use area permits that are the subject of the pending proceedings may not be assigned. During the period for which a use area permit is suspended under AS 08.54.660, the use area permit may not be assigned.

Sec. 08.54.680. INFORMATION ON GUIDE-OUTFITTER USE AREAS AND COMMERCIAL USE PERMITTEES. (a) The board shall maintain and publish on a regular basis a comprehensive list of all unawarded guide-outfitter use areas that are open to application for use by qualified guide-outfitters.

(b) The board shall maintain a centralized information center where information on guide-outfitter use areas and all commercial use

1 permittees can be readily obtained by guide-outfitters, government
2 agencies, and the public.

3 Sec. 08.54.690. DEFINITIONS. In AS 08.54.610 - 08.54.690

4 (1) "joint use" means the utilization of a guide-outfitter
5 use area by more than one use area permittee;

6 (2) "sole use" means the utilization of a guide-outfitter
7 use area by one use area permittee.

8 * Sec. 3. AS 08.54.310(a) is amended by adding new paragraphs to read:

9 (11) certify guide-outfitters to conduct guide-outfitting
10 activities within a game management unit;

11 (12) establish by regulation a system of guide-outfitter use
12 areas for allocating access to big game hunting opportunities among
13 guide-outfitters.

14 * Sec. 4. AS 08.54 is amended by adding a new section to read:

15 Sec. 08.54.355. GAME MANAGEMENT UNIT CERTIFICATION. (a) The
16 board shall certify guide-outfitters licensed under AS 08.54.350 to
17 guide-outfit hunts within a game management unit.

18 (b) A guide-outfitter may not guide-outfit hunts in a game
19 management unit unless the guide-outfitter is certified by the board
20 to guide-outfit hunts in the game management unit.

21 (c) The board shall allow a guide-outfitter to prequalify for
22 certification for each game management unit in which the guide-out-
23 fitter is competent to guide-outfit hunts. The board shall allow a
24 guide-outfitter to transfer a certification between game management
25 units.

26 * Sec. 5. AS 08.54.370(a) is amended to read:

27 (a) An applicant for renewal of a guide-outfitter license or a
28 marine mammal guide-outfitter license shall submit with the applica-
29 tion for renewal

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

3 (2) the license fee for the next licensing period; [AND]

4 (3) the commercial use permit fee for the next licensi
5 period; and

6 (4) an amended guide-outfitter use area permit operation
7 plan, if appropriate.

8 * Sec. 6. AS 08.54.460(a) is amended to read:

9 (a) A person, other than a guide-outfitter, marine mammal guide
10 outfitter, or a transporter, who provides other big game commercial
11 services for compensation shall register with the board on a form
12 provided by the board and shall obtain a commercial use permit and pay
13 the annual commercial use permit fee set by the department in consul-
14 tation with the board [UNDER AS 08.54.470]. In this section, "other
15 big game commercial services" includes provision of accommodations in
16 the field at a permanent lodge, house, or cabin owned by the commer-
17 cial use permit holder, hunt broker services, gear rental services,
18 photographic or videographic services, and services as defined by the
19 board by regulation.

20 * Sec. 7. AS 08.54.470(b) is amended to read:

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

23 (1) transporters;

24 (2) marine mammal guide-outfitters;

25 (3) guide-outfitters who do not hold a registration permit;
26 or guide-outfitter use area permit;

27 (4) guide-outfitters who hold a registration permit but do
28 not hold a guide-outfitter use area permit; and

29 (5) guide-outfitters who hold a guide-outfitter use area

1 permit; the fee for a commercial use permit under this paragraph shall
2 be based on the number of clients permitted under the use area permit,
3 the size of the use area, the term of the use area permit, the big
4 game species to be hunted under the use area permit, and the number of
5 use area permits held by the guide-outfitter but may not exceed \$1,500
6 for each use area permit held by the guide-outfitter.

7 * Sec. 8. AS 08.54.470 is amended by adding a new subsection to read:

8 (e) Notwithstanding (a) of this section and AS 08.54.370, a
9 person who is licensed under this chapter as a guide-outfitter but who
10 is retired from or does not engage in guide-outfitting activities is
11 exempt from requirements to obtain a commercial use permit and to pay
12 the commercial use permit fee. The department shall adopt regulations
13 to implement this subsection.

14 * Sec. 9. AS 08.54.590(13) is repealed and reenacted to read:

15 (13) "transportation services" means carriage of, or adver-
16 tising to carry for compensation, big game hunters, their equipment,
17 or big game animals harvested by hunters to, from, or in the field;
18 "transportation services" does not include the carriage by aircraft of
19 big game hunters, their equipment, or big game animals harvested by
20 hunters on nonstop flights between state or federally maintained
21 airports and float plane docks;

22 * Sec. 10. IDENTIFICATION OF PROPOSED GUIDE-OUTFITTER USE AREAS. (a)

23 The Department of Fish and Game shall propose guide-outfitter use areas for
24 use by the Big Game Commercial Services Board in establishing a resource-
25 based management system for allocating access to big game hunting oppor-
26 tunities among guide-outfitters. The department shall identify proposed
27 guide-outfitter use areas for appropriate regions and areas of the state.
28 The department may set priorities for identifying use areas and may deter-
29 mine the extent and number of use areas to be identified at one time. The

*Fails
lang.*

*removes
reference to
"incidental"*

1 department shall complete the identification of proposed use areas withi
2 two years after the close of the first public comment period prescribe
3 under (e) of this section. The department shall complete the identifica
4 tion of proposed use areas for a significant portion of the state withi
5 nine months after the close of the first public comment period prescribe
6 under (e) of this section.

7 (b) The Big Game Commercial Services Board may recommend to the
8 department those areas of the state that should receive priority in identi
9 fying use areas.

10 (c) The department shall publish a public notice that it is accepting
11 public comment for identification of areas as proposed guide-outfitter use
12 areas. The department shall accept public comment for 60 days after the
13 notice is first published.

14 (d) The department shall propose use areas in light of the following
15 considerations:

16 (1) wildlife management concerns, including abundance and diver
17 sity of wildlife, historical harvest of wildlife from the area, and exist
18 ing administrative boundaries established for wildlife management purposes;

19 (2) wildlife law enforcement concerns;

20 (3) public comment received under (c) of this section;

21 (4) land ownership in the area;

22 (5) administrative restrictions;

23 (6) existence of boundaries that can be readily identified in
24 the field;

25 (7) accessibility of the area and other transportation consid
26 erations;

27 (8) existence of complementary and noncomplementary land uses
28 within the area;

29 (9) existing facilities within the area; and

1 (10) other considerations relevant to the purposes of this sec-
2 tion.

3 (e) The department shall provide maps or descriptions to the public
4 of the use areas proposed under (d) of this section and shall solicit
5 public comment on the proposed use areas. The public shall have 45 days
6 after the maps or descriptions are distributed to comment on the use areas
7 proposed by the department. At the close of the comment period, the de-
8 partment shall review the proposed use areas in light of the public comment
9 received and shall then recommend boundaries for the proposed use areas.
10 The department shall transmit its boundary recommendations to the Big Game
11 Commercial Services Board as the recommendations are made final.

12 (f) The actions of the department under this section are exempt from
13 the Administrative Procedure Act (AS 44.62).

14 (g) In this section

15 (1) "department" means the Department of Fish and Game;

16 (2) "public" includes a natural person, corporation, associa-
17 tion, organization, society, company, partnership, or state, federal, or
18 local government agency.

19 * Sec. 11. PRELIMINARY DETERMINATION OF ELIGIBILITY FOR GUIDE-OUTFITTER
20 USE AREA PERMIT. (a) In order to facilitate and expedite the process for
21 issuing guide-outfitter use area permits during the first five years that
22 offerings of guide-outfitter use areas are made under AS 08.54.610 - 08.-
23 54.690, enacted by sec. 2 of this Act, the Big Game Commercial Services
24 Board shall make preliminary determinations of the eligibility of a guide-
25 outfitter to receive use area permits.

26 (b) A guide-outfitter may apply, at times set by the board, for a
27 preliminary determination of eligibility for a use area permit for each
28 game management unit in which the guide-outfitter is certified or prequal-
29 ified for certification to guide-outfit hunts under AS 08.54.155, enacted

1 by sec. 4 of this Act.

2 (c) A guide-outfitter is qualified for a preliminary determination of
3 eligibility to receive a use area permit if the board finds that the guide-
4 outfitter satisfies the criteria of AS 08.54.650(b), enacted by sec. 2 of
5 this Act, that can be satisfied without reference to the characteristics of
6 a specific use area.

7 (d) A preliminary determination of eligibility to receive a use area
8 permit does not vest a right in the guide-outfitter to receive a use area
9 permit when use areas are offered under AS 08.54.650, enacted by sec. 2 of
10 this Act.

11 * Sec. 12. During the first five years that offerings of use areas are
12 made under AS 08.54.610 - 08.54.690, enacted by sec. 2 of this Act, the Big
13 Game Commercial Services Board shall offer all guide-outfitter use areas.

Andy Klein

14 * Sec. 13. The operation of AS 08.54.440 is suspended until January 1,
15 1991.

16 * Sec. 14. SEVERABILITY. If a provision of this Act or the application
17 of this Act to a person or circumstance is held invalid, the remainder of
18 this Act and the application of this Act to other persons or circumstances
19 are not affected by the invalidity.

retro

20 * Sec. 15. Section 13 of this Act is retroactive to May 12, 1989.

21 * Sec. 16. AS 08.54.310(b)(1) is repealed.

retro

22 * Sec. 17. Sections 13 and 15 of this Act take effect immediately under
23 AS 01.10.070(c).
24

25
26
27
28
29

A M E N D M E N T

#3

OFFERED IN THE SENATE

TO: CSSB 422 (Resources)

Adopted

Page 14, line 17, after "permit":

Insert ", if required under AS 08.54.470"

Page 15, line 7, following "permit":

Insert ", if the applicant was required to obtain a permit under AS 08.54.470"

Page 16, line 3, following ".":

Insert "However, a transporter who provides only air transportation services and who does not charge more than the usual tariff or charter rate for the carriage of big game hunters, their equipment, or big game animals harvested by hunters is exempt from the requirement to obtain a commercial use permit or to pay the commercial use permit fee."

For Randal Burns

A M E N D M E N T

*Adopted in
Rules*

OFFERED IN THE SENATE

TO: CSSB 422 (Finance)

Page 22, lines 2 - 8:

Delete all material and insert:

"* Sec. 22. TRANSITION; AIR CARRIER ADVERTISING. Air taxi operators or air carriers who, but for the fact that they solicit big game hunters as customers for the purpose of providing air transportation to, from, or in the field through the use of publicity brochures or other printed material, would not have to obtain a transporter license after the effective date of sec. 16 of this Act, may continue to use existing stocks of publicity brochures and other printed materials that solicit big game hunters as customers of the air taxi operator or air carrier without having to obtain a transporter license if

(1) the publicity brochures and other printed materials were produced before April 1, 1990; and

(2) the air taxi operator or air carrier does not, on or after April 1, 1990, produce or distribute other publicity brochures or printed materials that solicit big game hunters as customers of the air taxi operator or air carrier."

#4

*adopted
Sen Fin*

AMENDMENT

OFFERED IN THE SENATE

TO: CS SB 422 (Resources)

P. 6, Line 9, Replace (a) with the following:

(a) The board shall adopt procedures for evaluating the qualifications of applicants for guide-outfitter use area permits. The procedures must appropriately balance the criteria included under (b) of this section to ensure that all applicants are afforded a fair opportunity to obtain a use area permit in those game management units for which the applicant is certified by the board.

A M E N D M E N T

OFFERED IN THE SENATE

TO: CSSB 422 (Resources)

Page 17, line 14, after "carriage":

Insert ", to, from, or in the field,"

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 998 1
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

March 21, 1990

SUBJECT: Proposed amendment relating to assignments of
use area permits (6-1718Aaa)

TO: Senator Bettye Fahrenkamp
Chair Senate Resources Committee

FROM: George Utermohle *GU*
Legislative Counsel

Amendment 6-1718Aaa to SB 422 proposes the deletion of sub-
section (b) from AS 08.54.670 (Page 9, line 27 through page
10, line 3).

The material to be deleted prevents a guide-outfitter from
selling lodges, cabins, boats, aircraft, and other equipment
to another guide-outfitter who is the assignee of a use area
permit formerly held by the seller of the property and equip-
ment at a price that exceeded the replacement value of the
property.

One of the objections that the Alaska Supreme Court had to
the former exclusive guiding area system in the Owsichek
decision was that the guides could treat an exclusive guid-
ing area as personal property and sell it to other guides.
The ability of a guide to sell an exclusive guiding area was
one of those attributes of an exclusive franchise to use
game that the court found to violate the common use clause
of the Alaska Constitution. The Task Force on Guiding and
Game addressed this issue in its proposal for guide-outfit-
ter use areas by allowing guide-outfitters to assign their
use areas to other guide-outfitters but prohibited them from
selling the permit or otherwise receiving anything of value
in exchange for the assignment of the permit. In order to
prevent a guide-outfitter from receiving a payment for the
assignment of the permit under the guise of selling other
property to the assignee, the Task Force prohibited the
guide-outfitter from receiving more than the replacement
value for the property. The assumption was that if the as-
signee of the permit paid more than the replacement value of

Senator Bettye Fahrenkamp
Page 2
March 21, 1990

the property then the excess was really a payment for the assignment of the permit. The assignment of the permit was void if the amount paid for the property exceeded the replacement value of the property.

During further consideration of this issue, the Task Force decided to further restrict the procedure for the assignment of use area permits by taking away the power of guide-outfitters to determine who would succeed them as assignees of the use area. Use area permits may be assigned only by the Big Game Commercial Services Board. Guide-outfitters would no longer have an opportunity to determine who their successors would be. This approach eliminated the possibility of collusion between the assignor and assignee of use area permit.

This approach also eliminated the need for the Board to monitor the transfer of property between a former permit holder and the new assignee of the permit. Since the former permit holders do not determine who will succeed them, there is no opportunity for the former permittees to receive payment for assigning the permit to particular persons.

Thus subsection (b) of AS 08.54.670 could be deleted without affecting the integrity of the use area permit system proposed by SB 422. Deletion of this provision would also ease the burden on the Board by eliminating the responsibility of the Board to monitor the sales of property between former permit holders and assignees of use area permits.

GU:p1
WKP3/066

Enclosure

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 422

Page 9, line 27 through page 10, line 3:

Delete all material.

Reletter the following subsections accordingly.

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 422

Title

Page 1, line 8, after "transporters"

Insert "and air carriers" - in Title -

was sec 7 10 sec 16 17

29, P18, L1-4

Page ~~13~~, lines ~~6-10~~

Delete all material and insert:

"(B) by an air taxi operator or air carrier who does not

(i) charge more than the tariff or charter rate, if listed, for [WHICH] the carriage of big game hunters, their equipment, or big game animals harvested by hunters;

or

(ii) advertise big game commercial services to the public [IS ONLY AN INCIDENTAL, AS DEFINED BY THE BOARD, PORTION OF ITS BUSINESS];

15
* ~~Sec. 8.~~

08.54
AS ~~42.30~~ is amended by adding a new section to read:

08.54.470 560
Sec. ~~42.30.230.~~ REPORTS RELATING TO CARRIAGE OF BIG GAME

HUNTERS. (a) A person who is subject to AS 42.30.200 shall submit to the department by January 31 of each year an activity report relating to the carriage of big game hunters, their equipment, and big game animals harvested by hunters during the preceding year. The report shall be made on a form provided by the department and must contain

*P 17
L 3-9
L 11-19*

Issue amendment

information required by the Big Game Commercial Services Board by regulation.

(b) A person who violates this section is guilty of a class B misdemeanor."

Renumber the following bill sections accordingly.

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 422

✓ Page 1, line ^a~~8~~, after "services": *permits Title*
Insert "; and providing for an effective date"

✓ Page ²⁰~~16~~, ²⁷~~following~~ line ~~2~~:

Insert a new bill section to read:

"* Sec. ²⁰~~11~~. The operation of AS 08.54.440 is suspended until January 1, 1991."

Renumber the following bill section accordingly.

✓ ^{P 21 L 19}
Page ~~16~~, following line 6:

Insert a new bill section to read:

"* Sec. ²⁰~~13~~. Section ²⁰~~11~~ of this Act is retroactive to May 12, 1989."

Renumber the following bill section accordingly.

✓ Page ^{21 L 21, 22}~~16~~, following line ~~7~~:

Insert a new bill section to read:

"* Sec. ²⁵~~15~~. Sections ²⁰~~11~~ and ²³~~13~~ of this Act take effect immediately under AS 01.10.070(c)."

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 422

LPC 2 08.54.660 L 21,22
Page 9, ~~following line 17:~~

Insert a new subsection to read:

"(a) Except as provided in this section, a use area may not be sold, leased, or otherwise assigned."

Reletter the following subsections accordingly.

bans sale of permit

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 422

600?
✓

13

Page 4, line 8:

Delete "or"

tech.

Insert ", "

602
✓

14, 15

Page 4, line 9:

After "permittee":

Insert ", automatically revoked under AS 08.54.660,"

After "offered":

Insert "by the board"

*tech.
allows for those
permits revoked under
08.54.660 - term +
suspension or termination
of 90 day area permits*

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 422

✓ Page 12, following line 3:

Insert a new bill section to read:

(Sec 14 ~~Sec 6~~ P17, L3-9

"* ~~Sec. 6.~~ AS 08.54.470 is amended by adding a new subsection to read:

(e) Notwithstanding (a) of this section and AS 08.54.370, a person who is licensed under this chapter as a guide-outfitter but who is retired from or does not engage in guide-outfitting activities is exempt from requirements to obtain a commercial use permit and to pay the commercial use permit fee. The department shall adopt regulations to implement this subsection."

Renumber the following bill sections accordingly.

allows retired guides to be exempt from the CUP fee.

guide-outfitting services; and

p12<17,18

(12) has paid the license fee and has applied for a commercial use permit [FEE]."

*tech
C.U.P.*

Renumber the following bill section accordingly.

11 line 20, page 12, line 26
~~*12 line 17, 18*~~

Page ~~11~~, line ~~20~~, through page 12, line 26:

Delete all material and insert:

*tech.
marine
mammal*

"* Sec. 6. AS 08.54.360(a) is amended to read:

(a) The board may issue a marine mammal guide-outfitter license to a natural person who applies to guide-outfit a hunt for a specific species of marine mammal in a specifically designated area if the person

(1) is 21 years of age or older;

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

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

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

(A) current fish and game laws and regulations;

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

(C) field preparation of trophies;

(D) care of game meat;

(E) use of guide-outfitting gear;

- (F) firearm safety;
- (G) practical first aid; and
- (H) booking and contracting hunts;

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

(6) possesses a business license to provide guide-outfitting services; and

✓ P13, L29
(7) has paid the license fee and has applied for a commercial use permit [FEE].

* Sec. 7. AS 08.54.370(a) is amended to read:

(a) An applicant for renewal of a guide-outfitter license or a marine mammal guide-outfitter license shall submit with the application for renewal

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

*tech P14 L9-12
P15 L6,7*
(2) the license fee for the next licensing period; [AND]

(3) the commercial use permit fee for the [NEXT LICENSING] period covered by the current permit; and ✓

(4) an amended guide-outfitter use area operations plan, if ✓
appropriate.

* Sec. 8. AS 08.54.400(a) is amended to read:

(a) A person is entitled to a transporter license if the person

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

(2) pays the license fee;

P 14 217

tech

(3) applies for a [PAYS THE] commercial use permit [FEE];

(4) provides proof of

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

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

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

* Sec. 9. AS 08.54.400(c) is amended to read:

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

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

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

(3) the commercial use permit fee for the [NEXT LICENSING] ✓

period covered by the current permit; and

(4) proof of

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

(B) licensure by the Coast Guard to carry passengers

P 15 617
tech

for hire, if the applicant provides water transportation services to big game hunters and if licensure is required by the Coast Guard.

* Sec. 10. AS 08.54.460(a) is amended to read:

(a) A person, other than a guide-outfitter, marine mammal guide-outfitter, or a transporter, who provides other big game commercial services for compensation shall register with the board on a form provided by the board and shall obtain a commercial use permit and pay the annual commercial use permit fee set by the department in consultation with the board [UNDER AS 08.54.470]. In this section, "other big game commercial services" includes provision of accommodations in the field at a permanent lodge, house, or cabin owned by the commercial use permit holder, hunt broker services, gear rental services, photographic or videographic services, and services as defined by the board by regulation.

P16
L3
P15
L3
22-23

* Sec. 11. AS 08.54.470(a) is amended to read:

(a) A person who is licensed under this chapter as a guide-outfitter, marine mammal guide-outfitter, or transporter shall obtain an annual commercial use permit. The [AND PAY AN] annual commercial use permit fee shall be paid as set out in this section.

P16
L3, 4

* Sec. 12. AS 08.54.470(b) is repealed and reenacted to read:

(b) The commercial use permit fee shall be

(1) set by the department, in consultation with the board, for transporters on the basis of a progressive fee in proportion to the number of big game hunters transported by the transporter during the period for which the permit was issued;

P16
L5
3-4

(2) for guide-outfitters and marine mammal guide-outfitters, equal to the following amounts based on the number of clients guide-outfitted by the guide-outfitter or marine mammal guide-outfitter during the period for which the permit was issued:

0 - 5 clients	\$ 250
6 - 10 clients	500
11 - 15 clients	750
16 - 20 clients	1,000
21 - 25 clients	1,500
26 - 30 clients	2,000
31 or more clients	2,500.

* Sec. 13. AS 08.54.470(c) is amended to read:

(c) A guide-outfitter, marine mammal guide-outfitter, and transporter shall pay the commercial use permit fee at the time of application for [ISSUANCE OR] renewal of a guide-outfitter license, marine mammal guide-outfitter license, or transporter license. If the guide-outfitter, marine mammal guide-outfitter, or transporter does not apply for renewal of the guide-outfitter license, marine mammal guide-outfitter license, or transporter license, the commercial use permit fee shall be paid within 30 days after the end of the annual period for which the commercial use permit was issued.

P16
L22-
P17 L2

Renumber the following bill sections accordingly.

Page 20, L 14
Page 15, line 19:

Delete "sec. 4"

Insert "sec. 5"

Page 16, following line 2:

Insert a new bill section to read:

p 20
229 429 **** Sec. *21* 18. TRANSITION; COMMERCIAL USE PERMIT FEE FOR 1991 AND SUBSEQUENT YEARS. AS 08.54.350(a), as amended by sec. 4 of this Act, AS 08.54.-360(a), as amended by sec. 6 of this Act, AS 08.54.370(a), as amended by *p 21* *414* sec. 7 of this Act, AS 08.54.400(a), as amended by sec. 8 of this Act, AS 08.54.400(c), as amended by sec. 9 of this Act, AS 08.54.470(a), as amended by sec. 11 of this Act, AS 08.54.470(b), as amended by sec. 12 of this Act, and AS 08.54.470(c), as amended by sec. 13 of this Act apply to initial applications for and renewals of guide-outfitter licenses, marine mammal guide-outfitter licenses, and transporter licenses for 1991 and subsequent years and to payment of commercial use permit fees for 1991 and subsequent years. Applicants for guide-outfitter licenses, marine mammal guide-outfitter licenses, and transporter licenses for 1990 or for renewal of these licenses for 1990 shall pay the commercial use permit fee in accordance with AS 08.54 as it existed on the day before the effective date of this section."

Renumber the following bill sections accordingly.

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 422

✓ Page 3, following line 15:

Insert a new subsection to read:

P3
217-20

"(c) AS 08.54.620 - 08.54.690 do not apply within an area or to the activities of a guide-outfitter within an area of the state that is not included within the boundary of a guide-outfitter use area adopted by the board."

- 08.54.620 - application of guide-outfitter use area
- 630 - G/O use area permit; registration permit
- 640 - app for a guide-outfitter use area
- 650 - Procedure for recording G/O use area permit
- 660 - Term + suspension or revocation of guide-outfitter use area permit, operations plan
- 670 - Assignment of G-O use area permit
- 680 - Info on G/O use areas
- 690 - Definitions

A M E N D M E N T

OFFERED IN THE SENATE

TO: CSSB 422 (Resources)

adopted

Page 17, line 14, after "carriage":

Insert ", to, from, or in the field,"

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 422

✓ Page 1, line 9, after "services":

Title

Insert ", and commercial use permits"

kill

✓ Page 8, lines 23 - 25:

Delete all material.

*relates to wildlife conservation fee
which is being replaced with
a progressive, per-client ~~method~~ method
of charging for the resource.*

Reletter the following subsection accordingly.

Page 11, following line 7:

Insert a new bill section to read:

"* Sec. 4. AS 08.54.350(a) is amended to read:

(a) A natural person is entitled to a guide-outfitter license if the person

(1) is 21 years of age or older;

(2) has practical field experience in the handling of firearms, hunting, judging trophies, field preparation of meat and trophies, first aid, photography, and related guide-outfitting activities;

(3) is familiar with the terrain and transportation problems in the game management unit for which the license is requested;

(4) has passed the qualification examinations prepared and

STATE OF ALASKA

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

STEVE COWPER, GOVERNOR

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

March 26, 1990

Honorable Bettye Fahrenkamp
Chairman
Senate Resources Committee
P.O. Box V
Juneau, AK 99811

Dear Senator Fahrenkamp:

I have met with the Alaska Air Carriers Association regarding the future implementation of the reporting requirements contained in Section 15 of the proposed committee substitute for SB 422, which the commercial air carriers have agreed to support for the purposes of assisting the Department of Fish and Game in obtaining information which may be helpful in future harvest decisions and the Commercial Services Board in the regulation of the commercial big game hunting industry.

The report required of this section will be a one-page form which will ask for the number of hunters flown to, from, or in the "field," as defined in current law; the type of transportation provided; the big game harvested; and the area in which the hunt was conducted. It will be designed to be as simple as possible, to avoid putting undue administrative burden on air carrier employees and their customers (i.e., big game hunters). Data will not be requested from carriers for hunters flown between federal, state, and municipal airports or air strips. The report will be filed once a year (by January 31) for the previous year's activity.

Transporters are being defined in Section 16 of the bill as those air carriers which advertise to attract big game hunters and those which charge more than customary charter rates to hunters. The amendment in Section 16 of SB 422 removes the controversial "incidental" standard in present law. The new standard will be easier to enforce than the existing vague language.

The term "advertise" will require definition through regulation. Advertising in newspapers and brochures, on television and radio, and through participation at hunting shows and expositions exemplifies the kind of advertising on which the Commercial Services Board will focus.

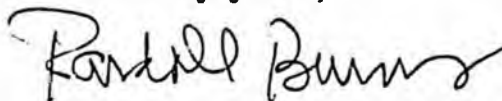
Honorable Bettye Fahrenkamp

-2-

March 26, 1990

I am pleased that we have been able to reach agreement on this matter with the air carriers. I also want to take the opportunity to thank you, the members of the Senate Resources Committee, and your staff assistant, Nancy Peterson, for the time and work the committee has put in again this year on big game commercial services legislation.

Sincerely yours,

A handwritten signature in cursive script that reads "Randall Burns".

Randall P. Burns
Director

RPB/wfd
LGJOBS
32690a

cc: All Members, Big Game Commercial Services Board

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

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

March 23, 1990

The Honorable Bettye Fahrenkamp
Chair
Senate Resources Committee
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Senator Fahrenkamp:

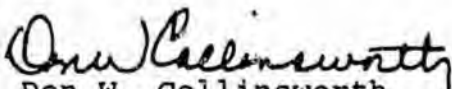
We appreciate your efforts toward accommodating concerns regarding Senate Bill 422 to enable its passage out of the Senate Resources Committee. Toward that end, we would like to clarify our intent regarding the reporting requirement for air taxi operators who commercially transport big game hunters, their equipment, or harvested big game animals to, from, or in the field (CS for Senate Bill 422, Section 16, work draft of March 21, 1990).

We support the intent of language in Section 16 that all air carriers subject to AS 42.30.200 shall annually submit an activity report regarding the commercial transport of big game hunters, related gear, and harvested animals. This would include licensed transporters as required under AS 08.54.400, as well as those air taxi operators who transport hunters but are not required to obtain a transporter license.

The department needs the information that would be provided in the activity reports to help assess the effort and resulting harvest of big game animals associated with commercial transportation services, versus other modes of access. The information we desire are such items as the number of big game hunters, their destination by game management unit or subunit, and the species and number of harvested big game animals that were transported.

We appreciate the opportunity to comment, and commend the committee for its thorough analysis and consideration of SB 422. Please do not hesitate to contact Molly McCammon of my office if we can be of further assistance.

Sincerely,


Don W. Collinsworth
Commissioner

cc: Lew Pamplin, Director, Division of Wildlife Conservation

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 Arliss Sturgulevski
Senator Fred Zharoff



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

To: Senate Resources Committee members

From: Nancy Petersen
Staff, Senate Resources Committee
List with section changes

Re: ~~Changes~~ from the original version SB 422
to CS SB 422 (Res) dated 3/24/90 6-1718E

Date: March 26, 1990

CS SB 422 (Res) _____ SB 422

Sec. 1 Findings and Purpose Sec. 1

Sec. 2 Guide-Outfitter Use Areas Sec. 2

Sec. 3 AS 08.54.310 Sec. 3

Sec. 4 AS 08.54.350 (a)

Sec. 5 GMU Certification Sec. 4

Sec. 6 (Az) AS 08.54.360 (a)
Guide Outfitter C.U.P. initial fee

Sec. 7 (Az) AS 08.54.370 (a)
Guide Outfitter C.U.P. renewal fee

Sec. 8 (Az) AS 08.54.400 (a)
Transporter C.U.P. initial fee

Sec. 9 (Az) AS 08.54.400 (c)
Transporter C.U.P. renewal fee

Sec. 10 (Az) AS 08.54.460 (a)
Other C.U. providers, C.U.P. fee

Sec. 11 (Az) AS 08.54.470 (a)
Annual C.U. P.

Sec. 12 (Az) AS 08.54.470 (b)
Progressive fee for transporters
Progressive fee for guide-outfitters

Sec. 13 (Az) AS 08.54.470 (c)
Collection of C.U.P. fee

Sec. 14 (Ax) AS 08.54.470
Exemption provision for retired or
inactive Guide-Outfitters

Page 2

<u>CS SB 422 (Res)</u>	<u>SB 422</u>
	was:
Sec. 15 (As) AS 08.54.560 Transporter Reports	
Sec. 16 Definition of transportation services	Sec. 7
Sec. 17 Identification of Proposed Guide-Outfitter Use Areas	Sec. 8
Sec. 18 Preliminary Determination of Eligibility for Guide-Outfitters	Sec. 9
Sec. 19 Offering of Areas	Sec. 10
Sec. 20 (At) AS 08.54.440 effective date	
Sec. 21 (Az) Transition; C.U.P. fee	
Sec. 22 Severability	Sec. 11
Sec. 23 Sec. 20 retro date	Sec. 13
Sec. 24 Repealer	Sec. 12
Sec. 25 Sec. 20 & 23, efd.	Sec. 15

Alaska State Legislature

JUDICIARY
CHAIRMAN
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JAN FAIKS
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Senate

February 23, 1990

MEMORANDUM:

TO: Senator Bettye Fahrenkamp, Chairman
Senate Resources Committee

FROM: Senator Jan Faiks

SUBJECT: Amendment for exempting certain Guide-Outfitters
from the Commercial Use Permit

On behalf of several licensed but inactive guide-outfitters, I am requesting your consideration of the attached amendment to Senate Bill 422.

The amendment would provide a waiver or exemption from the Commercial Use Permit (CUP), which includes a fee of \$100. The guide-outfitters believe that the CUP was to be charged to those commercial license holders who are actively involved in the commercial activity for which they are licensed. They see a need for an exemption to cover those who are retired or otherwise inactive for a season or more and are not commercially using the resources of the state.