

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 8672

9375 HOUSE RESOURCES

<u>STATE STATUTORY PROVISIONS AS 16:</u>	SUBSISTENCE TASK FORCE PROPOSAL (SEPTEMBER 1997)	HB NO. 320 (GOVERNOR'S BILL, 1/14/98)
<p>Sec. 16.05.940: Definitions.</p> <p>(2) "barter" amended to change "game" to "wildlife,"</p> <p>(7) "customary and traditional" means the noncommercial, long-term, and consistent taking of, use of, and reliance upon fish or game in a specific area and the use patterns of that fish or game that have been established over a reasonable period of time, taking into consideration the availability of fish or game;</p> <p>(8) "customary trade" means the limited noncommercial exchange, for minimal amounts of cash, as restricted by the appropriate board, of fish or game resources; the terms of this paragraph to not restrict money sales of furs and furbearers;</p> <p>(11) "domicile" means the true and permanent home of a person from which the person has no present intention of moving and to which the person intends to return whenever the person is away; domicile may be proved by presenting evidence acceptable to the Boards of Fisheries and Game.</p> <p>(27) "rural area" means a community or area of the state in which the noncommercial, customary, and traditional use of fish or game for personal or family consumption is a principal characteristic of the economy of the community or area;</p> <p>(30) "subsistence fishing" means the taking of, fishing, for, or possession of fish, shellfish, or other fisheries resources by a resident domiciled in a rural area of the state for....</p> <p>(31) "subsistence hunting" means the taking of, hunting for, or possession of game by a resident domiciled in a rural area of the state for....</p> <p>(32) "subsistence uses" means the noncommercial, customary and traditional uses of wild renewable resource by a resident domiciled in a rural area of the state for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation, for the making....</p> <p>(37) Does not exist.</p> <p>(38) Does not exist.</p>	<p>(2) - same</p> <p>(7) means the noncommercial, long term, and consistent taking of, use of, "or" reliance upon fish or wildlife in a specific area and the patterns of taking or use of that fish or wildlife that....</p> <p>(8) means the limited noncommercial exchange for cash of fish or wildlife or their parts in minimal quantities....</p> <p>(11) delete: domicile maybe proved by presenting evidence acceptable to the Boards of Fisheries and Game;</p> <p>(27) "rural community or area" is a community or area substantially dependent on fish and wildlife for nutritional and other subsistence uses;</p> <p>(30) delete: "by a resident domiciled in a rural area of the state"</p> <p>(31) delete: "by a resident domiciled in a rural area of the state"</p> <p>(32) delete: "by a resident domiciled in a rural area of the state"</p> <p>(37) "wildlife" has the same meaning given "game" in this section; wildlife may be classified by regulation as big game, small game, furbearers, or other categories considered essential for carrying out the intention and purposes of AS 16.05 - AS 16.40.</p> <p>(38) "wildlife population" has the meaning given "game population" in this section.</p>	<p>Except as specifically identified, all of these definitions are the same as Subsistence Task Force Proposal.</p> <p>(7) means the noncommercial, long term, and consistent taking of, use of, "and" reliance upon fish or wildlife....</p>

<u>STATE STATUTORY PROVISIONS AS 16:</u>	SUBSISTENCE TASK FORCE PROPOSAL (SEPTEMBER 1997)	HB NO. 320 (GOVERNOR'S BILL, 1/14/98)
Section 31. Effective date.		Sec. 31 Provides that the Act takes effect on the effective date of an amendment to the Constitution of the State of Alaska, approved by the voters in 1998, authorizing a priority for subsistence uses of renewable natural resources that is based on place of residence.
Sunset Provision: Present subsistence law reverts to 1986 law on January 1, 1999 if 1992 law is not extended.		

A Cross Comparison of the Elements in ANILCA Changed by Public Law 105-83 and the Subsistence Task Force Proposal

<u>ANILCA PROVISIONS:</u>	ANILCA TODAY	PUBLIC LAW 105-83 (SENATOR STEVENS' AMENDMENTS)	SUBSISTENCE TASK FORCE PROPOSAL (September 1997)
Sec. 316(a): Moratorium		Extended until December 1, 1998	
Sec. 316(b): Amendments to ANILCA		Amendment or repeal refers to ANILCA in this section	
Sec. 316(c): Savings Clause		Does not affect Native governmental authority over lands or fish and wildlife; assertions of Indian Country in Alaska; assertion that ANILCA is Indian Law; or the authority of the Secretary of Interior under Sec. 1314(c) of ANILCA	Added as Sec. 816(c)(1),(2), and (3): Same as PL 105-83, except no provision regarding authority of Secretary of Interior
Sec. 316(d): Effective Date		State must adopt laws providing for the definition, preference, and participation specified in Sec.'s 803, 804, and 805 of ANILCA by December 1, 1998 or the amendments to ANILCA will be repealed. Secretary must certify that State is in compliance before amendments become effective	Adds Sec 806(a): When State enacts state laws and constitutional amendment contained in proposal, it will immediately assume fish and game management.
Sec. 102(2): Definition of "Federal Land"	The lands the title to which is in the United States after the date of enactment of this Act	Lands the title to which is in the United States after December 2, 1980. 'Federal Lands' does not include lands the title to which is in the State, a Native Corporation, or other private ownership.	[Amended in Title I] The term "federal land" means land the title to which is in the United States after December 2, 1980. "Federal land" does not include lands the title to which is in the State after December 2, 1980, Native lands, other private lands, or Native Corporation and State land selections defined in subsection (3)(A) and (B) below

<u>ANILCA PROVISIONS:</u>	ANILCA TODAY	PUBLIC LAW 105-83 (SENATOR STEVENS' AMENDMENTS)	SUBSISTENCE TASK FORCE PROPOSAL (September 1997)
Sec. 801(b): Findings	Sec. 801(a): National interest in protecting the subsistence way of life for Natives and Non-Natives alike in rural areas of the state.	Sec. 801(b) added: (1) rural preference law formerly passed by Alaska accomplished goals of ANILCA; (2) <i>McDowell</i> case found preference unconstitutional; (3) no constitutional amendment since then; (4) in accordance with Title VIII, Secretary is required to manage on all public lands because state law failed to provide rural preference; (5) <i>State v. Babbitt</i> determined that priority applies to navigable waters in which U.S. has reserved water rights; (6) State of Alaska should have opportunity to manage its own resources	
Sec. 803: Definitions: Sec. 803(3): "Customary and Traditional Uses"		The noncommercial, long-term and consistent taking of, use of, or reliance upon fish and wildlife in a specific area and the patterns and practices of taking or use of that fish and wildlife that have been established over a reasonable period of time, taking into consideration the availability of the fish or game	Essentially the same as PL. 105-83
Sec. 803(4): "Customary Trade"		Except for money sales of furs and furbearers, the limited, non-commercial exchange for money of fish and wildlife or their parts in minimal quantities	Essentially the same as PL. 105-83
Sec. 803(5): "Rural Alaska Resident"		A resident of a rural community or rural area. A "rural community or area" means a community or area substantially dependent on fish and wildlife for nutritional and other subsistence uses	Essentially the same as PL. 105-83

<u>ANILCA PROVISIONS:</u>	ANILCA TODAY	PUBLIC LAW 105-83 (SENATOR STEVENS' AMENDMENTS)	SUBSISTENCE TASK FORCE PROPOSAL (September 1997)
Sec. 804(b): "Reasonable Opportunity"	Sec. 804(a) provides that subsistence taking of resources is afforded a priority over other purposes. When necessary to restrict subsistence taking, priority and limitations are based on customary and direct dependence, local residency, and the availability of alternative resources	Adds Sec. 804(b) which states that the priority afforded under this section is for a reasonable opportunity to take fish and wildlife only. "Reasonable opportunity" means an opportunity, consistent with customary and traditional uses, to participate in a subsistence hunt or fishery with a reasonable expectation of success, and does not mean a guarantee that fish and wildlife will be taken	Essentially the same as PL 105-83

<u>ANILCA PROVISIONS:</u>	ANILCA TODAY	PUBLIC LAW 105-83 (SENATOR STEVENS' AMENDMENTS)	SUBSISTENCE TASK FORCE PROPOSAL (September 1997)
<p>Sec. 805: Local and Regional Participation</p>	<p>Established at least six subsistence resource regions, local advisory committees, and regional advisory councils</p>	<p>Adds Sec. 805(d): When Secretary certifies that State has passed laws consistent with 803, 804, and 805, state shall assume management on public lands. Secretary shall then not implement sections a,b, and c (federal management structure) unless a court of competent jurisdiction determines that state is out of compliance</p> <p>Secretary may bring a judicial action to enforce this subsection</p> <p>(2)(A) regional councils will present recommendations to state boards, which may choose not to follow recommendations which are not supported by substantial evidence, violate recognized principles of fish and wildlife conservation, or are detrimental to the satisfaction of rural subsistence needs</p> <p>(B) members of each regional advisory council appointed by Governor. 10 members, 4 selected from nominees who live in region and presented by tribal councils; 6 from nominees submitted by local governments and advisory committees. 3 of the 6 are subsistence users who live in the region; 3 of 6 are sport or commercial users who live in any subsistence region. 3 year staggered term on councils</p>	<p>Sec. 806(b) added which essentially mirrors 805(d) except that sections (a), (b), and (c) (the federal management structure) shall not be implemented unless a court of competent jurisdiction determines that the State has <u>substantially failed</u> to implement the provisions of Title VIII</p> <p>No similar provision in Task Force Proposal</p> <p>Adds two additional grounds upon which the Boards may base a rejection of a recommendation: 1.) involves an unresolved statewide or inter-regional subsistence management issue, or 2.) is contrary to an overriding statewide fish or wildlife management interest.</p> <p>Essentially the same as PL 105 83</p>

<u>ANILCA PROVISIONS:</u>	ANILCA TODAY	PUBLIC LAW 105-83 (SENATOR STEVENS' AMENDMENTS)	SUBSISTENCE TASK FORCE PROPOSAL (September 1997)
Sec. 807: Judicial Enforcement	Individuals aggrieved by State's failure to implement provisions of Title VIII may, upon exhaustion of administrative remedies, file a civil action in U.S. District Court for enforcement	Adds Sec. 807(b): State agency actions may be declared invalid by the court only if they are arbitrary, capricious, or an abuse of discretion, or otherwise not in accordance with law. When reviewing any action within the specialized knowledge of a State agency, the court shall give the decision of the State agency the same deference it would give the same decision of a comparable Federal agency	Essentially the same as PL 105-83, except does not contain the added phrase "or otherwise not in accordance with law"
Sec. 814: Regulations	The Secretary shall prescribe such regulations as are necessary and appropriate to carry out his responsibilities under this title	The Secretary, and the State at any time the State has complied with section 805(d), shall prescribe such regulations as are necessary and appropriate to carry out his responsibilities under this title. During any time that the State has complied with section 805(d), the Secretary shall not make or enforce regulations concerning section 805(a), (b), or (c)	Essentially the same as PL 105-83
Sec. 815: Limitations, Savings Clauses	Title is consistent with conservation of healthy fish and wildlife populations; no assignment of rights; no hunting in permanently closed areas; no restricting non-subsistence uses unless necessary to continue subsistence uses or to maintain healthy populations; does not modify or repeal other federal lands Acts	Adds Sec. 815(5): Nothing prohibits Secretary or the State from entering into co-management agreements with native organizations or other local or regional entities when either is managing fish and wildlife on public lands in Alaska for subsistence uses	

HB

17

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 17

Revision Date: _____ Dept Affected: Natural Resources
 Title: An Act establishing the DNR as the platting BRU: Resource Development
authority in certain areas of the state; relating to subdivisions... Component: Land Development
 Sponsor: James
 Requestor: H(RES) Component Serial No. 431

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	66.3	66.3	66.3	66.3	66.3	66.3
TRAVEL						
CONTRACTUAL	1.0					
SUPPLIES	4.0	4.0	4.0	4.0	4.0	4.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	71.3	70.3	70.3	70.3	70.3	70.3
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	21.3					
1005 GF/Program Receipts	50.0	70.3	70.3	70.3	70.3	70.3
1037 GF/Mer al Health						
Other						
TOTAL	71.3	70.3	70.3	70.3	70.3	70.3

Estimate of any current year (FY97) cost: \$ none

POSITIONS

FULL-TIME	1	1	1	1	1	1
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Approximately 250 plats per year will be submitted for review. The present fee for plat review is \$200 per plat. We propose to amend the regulation to increase the plat review fee to \$300 per plat so that program costs are recovered. This revenue will pay for a new position, Land Surveyor Assistant II, to carry out the responsibilities of this proposal.

The Contractual money purchases the updates to federal microfiche survey records needed to implement this proposal.

Supplies include copy purchases from the Records Office, office supplies, rent space and phone usage.

Prepared by: Jane Angvik, Director Phone: 269-8503
 Division: Land Date: 22-Jan-97
 Approved by Commissioner: [Signature] Date: 1/22/97
 Agency: Natural Resources

Alaska State Legislature

REPRESENTATIVE
JEANNETTE JAMES

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House Of Representatives

House District 34

SPONSOR STATEMENT

**HB 17 DNR APPROVAL OF PLATS
1/18/97**

Last year this was HB 80, the Bill died in the rush of adjournment. HB 17 is a good bill that has been in the process for many Legislative sessions. I believe the work over the last several years has molded the bill into one that has no opposition and is supported by the DNR, surveyors and all impacted classes of people.

Essentially HB 17 brings all of the unorganized Boroughs under the purview of DNR as pertains to platting of real estate. For example there is currently no control over anyone creating landlocked subdivisions with no possible access in the unorganized Boroughs.

The bill also cleans up some definition problems by defining the word subdivision so all agencies use the same terminology.

Please contact me or Walt Wilcox if you have any questions or concerns.

SPONSOR STATEMENT
Rep. James
HB 17 DNR APPROVAL OF PLATS
1/23/97

Last year this was HB 80, the Bill died in the rush of adjournment. HB 17 is a good bill that has been in the process for many Legislative sessions, beginning with Senator Bettye Fahrenkamp. I believe the work over the last several years has molded the bill into one that has no opposition and is supported by the DNR, surveyors and all impacted classes of people.

Essentially HB 17 brings all of the unorganized Boroughs under the purview of DNR as pertains to platting of real estate. For example there is currently no control over anyone creating subdivisions in the Unorganized Boroughs.

DNR has a specific time frame (45 days) to approve/disapprove the plat, if the review is not done timely, the plat is approved by default.

The bill also cleans up some definition problems by defining the word subdivision so all agencies use the same terminology.

There is no known opposition.

Committee packet includes amendments

Amendment #1 Deletes portion regarding DEC platting review, they no longer review plats. DEC supports this.

#2 changes monumentation requirements so monuments on straight roads will be half of the requirement of the requirement on curves, requested by surveyors. DOT says OK.

#3 adds three departments to subdivision definition, was in HB 80 and I do not recall why it was removed.

Witnesses

Jane Anvik on-line

Pat Kalen on-line

AMENDMENT 2

OFFERED IN THE HOUSE
TO: HB 17

BY REPRESENTATIVE JAMES

- 1 Page 4, lines 22 - 24:
- 2 Delete all material.

adopted (unanim.)

A M E N D M E N T 2

OFFERED IN THE HOUSE
TO: HB 17

BY REPRESENTATIVE JAMES

1 Page 1, following line 13:

2 Insert new bill sections to read:

3 **** Sec. 3.** AS 34.65.100 is amended by adding a new paragraph to read:

4 (6) "subdivision" has the meaning given in AS 40.15.900.

5 *** Sec. 4.** AS 38.04.910 is amended by adding a new paragraph to read:

6 (13) "subdivision" has the meaning given in AS 40.15.900."

7 Renumber the following bill sections accordingly.

8 Page 7, following line 23:

9 Insert a new bill section to read:

10 **** Sec. 10.** AS 46.03.900 is amended by adding a new paragraph to read:

11 (36) "subdivision" has the meaning given in AS 40.15.900."

12 Renumber the following bill sections accordingly.

13 Page 7, line 25:

14 Delete "sec. 7"

15 Insert "sec. 9"

*(adopted
unan.)*

A M E N D M E N T 3

OFFERED IN THE HOUSE

BY REPRESENTATIVE JAMES

TO: HB 17

- 1 Page 6, lines 14 - 19:
- 2 Delete all material.
- 3 Insert "reinforcement bar with appropriate identification cap set points from which the
- 4 right-of-way may be defined, not exceeding 1,320 feet or, when line of sight permits, 2,640
- 5 feet; all recovered"

*Adopted
(Veran)*

A M E N D M E N T A 2

OFFERED IN THE HOUSE
TO: HB 17

BY REPRESENTATIVE JAMES

1 Page 1, following line 13:

2 Insert new bill sections to read:

3 **** Sec. 3** AS 34.65.100 is amended by adding a new paragraph to read:

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13 Page 7, line 25:

14 Delete "sec. 7"

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AMENDMENT

#3

OFFERED IN THE HOUSE
TO: HB 17

BY REPRESENTATIVE JAMES

- 1 Page 6, lines 14 - 19:
- 2 Delete all material.
- 3 Insert "reinforcement bar with appropriate identification cap set points from which the
- 4 right-of-way may be defined, not exceeding 1,320 feet or, when line of sight permits, 2,640
- 5 feet; all recovered"

HEB

19

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB19

Revision Date: _____ Dept. Affected: Fish and Game
 Title: Sport Fishing Guides BRU: Sport Fish
 Component: Sport Fish
 Sponsor: Rep. Austerman
 Requester: House Fisheries COMPONENT SERIAL NO. 464

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	86.0	86.0	86.0	86.0	86.0	86.0
TRAVEL	2.0	2.0	2.0	2.0	2.0	2.0
CONTRACTUAL	58.0	108.0	108.0	108.0	108.0	108.0
SUPPLIES	8.0	8.0	8.0	8.0	8.0	8.0
EQUIPMENT	5.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	159.0	204.0	204.0	204.0	204.0	204.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES (1024)	282.8	282.8	282.8	282.8	282.8	282.8
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Fish and Game Fund - 1024)	282.8	282.8	282.8	282.8	282.8	282.8
TOTAL	282.8	282.8	282.8	282.8	282.8	282.8

Estimate of any current year (FY97) cost: \$ 0

POSITIONS

FULL-TIME						
PART-TIME	3	3	3	3	3	3
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

See Attachment

Prepared by: Kevin Delaney *[Signature]* Phone: 465-4180 or 267-2224
 Division: Sport Fish Date: 1/17/97
 Approved by Commissioner: Frank Rue *[Signature]* Date: 1/27/97
 Agency: Fish and Game

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1) Operational Expenditures to Administer License Sales:

It is estimated that a total of 4,200 licenses will be sold the first year. For the first year of a program such as this we should be prepared to handle almost double that number of applicants. In future years the program will be streamlined. It is assumed most of the licenses will be sold during the first half of the calendar year.

Personnel Services		
	Admin Clerk I for 9 months	23.6
Contractual		
	Postage	5.0
	Telephone	1.0
Supplies		
	License Forms	4.0
	Letterhead, envelopes, etc.	1.0
	Total -->	34.6

2) Operational Expenditures for Reporting Mandates:

The bill stipulates reporting requirements the department shall collect from licensed guides. To comply with the mandated reporting requirements the Department feels it will be necessary to develop a log book, or similar program for licensed businesses. The Department estimates it will cost approximately \$69,400 annually (with a one time equipment expenditure making the FY98 operational expenditure total \$74,400) to implement this reporting requirement and comply with the inseason reporting requirement intent of the legislation. A breakdown of these costs are as follows:

Personnel Services		
	Accounting Clerk III for 5 months	15.1
	Fishery Biologist II for 11 months	47.3
Travel		2.0
Contractual		2.0
Supplies		3.0
Equipment (FY98 only)		5.0
	Total -->	74.4

3) Operational Expenditures for Enforcement:

The bill establishes penalties for failure to comply with licensing and reporting provisions of the bill. To assure compliance, the department feels it is necessary to provide adequate enforcement. Thus, \$100,000 will be given to the Department of Public Safety through an RSA to fund a guide enforcement function. Only \$50,000 will be RSA'd in FY98. These monies are listed under miscellaneous operating expenditures. It must be noted that Public Safety may have to add an additional position if this bill is passed.

4) Revenues to Fish and Game Fund:

Under this bill three types of licenses would be sold. Expected revenues to the Fish and Game Fund from these licenses would be:

	<i>Estimated Number to be Sold</i>	<i>Licenses Cost</i>	<i>Estimated Revenues</i>
<i>Services or Services/Guide Licenses:</i>			
Resident:	1,200	75	90,000
Non-resident:	500	275	137,500
 <i>Guide Licenses:</i>			
Resident:	1,350	25	33,750
Non-resident:	350	75	26,250
Rebate to vendors			(4,700)
		Total -->	282,800

Assumptions:

- 1) The number of services licenses to be sold is based on the number of businesses which registered with the Department during 1996 to conduct sport fishing guide activities. During 1996, 1,700 businesses registered with the department to conduct sport fish guiding activities in the state. About 70%, or 1,200 of these businesses were resident.
- 2) The number of guide licenses to be sold is based on the number of guides which businesses registered with the Department during 1996 to conduct sport fishing guide activities for them. During 1996, 3,391 guides were registered with the department to conduct sport fish guiding activities in the state. 1,700 of these could obtain a combined services/guide license, leaving 1,700 that could purchase a guide license. About 80% of the registered guides were residents.
- 3) Since the guide license will be sold through the existing license vendor system, 5% of the revenue (\$3,000) plus \$1 per license (\$1,700) will be retained by the vendors. Thus \$4,700 must be subtracted from the total.
- 4) Most of the revenues will be received in the first half of each calendar year.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO: HB 19

Revision Date: _____ Dept. Affected: Public Safety
 Title: An Act relating to licensing of sport fishing BRU: Fish and Wildlife Protection
services operators and fishing guides Component: Detachments
 Sponsor: Representative Austerman
 Requestor: H Fisheries COMPONENT SERIAL NO. 0490

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	50.0	95.4	95.4	95.4	95.4	95.4
TRAVEL		5.0	5.0	5.0	5.0	5.0
CONTRACTUAL		4.8	4.8	4.8	4.8	4.8
SUPPLIES		1.1	1.1	1.1	1.1	1.1
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	50.0	106.3	106.3	106.3	106.6	106.3
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES () Revenue Code	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
Other I/A	50.0	106.3	106.3	106.3	106.3	106.3
TOTAL	50.0	106.3	106.3	106.3	106.3	106.3

Estimate of current year (FY 97) impact: \$ 0.0

POSITIONS:

FULL-TIME	0	1	1	1	1	1
PART-TIME	1	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

SEE PAGE 2

Prepared By Lt Joel L Hard Phone 269-5409
 Division: Fish and Wildlife Protection Date: January 31, 1997
 Approved by Commissioner: *Joel Smith* Date: 1/31/97
 Agency: Ronald L. Otte, Department of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO: HB 19

Revision Date: _____ Dept. Affected: Public Safety

ANALYSIS CONTINUED:

This Bill provides for licensing qualifications for sport fishing services operators and fishing guides to include licensing fees, reporting requirements, performance standards, and certain penalty provisions. The Department of Fish and Game and the Division of Fish and Wildlife Protection understand that the field enforcement of this industry will be best accomplished by FWP. To that end, an RSA will be established by ADF&G in the amount of \$50,000.00 to fund an investigator/trooper position for the latter half of FY98, with an increase in subsequent years to \$100,000.00 to nearly fund the position and support moneys.



REPRESENTATIVE ALAN AUSTERMAN Alaska State Legislature

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Changes in HB 19 from Version P to Version Q 4/5/97

Referring to Version P:

On page 3, lines 15 and 16: the language "the safety of clients of the industry, or the protection of the integrity of the industry," has been omitted. In order to allow guides self-regulation through the Division of Occupational Licensing at some future time through other legislation.

Accordingly, page 4, lines 10 and 11 and page 5, lines 10 and 11, have been changed to reflect this modification.

The remaining language allowing the Board of Fisheries to "regulate the sport fishing services industry as needed for the conservation, development, and utilization of fishery resources" though is implied in other provisions of AS 16.05.251, clears up a gray area in which the board does not currently have the express authority to regulate guides. The Attorney General's Office has indicated this should be specific in statute.

The insurance requirement: page 4, lines 3-6, and lines 13-16, has been rewritten to mirror the requirements of Game guides found in AS 08.54.680 : "Financial responsibility and other requirements for guides and transporters." Financial responsibility in the amount of at least \$100,000 in the form of assets, insurance or a bond is now required in lieu of an annual minimum coverage of \$300,000 which was recommended by the Guide Charter Task Force.

Language was added in page 6, line 18 and page 8, line 21, of version P stating, "The department may collect other information the department considers appropriate." This amendment was requested from the department.

On page 7, lines 8 through 11, were deleted to simplify the penalty section of this bill. The Criminal Division of the Attorney General's Office contacted us requesting this change.

Finally, the "outfitting" and "field" definitions were changed on page 7, line 31, to reflect some fine tuning requested by the Department of Public Safety. Colonel Glass and Bud Hodson, Chairman of the Guide Charter Task Force, worked on this change.

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March 13, 1997



Katmailand
Inc.

Representative Scott Ogan
Co-Chair House Resources
House of Representatives
Juneau, Alaska 99801

Subject, HB 19, Sportfishing guide licensing and regulations

Dear Representative Ogan,

I believe that the Sport Fishing industry is just that, an industry. I also believe that as an industry the sport fishing community needs licensing and certain regulations to help both the industry and the State of Alaska.

I support the thrust of HB 19, but I am completely opposed to the current language that gives the Board of Fisheries the authority to act as an Occupational Licensing Board for the sport fishing industry.

Specifically, on page 3, lines 14-16, "**regulating the sportfishing services industry as needed for the conservation, development, and utilization of fishery resources, the safety of clients of the industry, or the protection of the integrity of the industry.**" and on page 5, lines 8-11, "**satisfies additional requirements adopted by the Board of Fisheries that the board finds necessary for the conservation, development, and utilization of the fishery resources of the state, the safety of clients of the sport fishing services industry, or the protection of the integrity of the sport fishing services industry**" is language that gives the Board of Fisheries absolute authority to act as an occupational licensing board.

I'm sure I do not need to point out to you the debacle of the big game commercial services board. We do not need such a problem in the sport fishing industry. To try to make a short analogy, the big game commercial services board ended up with a very flat tire. I'd hate to see you install the same flat tire onto the sport fishing industry prior to having the flat repaired.

Located in Katmai National Park

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I support HB 19 without this language. I cannot support HB 19 as it is currently written. I urge you to amend the language specified above out of HB 19. With this minor change you have our total support.

A handwritten signature in black ink, appearing to read "Bo Bennett". The signature is written in a cursive style with a large, looping initial "B".

Griffith W. (Bo) Bennett,
Manager, Kulik Lodge
Katmailand, Inc.

HB 19 proposed amendments before the House Resources Committee

Amendment # 2 by Rep. Masek

Failed

Page 3, lines 14 - 15: Delete existing language in "Work Draft 0-LS0140/Q and insert new language to read: (17) regulating the sport fishing services industry for purposes of establishing information gathering tools related to the conservation, development, and utilization of fishery resources.

Rationale:

The ability of the board to regulate resident and non-resident sport fishermen under AS 16.05.251(a) (12) and (a) (15) provides adequate tools for the Board to act on sport fish issues related to the conservation, development and utilization of fishery resources. The professed necessity at this time of gathering pertinent data related to efforts by sport fish service operators is provided for with the suggested wording change.

Although it may be desirable for a regulatory board to be set up with authority to regulate the sport fish guiding industry, it should be set up as a separate authority from the Board of Fisheries. Sport fish service providers are in fact providing a service. As such they are a business entity which should have a greater opportunity to participate in any regulatory process which controls their industry and thus their livelihoods. The Board of Fisheries with its current make up puts competing business interests from a different segment of the fisheries industry in a position to influence and in some cases control the outcome of regulations pertaining to sport fish service providers. That situation cannot provide any level of confidence for industry participants, nor should it be supported by anyone interested in building sound economic opportunities for Alaskans.

CS FOR HOUSE BILL NO. 19(FSH)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE SPECIAL COMMITTEE ON FISHERIES

Offered:

Referred:

Sponsor(s): REPRESENTATIVES AUSTERMAN, Ivan

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to licensing and regulation of sport fishing services operators
2 and fishing guides; and providing for an effective date."

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

4 * Section 1. AS 16.05.251(a) is amended to read:

5 (a) The Board of Fisheries may adopt regulations it considers advisable in
6 accordance with AS 44.62 (Administrative Procedure Act) for

7 (1) setting apart fish reserve areas, refuges, and sanctuaries in the
8 waters of the state over which it has jurisdiction, subject to the approval of the
9 legislature;

10 (2) establishing open and closed seasons and areas for the taking of
11 fish; if consistent with resource conservation and development goals, the board may
12 adopt regulations establishing restricted seasons and areas necessary for persons 60
13 years of age and older to participate in sport, personal use, or subsistence fishing;

14 (3) setting quotas, bag limits, harvest levels, and sex and size

1 limitations on the taking of fish;

2 (4) establishing the means and methods employed in the pursuit,
3 capture, and transport of fish;

4 (5) establishing marking and identification requirements for means used
5 in pursuit, capture, and transport of fish;

6 (6) classifying as commercial fish, sport fish, guided sport fish,
7 personal use fish, subsistence fish, or predators or other categories essential for
8 regulatory purposes;

9 (7) watershed and habitat improvement, and management, conservation,
10 protection, use, disposal, propagation, and stocking of fish;

11 (8) investigating and determining the extent and effect of disease,
12 predation, and competition among fish in the state, exercising control measures
13 considered necessary to the resources of the state;

14 (9) prohibiting and regulating the live capture, possession, transport, or
15 release of native or exotic fish or their eggs;

16 (10) establishing seasons, areas, quotas, and methods of harvest for
17 aquatic plants;

18 (11) establishing the times and dates during which the issuance of
19 fishing licenses, permits, and registrations and the transfer of permits and registrations
20 between registration areas is allowed; however, this paragraph does not apply to
21 permits issued or transferred under AS 16.43;

22 (12) regulating commercial, sport, guided sport, subsistence, and
23 personal use fishing as needed for the conservation, development, and utilization of
24 fisheries;

25 (13) requiring, in a fishery, observers on board fishing vessels, as
26 defined in AS 16.05.475(d), that are registered under the laws of the state, as defined
27 in AS 16.05.475(c), after making a written determination that an on-board observer
28 program

29 (A) is the only practical data-gathering or enforcement
30 mechanism for that fishery;

31 (B) will not unduly disrupt the fishery;

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(C) can be conducted at a reasonable cost; and

(D) can be coordinated with observer programs of other agencies, including the National Marine Fisheries Service, North Pacific Fishery Management Council, and the International Pacific Halibut Commission;

(14) establishing nonexclusive, exclusive, and superexclusive registration and use areas for regulating commercial fishing;

(15) regulating resident or nonresident sport fishermen as needed for the conservation, development, and utilization of fishery resources;

(16) requiring unlicensed fishing vessels present in or transiting the waters of the state to report to the department the quantity, species, and origin of fish on board; in this paragraph, "unlicensed fishing vessel" means a fishing vessel that is not licensed under AS 16.05.490 - 16.05.530;

(17) regulating the sport fishing services industry as needed for the conservation, development, and utilization of fishery resources, the safety of clients of the industry, or the protection of the integrity of the industry.

* Sec. 2. AS 16.05.340(a) is amended by adding a new paragraph to read:

(25) Fishing services licenses

(A) Sport fishing services operator license

(i) Resident \$ 75

(ii) Nonresident 225

(B) Fishing guide license

(i) Resident 25

(ii) Nonresident 75

(C) Sport fishing services operator and fishing guide license

(i) Resident 75

(ii) Nonresident 225.

* Sec. 3. AS 16.40 is amended by adding new sections to read:

Article 4. Sport and Personal Use Fishing Services.

Sec. 16.40.350. Sport fishing services operator license. (a) The department

shall issue an annual sport fishing services operator license to a person who

1 (1) holds a current business license under AS 43.70 to provide services
2 to sport and personal use fishermen;

3 (2) presents proof satisfactory to the department of a general liability
4 insurance policy or marine protection and indemnity liability insurance policy, covering
5 the services provided by the person and the person's employees to sport and personal
6 use fishermen, that provides an annual minimum coverage of \$300,000;

7 (3) pays the license fee prescribed by AS 16.05.340(a); and

8 (4) satisfies additional requirements adopted by the Board of Fisheries
9 that the board finds necessary for the conservation, development, and utilization of the
10 fishery resources of the state, the safety of clients of the sport fishing services industry,
11 or the protection of the integrity of the sport fishing services industry.

12 (b) A person may not provide sport fishing services unless the person holds
13 a current sport fishing services operator license and has a general liability insurance
14 policy or marine protection and indemnity liability insurance policy, covering the
15 services provided by the person and the person's employees to sport and personal use
16 fishermen, that provides an annual minimum coverage of \$300,000.

17 (c) A person who holds a sport fishing services operator license may contract
18 to provide fishing guide services to a sport or personal use fisherman through an
19 employee who holds a fishing guide license.

20 (d) A person who holds a sport fishing services operator license may not
21 directly provide fishing guide services to a sport or personal use fisherman unless the
22 person also holds a fishing guide license.

23 (e) A person who holds a sport fishing services operator license may not aid
24 the commission of a violation of AS 16.05 - AS 16.40 or a regulation adopted under
25 AS 16.05 - AS 16.40 by a fishing guide who is employed by the person or by a sport
26 or personal use fisherman who is a client of the person.

27 **Sec. 16.40.360. Fishing guides.** (a) A natural person may obtain an annual
28 fishing guide license if the person

29 (1) is a citizen of the United States, Canada, or Mexico or a resident
30 alien;

31 (2) is certified in first aid by the American Red Cross or an equivalent

1 organization;

2 (3) holds a license to carry passengers for hire issued by the United
3 States Coast Guard, if the person operates a vessel in the provision of fishing guide
4 services and the license is required by the United States Coast Guard for the area in
5 which the fishing guide provides fishing guide services;

6 (4) holds a current sport fishing license;

7 (5) pays the fee prescribed by AS 16.05.340(a); and

8 (6) satisfies additional requirements adopted by the Board of Fisheries
9 that the board finds necessary for the conservation, development, and utilization of the
10 fishery resources of the state, the safety of clients of the sport fishing services industry,
11 or the protection of the integrity of the sport fishing services industry.

12 (b) A natural person may obtain an annual combined sport fishing services
13 operator and fishing guide license if the person satisfies the requirements for a sport
14 fishing services operator license under AS 16.40.350 and for a fishing guide license
15 under this section and pays the fee prescribed by AS 16.05.340(a).

16 (c) A person may not provide fishing guide services unless the person

17 (1) has first obtained a fishing guide license under this section; and

18 (2) is an employee of a licensed sport fishing services operator or holds
19 a sport fishing services operator license.

20 (d) A fishing guide may provide fishing guide services only to persons who
21 have engaged the services of the sport fishing services operator by whom the fishing
22 guide is employed. A fishing guide may not contract directly with a person to provide
23 fishing guide services to that person unless the fishing guide also holds a sport fishing
24 services operator license.

25 (e) While engaged in providing fishing guide services, a fishing guide shall
26 physically possess

27 (1) a fishing guide license;

28 (2) the current licenses, tags, and permits that are required to engage
29 in the sport or personal use fishery for which the fishing guide services are being
30 provided;

31 (3) a driver's license or similar identification card that was issued by

1 a state or federal agency and that bears a photograph of the fishing guide;

2 (4) proof of employment as a fishing guide by a person licensed as a
3 sport fishing services operator or proof of licensure as a sport fishing services
4 operator;

5 (5) proof of current certification in first aid; and

6 (6) proof of licensure by the United States Coast Guard to carry
7 passengers for hire if the fishing guide is operating a vessel in the provision of fishing
8 guide services and the license is required by the United States Coast Guard for the area
9 in which the fishing guide provides fishing guide services.

10 (f) A fishing guide may not aid the commission of a violation of AS 16.05 -
11 AS 16.40 or a regulation adopted under AS 16.05 - AS 16.40 by a sport or personal
12 use fisherman who is a client of the fishing guide.

13 **Sec. 16.40.370. Reports.** (a) The department shall collect in-season
14 information from sport fishing services operators on the number of king salmon,
15 sockeye salmon, coho salmon, chum salmon, and halibut taken by clients and fishing
16 guides during the provision of fishing guide services. The department may collect
17 information from sport fishing services operators on the number of pink salmon taken
18 by clients and fishing guides during the provision of fishing guide services.

19 (b) The department shall collect information from sport fishing services
20 operators and other information that the Board of Fisheries requires by regulation.

21 (c) A person who holds a license issued under AS 16.40.350 or 16.40.360 shall
22 comply with reporting requirements adopted by regulation by the department or the
23 Board of Fisheries.

24 (d) A person who is required to complete reports under this section may not
25 provide false, misleading, or substantially incomplete information.

26 (e) A person who is required to complete reports under this section may not
27 receive a new license under AS 16.40.350 or 16.40.360 unless all reports required
28 under this section for the preceding year have been received by the department.

29 (f) Information collected under this section is confidential to the extent
30 provided under AS 16.05.815.

31 **Sec. 16.40.380. Penalty.** (a) Except as provided in (b) and (c) of this section,

1 a person who knowingly commits an act in violation of AS 16.40.350 - 16.40.390 or
2 a regulation adopted under AS 16.40.350 - 16.40.390 is guilty of a class A
3 misdemeanor.

4 (b) A person who commits an act in violation of AS 16.40.360(e) is guilty of
5 a violation and upon conviction is punishable by a fine of not more than \$500.

6 (c) A person who knowingly commits an act in violation of AS 16.40.360(e)
7 is

8 (1) guilty of a class B misdemeanor and upon conviction is punishable
9 only by a fine of not more than \$500; or

10 (2) for a second or subsequent offense in a three-year period, guilty of
11 a class B misdemeanor.

12 (d) In addition to any other penalty provided by law, a court may revoke the
13 fishing guide license of a person who is convicted under (c)(2) of this section.

14 (e) In this section, "knowingly" has the meaning given in AS 11.81.900.

15 **Sec. 16.40.390. Definitions.** In AS 16.40.350 - 16.40.390,

16 (1) "fishing club" means an organization that offers use of real or
17 personal property or services to persons who pay a membership fee for the privilege
18 of using the real or personal property or services for sport or personal use fishing;

19 (2) "fishing guide" means a natural person who holds a fishing guide
20 license issued under AS 16.40.360;

21 (3) "fishing guide services" means to assist, for compensation or with
22 the intent to receive compensation, a sport or personal use fisherman to take or to
23 attempt to take fish by accompanying or personally directing the fisherman in sport or
24 personal use fishing activities during any part of a trip; "fishing guide services" do not
25 include

26 (A) an activity for which a sport fishing services operator
27 license is required; or

28 (B) services provided by assistants, deckhands, and similar
29 persons who work directly under the supervision of and on the same vessel as
30 a fishing guide;

31 (4) "outfitting" means the provision of equipment or services, including

1 the renting of vessels without a vessel operator, to sport or personal use fishermen in
2 the field; "outfitting" does not include the sale of fishing tackle, bait, or fuel; in this
3 paragraph, "field" means an area that is

4 (A) outside of established developments usually associated with
5 a city, town, or village; and

6 (B) not reasonably accessible by foot from the state highway
7 system; in this subparagraph, "highway" has the meaning given in
8 AS 19.45.001;

9 (5) "sport fishing services" means the provision to sport or personal use
10 fishermen, for compensation or with the intent to receive compensation, of fishing
11 guide services through a person who is licensed as a fishing guide under AS 16.40.360,
12 of outfitting services, or of fishing club services; "sport fishing services" does not
13 include

14 (A) an activity for which a fishing guide license is required; or

15 (B) booking and other ancillary services provided by a tour
16 broker or agent to a fishing services operator.

17 * Sec. 4. AS 16.40.370(a) is repealed and reenacted to read:

18 (a) The department may collect in-season information from sport fishing
19 services operators on the number of king salmon, sockeye salmon, coho salmon, chum
20 salmon, pink salmon, and halibut taken by clients and fishing guides during the
21 provision of fishing guide services.

22 * Sec. 5. TRANSITION. (a) Notwithstanding AS 16.40.350(b), added by sec. 3 of this
23 Act, during the 60 days immediately following the effective date of sec. 3 of this Act, a
24 person may provide sport fishing services without holding a current sport fishing services
25 operator license and without obtaining the insurance required under AS 16.40.350(b).

26 (b) Notwithstanding AS 16.40.360(c), added by sec. 3 of this Act, during the 60 days
27 immediately following the effective date of sec. 3 of this Act, a person may provide fishing
28 guide services without first obtaining a fishing guide license under AS 16.40.360 and without
29 being employed by a licensed sport fishing services operator or holding a sport fishing
30 services operator license.

31 (c) In this section, "fishing guide services" and "sport fishing services" have the

1 meaning given in AS 16.40.390, added by sec. 3 of this Act.

2 * Sec. 6. TRANSITION: 1997 LICENSE FEES. Notwithstanding AS 16.05.340(a)(25),
3 added by sec. 2 of this Act, the fees for fishing services licenses for calendar year 1997 are

- 4 (1) Sport fishing services operator license
 - 5 (A) Resident \$ 40
 - 6 (B) Nonresident 120
- 7 (2) Fishing guide license
 - 8 (A) Resident 15
 - 9 (B) Nonresident 45
- 10 (3) Sport fishing services operator and fishing guide license
 - 11 (A) Resident 40
 - 12 (B) Nonresident 120.

13 * Sec. 7. Section 4 of this Act takes effect January 1, 2001.

14 * Sec. 8. Except for sec. 4 of this Act, this Act takes effect immediately under
15 AS 01.10.070(c).

0-LS0140\Q
Utermohle
4/3/97

CS FOR HOUSE BILL NO. 19()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES AUSTERMAN, Ivan

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to licensing and regulation of sport fishing services operators
2 and fishing guides; and providing for an effective date."

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

4 * Section 1. AS 16.05.251(a) is amended to read:

5 (a) The Board of Fisheries may adopt regulations it considers advisable in
6 accordance with AS 44.62 (Administrative Procedure Act) for

7 (1) setting apart fish reserve areas, refuges, and sanctuaries in the
8 waters of the state over which it has jurisdiction, subject to the approval of the
9 legislature;

10 (2) establishing open and closed seasons and areas for the taking of
11 fish; if consistent with resource conservation and development goals, the board may
12 adopt regulations establishing restricted seasons and areas necessary for persons 60
13 years of age and older to participate in sport, personal use, or subsistence fishing;

14 (3) setting quotas, bag limits, harvest levels, and sex and size

1 limitations on the taking of fish;

2 (4) establishing the means and methods employed in the pursuit,
3 capture, and transport of fish;

4 (5) establishing marking and identification requirements for means used
5 in pursuit, capture, and transport of fish;

6 (6) classifying as commercial fish, sport fish, guided sport fish,
7 personal use fish, subsistence fish, or predators or other categories essential for
8 regulatory purposes;

9 (7) watershed and habitat improvement, and management, conservation,
10 protection, use, disposal, propagation, and stocking of fish;

11 (8) investigating and determining the extent and effect of disease,
12 predation, and competition among fish in the state, exercising control measures
13 considered necessary to the resources of the state;

14 (9) prohibiting and regulating the live capture, possession, transport, or
15 release of native or exotic fish or their eggs;

16 (10) establishing seasons, areas, quotas, and methods of harvest for
17 aquatic plants;

18 (11) establishing the times and dates during which the issuance of
19 fishing licenses, permits, and registrations and the transfer of permits and registrations
20 between registration areas is allowed; however, this paragraph does not apply to
21 permits issued or transferred under AS 16.43;

22 (12) regulating commercial, sport, guided sport, subsistence, and
23 personal use fishing as needed for the conservation, development, and utilization of
24 fisheries;

25 (13) requiring, in a fishery, observers on board fishing vessels, as
26 defined in AS 16.05.475(d), that are registered under the laws of the state, as defined
27 in AS 16.05.475(c), after making a written determination that an on-board observer
28 program

29 (A) is the only practical data-gathering or enforcement
30 mechanism for that fishery;

31 (B) will not unduly disrupt the fishery;

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(C) can be conducted at a reasonable cost; and
(D) can be coordinated with observer programs of other agencies, including the National Marine Fisheries Service, North Pacific Fishery Management Council, and the International Pacific Halibut Commission;

(14) establishing nonexclusive, exclusive, and superexclusive registration and use areas for regulating commercial fishing;

(15) regulating resident or nonresident sport fishermen as needed for the conservation, development, and utilization of fishery resources;

(16) requiring unlicensed fishing vessels present in or transiting the waters of the state to report to the department the quantity, species, and origin of fish on board; in this paragraph, "unlicensed fishing vessel" means a fishing vessel that is not licensed under AS 16.05.490 - 16.05.530;

(17) regulating the sport fishing services industry as needed for the conservation, development, and utilization of fishery resources.

* Sec. 2. AS 16.05.340(a) is amended by adding a new paragraph to read:

(25) Fishing services licenses

(A) Sport fishing services operator license

(i) Resident \$ 75

(ii) Nonresident 225

(B) Fishing guide license

(i) Resident 25

(ii) Nonresident 75

(C) Sport fishing services operator and fishing guide license

(i) Resident 75

(ii) Nonresident 225.

* Sec. 3. AS 16.40 is amended by adding new sections to read:

Article 4. Sport and Personal Use Fishing Services.

Sec. 16.40.350. Sport fishing services operator license. (a) The department shall issue an annual sport fishing services operator license to a person who

(1) holds a current business license under AS 43.70 to provide services

1 to sport and personal use fishermen;

2 (2) presents proof satisfactory to the department of financial
3 responsibility in the amount of at least \$100,000 in the form of assets, insurance, or
4 a bond;

5 (3) pays the license fee prescribed by AS 16.05.340(a); and

6 (4) satisfies additional requirements adopted by the Board of Fisheries
7 that the board finds necessary for the conservation, development, and utilization of the
8 fishery resources of the state.

9 (b) A person may not provide sport fishing services unless the person holds
10 a current sport fishing services operator license and has proof of financial
11 responsibility in the amount of at least \$100,000 in the form of assets, insurance, or
12 a bond.

13 (c) A person who holds a sport fishing services operator license may contract
14 to provide fishing guide services to a sport or personal use fisherman through an
15 employee who holds a fishing guide license.

16 (d) A person who holds a sport fishing services operator license may not
17 directly provide fishing guide services to a sport or personal use fisherman unless the
18 person also holds a fishing guide license.

19 (e) A person who holds a sport fishing services operator license may not aid
20 the commission of a violation of AS 16.05 - AS 16.40 or a regulation adopted under
21 AS 16.05 - AS 16.40 by a fishing guide who is employed by the person or by a sport
22 or personal use fisherman who is a client of the person.

23 **Sec. 16.40.360. Fishing guides.** (a) A natural person may obtain an annual
24 fishing guide license if the person

25 (1) is a citizen of the United States, Canada, or Mexico or a resident
26 alien;

27 (2) is certified in first aid by the American Red Cross or an equivalent
28 organization;

29 (3) holds a license to carry passengers for hire issued by the United
30 States Coast Guard, if the person operates a vessel in the provision of fishing guide
31 services and the license is required by the United States Coast Guard for the area in

1 which the fishing guide provides fishing guide services;

2 (4) holds a current sport fishing license;

3 (5) pays the fee prescribed by AS 16.05.340(a); and

4 (6) satisfies additional requirements adopted by the Board of Fisheries
5 that the board finds necessary for the conservation, development, and utilization of the
6 fishery resources of the state.

7 (b) A natural person may obtain an annual combined sport fishing services
8 operator and fishing guide license if the person satisfies the requirements for a sport
9 fishing services operator license under AS 16.40.350 and for a fishing guide license
10 under this section and pays the fee prescribed by AS 16.05.340(a).

11 (c) A person may not provide fishing guide services unless the person

12 (1) has first obtained a fishing guide license under this section; and

13 (2) is an employee of a licensed sport fishing services operator or holds
14 a sport fishing services operator license.

15 (d) A fishing guide may provide fishing guide services only to persons who
16 have engaged the services of the sport fishing services operator by whom the fishing
17 guide is employed. A fishing guide may not contract directly with a person to provide
18 fishing guide services to that person unless the fishing guide also holds a sport fishing
19 services operator license.

20 (e) While engaged in providing fishing guide services, a fishing guide shall
21 physically possess

22 (1) a fishing guide license;

23 (2) the current licenses, tags, and permits that are required to engage
24 in the sport or personal use fishery for which the fishing guide services are being
25 provided;

26 (3) a driver's license or similar identification card that was issued by
27 a state or federal agency and that bears a photograph of the fishing guide;

28 (4) proof of employment as a fishing guide by a person licensed as a
29 sport fishing services operator or proof of licensure as a sport fishing services
30 operator;

31 (5) proof of current certification in first aid; and

1 (6) proof of licensure by the United States Coast Guard to carry
2 passengers for hire if the fishing guide is operating a vessel in the provision of fishing
3 guide services and the license is required by the United States Coast Guard for the area
4 in which the fishing guide provides fishing guide services.

5 (f) A fishing guide may not aid the commission of a violation of AS 16.05 -
6 AS 16.40 or a regulation adopted under AS 16.05 - AS 16.40 by a sport or personal
7 use fisherman who is a client of the fishing guide.

8 **Sec. 16.40.370. Reports.** (a) The department shall collect in-season
9 information from sport fishing services operators on the number of king salmon,
10 sockeye salmon, coho salmon, chum salmon, and halibut taken by clients and fishing
11 guides during the provision of fishing guide services. The department may collect
12 information from sport fishing services operators on the number of pink salmon taken
13 by clients and fishing guides during the provision of fishing guide services. The
14 department may collect other information the department considers appropriate.

15 (b) The department shall collect information from sport fishing services
16 operators and other information that the Board of Fisheries requires by regulation.

17 (c) A person who holds a license issued under AS 16.40.350 or 16.40.360 shall
18 comply with reporting requirements adopted by regulation by the department or the
19 Board of Fisheries.

20 (d) A person who is required to complete reports under this section may not
21 provide false, misleading, or substantially incomplete information.

22 (e) A person who is required to complete reports under this section may not
23 receive a new license under AS 16.40.350 or 16.40.360 unless all reports required
24 under this section for the preceding year have been received by the department.

25 (f) Information collected under this section is confidential to the extent
26 provided under AS 16.05.815.

27 **Sec. 16.40.380. Penalty.** (a) Except as provided in (b) and (c) of this section,
28 a person who knowingly commits an act in violation of AS 16.40.350 - 16.40.390 or
29 a regulation adopted under AS 16.40.350 - 16.40.390 is guilty of a class A
30 misdemeanor.

31 (b) A person who commits an act in violation of AS 16.40.360(e) is guilty of

1 a violation and upon conviction is punishable by a fine of not more than \$500.

2 (c) A person who knowingly commits an act in violation of AS 16.40.360(e)
3 is guilty of a class B misdemeanor. In addition to any other penalty provided by law,
4 a court may revoke the fishing guide license of a person who is convicted under this
5 subsection.

6 (d) In this section, "knowingly" has the meaning given in AS 11.81.900.

7 **Sec. 16.40.390. Definitions.** In AS 16.40.350 - 16.40.390,

8 (1) "fishing club" means an organization that offers use of real or
9 personal property or services to persons who pay a membership fee for the privilege
10 of using the real or personal property or services for sport or personal use fishing;

11 (2) "fishing guide" means a natural person who holds a fishing guide
12 license issued under AS 16.40.360;

13 (3) "fishing guide services" means to assist, for compensation or with
14 the intent to receive compensation, a sport or personal use fisherman to take or to
15 attempt to take fish by accompanying or personally directing the fisherman in sport or
16 personal use fishing activities during any part of a trip; "fishing guide services" do not
17 include

18 (A) an activity for which a sport fishing services operator
19 license is required; or

20 (B) services provided by assistants, deckhands, and similar
21 persons who work directly under the supervision of and on the same vessel as
22 a fishing guide;

23 (4) "outfitting" means the provision of equipment or services in the
24 field, for compensation or with the intent to receive compensation, to a sport or
25 personal use fisherman for use in sport or personal use fishing; "outfitting" does not
26 include (1) the renting of a vessel without an operator to a sport or personal use
27 fisherman if no fishing equipment, gear, bait, tackle, or other services are provided to
28 the sport or personal use fisherman by the person providing the rented vessel, or (2)
29 the sale of fishing equipment, gear, bait, tackle, or fuel to a sport or personal use
30 fisherman if no other services are provided to the sport or personal use fisherman by
31 the person selling the fishing equipment, gear, bait, tackle, or fuel; in this paragraph,

1 "field" means an area that is outside of established developments usually associated
2 with a city, town, or village;

3 (5) "sport fishing services" means the provision to sport or personal use
4 fishermen, for compensation or with the intent to receive compensation, of fishing
5 guide services through a person who is licensed as a fishing guide under AS 16.40.360,
6 of outfitting services, or of fishing club services; "sport fishing services" does not
7 include

8 (A) an activity for which a fishing guide license is required; or

9 (B) booking and other ancillary services provided by a tour

10 broker or agent to a fishing services operator.

11 * Sec. 4. AS 16.40.370(a) is repealed and reenacted to read:

12 (a) The department may collect in-season information from sport fishing
13 services operators on the number of king salmon, sockeye salmon, coho salmon, chum
14 salmon, pink salmon, and halibut taken by clients and fishing guides during the
15 provision of fishing guide services. The department may collect other information the
16 department considers appropriate.

17 * Sec. 5. TRANSITION. (a) Notwithstanding AS 16.40.350(b), added by sec. 3 of this
18 Act, during the 60 days immediately following the effective date of sec. 3 of this Act, a
19 person may provide sport fishing services without holding a current sport fishing services
20 operator license and without having the proof of financial responsibility required under
21 AS 16.40.350(b).

22 (b) Notwithstanding AS 16.40.360(c), added by sec. 3 of this Act, during the 60 days
23 immediately following the effective date of sec. 3 of this Act, a person may provide fishing
24 guide services without first obtaining a fishing guide license under AS 16.40.360 and without
25 being employed by a licensed sport fishing services operator or holding a sport fishing
26 services operator license.

27 (c) In this section, "fishing guide services" and "sport fishing services" have the
28 meaning given in AS 16.40.390, added by sec. 3 of this Act.

29 * Sec. 6. TRANSITION: 1997 LICENSE FEES. Notwithstanding AS 16.05.340(a)(25),
30 added by sec. 2 of this Act, the fees for fishing services licenses for calendar year 1997 are

31 (1) Sport fishing services operator license

1	(A) Resident	\$ 40
2	(B) Nonresident	120
3	(2) Fishing guide license	
4	(A) Resident	15
5	(B) Nonresident	45
6	(3) Sport fishing services operator and fishing guide license	
7	(A) Resident	40
8	(B) Nonresident	120.

9 * Sec. 7. Section 4 of this Act takes effect January 1, 2001.

10 * Sec. 8. Except for sec. 4 of this Act, this Act takes effect immediately under

11 AS 01.10.070(c).



SPONSOR STATEMENT CS HB 19 (FSH)

The guided sport fishery is an important and rapidly growing commercial industry in the Alaska economy. The ability of the state to provide for the sustainable development and sound, sensible management of our fishery resource is dependent upon the availability of complete information upon which to base decisions. My main goal with HB 19 is to provide for the collection of this data.

There is a lack of data available regarding the commercial guided sport fishery in Alaska. Registration of the guides themselves is required on a few rivers, but not everywhere. Currently, no uniform licensing procedure for sport fish guides exists in Alaska. Thus, we do not have complete information about who is actively engaged in commercial sport fish guiding, how many clients are served, what the catch rates are, and what rivers, streams and marine waters are being utilized.

Without a means for gathering information, it is impossible to monitor the activity or growth of the commercial sport fish fishery on a statewide basis. It is imperative for the state to have solid information to ensure the sustainable development of this commercial industry and to ensure the sound management of the fishery resources upon which this commercial industry depends. It is time to acknowledge this important growing industry and make sure that management decisions can be based on complete information.

HB 19 establishes in statute a license program and requires ADFG to collect the needed information for a period of 3 years. It does not impose any limitations on the number of guides or vessels in the state, nor does it affect their activities other than having to report and carry the documentation on their persons. The cost of licensing, data gathering, analysis and enforcement will be funded by the revenues generated from the license fees. Therefore, this program will be fiscally self-sustaining.

The bill establishes three options of guide licensure: (1) A sport fishing services operator license costs \$75 for sport fish guide business owners and is obtainable from ADFG. An Alaska business license, and proof of insurance are the only requirements to obtain an operators license. (2) A fishing guide license costs \$25 for sport fish guides and will be readily available through ADFG's vendor licensing system. This is modeled after how commercial crew licenses are obtained. (3) We have also provided a third alternative in

which an individual could obtain both guide and operator licenses as one combined license for \$75 from the department to accommodate the many one-person operations.

Each person who plans to engage in sport fish guiding, both on fresh and salt water, from a vessel or otherwise, will be required to purchase a license. The sport fish division of ADFG will develop reports which license holders will be required to submit. This will enable the state to build a data bank regarding the commercial guided sport fishery.

This legislation, then HB 175, passed the House last year with a vote of 36 to 4, but did not make it all the way through the Senate before the session ended. I feel that HB 19 is a piece of forward looking legislation which, 5, 10 and 20 years from now, the charter industry and our state's resources will benefit as a result of it's passage.




REPRESENTATIVE ALAN AUSTERMAN Alaska State Legislature

P.O. Box 2368, Kodiak, Alaska 99615 (907) 486-5930 • Session: State Capitol, Juneau, Alaska 99801 465-2447

M E M O R A N D U M

TO: Representative Scott Ogan, Co-Chair
Representative Bill Hudson, Co-Chair
House Resources Committee Committee

FROM: Representative Alan Austerman, Chair
House Special Committee on Fisheries 

DATE: February 27, 1997

RE: House Bill 19

My bill, house bill 19, "relating to sport fish guide licenses", will be referred to your committee today. I respectfully request that a hearing for HB 19 be scheduled for the Resources committee at your earliest possible convenience.

If you have any questions or needs regarding scheduling this legislation, please contact my staff, Amy Daugherty, at x4230.

Thank you in advance for your consideration of this request.



REPRESENTATIVE ALAN AUSTERMAN Alaska State Legislature

PO Box 2368, Kodiak, Alaska 99615 (907) 486-5930 • Session: State Capitol, Juneau, Alaska 99801 465-2447

Changes in HB 19 from Version P to Version Q 4/5/97

Referring to Version P:

On page 3, lines 15 and 16: the language "the safety of clients of the industry, or the protection of the integrity of the industry," has been omitted. In order to allow guides self-regulation through the Division of Occupational Licensing at some future time through other legislation.

Accordingly, page 4, lines 10 and 11 and page 5, lines 10 and 11, have been changed to reflect this modification.

The remaining language allowing the Board of Fisheries to "regulate the sport fishing services industry as needed for the conservation, development, and utilization of fishery resources" though is implied in other provisions of AS 16.05.251, clears up a gray area in which the board does not currently have the express authority to regulate guides. The Attorney General's Office has indicated this should be specific in statute.

The insurance requirement: page 4, lines 3-6, and lines 13-16, has been rewritten to mirror the requirements of Game guides found in AS 08.54.680 : "Financial responsibility and other requirements for guides and transporters." Financial responsibility in the amount of at least \$100,000 in the form of assets, insurance or a bond is now required in lieu of an annual minimum coverage of \$300,000 which was recommended by the Guide Charter Task Force.

Language was added in page 6, line 18 and page 8, line 21, of version P stating, "The department may collect other information the department considers appropriate." This amendment was requested from the department.

On page 7, lines 8 through 11, were deleted to simplify the penalty section of this bill. The Criminal Division of the Attorney General's Office contacted us requesting this change.

Finally, the "outfitting" and "field" definitions were changed on page 7, line 31, to reflect some fine tuning requested by the Department of Public Safety. Colonel Glass and Bud Hodson, Chairman of the Guide Charter Task Force, worked on this change.

Gakona Junction Village



Routing
 Alar
 Amy
 Cliff

RECEIVED

JAN 27 1997

Ans'd.....

January 18, 1997

State of Alaska
House of Representatives
State Capitol Building - Room 434
Juneau, AK 99801-1182

Attn.: Honorable Alan Austerman, Representative - District 6

Re: House Bill No. 19 providing for the licensing of sport fishing guides services.

Dear Representative Austerman:

Having just received the above noted bill from our Legislative Information Office, I want to take a moment to thank you for the seemingly endless hours you have devoted to this issue. It has been a long and difficult task and the end of the road still looms far ahead.

As you may recall, we met on the air during the teleconferences and again in Juneau at the Alaska Visitors Association's Annual Convention last October.

I own Gakona Junction Village, Inc., a roadside hotel at the juncture of the Richardson Highway and Tok Cut-Off. Among other things, we operate a King Salmon fishing service called Gulkana Fish Guides. With three guides working two rivers (the Gulkana and Kutina) from early June to mid-August we are alert to anything that will impact our business.

Licensing an permits are of prime importance to us and we are pleased to see that your bill addresses this area in a manageable and cost effective way. After a close review of the bill I am not at odds with anything in the document. I do, however, have one suggestion.

As you know there is a problem with some "carpet bagger guide services" that come into the state; plunder the public and fisheries, only to run with considerable dollars to the lower 48 as soon as the season ends. Too often they leave behind the ruins consisting of unkempt camps, dissatisfied customers, and broken promises with no responsibility to the state, their customers, their neighbors or the visitor industry which provides them with their customer base.

It would seem to be in line to have these people provide a performance bond to the state that allows anyone who has losses of any kind, indemnification.

We have had some, less than reputable, operations in the Copper Valley that have taken thousands of dollars from clients, then failed to live up to their contracts. When this happens, those clients become a our worst marketing nightmare. If a bond could be accessed, at least, they would not have forfeited their money, and at best the guide service would have probably lived up to his contract. Food for thought.

I look forward to further discussions on this issue during the session. If you have any questions or feel there is a way I can be of assistance, please call.

Sincerely,



L. Alan LeMaster, President
Gakona Junction Village, Inc.

cc: File

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P.O. BOX 35079
SEATTLE WA 98145-2079

TELEPHONE
(206) 634-1828

FAX
(206) 632-2983

February 13, 1997

RECEIVED

FEB 20 1997

Ans'd.....

Representative Alan Austerman
Capitol, Room 434
Juneau, Alaska 99801

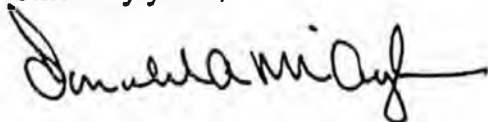
Dear Representative Austerman:

The International Pacific Halibut Commission wishes to inform you that we strongly support House Bill No. 19 dealing with sports fish reporting.

The Commission requires accurate estimates of halibut sports fish removals in Alaska. The Alaska Department of Fish and Game has always been very cooperative in producing annual estimates, and this bill will assist the department in increasing the level of accuracy.

Thank you for your support of fisheries conservation issues.

Sincerely yours,



Donald A. McCaughan
Director

DAM:ps
Encls.

December 16, 1996

Senator Miller
Representative Phillips
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Senator Miller and Representative Phillips,

The Alaska Board of Fisheries has increasingly been discussing issues regarding the growth of the sport fishing guide industry in Alaska and its implications on fish allocation and management. Resolution of many of these issues, however, is hampered by the lack of information regarding this industry in many parts of Alaska. Both legislative and regulatory actions are required to remedy the lack of information to ensure informed decisions are made with respect to this industry. The Board of Fisheries can make regulatory changes, and is currently considering several proposals to accomplish this. One item that requires legislative action is the development of a statewide licensing and reporting system for sport fishing guide services and guides. Legislation to accomplish this was debated during the last legislative session in the form of HB 175, sponsored by Representative Austerman. Unfortunately, the legislation passed the State House but failed to pass the State Senate in 1996. The legislation has been pre-filed this session by Representative Austerman.

The Alaska Board of Fisheries supports this legislation. Both the Board and the task force believe that a comprehensive licensing system is needed to better define this diverse industry. The proposed licensing system provides needed definitions for companies and individuals who provide sport fishing guiding, chartering, and outfitting services. Through such definitions, it is hoped that the industry can be more fully identified and organized. It is also believed that the definitions will close loopholes in current definitions, thereby providing a level playing field for the industry and for better enforcement of regulations pertaining to sport fishing guides and charters. It is also believed that comprehensive licensing will add stability to this economically important industry which supports many jobs throughout Alaska. Insurance requirements for companies and safety requirements for guides are stipulated to assure that anglers utilizing this industry are protected and a professional level of service is maintained. The proposed license package also establishes fees and reporting requirements that provide the needed

foundation to help management agencies build a reasonable and stable regulatory environment to assure for the long term health of both the industry and the resource it depends upon.

We ask that you help move this legislation forward in both the House and the Senate. Please call me if you have any questions regarding this legislation or require my assistance. Thank you.

Sincerely,

Larry Engel

Chairman, Alaska Board of Fisheries

Memorandum State of Alaska Department of Fish and Game
SPORT FISH DIVISION

DATE: March 1, 1995 **PHONE:** (907) 465-6187

TO: Geron Bruce
Special Assistant to the Commissioner

FROM: John Burke
Acting Director
Sport Fish-Juneau

SUBJECT: Coast Guard Licensing

In response to your request I have spoken with several staff about the issue of requiring a six pack license of sport fish guides in Alaska. What follows is a composite of those responses.

At present the Coast Guard requires that all those who operate a power or sail boat for charter are required to have a Coast Guard license (six-pack minimum) on all navigable waters. Historically this has only been enforced on salt water. Because of recent concern about sport fishing guides operating on rivers, primarily in Cook Inlet and Bristol Bay, the enforcement has extended to these areas of freshwater. In addition, special permits are now required of these guides who charter power boats on smaller rivers which are not necessarily listed as navigable. This is a recent move. These special permits are very specific to the river and activity and do not necessarily require the same level of experience and expertise as the traditional six-pack license. We are not aware of how this system has worked or been enforced in actual practice.

All guiding activities are not the same. It is important to note that the operation of any drift boat, canoe, kyak, raft, and etc. that does not have an outboard or other power source is not under the Coast Guard license requirements. It is also important to note that many of the skills necessary to operate these boats are not part of the Coast Guard licensing training or testing. Guides who fish the riverbank in waders and who are transported to fishing sites by float planes are certainly also outside of this requirement. Requiring a six-pack license for these activities would not serve to increase the safety of the clients and guides, but may serve as an impediment to their becoming guides. As an example, many of the most experienced and "safest" whitewater guides may not have the ability to get a six-pack license, as most of what this license pertains to, does not pertain to their activity.

The licensing system is a long-standing part of what the Coast Guard does. It requires resources and knowledge. We are not prepared in expertise or with the appropriate resources to set up a parallel state system. To make these licenses a state requirement is redundant. In essence it would be similar to saying anyone who wants to be a guide in Alaska must have a drivers license. Despite the redundancy there are certain instances, those where licensing would be required by the Coast Guard, where making a prospective guide acknowledge the possession of such a license may be beneficial. This requirement would do several things: remind applicants that the license is required and affirm to the state that the applicant is in fact certified for such activities.

In summary such a requirement is redundant. All fishing guides are not involved with exactly the same activities - other than guiding anglers. We see instances where this certification would not apply to a proposed specific guiding activity and would serve as an impediment to obtaining a guiding license. There are also instances where this requirement may be beneficial.

JUNEAU CHARTERBOAT OPERATORS ASSOCIATION

P.O. Box 34522
Juneau, Alaska 99803
(907)789-0165

Representative Alan Austerman
Fax 465-4956

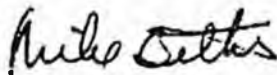
Dear Representative Austerman:

The Juneau Charterboat Operators Association was founded in 1991 and represents the charter industry in the greater Juneau area. Our association has 47 members of the 55 to 60 boats making charter trips in the Juneau area. There are 147 boats registered for charter in the Juneau area (38% active). We support public access to public resources, work to educate the public on fishery resources.

We support HB19. We feel this bill will provide the foundation needed to recognize our industry and provide the data base necessary for future management of our industry.

Please let me know if there is anything we can do to help get HB19 passed.

Respectfully,



Mike Bethers
President
Juneau Charterboat Operators Association

2/26/97



March 12, 1997

Representative Bill Hudson
Co-Chair, House Resources
Alaska House of Representatives
Juneau, AK 99801

Re: **HB 19; Sportfishing guide licencing and regulations**

Dear Representative Hudson:

I am strongly opposed to the sections of HB 19 which give the Board of Fisheries (BOF) authority to act as an occupational licensing board for the Alaska sportfishing industry.

Please reference page three, lines 14-16:

"(17) regulating the sportfishing services industry as needed for the conservation, development, and utilization of fishery resources, the safety of clients of the industry, or the protection of the integrity of the industry."

Please reference page five, lines 8-11:

"(6) satisfies the additional requirements adopted by the board of fisheries that the board finds necessary for the conservation, development, and utilization of the fishery resources of the state, the safety of clients of the sport fishing services industry or the protection of the integrity of the sport fishing services industry."

The BOF was created by State statute to manage fisheries, not to be a licensing board. This language gives the BOF the absolute authority to act as an occupational licensing board, and gives the BOF broader authority than that given the Big Game Commercial Services Board.

I strongly believe the BOF should not be given the additional burden imposed by this language and that the BOF is not the regulatory body to be addressing the issues of testing, experience, qualifications, ethics and standards. The board is compelled to address all proposals as presented to them. Many proposals are presented with provincial, punitive or very unrealistic intentions. With the responsibilities and powers given the BOF by this language I can foresee the board being presented and passing proposals that could result in profound hardship to the entire Alaska sportfishing industry.

Please amend this language out of HB 19. I support HB 19 without this language. I am strongly opposed to the bill if it includes this language and urge your action to preserve the integrity of the BOF process and prevent damage to the Alaska sportfishing industry.

Respectfully,

Dan Michels
Owner/Operator

cc: Representative Scott Ogan

Year-Round Office:

PO Box 92170 • Anchorage AK 99509-2170
1-800-525-3153 • (907) 245-1945 • FAX 245-1946

June-Sept Operations:

PO Box 3049 • Dillingham AK 99576
(907) 265-9601 • (907) 842-2646



Alaska State Legislature

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

committee on HB 19 Sport Fishing Guide dated March 13, 1997
bill/subject

Signed: Rob Bandman

Testifier

Self

Representing (Optional)

HG 1 Box 1197 Soldotna AK 99669

Address

(907) 262-0818

Phone No.

fish bag limits only for non residents.

These non-resident penalties are
all unconstitutional when viewed
as to the privileges and immunities
provisions of the US Constitution,
Article 4 Section 2 and Amendment
XIV.

Alb Bondurant
H C 1 Box 1197
Soldotna AK
99669

Phone 262-0888

HRES 3-13-97 HB19

HRES 3-13-97 HB19

March 13, 1997

At a prior hearing on this Act, I believe it was 3 March, I understood Mr Dourghty (AG office) referred to an Alaska Court case where the State lost on the fact Non-Resident license were 3 times more than Resident. It appeared that the legislature will still proceed in light of this pertinent information and allow the unconstitutional stand until future citizens plaintiffs stand as responsible for challenging.

Such a position reflects on a growing sock it to the purpose of the proposed statute.

This makes me think of the pending HB 31 The Frivolous Law Suit Prevention Act would appear to promote the blind disregard for a legal president against the unconstitutional declared unequal license fee proposals or structures like HB 19. And this is also reflected in legislation such as proposed sportfish license as fee that are 89 times for Non-Resident as regulations that put annual

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

March 5, 1997

SUBJECT: Sectional Summary of CSHB 19(FSH); an Act relating to licensing and regulation of sport fishing services operators and fishing guides.

TO: Representative Alan Austerman

FROM: George Utermohle *GU*
Legislative Counsel

You have requested a sectional summary of CSHB 19(FSH); an Act relating to licensing and regulation of sport fishing services operators and fishing guides.

As a preliminary matter, note that a sectional summary of a bill is not an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Section 1 of the bill amends the powers of the Board of Fisheries to authorize the board to adopt regulations for the sport fishing services industry as necessary for conservation, development, and utilization of fishery resources, the safety of clients of the industry, and the integrity of the industry.

Section 2 of the bill establishes fees for annual resident and nonresident licenses for sport fishing services operators and fishing guides. License fees for nonresidents are three times the license for residents.

Section 3 of the bill adds a new article to AS 16.40 relating to sport fishing and personal use fishing services.

Sec. 16.40.350 establishes requirements for a sport fishing services operator license. A sport fishing services operator must carry certain types of insurance and must have minimum insurance coverage of \$300,000. A sport fishing services operator may provide fishing guide services to a client only through an employee who has a fishing guide license, unless the operator also has a fishing guide license. A sport fishing services operator may not aid in a violation of fish or game laws by a client or a guide employed by the operator.

Sec. 16.40.360 establishes requirements for a fishing guide license. Only a natural person (human being) may obtain a fishing guide license or a combined fishing guide and

sport fishing services operator license. Fishing guides may provide fishing guide services only to persons who are clients of the sport fishing services operator who employs the guide. Fishing guides are required to physically possess several documents while providing fishing guide services. A fishing guide may not aid a client in a violation of fish or game laws.

Sec. 16.40.370 provides for reports to be submitted by sport fishing services operators and by fishing guides. In-season reports from sport fishing services operators on the number of certain species of salmon and of halibut taken by clients and guides are mandatory.

Sec. 16.40.380 establishes penalties for violating AS 16.40.350 - 16.40.390.

Sec. 16.40.390 defines several terms used in AS 16.40.350 - 16.40.390.

Section 4 of the bill amends the reporting requirements for sport fishing services operators under Sec. 16.40.370(a) so that in-season reports are necessary only if the Department of Fish and Game requires them.

Section 5 of the bill grants a temporary exemption from the licensing requirements for sport fishing services operators and fishing guides for 60 days following the effective date of the bill. This exemption allows sport fishing services operators and fishing guides to continue to operate, while the Department of Fish and Game establishes the licensing system for operators and fishing guides and issues the necessary licenses. Without this exemption all sport fish guiding would halt until the department could issue the necessary licenses.

Section 6 of the bill establishes fees for resident and nonresident licenses for sport fishing services operators and fishing guides issued for the remainder of calendar year 1997. In subsequent years, the fees for these licenses will be set at the amount listed in AS 16.05.340(a)(25).

Section 7 of the bill provides that sec. 4 of the bill (relating to certain reporting requirements) takes effect January 1, 2001.

Section 8 of the bill provides that, except for sec. 4, the bill takes effect immediately.

Alaska Guide/Charter Task Force

November 22, 1995

Dear Sport Fishing Guide:

At its March 1995 meeting, the Alaska Board of Fisheries considered several proposals relating to the Alaskan guide/charter industry. Given the complexity of this issue, the Board created a task force to make recommendations regarding the orderly development of the Alaskan guide/charter industry. The task force is composed of members of the Alaskan guide/charter industry and the public.

The task force meet several times during the spring of 1995 and developed a mission statement and identified issues for consideration and review (refer to the attached mission statement). After much discussion, the group decided to focus their initial efforts towards developing a statewide licensing proposal for sport fishing guides, charters, and outfitters. The group meet several times during the fall of 1995 to develop a draft licensing proposal. This proposal is attached for your review and consideration.

The House Special Committee on Fisheries in conjunction with the task force will hold a public meeting from 2 p.m. to 5 p.m. on December 6, 1995 to take public comments regarding this proposal. This meeting will utilize the statewide network of the Legislative Information Office. To participate, contact the Legislative Information Office nearest you as soon as possible in advance of the meeting. If you are unable to attend the meeting and wish to comment on the proposal, please write to Mr. Doug Vincent-Lang, Alaska Department of Fish and Game, Division of Sport Fish, 333 Raspberry Road, Anchorage, AK 99518.

MISSION STATEMENT
GUIDE/CHARTER TASK FORCE

April 14, 1995

The guide/charter industry is an important component of fisheries throughout Alaska, providing access to fishing opportunities throughout Alaska. At its March 1995 meeting, the Alaska Board of Fisheries considered proposals relating to the Alaskan guide/charter industry. Given the complexity of this issue, the Board created a task force to make recommendations regarding the orderly development of the Alaskan guide/charter industry. The task force is composed of members of the Alaskan guide/charter industry and the public.

The task force's mission is to evaluate and recommend regulatory and legislative options regarding the management and development of the Alaska guide/charter industry. The task force has identified the following issues for consideration and review:

1. *guide/charter definitions*
2. *requirements/standards*
3. *guide/charter restrictions*
4. *guide/charter reporting*
5. *statewide licensing*
6. *participation*

The task force will be scheduling meetings throughout Alaska to solicit public comment. The task force is scheduled to report back to the Board of Fisheries at its October 1995 meeting and to complete their recommendations for possible regulatory and statutory actions by the end of January 1996.

For further information, please contact Bud Hodson, Chairman Guide/Charter Task Force, at (907) 243-8450 or Doug Vincent-Lang of the Alaska Department of Fish and Game, Division of Sport Fish, at (907) 267-2218.

Task Force Members

Bud Hodson, chair
Tikchik Narrows Lodge
(907) 243-8450

Ken Dole
Waterfall Resort, Ketchikan
(907) 225-3457

Ken Parkes
Juneau Charterboat Association
(907) 783-9762

Robert Ward
A-Ward Charters, Homer
(907) 235-7034

John Goodhand
Goodhand's Fishing Charter, Valdez
(907) 479-3562

Jeff King, vice chair
King's Budget Charters, Kenai
(907) 262-4564

Bruce Knowler
Big Fishermen Charters, Wasilla
(907) 745-1969

Pat Carr
Recess and Angler, Anchorage
(907) 465-2667

Lynn Pillsbury
Chairman Homer Advisory Board
(907) 235-1957

ALASKA SPORT FISHING GUIDE / CHARTER / OUTFITTER TASK FORCE

STATEWIDE LICENSING PROPOSAL

The SPORT FISHING GUIDE/CHARTER/OUTFITTER TASK FORCE (Task Force) is recommending a two tier licensing system which treats the business's that operate the guiding/chartering and outfitting services as an *operators* and the actual GUIDES/CHARTER CAPTAINS that assist the anglers as employees/guides of a licensed operator (*guides*).

The first tier of licensing requires *operators* (see definitions) to acquire a *Sport Fishing Services Operator's License* (Operator's License) through the State of Alaska, Department of Commerce and Economic Development, Division of Occupational Licensing.

The second tier requires the *guides* (see definition) to get a *Sport Fishing Guiding License* from the Alaska Department of Fish and Game through the existing license vendors program, much like a commercial fishing crewman's license. The guides would have to work under/for a licensed operator.

This separation between the actual business (operators) and the guides reflects the responsibility of who (in this case the business/operator) solicits and books the clients, is responsible for buying insurance, workers compensation insurance, hiring employees and pays taxes etc. and the guides who accompany (guide) the anglers in the field.

The industry is very broad and diverse representing large lodges in Southeast Alaska, individual guides/charters, float trip operators, wilderness camps, halibut and salmon marine charters, fly out lodges etc. These operators range from single guide business's to large operators with dozens of guides/employees, in multiple locations and or facilities. There is no doubt that the actual operators are indeed the industry and for many operators the guides are hired employees on a seasonal basis.

This two tier licensing system would allow an operator to also hold a guide license and a guide who is in business for him/herself to hold an operator's license. In this system, a large operator may be a corporation or individual who may never guide and not obtain a guide license. There is a clear separation between the responsibilities of an operator and the operator's employees or while the operator is personally guiding.

The task force considers this proposal as a foundation for licensing this industry, a starting point. Although to some this licensing format may not have as many qualifications and requirements as many envisioned, the task force realized that the industry is far too broad and diversified to attach to many pre-qualifications to receiving a license. We did not want to create 3 or 4 different operator's licenses.

Conversely with the guides, we did not want to create a paperwork nightmare to get each guide licensed. We also had a concern for turn around time to get a guide/employee licensed and available for hire. However, we have placed certain requirements on guides, to reflect some level of public safety.

The task force did not attempt to regulate ethics, quality, and competency. The requirements we have suggested are applicable throughout the industry and are already common. For most of the industry, qualifying for a U.S. Coast Guard license is far more restrictive than the Task Force was willing to look at. We did not want to pattern this after the big game hunting guide laws. We did not believe that having testing, a review board, prior experience etc., would actually cull out the unprofessional, unethical, or incompetent operator. Nor do we believe that if we made it (hard enough) would it be a deterrent to anyone participating in this industry. It was not the Task Force's roll to judge the industry. We did not attempt to determine how the industry should act, or what direction it should go in the future. Our goals were to identify the industry, provide some common requirements for licensing to promote public safety and provide the management authorities with information.

We tried to keep it simple, yet still provide some level of qualification, responsibility and a vehicle for the state to define and identify this industry. It is important to the Task Force that this licensing encompasses all of the operators. We worked hard to eliminate loop holes which would require the ethical operator to get licensed and the unethical operator to operate and guide without licenses.

FEES - The Task Force is recommending the cost of the *Sport Fishing Services Operators License* with the Department of Commerce reflect only the cost to administer and issue the licenses. Initial estimates indicate that the license fees will be between \$ 50 and \$75 per year.

The *Sport Fishing Guiding License* which would be purchased through the existing fishing and hunting license vendor system would cost \$25 for residents and \$75 for non-residents. This money would go to the Alaska Department of Fish and Game to help pay for the cost of gathering data on the industry.

An operator who also guided would pay both fees to get both licenses.

Throughout the licensing proposal the task force includes personal & subsistence fishing because residents who are guided might claim they are participating in a personal use or subsistence fishery.

Tier I: SPORT FISHING SERVICES OPERATOR'S LICENSE

A person or business may not provide sport fishing service operations without first obtaining a ***SPORTFISHING SERVICES OPERATOR'S LICENSE*** from the State of Alaska Department of Commerce and Economic Development, Division of Occupational Licensing. A ***SPORT FISHING SERVICE OPERATOR*** must meet the following requirements to be eligible for a license:

1. have a valid Alaska Business License
2. show proof of a guides and outfitters general liability insurance policy with a minimum coverage of \$500,000 per occurrence and \$1,000,000 per annual aggregate.

A licensed ***SPORT FISHING SERVICES OPERATOR*** must comply with reporting requirements which may be requested by the Department of Commerce and Economic Development or the Alaska Department of Fish and Game.

A licensed ***SPORTFISHING SERVICES OPERATOR*** must register with the Alaska Department of Fish and Game, Division of Sport Fish, and provide the names of the licensed Sport Fishing Guides which will be employed by the ***SPORTFISHING SERVICES OPERATOR***.

The fee for the ***SPORTFISHING SERVICES OPERATORS*** license will be set by the Alaska Department of Commerce and Economic Development to recover only the actual cost of issuing and administering this licensing program.

DEFINITIONS

SPORT FISHING SERVICES OPERATOR is any person or business who provides services for fishing under sport, personal use, subsistence regulations for compensation or with the intent or agreement to receive compensation for providing fishing guides, guiding, outfitting or fishing clubs. ***SPORT FISHING SERVICES OPERATORS*** do not include:

- 1- A person or business providing only transportation to or from the field, if the person or business providing the transportation does not assist, direct, and/or accompany the person(s) in the taking or attempting to take fish or shellfish under sport, personal use, or subsistence fishing regulations.
- 2- Selling, leasing, or renting goods that pertain to fishing, camping, or outfitting for sport, personal use, or subsistence fishing if the transaction does not take place in the field.
- 3- Selling tackle, bait, or fuel in the field as long as no other services are provided.
- 4- Renting vessels or skiffs in the field without an operator as long as no fishing equipment, gear, bait, tackle, or any other services are provided.

Tier 2: SPORT FISH GUIDE LICENSE

A natural person may not guide another person in the taking of or attempting to take fish or shellfish under sport, personal use, or subsistence fishing regulations without first obtaining a **Sport Fish Guide License** from the Alaska Department of Fish and Game. A Sport Fish Guide must meet the following requirements while guiding:

1. Be at least 18 years of age.
2. Hold a valid first aid and cardiopulmonary resuscitation (CPR) certification cards issued by the American Red Cross, American Heart Association, or an equivalent organization.
3. Be a U.S. Citizen or U.S. National.
4. Hold any appropriate license(s) to meet U.S. Coast Guard vessel operators licensing requirements.
5. Hold a valid State of Alaska Sport Fishing License.
6. Be registered with the Alaska Department of Fish and Game, Division of Sport Fish, by a licensed Sport Fishing Services Operator to guide under the employment and authority of a licensed *Sport Fishing Services Operator*.

While guiding, a Sport Fish Guide must have in his/her possession: proof of valid and current first aid & CPR training, Alaska Department of Fish and Game guide registration form, drivers license or pictured identification, appropriate license(s) that may be required by the U.S. Coast Guard, a valid State of Alaska sport fish license

A Sport Fish Guide must work under the authority of a Licensed **SPORT FISHING SERVICES OPERATOR**.

A Sport Fish Guide may not contract directly with a person for the service of providing sport fish guiding services or outfitting for compensation or the intent or agreement to receive compensation, without acquiring a **SPORT FISHING SERVICES OPERATORS LICENSE**.

DEFINITIONS

SPORT FISH GUIDING means a natural person who assist another person who is providing compensation or with the intent or agreement to provide compensation to a **SPORTFISHING SERVICES OPERATOR** to take or attempt to take fish or shellfish under sport, personal use or subsistence fishing regulations by accompanying and or directing that person personally for the duration of or any portion of a fishing trip.

SPORTFISH GUIDING does not include

1. Providing transportation to or from the field, if the person providing the transportation does not assist, direct, and or accompanies persons in the taking of or attempting to take fish or shellfish.

2. Selling, leasing or renting goods that pertain to fishing camping or outfitting for sport, personal use, or subsistence fishing if the transaction does not take place in the field.
3. Renting vessels or skiffs without a operator, as long as no fishing equipment, gear bait, tackle or any other services are provided.
4. Selling tackle, bait or fuel in the field as long as no other services are provided and that natural person selling tackle, bait or fuel does not accompany or direct another person in the taking of or attempting to take fish or shellfish under sport, personal use, or subsistence fishing regulations.

OUTFITTING means the provision of services and equipment or other fish guiding services for sport, personal use or subsistence fishing in the field for compensation or with the intent or agreement to receive compensation.

FIELD means an area outside of established developments usually associated with a city or town and areas and waters not reasonably accessible by foot along the State of Alaska road system. Field does not include permanent hotels, bed & breakfast, or roadhouses on the state road system.

FISHING CLUBS means an organization that offers use of property, equipment or services to individuals who pay a fee for the privilege of using the property, equipment, or services for sport, personal use or subsistence fishing.

HB 19 proposed amendments before the House Resources Committee

Amendment # 2 by Rep. Masek

Page 3, lines 14 - 15: Delete existing language in "Work Draft 0-LS0140/Q and insert new language to read: (17) regulating the sport fishing services industry for purposes of establishing information gathering tools related to the conservation, development, and utilization of fishery resources.

Rationale:

The ability of the board to regulate resident and non-resident sport fishermen under AS 16.05.251(a) (12) and (a) (15) provides adequate tools for the Board to act on sport fish issues related to the conservation, development and utilization of fishery resources. The professed necessity at this time of gathering pertinent data related to efforts by sport fish service operators is provided for with the suggested wording change.

Although it may be desirable for a regulatory board to be set up with authority to regulate the sport fish guiding industry, it should be set up as a separate authority from the Board of Fisheries. Sport fish service providers are in fact providing a service. As such they are a business entity which should have a greater opportunity to participate in any regulatory process which controls their industry and thus their livelihoods. The Board of Fisheries with its current make up puts competing business interests from a different segment of the fisheries industry in a position to influence and in some cases control the outcome of regulations pertaining to sport fish service providers. That situation cannot provide any level of confidence for industry participants, nor should it be supported by anyone interested in building sound economic opportunities for Alaskans.

HB

23

(9)
Date Referred to Committee: January 13, 1997

FURTHER REFERRALS:

Finance

Date of Committee Action: 2/27/97

The RESOURCES Committee considered:

HB 23

HOUSE BILL NO. 23

PROTECT ACCESS FOR TRADIT'NL OUTDOOR USES

"An Act relating to traditional means of access for traditional outdoor uses and to the classification and the sale, lease, or other disposal of state land, water, or land and water."

recommends it be replaced with the following committee substitute CSHB 23 (RES) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal note(s) _____

fiscal note(s) _____

zero fiscal note(s) _____

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Frank...</i>	<input checked="" type="checkbox"/>			
<i>...</i>	<input checked="" type="checkbox"/>			
<i>...</i>	<input checked="" type="checkbox"/>			
<i>Bill Hudson</i>	<input checked="" type="checkbox"/>			
<i>...</i>			<input checked="" type="checkbox"/>	

CHAIR'S SIGNATURE Scott L. ... - Ch. Bill Hudson - Ch.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 23

Revision Date: 1/23/97 Dept Affected: Natural Resources
 Title: An Act relating to traditional means of access for BRU: Resource Development
traditional outdoor uses and to the classification of state land. Component: Land Development
 Sponsor: Rep Masek
 Requestor: H(RES) Component Serial No. 431

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY98*	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	52.8	52.8	52.8	52.8	52.8	52.8
TRAVEL	13.0	13.0	13.0	13.0	13.0	13.0
CONTRACTUAL	5.0	5.0	5.0	5.0	5.0	5.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	70.8	70.8	70.8	70.8	70.8	70.8
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES (1005)	(1,100.0)	(1,100.0)	(1,100.0)	(1,100.0)	(1,100.0)	(1,100.0)

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	70.8	70.8	70.8	70.8	70.8	70.8
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	70.8	70.8	70.8	70.8	70.8	70.8

Estimate of any current year (FY97) cost: \$ none

POSITIONS

FULL-TIME	1	1	1	1	1	1
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS:

(Attach a separate page if necessary)

Expenditures are for staff needed to identify and reserve "traditional access" on all parcels leased, sold, or transferred to municipalities. Expenditures do not include cost to re-do all contracts to insert and value traditional access provision, which may be necessary and would cost in excess of \$.5 million for FY 98.

Revenue loss reflects charges due to de-valuing land currently under contract for sale. Revenue impact assumes no major new land offering. Value of future land offerings could be reduced by 50% due to allowing public use of "private" land.

Prepared by: Jane Angvik, Director Phone: 269-8503
 Division: Land Date: 23-Jan-97
 Approved by Commissioner: *Carol Carroll* Date: 1/23/97
 Agency: Natural Resources

FISCAL NOTE

TATE OF ALASKA
997 LEGISLATIVE SESSION

BILL NO. CSHB 23 (RES)

2/27/97

Title: An Act relating to traditional means
of Access...
ponsor: Rep. Masek
requestor: House Resources

Dept. Affected DNR
BRU: _____
Components: _____
Serial # _____

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants, Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE	0.0	0.0	0.0	0.0	0.0	0.0

FUNDING: (THOUSANDS OF DOLLARS)

General Fund	0.0	0.0	0.0	0.0	0.0	0.0
Federal Fund	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

Full-Time	0	0	0	0	0	0
Part-Time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

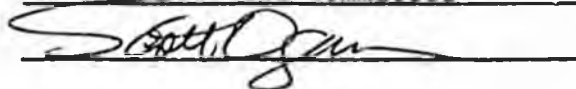
ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

see attached analysis

Prepared by:

Co-Chairman Scott Ogan

House Resources Committee



Date: 2/27/97

Phone: 465-3715

Phone: _____

Revised

Latest

FISCAL NOTE

by DNR

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSHB447(RES)

Revision Date: 14-Mar-96 Dept Affected Natural Resources
 Title: State land and water may not be classified so as BRU: Parks & Recreation Management
to preclude or restrict traditional means of access for trad'l rec. use Component: Parks Management
 Sponsor: Representative Masek
 Requestor: House Rules Component Serial No. 452

Expenditures/Revenues (Thousands of Dollars)

	FY97	FY98	FY99	FY00	FY01	FY02
OPERATING EXPENDITURES						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ _____

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

There is no fiscal impact to the Division of Parks associated with passage of this committee substitute.

Prepared by: Jim Stratton Phone: 269-8800
 Division: Parks Date: 14-Mar-96
 Approved by Commissioner: [Signature] Date: 14-Mar-96
 Agency: Natural Resources

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 23

Revision Date: _____ Dept Affected: Natural Resources
 Title: An Act relating to traditional means of access for BRU: Resource Development
traditional outdoor uses and to the classification of state land. Component: Land Development
 Sponsor: Rep Masek
 Requestor: H(RES) Component Serial No. 431

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY98*	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	52.8	52.8	52.8	52.8	52.8	52.8
TRAVEL	15.0	15.0	15.0	15.0	15.0	15.0
CONTRACTUAL	5.0	5.0	5.0	5.0	5.0	5.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	72.8	72.8	72.8	72.8	72.8	72.8

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES (1005)	(1,100.0)	(1,100.0)	(1,100.0)	(1,100.0)	(1,100.0)	(1,100.0)
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	72.8	72.8	72.8	72.8	72.8	72.8
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	72.8	72.8	72.8	72.8	72.8	72.8

Estimate of any current year (FY97) cost: \$ none

POSITIONS

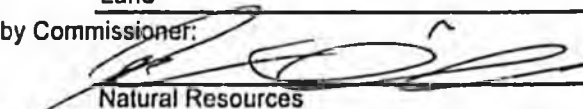
FULL-TIME	1	1	1	1	1	1
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS:

(Attach a separate page if necessary)

Expenditures are for staff needed to identify and reserve "traditional access" on all parcels leased, sold, or transferred to municipalities. Also includes increased travel for State Parks to appear before legislature to request restrictions for recreation sites (such as campgrounds). Expenditures do not include cost to re-do all contracts to insert and value traditional access provision, which may be necessary and would cost in excess of \$.5 million for FY 98.

Revenue loss reflects changes due to de-valuing land currently under contract for sale. Revenue impact assumes no major new land offering. Value of future land offerings could be reduced by 50% due to allowing public use of "private" land.

Prepared by: Jane Angvik, Director Phone: 269-8503
 Division: Land Date: 22-Jan-97
 Approved by Commissioner:  Date: 1/24/97
 Agency: Natural Resources



Alaska State Legislature

HOUSE OF REPRESENTATIVES

Beverly Masek

State Capitol
Juneau, AK 99801
(907) 465-2679

Official Business

Memorandum

To: Rep. Scot Ogan, Co-Chair House Resources
Rep. Bill Hudson, Co-Chair House Resources

From: Rep. Beverly Masek *B.M.*

Re: HB 23 "An Act Relating to Public Access on State lands and waters."

Date: Jan. 15, 1997

I would respectfully request the House Resources Committee take up HB 23 as expeditiously as possible. This legislation has broad public support and passed the Legislature last year overwhelming. Unfortunately, Governor Knowles vetoed it.

HB 23 will protect the general public's ability to access public lands and waters in Alaska that are managed by the Division of Lands. This legislation is necessary due to the increasing propensity by some bureaucrats to actively pursue closing off access to large portions of the public.

Thank you for your time and assistance on this important issue, it is much appreciated.



Alaska State Legislature

HOUSE OF REPRESENTATIVES

Beverly Masek

State Capitol
Juneau, AK 99801
(907) 465-2679

Official Business

HB 23

SPONSOR STATEMENT

"ACCESS PROTECTION BILL"

House Bill 23 addresses an increasingly troublesome problem involving public policy relating to the ability of Alaskans to access and utilize common property resources. This legislation will allow the Legislature to address concerns over access to state lands and waters where proposed administrative action involves significant areas of public interest.

Currently the administration may close public access onto state lands and waters regardless of whether Alaskans agree with such policy actions. This situation has led to the exclusion of many traditional uses in areas of public interest when some members of the bureaucracy felt it necessary to impose restrictions on those uses they viewed as socially incompatible or unacceptable.

The legislature has traditionally been responsible for implementing statutes designed to protect lands, waters and resources. However, there are no statutes which provide for the protection of the public's ability to access these common property resources. I feel this is an important public policy question which should rightly come under legislative purview.

HB 23 will allow the administration to affect public access on small areas, or for short periods of time. However, larger areas (more than 640 acres), or restrictions lasting for long time periods (more than eight months in a three year period) would be subjected to legislative approval.

HB 23 includes language which will give the Legislature the authority to protect traditional access for traditional uses, including subsistence activities. Furthermore, this legislation was crafted so as not to impede land disposals, mining, timber harvest or other resource development. Language has been inserted which allows development interests for safety reasons to "control and direct public access through developed properties", and to provide for "reasonable access alternatives".