

ALASKA LEGISLATURE COMMITTEE FILES, 2003-2004 8672

11305 SENATE RESOURCES

LEGAL SERVICES

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

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Juneau, Alaska 99801-1182
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MEMORANDUM

February 10, 2004

SUBJECT: Sectional summary of SB 297, An Act relating to the taking of black bear, brown bear, and grizzly bear and to registration of big game guides for certain guide use areas
(Work Order No. 23-LS0607\S)

TO: Senator Ralph Seekins
Attn: Brian Hove

FROM: George Utermohle
Legislative Counsel

You have requested a sectional summary of SB 297, an Act relating to the taking of black bear, brown bear, and grizzly bear and to registration of big game guides for certain guide use areas.

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 AS 08.54.750 by adding a new subsection to authorize a registered guide to register for and conduct big game hunting services for black, brown, and grizzly bear within a guide use area where the Board of Game has identified bear predation as a cause of depletion of a big game prey animal population or a reduction in the productivity of a big game prey population that is a basis for the establishment of an intensive management program in a game management unit or a portion of a unit or for the declaration of the biological emergency in a game management unit or a portion of a unit. A registered guide may register to guide hunts for bears in the guide use area even if the registered guide has already registered for the maximum of three guide use areas normally allowed under AS 08.54.750(b).

Section 2 of the bill amends AS 16.05 by adding a new section relating to the taking of black, brown, and grizzly bear. If the Board of Game has identified predation by bear as a cause of the depletion of a big game prey population or reduction of the productivity of a big game population that is a basis for the establishment of an intensive management program in a game management unit or subunit or for the declaration of the biological emergency in a game management unit or subunit, bear may be taken in the game management unit or subunit under the provisions of this section. When the requisite conditions are met, a person may take bear with the use of bait, take bear on the same day airborne, take a sow that is accompanied by cub that is one year or older, take a bear that

Senator Ralph Seekins

February 10, 2004

Page 2

is one year or older, use any motorized vehicle to take bear, take bear within one mile of a solid waste disposal facility, and use electronic equipment to take bear. There is no closed season for bear in the game management unit or subunit where the requisite conditions exist. Also when and where the requisite conditions exist, a resident over 19 years of age is allowed to accompany up to two nonresident hunters (either nonresident or nonresident alien) in a year to take bear if the resident does not receive any compensation in excess of direct expenses incurred in accompanying the nonresident hunters.

Sections 3 and 4 of the bill make technical amendments to AS 16.05.407 and 16.05.408 to conform to Sec. 2 of the bill in order to exempt nonresident and nonresident alien hunters from the mandatory guide requirement for taking bear if the nonresident or nonresident alien hunter is accompanied by a resident over 19 years of age and the bear is taken in an area where the Board of Game has identified predation by bear as a cause of the depletion of a big game prey population or reduction of the productivity of a big game population that is a basis for the establishment of an intensive management program in a game management unit or subunit or for the declaration of the biological emergency in a game management unit or subunit.

If I may be of further assistance, please advise.

GU:med

04-160.med

Fairbanks Daily News-Miner

Expanding the toolbox

Monday, February 16, 2004 - Nothing is more frustrating than facing a job knowing you lack the proper tools. Any do-it-yourselfer can relate to that. Oh, sure, the job might get done, but it will be a struggle getting there, it will take longer than it should and, probably, it will cost more than it should.

We can't afford such sloppiness when it comes to managing Alaska's fish and game populations. So along comes Sen. Ralph Seekins, R-Fairbanks, with a new set of tools for the Alaska Board of Game.

Last year, the senator pushed through legislation that put tools in the hands of the board and the governor, which, in turn, has allowed wolf control efforts to move forward in areas where populations of those predators have depressed game populations.

While there are more efficient means to do the job, the regulations now allow skilled Alaskans to help manage the game populations in their own backyards.

The senator now seeks to add tools that would allow the board to give residents similar ability to address bear populations in those same areas through provisions in SB297.

If it wasn't widely known that bears are as great a factor—or, in some instances, a greater factor—in depressing game populations as are wolves, then last spring's bear relocation effort on the part of Fish and Game should have helped spread that knowledge by now. The relocation program was effective to a degree, but it was costly.

Seekins, by asking to modify statutes that provide the framework guiding and fish and game regulations, is advocating for a new set of tools the board can use in areas identified as those in need of intensive management. The tools would allow attempts to reduce bear populations without relying on expensive state-run programs.

The tools include removing a restriction that requires nonresidents to hire a professional guide or to be accompanied by a family member to hunt grizzly bears. Instead, a nonresident simply could be accompanied by any Alaskan 19 years or older.

This could be effective, allowing skilled hunters to accompany friends or distant relatives who are interested in taking a bear. It would allow a friend or an in-law to pick up a bear tag before going moose or caribou hunting, adding considerably to the pool of hunters able to take "incidental" bears—which make up a large portion of the fall bear harvest. Other tools include: allowing baiting of grizzly bears; allowing same-day airborne hunting and use of motorized vehicles in the taking of bears; allowing the kill of sows with cubs that are 1 year of age or older and the kill of those same 1-year-olds; and no closed season on bear.

Granted, some of the tools look a little scary, but they must be addressed in the context that they are designed—for predator control in limited areas for limited amounts of time.

If it makes sense to target wolves for population reduction in certain areas, it logically follows that those population-reduction strategies should extend to bears, which, in some areas, kill as many or more moose as wolves. Decisions about which tools are used in what area, and to what extent they are used, is rightly left to the public process that involves the Alaska Board of Game.

As long as they are applied carefully and in limited areas for a limited time, it only makes sense to allow the board access to a full array of tools to do the job.

Thanks for the BEAR hunt support!

Subject: Thanks for the BEAR hunt support!

Date: Tue, 10 Feb 2004 01:43:51 -0500

From: "Robert Hayes" <robertwhayes49ak@aol.com>

To: "The Honorable Ralph C. Seekins" <Senator_Ralph_Seekins@legis.state.ak.us>

Robert Hayes
3913 Lynn Dr. Apt D
Anchorage, AK 99508

February 10, 2004

The Honorable Ralph C. Seekins
Alaska State Senate
Juneau, AK 99801-1182

Dear Senator Seekins:

Thanks for the BEAR hunt support!
This was a "smart move" to counter the anti-bear bait people (liberals)!
We should do this with all the anti-Alaskan shet they come up with!
Robert W. Hayes
Anchorage AK
907-337-6870

Sincerely,

Robert W. Hayes

Subject: support your efforts on predator control for wolf and bear

Date: Tue, 10 Feb 2004 10:27:56 -0900

From: Marvin Ebnet <mael@alaskalife.net>

To: Senator_Ralph_Seekins@legis.state.ak.us

Senator Seekins

I have been an Alaska resident for 30 years. I have lived off the fish and game of this great state. Coming from a farm in Minnesota, we kept out freezers filled with fish, deer, squirrel, ducks etc. In Alaska I have been fortunate to do the same (Until the wolf and bear population grew out of proportion to the other game animals). Although I could afford to buy meat in the grocery store I much prefer wild game and have pretty much lived off Alaska's wildlife, I figure I am as much a subsistence harvester as the next person, I just happen to call my base Anchorage.

I applaud your past efforts to support and promote wolf control programs and now also support your efforts with regards to bear control. I have seen first hand in area 16B (Skwetna/Susitna drainage) what an over population of wolves and bear have done to the moose population. As you well know the problem is wide spread across the state.

I support and encourage you to stay the course and keep pushing for aggressive predator control. The game biologist know what needs to be done they simply need the leaders, direction and support to do what necessary to maintain a healthy balance in our wildlife population.

Keep up the good work
Marvin Ebnet
9400 Springhill Drive
Anchorage, Ak 99507
(907) 346-1966

Subject: moose bears

Date: Tue, 10 Feb 2004 06:21:54 -0900

From: Wes Perkins - NVFD <NOMEFD@gci.net>

To: Senator_Ralph_Seekins@legis.state.ak.us

Hi Ralph, This is Wes Perkins of Nome, I am on the Alaska Airlines Advisory Board, so i remember you well. I have been following your meetings and thought on wolf and bears. We have the same problems here. I hunt the same area and have for over 25 years, moose are on the decline, and bears are everywhere. We never saw sows with 2 or 3 or 4 cubs while growing up here, and now 3 is common, and there are at least 2 sets of 4 in the Nome area.

We have lots of wolves here, as the caribou are abundant during the late fall and winter. We have seen alot of wolves and signs of them everywhere. I was hunting last fall, and saw a family of 4 right across the valley. We have seen very few moose, and the cows and calfs are way down. I talk with the biologists here at time, its frustrating, as they say where you hunt there are not many cows with calfs, hell ten to 15 years ago we saw all kinds of thern in the same area we always hunted, well you are hunting an area in the fall where moose are in the rut, and its not normal for cows with calfs to be present. Hell, there were lots of cows with calfs right in with the rest of the moose in the same draws, and drainages.

I keep telling these biologists, the best eyes are the hunters, especially the ones that hunt the same areas year to year for over 25 years or more. The predators here are still on the rise, and its hard to get hunters to shoot bears, as they do not want to deal with the hides, and if you live here, how many bear hides do you need hanging on the wall or on the floor. The bear problems is with the sows and cubs, they cremate the poor cows in the spring when they cannot move waiting to have their newborn. One weekend, 5 bears were taken in one small area out of Council, and i was involved with all 5, everyone had a fresh moose down that was carrying at least one calf inside. Thats where our moose population is going.

Well, i know you are busy and i know you are taking alot of heat, but i truly believe you are on the right track, it makes alot of sense, i just hcpe you get the support. Good luck, and keep pushing for better predator control

Wes Perkins Fire Chief City of Nome

23-LS0607X
Utermohle
4/16/04

CS FOR SENATE BILL NO. 297(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered:
Referred:

Sponsor(s): SENATOR SEEKINS

*CS
moved by
Wagoner
subject - Ogan
re moved
adopted U.C.*

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to bear predation management and the donation and sale of bear hides
2 and skulls."

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

4 * **Section 1.** AS 16.05 is amended by adding a new section to read:

5 **Sec. 16.05.781. Bear predation management.** (a) If, under AS 16.05.255(e)
6 or (f), the Board of Game has identified predation by bear as a cause of the depletion,
7 or the reduction of the productivity, of a big game prey population that is a basis for
8 the establishment of an intensive management program in a game management unit or
9 subunit or for the declaration of the biological emergency in a game management unit
10 or subunit, the species of bear identified by the board may be taken under (c) - (e) of
11 this section in the area identified by the board by a person who holds a bear predation
12 management permit issued under this section. If the department determines that
13 within the area in which an intensive management program is in effect, the bear
14 population has been reduced to the population level set by the board or the big game

1 prey population has achieved the population objectives set by the board, the provisions
2 of (c) - (e) of this section are no longer in effect in the area. The department shall
3 provide notice to the public of when and where (c) - (e) of this section are in effect.

4 (b) The department shall issue a bear predation management permit to a
5 resident, nonresident, or nonresident alien who holds a valid state hunting license to
6 take bear, who is at least 19 years of age, who satisfies the requirements set out in this
7 section, and who applies for the permit. A bear predation management permit
8 authorizes the permit holder to take or assist in taking one or more specified species of
9 bear in the area identified in the permit. The taking of bear under authority of a bear
10 predation management permit is subject to provisions of this title, applicable to the
11 taking of bear, and to regulations governing the method, manner, means, bag limit, or
12 other matters adopted by the board that do not conflict with this section. The
13 department shall issue bear predation management permits at each of its offices.

14 (c) Notwithstanding AS 16.05.407 or 16.05.408, a nonresident or a
15 nonresident alien who holds a bear predation management permit issued under this
16 section may take a bear under the authority of the permit if the nonresident or
17 nonresident alien is accompanied in the field by either a registered guide or a master
18 guide or by a resident who holds a bear predation management permit for the area
19 where the hunt occurs, who is over 21 years of age, who has legally hunted big game
20 in the state during at least two calendar years and has taken big game in the state
21 during at least one calendar year, and who has obtained a hunter safety certificate
22 issued under (f) of this section. A registered guide or a master guide is not subject to
23 any limitation on the number of nonresident or nonresident alien permittees that the
24 guide may accompany for purposes of taking bear under this section. A resident who
25 is not a registered guide or master guide may not receive any remuneration in excess
26 of direct expenses incurred in accompanying the nonresident or nonresident alien to
27 take a bear and may not accompany more than two nonresidents, regardless of whether
28 they are aliens or not, during a calendar year to take a bear under this subsection. A
29 resident who accompanies a nonresident or nonresident alien permittee, but who is not
30 a registered guide or master guide, shall remain with the nonresident or nonresident
31 alien permittee at all times when the nonresident or nonresident alien permittee is in

1 the field.

2 (d) Notwithstanding any other provision of law, a nonresident who is a
3 member of the military service or the United States Coast Guard who is stationed in
4 the state, who satisfies the requirements set out in this section, and who is at least 19
5 years of age shall receive, upon application, a resident bear predation management
6 permit issued under this section and shall be eligible to take bear under this section in
7 the area identified on the permit without obtaining a nonresident or nonresident alien
8 bear tag. A person who is eligible for a resident bear predation management permit
9 under this subsection is a resident for purposes of accompanying nonresident and
10 nonresident alien permittees under (c) of this section and may accompany nonresident
11 and nonresident alien permittees to take bear if the person holds a bear predation
12 management permit issued under this section for the area where the hunt occurs, is at
13 least 21 years of age, has legally hunted big game in the state during two calendar
14 years and has taken big game in the state during at least one calendar year, and has
15 obtained a hunter safety certificate issued under (f) of this section.

16 (e) Notwithstanding any other provision of law, a resident, a nonresident, or a
17 nonresident alien who holds a bear predation management permit issued under this
18 section may take bear under the authority of the permit without obtaining a big game
19 tag for bear.

20 (f) The department shall provide a hunter safety course for persons who intend
21 to accompany nonresident or nonresident alien bear predation management permittees
22 to take bear under (c) or (d) of this section. The department shall provide the course
23 materials for the course at each of its offices and through the department's Internet
24 website. The department shall offer the test for completion of the hunter safety course
25 at each of its offices. The department shall issue a hunter safety certificate to each
26 person who successfully completes the course.

27 (g) A person who takes a bear under authority of a bear predation management
28 permit shall have the bear sealed by the department within 15 days after returning
29 from the field. A nonresident or nonresident alien shall pay a fee of \$250 at the time
30 the bear is sealed by the department. The person shall accurately complete and return
31 to the department in a timely manner reports that may be required by regulations of the

1 Board of Game.

2 (h) In this section, "bear" means black bear or brown or grizzly bear.

3 * Sec. 2. AS 16.40 is amended by adding a new section to read:

4 **Article 6. Bear Hides and Skulls.**

5 **Sec. 16.40.275. Donation and sale of bear hides and skulls.** (a) A person
6 may donate a legally taken bear hide or skull to the department or a qualified
7 organization.

8 (b) The department may accept a donation of the hide or skull of a legally
9 taken bear and may sell the hide or skull by direct sale or auction. The disposal of a
10 bear hide or skull under this subsection is exempt from AS 36.30 (State Procurement
11 Code). The department shall return 50 percent of the net proceeds from the sale of the
12 hide or skull to the donor and shall deposit the balance of the proceeds in the general
13 fund. The legislature may appropriate proceeds retained by the department from the
14 sale of bear hides and skulls to the fish and game fund.

15 (c) A qualified organization that is recognized as tax-exempt under 26 U.S.C.
16 501 (c)(3) (Internal Revenue Code) may, subject to regulations adopted by the Board
17 of Game, accept a donation of the hide or skull of a legally taken bear and sell the hide
18 or skull by auction or raffle. The organization may retain an amount from the gross
19 proceeds of the auction or raffle equal to the administrative cost of the auction or raffle
20 plus an amount not to exceed 50 percent of the net proceeds. The proceeds from the
21 auction or raffle of a big game harvest permit may not be used to make a contribution
22 to any candidate for political office or to any organization supporting or opposing
23 ballot propositions or to pay expenses associated with lobbying the legislature or
24 administration. Proceeds from the auction or raffle of a hide or skull, less the amount
25 that is retained by the qualified organization under this subsection, shall be transmitted
26 to the department for deposit in the general fund. The legislature may appropriate
27 proceeds received by the department under this subsection to the fish and game fund.

28 (d) In this section, "qualified organization" has the meaning given in
29 AS 16.05.343(c).

*adopted
by comm
as CS*

23-LS0607W
Utermohle
3/31/04

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 297
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY SENATOR SEEKINS

Introduced:
Referred:

*bd skulls
sets time frame
area +
of animals
taken*

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the taking of black bear and brown or grizzly bear and the donation
2 and sale of bear hides and skulls."

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

4 * Section 1. AS 16.05 is amended by adding a new section to read:

5 Sec. 16.05.781. Control of black bear and brown or grizzly bear. (a) If,
6 under AS 16.05.255(e) or (f), the Board of Game has identified predation by bear as a
7 cause of the depletion, or the reduction of the productivity, of a big game prey
8 population that is a basis for the establishment of an intensive management program in
9 a game management unit or subunit or for the declaration of the biological emergency
10 in a game management unit or subunit, the species of bear identified by the board may
11 be taken under (c) - (i) of this section in the area identified by the board by a person
12 who holds a bear control permit issued under this section. If the department
13 determines that within the area in which an intensive management program is in
14 effect, the bear population has been reduced to the population level set by the board or

1 the big game prey population has achieved the population objectives set by the board,
2 the provisions of (c) - (i) of this section are no longer in effect in the area. The
3 department shall provide notice to the public of when and where (c) - (i) of this section
4 are in effect.

5 (b) The department shall issue a bear control permit to a resident, nonresident,
6 or nonresident alien who holds a valid state hunting license to take bear, who is at least
7 19 years of age, who satisfies the requirements set out in this section, and who applies
8 for the permit. A bear control permit authorizes the permit holder to take or assist in
9 taking one or more specified species of bear in the area identified in the permit. The
10 taking of bear under authority of a bear control permit is subject to provisions of
11 AS 16, applicable to the taking of bear, and to regulations governing the method,
12 manner, means, bag limit, or other matters adopted by the board that do not conflict
13 with (c) - (k) of this section. The department shall issue bear control permits at each
14 of its offices.

15 (c) Notwithstanding AS 16.05.407 or 16.05.408, a nonresident or a
16 nonresident alien who holds a bear control permit issued under this section may take a
17 bear under the authority of the permit if the nonresident or nonresident alien is
18 accompanied in the field by either a registered guide or a master guide or by a resident
19 who holds a bear control permit for the area where the hunt occurs, who is over 21
20 years of age, and who has legally hunted big game in the state during at least two
21 calendar years. A registered guide or a master guide is not subject to any limitation on
22 the number of nonresident or nonresident alien permittees that the guide may
23 accompany for purposes of taking bear under this section. A resident who is not a
24 registered guide or master guide may not receive any remuneration in excess of direct
25 expenses incurred in accompanying the nonresident or nonresident alien to take a bear
26 and may not accompany more than two nonresidents, regardless of whether they are
27 aliens or not, during a calendar year to take a bear under this subsection. A resident
28 who accompanies a nonresident or nonresident alien permittee, but who is not a
29 registered guide or master guide, shall remain with the nonresident or nonresident
30 alien permittee at all times when the nonresident or nonresident alien permittee is in
31 the field.

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(d) Notwithstanding any other provision of law, a nonresident who is a member of the military service or the United States Coast Guard who is stationed in the state, who satisfies the requirements set out in this section, and who is at least 19 years of age shall receive, upon application, a resident bear control permit issued under this section and shall be eligible to take bear under this section in the area identified on the permit without obtaining a nonresident or nonresident alien bear tag. A person who is eligible for a resident bear control permit under this section is a resident for purposes of accompanying nonresident and nonresident alien permittees under (c) of this section and may accompany nonresident and nonresident alien permittees to take bear if the person holds a bear control permit issued under this section for the area where the hunt occurs, is at least 21 years of age, and has legally hunted big game in the state during two calendar years.

no more TAGS

(e) Notwithstanding any other provision of law, a resident, a nonresident, or a nonresident alien who holds a bear control permit issued under this section may take bear under the authority of the permit without obtaining a big game tag for bear.

no mention of how far away it must be

(f) A person who holds a bear control permit may, within the area identified on the permit, use scents and ^{a gut pile} relocate and use viscera and inedible parts of game, or the whole or parts of dead domestic livestock, as an attractant for bear without having to register. — *Seekins - @ least a mile from a residence or cabin site*

(g) A person who holds a bear control permit may, within the area identified on the permit, fly into the field to hunt bear, use aircraft to locate or assist in locating bear, and use information as to the location of a bear from another person who, as an incident of flying, has located a bear. A person who holds a bear control permit may not use an aircraft to pursue, herd, or harass a bear.

~~*~~(h) A person who holds a bear control permit may, within the area identified on the permit, use a motorized land vehicle or motorized boat to pursue and intercept a bear that has become aware of the person's presence. *under current law can't pursue & intercept*

(i) A person who holds a bear control permit may, within the area identified on the permit, use any communications equipment or optical illumination equipment to aid in the taking of bear. *would allow hunting @ night*

Cross with (e)

(j) A person who takes a bear under authority of a bear control permit shall

Some question on this section all we established too many categories

need to add on the same day

L

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(d) In this section, "qualified organization" has the meaning given in AS 16.05.343(c).

Subject: SB 297**Date:** Mon, 15 Mar 2004 20:46:29 -0900**From:** Bob Gengler <goatb@earthlink.net>

To: "Rep. Gara" <Representative_Les_Gara@legis.state.ak.us>,
 "Sen. Bunde" <Senator_Con_Bunde@legis.state.ak.us>,
 "Sen. Davis" <Senator_Bettye_Davis@legis.state.ak.us>,
 "Sen. Dyson" <Senator_Fred_Dyson@legis.state.ak.us>,
 "Sen. Elton" <Senator_Kim_Elton@legis.state.ak.us>,
 "Sen. French" <Senator_Hollis_French@legis.state.ak.us>,
 "Sen. Green" <Senator_Lyda_Green@legis.state.ak.us>,
 "Sen. Guess" <Senator_Gretchen_Guess@legis.state.ak.us>,
 "Sen. Hoffman" <Senator_Lyman_Hoffman@legis.state.ak.us>,
 "Sen. Johnny Ellis" <Senator_Johnny_Ellis@legis.state.ak.us>,
 "Sen. Lincoln" <Senator_Georgianna_Lincoln@legis.state.ak.us>,
 "Sen. Ogan" <Senator_Scott_Ogan@legis.state.ak.us>,
 "Sen. Olson" <Senator_Donny_Olson@legis.state.ak.us>,
 "Sen. Seekins" <Senator_Ralph_Seekins@legis.state.ak.us>,
 "Sen. Stedman" <Senator_Bert_Stedman@legis.state.ak.us>,
 "Sen. Stevens" <Senator_Ben_Stevens@legis.state.ak.us>,
 "Sen. Therriault" <Senator_Gene_Therriault@legis.state.ak.us>,
 "office_of_the_governor@gov.state.ak.us" <office_of_the_governor@gov.state.ak.us>

Hello,

This message was sent via the POM but was rather short. Please find the original text below.

Dear Legislators,

Please consider you vote on SB 297 long and hard before you follow the the hunters and A.O.C. members who make up the BOG and their whims to increase hunting of brown and black bears. I had heard that this bill allowed sale of skulls and other parts, but after reading the text, I did not see this mentioned. As you know, the initiative to ban bear baiting will be on the next election ballot. This is one measure that SB 297 endorses. Once again the BOG seems to ignore the wishes of large numbers of the public to promote their one sided approach to wildlife/game management.

They do this with little attention to actual scientific concerns about the reproductive cycle of the brown bear. The brown bear is not endangered in Alaska but that is no excuse to increase the hunting. The BOG has shown minimal restraint, and any restraint that it has chosen to use seems to be only temporary and only to appease the so called extreme environmentalists. I will not waste your time with a long winded diatribe, but in short not all alaskans desire "tough" predator control, and this new bill continues to push the envelope of sound wildlife/game management.

Thank you for your time.

Sincerely,

Robert N Gengler
 934 Tyonek Dr. #2
 Anchorage, AK 99520

SS

Testimony for SB 297
Division of Wildlife Conservation
Senate Resources Committee -- April 14, 2004

We believe

The Sponsor Substitute makes some ~~important and positive~~ ^{important improvements} changes to the

original bill. Foremost is the change in approach from an expansion of hunting methods to the establishment of a bear predation management

program. This avoids some of the ethical issues involved in the original bill

and preserves hunting as a fair-chase activity. It limits ~~extraordinary~~ ^{out of the ordinary}

additional methods of taking bears to specific situations where the BOG has

found that a bear population needs to be reduced. The SS would now serve

as an umbrella statute to the bear management policy and associated

regulations recently adopted by the Board of Game in a way that is

analogous to the structure of the wolf predation management laws. This

would allow both wolf and bear predation issues to be addressed together in

predation control plans formulated by the Board.

The BOG and department agree that the first step in reducing bear numbers

should be through liberalized hunting regulations. ~~Generally~~ ^{Often}, such attempts

have been less effective than hoped because liberalized hunting rules did not

result in higher hunter effort. Allowing nonresidents to hunt brown/grizzly

bears without a guide and treating 1st-year military personnel as residents are

^{approaches}
innovative ways to increase ^{ing} hunter effort in areas where ~~the bear population~~
~~needs to be reduced.~~ we need to have more bears taken.

At the last meeting of this committee some members questioned why first year military personnel were included in the exemption for hiring a guide. Concern was expressed that this might provide an opportunity to challenge the guide requirement based on safety issues. When this concept was first discussed, we suggested allowing first year military residents to hunt without a guide because we thought it would likely provide the increase in the number of grizzly bear hunters that were needed to increase harvest in GMU 13 while having minimal impact on the guiding industry through legal challenge. We would require all first year military personnel obtaining a permit to attend a training course where we would emphasize safety. This could be done rather easily because the military people would be a closed population.

Since the bill has been expanded to allow other nonresident hunters to qualify for permits, it would not be necessary to deal with military people separately. However, ^{probably} we will consider requiring some level of training as a ^{whatever the ~~training~~} permittee pool ends up being

permit condition and I think this can provide some protection in case the statute is challenged.

We do have some specific changes to suggest. In Section 1:

- Suggest changing ^{the phrase} "Control of black and brown or grizzly bear" to "Bear Predation Management" in the title of the new statute (and elsewhere).

We need to eliminate the connotation that the state is trying to eradicate bears

- Paragraph (j): Since the legislature would be making a distinction between hunting and taking bears as a predation management measure, we agree that it is appropriate to not require nonresidents to obtain a brown bear tag. We agree with charging a ^{permit fee or alternatively, a} sealing fee for people ~~that~~ who harvest a bear. However, we think the fee should be around \$500, not \$50. This program will be the only way that non-resident hunters can harvest a grizzly bear anywhere in North America without hiring a guide that cost from \$5000 to \$8000. A \$400 to \$500 ~~sealing~~ fee will not deter people from participating and would be helpful in funding the department's management programs.

The department believes that the main purpose of this statute should be to establish the authority under which bear predation can be managed and should contain general sideboards for such programs. We believe that including detailed methods/means descriptions at this level is unwise. As the SS is written, all of the described methods^{/means} would be authorized in all cases where bear predation management was in effect. Since every wildlife management situation has unique challenges, different programs^{in different areas} should be custom-tuned and managers should have the flexibility to choose the methods/means that would be most effective. (Speaking in general, can provide specific places where we suggest removing reference to methods/means).

In our opinion, a better way to approach this would be to have the BOG develop the details for each bear predation program and include them in a predation management plan that would be adopted in regulation. This would allow the Board to authorize measures appropriate and justifiable for the specific situation without including methods that are not necessary.

The BOG developed the regulatory framework for conducting bear predation management at its March meeting because the members recognize the need

to reduce bear predation in certain areas. They adopted a bear management policy which included provisions for reducing bear numbers when certain conditions are met. They adopted regulations to allow issuance of permits for bear population reduction. So, the regulatory structure for bear predation management is substantially in place already. The committee should note that in constructing its bear management policy the BOG has already included most of the methods and means included in the SS as potential ways to implement a bear reduction program. Methods and means included in the SS that are not already in the regulation could be referred to the Board for its consideration.

in order to reach regulatory management guidelines

Section 2

This section has two components:

- 1) A qualified organization could accept donations of bear hides and skulls, auction or raffle them off, and return at least 50% of the net proceeds to the fish and game fund.
- 2) The commissioner could accept donations of hides and skulls, and would return up to 50% of net proceeds to the donor. We have some concerns about administrative overhead involved in such a program, but we can make it work.

We do have one request, based on our experience in handling DLP bear hides, confiscated animals, the quality of hides may be of little value due to poor handling. The statute should give the department and authorized organizations discretion in accepting hides, or we will be faced with sizeable disposal costs.

Subject: SB 297

Date: Sun, 21 Mar 2004 10:44:42 -0900

From: "Nina Faust" <fausbail@xyz.net>

To: <Undisclosed-Recipient:;>

P.O. Box 2994

Homer AK 99603

March 21, 2004

<?xml:namespace prefix = o ns = "urn:schemas-microsoft-com:office:office" />

Senate Resources Committee

Alaska State Legislature

Juneau AK 99801

Dear Senate Resources Committee Members:

SB 297 is one of the most backward proposals for managing brown bears that I have ever seen in my 35 years in Alaska as a wildlife biologist. It recalls the era in our early history when some people called for the extermination of bears on Admiralty Island and other areas in the name of making it safe for logging and mining! Now we see legislation proposing the legalization of methods to dispose of bears that are not even legal in most places in the name of "intensive game management!"

This bill would allow a person to take bear with the use of bait without registration and relocate viscera and nonedible parts of legally taken game for use as bait for both black and brown bears. Baiting bears is an unethical, unsafe practice, and presently it is illegal to bait brown bears for very good reason. This is a very imprudent practice to institute.

Voters have spoken loudly through initiatives in 1996 and 2000 that they do not condone hunting wolves the same day as airborne. There is no reason to believe Alaskans would approve of killing bears on the same day as airborne either!

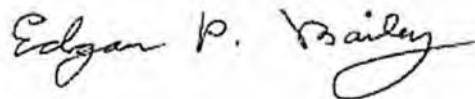
Obviously many want to essentially decimate Alaska's bears to artificially increase ungulates for hunters. This bill would allow a person to take a bear sow that is accompanied by a cub that is one year of age or older. Often average hunters are not likely to know how old the cub is, especially in heavy cover. Killing sows and cubs is not good bear management because of their low birth potential.

Other proposals contained in this bill are also appalling. There is no closed season for bears. A person may use any motorized vehicle in taking bear. I suppose one could use a helicopter or a dozer under this bill. Allowing nonresidents accompanied by an adult resident to take a bear is a provision that is open to abuse and is virtually unenforceable. A hunter may take a bear within one-half mile of a solid waste disposal facility, and a person may use an electronic predator call device and electronic telecommunications equipment as an aid to take bear—how sporting!

I am flabbergasted that any legislator in this day and age would present a bill like this. What's next—use of poison and bounties? This amounts to an all out, take out all the stops, war on bears. This bill should not pass in any form. It is an embarrassment to most sportsmen and others in Alaska.

Fortunately, despite early efforts to eradicate the bears of Admiralty Island, sensible management won out. Now the bears of Admiralty Island are one of Alaska's treasures. We are fortunate to have incredible wildlife populations in Alaska that still include all the major predators, unlike California which ironically depicts the extirpated grizzly bear on its flag. The last known grizzly there was killed in 1913. Rather than mandating "intensive game management" and trying to devise out-dated ways to kill bears, the State should be concentrating on balanced, scientific management of all species. Now with reintroductions of large predators in some areas Outside, we are finally learning how important they are to a healthy natural system. Let's not make the same mistakes in Alaska by trying to locally exterminate bears. Please do not pass retrogressive SB 297.

Sincerely,

A handwritten signature in cursive script that reads "Edgar P. Bailey". The signature is written in dark ink and is positioned below the word "Sincerely,".

Edgar Bailey

Subject: No on "Bear Control" Bill SB 297

Date: Sun, 21 Mar 2004 21:29:21 -0900

From: "Paul D. Putz" <pdputz@qci.net>

To: Senator_Scott_Ogan@legis.state.ak.us

We wish to express our concern over the pending "bear control" bill (Senator Seekins' SB 297), which is currently under discussion in the legislature.

This bill is irresponsible and extremist and must be stopped. It completely disregards all responsible wildlife management practices and will result in the decimation of Alaska's bear populations, as well as encourage abuse by sportsmen. We are long time Alaskan residents (20 years in the Chugiak area). One of Alaska's truly unique characteristics--and one that makes life worth living here--is its still wild populations of animals long extinct or on the verge of extinction in the lower 48 states. Passing bills like SB 297 will only result in further destruction of this unique heritage. One more aspect of Alaska's specialness will be destroyed in the interests of yet another private interest group (in this case, extremist hunters).

As non-consumptive users of Alaskan wildlife (we like to view and photograph them, not shoot them), we by far represent the majority of public opinion in this state, yet we have no representation whatsoever on the Board of Game. This is a travesty of governmental representation that has been allowed to continue too long.

We urge you to do all you can to prevent passage of SB 297 and to encourage fairer representation, including non-consumptive interests, on the Alaska Board of Game. Current management practices are out of hand and out of touch with good game management practices. Many long-time, well-known Alaskan hunters are actively opposing these practices. The recent Compass piece by guide Karl Braendel ("Hunters can't defend grizzly-kill plans", Anchorage Daily News, 3/13/04) is just one of many examples of criticism from highly-experienced consumptive users. He calls current practices "unconscionable", which they are. Aerial wolf hunting--twice vetoed by Alaskan voters; bear-baiting; shooting now of moose cows and calves; and now the proposed SB 297 bill--all this is leading inexorably toward the destruction of Alaska's wild heritage. It's time to stand up and do something about it before it's too late.

Sincerely,

Paul Putz

Karen Lester

21035 Country View Dr
Chugiak AK 99567
(907) 688-4894
PDPutz@qci.net

Subject: moose bears

Date: Tue, 10 Feb 2004 06:21:54 -0900

From: Wes Perkins - NVFD <NOMEFD@gci.net>

To: Senator_Ralph_Seekins@legis.state.ak.us

Hi Ralph, This is Wes Perkins of Nome, I am on the Alaska Airlines Advisory Board, so i remember you well. I have been following your meetings and thought on wolf and bears. We have the same problems here. I hunt the same area and have for over 25 years, moose are on the decline, and bears are everywhere. We never saw sows with 2 or 3 or 4 cubs while growing up here, and now 3 is common, and there are at least 2 sets of 4 in the Nome area.

We have lots of wolves here, as the caribou are abundant during the late fall and winter. We have seen alot of wolves and signs of them everywhere. I was hunting last fall, and saw a family of 4 right across the valley. We have seen very few moose, and the cows and calfs are way down. I talk with the biologists here at time, its frustrating, as they say where you hunt there are not many cows with calfs, hell ten to 15 years ago we saw all kinds of them in the same area we always hunted, well you are hunting an area in the fall where moose are in the rut, and its not normal for cows with calfs to be present. Hell, there were lots of cows with calfs right in with the rest of the moose in the same draws, and drainages.

I keep telling these biologists, the best eyes are the hunters, especially the ones that hunt the same areas year to year for over 25 years or more. The predators here are still on the rise, and its hard to get hunters to shoot bears, as they do not want to deal with the hides, and if you live here, how many bear hides do you need hanging on the wall or on the floor. The bear problems is with the sows and cubs, they cremate the poor cows in the spring when they cannot move waiting to have their newborn. One weekend, 5 bears were taken in one small area out of Council, and i was involved with all 5, everyone had a fresh moose down that was carrying at least one calf inside. Thats where our moose population is going.

Well, i know you are busy and i know you are taking alot of heat, but i truly believe you are on the right track, it makes alot of sense, i just hope you get the support. Good luck, and keep pushing for better predator control

Wes Perkins Fire Chief City of Nome

To: The Resource Committee
Re: Opposition to SB297

March 17, 2004

Dear Resource Committee Members,

My name is Jenny Pursell and I live at 11687 Auke St. in Juneau, Alaska. I am here before you today to give testimony in strong opposition of SB297. The leverage that this bill gives guides and hunters to kill bears when the State Board of Game declares 'Intensive Game Management' is egregious and unacceptable. It is unacceptable because it would sanction knee jerk responses to the management of game versus sound scientific research directly pertaining to the 'intensive game management' areas. SB297 targets and scapegoats black, brown, and grizzly bears for decreases in ungulate populations. It is well known that other significant variables effect decreased game populations, those variables include: harsh winters, disease, over hunting, and destruction and pollution of wildlife habitat. Global warming is also becoming a factor in its impact on wildlife populations. An example of this is the Perry Caribou herd of the Arctic. This herd, which lives on an island off of the Arctic coast, has incurred a decrease of population due to global warming. The reason for this is because warming temperatures have caused snow to melt on top of the permafrost even during the winter. After the snow melts, at some point it will freeze, creating ice. The Perry caribou cannot dig, with their hooves, through the ice to get to their food sources. This phenomenon has decreased their population through starvation.

It is clear that management of predator and prey populations cannot be determined by short sighted or politically spurred methods. Management must always be comprised of scientifically based information pertaining to specific management areas. SB297 would not facilitate that kind of management. It is not in the best interest of the state of Alaska to jeopardize healthy bear populations with one day land and shoots, black and brown bear baiting, culling of sows and year old cubs, and deliberate hunting forays whose sole purpose is to decrease bear populations.

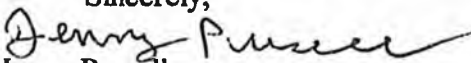
Yukon Territory Canada implemented a predator control program from 1992 to 1997, which included the use of surgical sterilization of wolves to help bolster caribou and moose populations within the Territory. This sterilization along with temporary closure of moose and caribou hunting areas, relocation of wolves, wolf trapping and hunting, and the killing of wolves proved to be effective in bolstering ungulate populations. I use this as an example to emphasize the point that there are other viable means to increase game populations.

In addition to the afore mentioned negative aspects of SB297 lets not forget the bad public relations that such archaic methods promote for many and especially for those people that have plans to vacation in Alaska.

The Alaska Constitution proclaims that the priority use of game is for human consumption. There will not be sustainable populations of game unless it is managed

scientifically. SB297 does not manage predator and prey populations for sustainability. In the long run, Senator Seekin's bill will not provide Alaskans with moose, caribou, and deer on their tables.

Sincerely,

A handwritten signature in cursive script that reads "Jenny Pursell".

Jenny Pursell
P.O. Box 33578
Juneau, Alaska, 99803



Alaska State Legislature

Please enter into the record my testimony to the Senate Resources
committee name
 committee on 297 (SB), dated 3/17/04
bill/subject

I AM shocked and Dismayed at This bill, as a Hunter and Alaskan. This is the most short-sighted and sorry piece of legislation that I have read in quite a while. Bears are not a problem, but certain politicians and poachers are. You could always add hand grenades and Hellfire missiles to the bill, its not much more of a stretch. Moose & Bears have been living in the same areas since the beginning of time. They did alright. But now during the Murkowski admin, we need this stuff. Give us a break — NO GIVE the bears a break.

Signed: MYRL Thompson

Testifier

Self / Hunting interests

Representing (Optional)

PO Box 877189 WASILLA

Address

373-1686

Phone No.

Hello, my name is Karen Deatherage and I am testifying on behalf of Defenders of Wildlife, a non-profit wildlife conservation organization. I represent Defenders in their Anchorage office. Defenders has over 450,000 members nationwide, with at least 1,200 in Alaska. We have a neutral position with respect to hunting and trapping.

I am here today to testify against Senate Bill 297 in its entirety. There is not one component of this bill that is acceptable in any way to sound or ethical wildlife management. Senator Ralph Seekins has once again taken the liberty to override public process and the will of Alaskans when it comes to managing our state's wildlife, as he did with aerial wolf killing which was banned twice by the Alaskan public.

The bear control methods outlined in SB 297 are scientifically unsound. The 1997 National Academy of Sciences report entitled *Wolves, Bears and Their Prey in Alaska* states, "If given the opportunity, most (or all) bears would kill and eat an ungulate calf, but individual bears vary wildly in predation success. Given this variation among bears, the outcome of bear control programs is highly unpredictable. It will depend on which bears are removed and the feeding habits of the removed bears. Not surprisingly, bear control experiments have yielded inconsistent and short-term effects on ungulate calf survival."

Specifically, Defenders also believes bear control is ineffective because of the difficulty of determining which bears are targeting moose calves. Bear baiting is unsporting, conditions bears to human food, alters normal travel behavior and creates food and refuse disposal problems. Same-day airborne hunting of bears violates principles of fair-chase hunting and is inefficient as a predator management tool. The commercial sale of bear parts creates substantial enforcement problems and leads to the waste of a food resource. The harvest of sows and cubs raises sustainability and ethics concerns.

A cardinal rule of sound bear management is that baseline density estimates must be made before significant regulation changes occur. In Alaska, conservative bear management is generally the norm for the following reasons:

- (1) frequent regulation changes have an unknown effect on harvest patterns and make Department data comparisons difficult;
- (2) unaligned season lengths in different but nearby game Management Units creates serious enforceability problems;
- (3) early spring hunting seasons lead to mechanized hunting abuses;
- (4) bears have the slowest reproductive rates of any big game animal;
- (5) the inability to directly and routinely measure population trends;
- (6) the overall difficulty and expense of obtaining bear population data;

Board of Game Comments
February 21, 2003
Page 2 of 5

- (7) precise models of sustainable harvest rates are difficult to develop because parameters like emigration, immigration, unreported harvests and geographically misreported harvests are all difficult to quantify for bears;
- (8) over-harvest can cause long-term damage to a population which may not be recognizable in the short term.

We respectfully request that you do not pass SB 297 in its entirety.

Thank you for the opportunity to testify.

Karen Mathias

DEFENDERS OF WILDLIFE

308 G St. #310

ANCHORAGE, AK 99501

907-276-9453

FOR IMMEDIATE RELEASE

March 17, 2004

Contact: Paul Joslin Cell 907 250 5944, office 907 277 9816, email Paul@akwildlife.org

EXTREME BEAR CONTROL LEGISLATION (SB 297) TO BE DISCUSSED IN SENATE RESOURCES COMMITTEE TODAY AT 3:30. (To hear testimony go to the Anchorage legislative office at 716 W 14th, second floor.)

Senator Seekins' bill SB 297 treats bears as vermin. This bill allows just about every imaginable way to butcher them. Hunters will be allowed to shoot sows with cubs as well as kill cubs on their own that are only one year old. People wishing to kill bears will be permitted to go after them with aircraft, snowmachines, four-wheelers, cars, trucks, airboats, indeed any motorized vehicle that can give them access to bears. Hunters will be permitted to train bears to come to artificially created food dumps so they can be shot. All manner of electronic means to coordinate hunts or otherwise improve the chances of killing bears will be made legal. Both brown bears and black bears will be subject to the same abuse. No closed season will exist for killing bears.

Many recognized authorities are speaking out against such liberalizations. In response to similar proposals recently considered by the Board of Game, the International Association for Bear Research and Management said, "We believe that the potential detrimental effects of such regulation changes have not been adequately addressed and that their implementation could jeopardize sustained yield management and public use of Alaska bear populations". The National Park Service, in its review of brown bear management in Western Arctic, stated: "Both subsistence and sport hunting opportunities for brown bears have been and continue to be liberalized in northwest Alaska without recent and rigorously reviewed scientific information about the status of the hunted populations."

Bears, especially brown bears, have a low reproductive rate. It does not take much to over-harvest them. When this happens it can take years for them to recover. This was a major point brought out by the two year National Academy of Sciences study of predator management in Alaska. It recommended against the manipulation of bear populations.

Bears are also extremely difficult to count, making it difficult for biologists to know when over-harvesting has occurred, and an ecological disaster is in the making. Unlike wolves, moose and caribou that can easily be counted against snow in winter, bears go into hibernation. The only time bears can be counted is during the time of year when they are surrounded by a background of vegetation.

Bears are not vermin. While they sometimes kill moose and caribou, it does not mean that the net effect is detrimental to the moose and caribou population. Bears not only have successfully co-existed with these species for tens of thousands of years, which ought to be a pretty good measure of their ecological importance, they have also done so in a manner that has enabled there to be over a million moose and caribou alive today in Alaska.

The State Legislature hopefully will recognize Senator Seekins' bill as extremist, and not support it.



Audubon ALASKA

715 L Street, Suite 200

~~XXXXXXXXXXXX~~

Anchorage, AK 99501

Tel: 907-276-7034

Fax: 907-276-5069

www.audubon.org

March 17, 2004

Chairman Scott Ogan and Members
Senate Resources Committee
Juneau, AK 99802
FAX: 907-465-6094

Re: Audubon Alaska Comments on SB 297 "An Act relating to the taking of black bear, brown bear, and grizzly bear and to registration of big game guides for certain guide use areas."

Dear Chairman Ogan and Committee Members:

My name is John Schoen. I am the senior scientist for Audubon Alaska. On behalf of Audubon Alaska, I would like to offer the following comments and recommendations as you consider SB 297, an Act relating to the taking of black and brown bears in Alaska.

The mission of Audubon Alaska is to conserve Alaska's natural ecosystems focusing on birds, other wildlife, and their habitats for the benefit and enjoyment of current and future generations. Audubon Alaska has over 2,400 members and supporters in Alaska. Audubon has a strong interest in the conservation and management of Alaska bears. We have just completed a 6-year project to help develop a conservation strategy for brown bears on the Kenai Peninsula and we have published a statewide bear safety booklet "Living in Harmony with Bears." Prior to my work with Audubon, I served as a wildlife biologist for the Alaska Department of Fish and Game for more than 20 years, including many years as a brown bear biologist. I also serve as an affiliate associate professor of wildlife biology at the University of Alaska Fairbanks and have been a hunter most of my life.

The legislation proposed in SB 297 significantly liberalizes the taking of black and brown bears in intensive management areas of Alaska. It goes further, however, to allow extraordinary methods and means far beyond the concept of fair chase. This legislation will apply to sport hunting and will trivialize the value of bears as big game in Alaska and may jeopardize bear conservation in some areas of the state.

Taking brown bears over bait is not done anywhere in North America and runs counter to all recommendations that management agencies have provided the public regarding bear safety.

Taking bears the same day airborne for sport hunting is far beyond the bounds of "fair chase." Few hunters and none of the big game guides I know would approve of using aircraft for hunting bears in Alaska.

The taking of female brown bears with yearling cubs is not responsible management. In most cases, survival of yearling cubs would be significantly reduced without their mother's protection.

The taking of a yearling brown bear certainly does not provide a trophy of value and few people eat brown bear meat. Such an action would waste a valuable resource and is hardly sporting.

No closed season on bears relegates them to the status of vermin rather than a valued big game animal and an important component of the ecosystem.

Allowing a hunter to use any motorized vehicle in the taking of bears strays far from "fair chase," denigrates sport hunting, and is risky for bear conservation.

Dropping the guide provision for non-resident hunters will reduce hunter safety and will likely result in higher wounding loss.

Taking a bear within one-half mile of a garbage dump is surely not sporting and will erode public support for hunting and hunters.

Allowing these methods and means for bear hunting will jeopardize bear conservation, particularly brown bears, in Alaska. Some of these may, in fact, significantly reduce populations in the long term far beyond what may be desired, because bears have low reproductive rates and populations are slow to rebound after significant declines. It would be preferable to simply liberalize seasons and bag limits rather than legalizing methods and means that are risky and highly controversial with the general public. Not only will these proposals increase conservation risks, they will also significantly increase public animosity toward hunting and hunters.

In my 28 years of wildlife work in Alaska, our state has always enjoyed the respect and confidence of wildlife professionals, hunters, and the general public regarding bear management. With this bill, that well-earned respect and confidence will evaporate overnight. Clearly stated, this is bad wildlife legislation. Please talk to other wildlife biologists, hunters, and the general public about this legislation. Allowing these extraordinary methods and means for taking Alaska's black and brown bears will be bad for bear conservation, hunting, and Alaska.

I urge you to say no to SB 297.

Thank you for considering our concerns.

Sincerely,



John W. Schoen
Senior Scientist

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

Dear Members of the Committee,

March 17, 2004

In the early 1900's, over hunting and predator control were big issues. Denali National Park was created primarily because hunters were decimating sheep. Aerial hunting and poisoning began in the 1940s and 1950s. Poisoning ended with statehood in 1959, but aerial wolf control, including land-and-shoot, continued until 1994. These widespread efforts essentially turned parts of Alaska into moose and caribou feedlots.

The temporary explosion of game taxed beyond what the habitat could handle. Populations of moose and caribou peaked and crashed. Predators were blamed, and cries for control increased.

When poisoning ended at Statehood, and aerial wolf control was banned in 1994, predator/prey populations began to return to the balance nature intended.

Then the Board of Game, in cahoots with ADF&G, took the historic, artificially high "peak" population numbers created after decades of aerial wolf control and poisoning, and used those estimates to set population and harvest targets for each Game Management Unit.

Protests to a Board of Game made up of only hunters and trappers were ignored.

Meanwhile, proof of over hunting abounds. ADF&G studies show portions of 19D east have a bull/cow ratio of 6 per 100. A November 2001 trend count conducted along the Holitna/Hoholitna Rivers in 19A/B also verified bull/cow ratios of 6/100. In Unit 21D bull/cow ratios in 3-Day Slough are 15/100. At the Nowitna mouth, bull/cow ratios are 12/100, with 2/3 of those bulls being yearlings. ADF&G's goal is 30 bulls per hundred cows in a hunted population. Neither wolves nor bears target adult bull moose - only man. Why haven't hunters been managed?

Areas eligible for predator control based on artificially high moose harvest objectives and the Intensive Game Management Law include: GMU 9E, 9B, 9C, 12Z, 13A, 13B, 13C, 13D, 13E, 14A, 14B, 14C, 16A, 16B, 19A, 19B, 19C, 19D, 20A, 20B, 20C, 21D, 21E, 22A, 22B, 22C, 22D, 22E, 23Z, 24Z, and 25D, or more than 40 percent of the state. And there are cries for more.

Make no mistake - to meet hunters' goals, predator control will continue forever. You want proof? In Unit 20A, after decimating predators, the moose population now exceeds the carrying capacity of the habitat. Did the Game Board limit the taking of predators so nature can return balance? No. Now ADF&G and the Board of Game are actively promoting killing cows and calves in Unit 20A, and removed the statewide moose calf hunting prohibition during their last meeting.

Destroying predators, and bears in particular, will not solve the problem. Please oppose SB 297.

Dorothy Keeler,
Anchorage
248-9916

3/22



Alaska State Legislature

Please enter into the record by testimony to the (S)RES

committee on SB 297, dated: 3-17-04
BILL / SUBJECT

I oppose this Bill. There is no scientific info to back it up - only Hunties.

Let fish & game do their jobs, and keep laws such as this off the books!

Signed: Robert Archibold Robert Archibold
TESTIFIER

Self
REPRESENTING

PO Box 2460 Homer
ADDRESS

235-8214
PHONE NO.

faxed 3/17/04

P.O. Box 2994
Homer AK 99603
March 17, 2004

Senate Resources
Alaska State Legislature
Juneau AK

Dear Senate Resource Committee Members:

SB 297 "An Act relating to the taking of black bear, brown bear, and grizzly bear and to registration of big game guides for certain guide use areas" is one of the most backward proposals for managing brown bears that I have ever seen in recent times. It recalls the era in our early state history when some people called for the extermination of bears on Admiralty Island in the name of making it safe for logging. Now we see legislation proposing the legalization of methods to dispose of bears that are not even legal many places in the name of intensive game management!

This bill would allow a person to take bear with the use of bait without registration and relocate viscera and nonedible parts of legally taken game for use as bait for bear. Baiting bears is an unethical, unsafe practice, and presently it is illegal to bait brown bears for very good reason. This is an imprudent practice to institute.

Voters have spoken loudly through initiatives that they do not condone hunting wolves the same day as airborne. There is no reason to believe Alaskans would approve of killing bears on the same day as airborne either!

Are we out to decimate Alaska's bears? This bill would allow a person to take a bear sow that is accompanied by a cub that is one year of age or older. The average hunter is not likely to know how old the cub is. Second, killing the sow before she has kicked out the cub on her own may decrease chances that the cub will survive. This is not good bear management.


These other proposals contained in the bill are appalling. A person may take a bear that is one year of age or older. There is no closed season on bear. A person may use any motorized vehicle in taking bear. I suppose one could use a tank under this bill. A nonresident or a nonresident alien may take a bear if the nonresident or nonresident alien is accompanied by a resident who is over 19 years of age and who does not receive any remuneration in excess of direct expenses incurred in accompanying the nonresident or nonresident alien to take a bear. Bears reproduce slowly. There are not enough bears to go around as it is. A hunter may take a bear within one-half mile of a solid waste disposal facility. A person may use an electronic predator call device and electronic telecommunications equipment as an aid to take bear.

faxed 3/17/04 pg. 1/2

I am flabbergasted. This amounts to an all out, take out all the stops, war on bears. This bill should not pass in any form. It is an embarrassment to the people of the State of Alaska.

Fortunately, despite efforts to wipe out the bears of Admiralty Island, sensible management won out. Now the bears of Admiralty Island are one of Alaska's treasures. We are fortunate to have an incredible wildlife population in Alaska that still includes the major predators. Rather than mandating intensive game management and trying to devise out-dated ways to wipe out the bears, the State should be concentrating on balanced, scientific management of all species. We should remember the example of Yellowstone where all the large predators were extirpated. Now with reintroductions of large predators, we are finally learning how important they are to a healthy natural system. Let's not make those same mistakes in Alaska by trying to wipe out our bears. Please do not pass SB 297.

Sincerely,

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

Nina Faust

CONTACT RECORD

Date Opened 2/11/04

Case Type (Dept) SB297 Bear bill
(Seekins)

LAST Name Nail

FIRST Name Clyde

Home Phone 376-6409

Work Phone

Aide ks

Mail Address HC34 Box 2125 Wasilla AK 99654 (Dist. 15) has property near Glenallen as well.

Email Address none

Case Subject Clyde is a fisherman/hunter who is VERY upset with Sen. Seekins about his latest bill, SB 297, re: shooting bears. He says "Seekins is going overboard. If it goes through the Senate, I'm going to start a petition for the first time in my life, to try to get it boycotted."

Clyde said he doesn't have a problem with the wolf control issue, but says bears are a different story. "What is he going after next...Dall sheep??"

Clyde said he was going to contact all the legislators, especially Seekins office. He knows alot of people in Fairbanks, and is going to spread the word.

Clyde said he would like to testify when the bill goes to committee.

Action I suggested that he go online to track the bill (and any other legislation). I gave him the website address, told him where to find the bill. He said he would have his wife do it. I told him I would pass the information on to Senator Ogan and his Resource Committee Aide.

Note:

(Clyde was reasonable to talk with, however, no matter how upset he was.) ks

Need to... Sent out a copy of the bill and more detailed info on BASIS use.

Status Open Closed Info Only Referred to Other Legislator

Closure Card/Letter Sent

District Folder Alpha file Constituent Yes No

2-11-2004

Contact Info

Contact Info

[Empty rectangular box]

SB

303

SENATE COMMITTEE REPORT First Committee of Referral

DATE: 2/6/04

FURTHER: Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 3-8-04

Resources Committee considered SENATE BILL NO. 303

SB 303 BIG GAME GUIDE BOARD & SERVICES

"An Act relating to the Big Game Commercial Services Board and to the regulation of big game hunting services and transportation services; and providing for an effective date."

and recommends:

- be replaced with _____ CS SB 303 (RES)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

| | |
|-------------------------------------|--------------------------|
| Senate Bill: | |
| <input checked="" type="checkbox"/> | Same Title |
| <input type="checkbox"/> | New Title |
| House Bill: | |
| <input type="checkbox"/> | Same Title |
| <input type="checkbox"/> | Technical Title Change |
| <input type="checkbox"/> | New Title w/ SCR # _____ |

NEW FISCAL NOTE(S):

| Department | Date | Fiscal | Indet. | Zero | FN# |
|------------|---------|--------|--------|------|-----|
| JCED | 2/10/04 | ✓ | | | |
| F+G | 2/19/04 | | | ✓ | |
| | | | | | |
| | | | | | |

PREVIOUS FISCAL NOTE(S):

| Department | Date | Fiscal | Indet. | Zero | FN# |
|------------|------|--------|--------|------|-----|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

APPROPRIATION - no fiscal note

| SIGNATURES AND RECOMMENDATIONS: | Do PASS | Do NOT PASS | No REC | AMEND |
|---------------------------------|---------|-------------|--------|-------|
| <i>Thomas Wapow</i> | ✓ | | | |
| <i>Ben Stearns</i> | ✓ | | | |
| | | | | |
| | | | | |
| CHAIR: <i>Sally O'Connell</i> | | | ✓ | |

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 303
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: DCED
 Title Big Game Guide Board RDU Occupational Licensing (117)
and Services Component Occupational Licensing
 Sponsor Senate Rules by Request of LB&A
 Requester Senate Resources Component No. 2360

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

| OPERATING EXPENDITURES | FY 2005 | FY 2006 | FY 2007 | FY 2008 | FY 2009 | FY 2010 |
|------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Personal Services | | | | | | |
| Travel | 30.0 | 30.0 | 30.0 | 30.0 | 30.0 | 30.0 |
| Contractual | | | | | | |
| Supplies | | | | | | |
| Equipment | | | | | | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | 30.0 | 30.0 | 30.0 | 30.0 | 30.0 | 30.0 |

| | | | | | | |
|-----------------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
|-----------------------------|--|--|--|--|--|--|

| | | | | | | |
|----------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| CHANGE IN REVENUES (1156) | 30.0 | 30.0 | 30.0 | 30.0 | 30.0 | 30.0 |
|----------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|---|-------------|-------------|-------------|-------------|-------------|-------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other 1156 - Receipt Supported Services | 30.0 | 30.0 | 30.0 | 30.0 | 30.0 | 30.0 |
| TOTAL | 30.0 | 30.0 | 30.0 | 30.0 | 30.0 | 30.0 |

Estimate of any current year (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

| | | | | | | |
|-----------|--|--|--|--|--|--|
| Full-time | | | | | | |
| Part-time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

SB 303 establishes the Big Game Commercial Services Board consisting of seven members who will assume responsibility for licensing and examinations. This fiscal note provides travel funding and assumes the following board composition: 2 members from Southeast, 2 members from Anchorage, 2 members from Kodiak, 1 member from Fairbanks; with the assumption the Board will meet at least four times each year, at four days per event to cover meeting and examinations. Other operating costs for the licensing of guides is already included in the Governor's FY05 budget at \$91.7. In accordance with the self-sufficiency requirement of AS 08.01.065(c) the new costs of \$30.0 will be funded by licensing fees.

Prepared by: Jennifer Strickler, Administrative Manager Phone (907) 465-2144
 Division Occupational Licensing Date/Time 2/16/04 11:17 AM
 Approved by: Edgar Blatchford, Commissioner Date 2/16/2004
 Agency Department of Community and Economic Development

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: S.B. 303
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Fish and Game
 Title Relating to the Big Game Commercial RDU Wildlife Conservation
Services Board and to the Regulation Component Wildlife Conservation
 Sponsor Senate Rules Committee
 Requester Senate Resources Committee Component No. 473

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

| OPERATING EXPENDITURES | FY 2005 | FY 2006 | FY 2007 | FY 2008 | FY 2009 | FY 2010 |
|------------------------|------------|------------|------------|------------|------------|------------|
| 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 | | | | | | |
|-----------------------------|--|--|--|--|--|--|

| | | | | | | |
|-------------------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES () | | | | | | |
|-------------------------------|--|--|--|--|--|--|

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|---|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other (Specify Type--Do not abbreviate) | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

| | | | | | | |
|-----------|--|--|--|--|--|--|
| Full-time | | | | | | |
| Part-time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: (Attach a separate page if necessary)
 Passage of this legislation would have no fiscal impact.

Prepared by: Sarah Gilbertson Phone 465-6137
 Division: Legislative Liaison Date/Time 2/19/04 8:35 a.m.
 Approved by: Commissioner Kevin Duffy Date 2/19/2004
 Agency: Alaska Department of Fish & Game



SENATOR SCOTT OGAN 23RD Alaska State Legislature

Senate District H Lazy Mountain * Butte * Chugiak * Peters Creek * Fairview Loop
Knik-Goose Bay * Big Lake * Houston * Willow * Talkeetna * Trapper Creek

State Capitol, Room 103, Juneau Alaska 99801 * (907) 465-3878 * 1 (800) 862-3878 * Fax (907) 465-3265
Senator_Scott_Ogan@legis.state.ak.us Http://www.akrepublicans.org/ogan

FACSIMILE TRANSMITTAL SHEET

| | |
|----------------------|--|
| TO: <u>Leg Legal</u> | FROM: <u>Linda Hay - Sen Res.</u> |
| COMPANY: | DATE: <u>3-9-04</u> |
| FAX NUMBER: | TOTAL NO. OF PAGES INCLUDING COVER: <u>2</u> |
| PHONE NUMBER: | RE: <u>CS SB 303 Utermohle</u> |

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Attached is a sheet with the amendments to walk draft CS SB 303 as adopted by the Senate Resources Comm.

Please send over a draft for review as soon as possible.

Thank You -

Amendments for CS SB 303 23-LS1655\D

✓ Page 2 line 9 should read: two members who represent private landholders affected by guided hunting activities or transportation services and who do not hold a license under this chapter; and

✓ Page 7 line 20 should read: possesses a current first aid card.....

✓ Page 11 line 29 should read: is convicted of a violation of any state or federal.....

✓ Page 12 line 9 should read: has acted unethically (incompetently)

Page 12 line 28 should read: hearing that the license was obtained through fraud, deceit, or (innocent) misrepresentation. ✓ ✕

✓ Page 14, line 18 should read: a valid Alaska hunting license in actual possession;

✓ Page 18 line 26 delete: (wolverine)

✓ Page 18 line 28 delete: (wolverine)

Conceptual Amendment: Page 13, lines 24 – 26: person who is licensed under this chapter to knowingly fail to (promptly) report to the Department of Public Safety, unless there are no reasonable means of communication available and in no event later than 20 days,..... ✕

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 27, 2004

SUBJECT: Sectional Summary of CSSB 303(); An Act relating to the Big Game Commercial Services Board and to the regulation of big game hunting services and transportation services (Work Order No. 23-LS1655D)

TO: Representative Ralph Samuels
Attn: Henry Webb

FROM: George Utermohle
Legislative Counsel

You have requested a sectional summary of CSSB 303(); an Act relating to the Big Game Commercial Services Board and to the regulation of big game hunting services and transportation services.

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.

Throughout the bill wherever the terms "registered guide" or "master guide" are used in statute they are replaced by "registered guide-outfitter" and "master guide-outfitter," respectively.

Section 1 of the bill amends AS 08.01.010(7) to provide that the centralized licensing provisions of AS 08.01 apply to the Big Game Commercial Services Board that is created in sec. 3 of the bill.

Section 2 of the bill sets out the sunset date of the Big Game Commercial Services Board as June 30, 2007.

Section 3 of the bill adds new sections to AS 08.54 to create the Big Game Commercial Services Board, to set out the qualifications of the seven members of the board, and to provide that the board is to receive assistance, information, and data from certain state agencies.

Section 4 of the bill amends AS 08.54.600 to provide for the transfer of responsibility for licensing and regulation of big game commercial services from the Department of Community and Economic Development to the Big Game Commercial Services Board

and to eliminate the roster of registered guides and amend provisions relating to examinations for registered guide-outfitters.

Sections 5 of the bill amends AS 08.54.600 by adding a new subsection authorizing the Big Game Commercial Services Board to adopt regulations regarding professional codes of conduct, written contracts with clients of registered guide-outfitters and transporters, and inspections of contracts by the Department of Community and Economic Development.

Section 6 of the bill amends AS 08.54.605(a) to amend provisions regarding eligibility for guide and transporter licenses if a person has been convicted of violating certain statutes or regulations and to insert the terms "registered guide-outfitter" and "master guide-outfitter" in lieu of "registered guide" or "master guide," respectively.

Section 7 of the bill amends AS 08.54.605(c) to insert the terms "registered guide-outfitter" and "master guide-outfitter" in lieu of "registered guide" or "master guide," respectively.

Section 8 of the bill amends AS 08.54.610 to provide for the transfer of responsibility for licensing and regulation of registered guides from the Department of Community and Economic Development to the Big Game Commercial Services Board and to replace the terms "registered guide" or "master guide" with "registered guide-outfitter" and "master guide-outfitter," respectively.

Section 9 of the bill amends AS 08.54.620 to provide for the transfer of responsibility for licensing and regulation of class-A assistant guides from the Department of Community and Economic Development to the Big Game Commercial Services Board, to amend the requirements for a class-A assistant guide license, and to replace the terms "registered guide" or "master guide" with "registered guide-outfitter" and "master guide-outfitter," respectively.

Section 10 of the bill amends AS 08.54.630 to provide for the transfer of responsibility for licensing and regulation of assistant guides from the Department of Community and Economic Development to the Big Game Commercial Services Board, to amend the requirements for an assistant guide license, and to replace the term "registered guide" with "registered guide-outfitter."

Section 11 of the bill amends AS 08.54.640(a) to replace the term "registered guide" with "registered guide-outfitter."

Section 12 of the bill amends AS 08.54.640(b) to transfer authority from the Department of Community and Economic Development to the Big Game Commercial Services Board to adopt regulations regarding the suspension of guide licenses held by persons who are or become law enforcement officers and to replace the term "registered guide" with "registered guide-outfitter."

Section 13 of the bill amends AS 08.54.650(c) to provide that the Big Game Commercial Services Board may specify the information to be supplied in transporter activity reports.

Section 14 of the bill amends AS 08.54.660 to provide that registered guide-outfitters and transporters must sign an affidavit that all required reports have been submitted to the Department of Community and Economic Development before their licenses can be renewed and to replace the term "registered guide" with "registered guide-outfitter."

Sections 15 and 16 of the bill amend AS 08.54.670 and 08.54.680(b), respectively, to replace the term "registered guide" with "registered guide-outfitter."

Sections 17 and 18 of the bill amend AS 08.54.710(a) and (b), respectively, to provide that the Big Game Commercial Services Board is responsible for imposing disciplinary sanctions upon persons licensed under AS 08.54 and to amend the list of acts for which the board may impose disciplinary sanctions.

Section 19 of the bill amends AS 08.54.710(c) to raise the maximum civil fine that can be imposed by the Big Game Commercial Services Board from \$5,000 to \$10,000 and to provide that the Big Game Commercial Services Board is responsible for imposing disciplinary sanctions upon persons licensed under AS 08.54.

Section 20 of the bill amends AS 08.54.710(d) to provide that the Big Game Commercial Services Board is responsible for imposing certain disciplinary sanctions upon persons licensed under AS 08.54.

Sections 21, 22, and 23 of the bill amend AS 08.54.710(e), (h), and (i), respectively, to provide that the Big Game Commercial Services Board is responsible for imposing disciplinary sanctions upon persons licensed under AS 08.54.

Section 24 of the bill amends AS 08.54.720(a) to provide that it is unlawful for a person licensed under AS 08.54 to commit or aid in the commission of a violation of a state or federal wildlife or game, guiding, or transportation services statute, to fail to report a violation of a state or federal wildlife or game, guiding, or transportation services statute by a client or employee within 20 days after the violation, or to remain on state, federal or private land without prior approval. Also, the term "registered guide" is replaced with "registered guide-outfitter" in several places.

Section 25 of the bill amends AS 08.54.720(f) to provide that the Big Game Commercial Services Board is responsible for suspending guide licenses and transporter licenses when ordered by a court.

Section 26 of the bill amends AS 08.54.730 to provide that the Big Game Commercial Services Board may obtain an injunction to halt certain violations of AS 08.54.

Section 27 of the bill amends AS 08.54.740 to provide that a registered guide-outfitter or transporter is equally responsible for violations of federal wildlife laws by their employees and to replace the term "registered guide" with "registered guide-outfitter."

Section 28 of the bill amends AS 08.54.750 to prohibit registered guide-outfitters from withdrawing or amending a use area registration during a calendar year, to allow the Big Game Commercial Services Board to amend the boundaries of use areas, and to make technical changes necessary to conform to the replacement of the term "registered guide" with "registered guide-outfitter" and with the transfer of authority from the Department of Community and Economic Development to the Big Game Commercial Services Board.

Section 29 of the bill adds new subsections to AS 08.54.750 to provide that registered guide-outfitters may register for additional use areas to guide hunts for certain big game predator species under certain conditions and that transporters may be required to provide advance notice to the Department of Community and Economic Development before providing transportation services in a use area.

Section 30 of the bill amends AS 08.54.760 to provide that the Department of Community and Economic Development may make hunt records and activity reports available to federal and other law enforcement agencies and to make technical changes necessary to conform to the replacement of the term "registered guide" with "registered guide-outfitter" and with the transfer of authority from the Department of Community and Economic Development to the Big Game Commercial Services Board.

Section 31 of the bill amends AS 08.54.770 to make technical changes necessary to conform to the replacement of the term "registered guide" with "registered guide-outfitter" and to clarify that the Department of Fish and Game is responsible for issuing hunting licenses.

Section 32 of the bill amends AS 08.54.790 to make technical changes necessary to conform to the replacement of the term "registered guide" with "registered guide-outfitter" and to add a definition of "board."

Sections 33 - 37 amend AS 16.05.407(a), 16.05.407(f), 16.05.408(a), 16.05.408(c), and AS 23.10.055, respectively, to make technical changes necessary to conform to the replacement of the term "registered guide" with "registered guide-outfitter."

Section 38 of the bill amends AS 39.50.200(b) by adding the Big Game Commercial Services Board to the list of boards and commissions whose members are subject to public officers financial disclosure.

Section 39 of the bill amends AS 41.23.420(d) by substituting the Big Game Commercial Services Board for a reference to the Department of Community and Economic Development.

Representative Ralph Samuels
February 27, 2004
Page 5

Section 40 of the bill amends AS 44.62.330(a)(35) by substituting the Big Game Commercial Services Board for a reference to the Department of Community and Economic Development in the list of agencies that are subject to the administrative adjudication provisions of the Administrative Procedure Act.

Section 41 of the bill provides for the initial appointment of the members of the Big Game Commercial Services Board.

Section 42 of the bill provides for the issuance of registered guide-outfitter licenses and master guide-outfitter licenses to persons who currently hold registered guide licenses and master guide licenses.

Section 43 of the bill is the Savings Clause.

Section 44 of the bill provides that secs. 3, 41, 42, and 43 of the bill take effect immediately.

Section 45 of the bill provides that the remaining provisions of the bill take effect on the day that the Big Game Commercial Services Board holds its first meeting.

If I may be of further assistance, please advise.

GU:med
04-246.med

*adopted &
amend
3-5-04*

23-LS1655\D
Utermohle
2/26/04

CS FOR SENATE BILL NO. 303()

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): THE SENATE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE BUDGET AND
AUDIT COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the Big Game Commercial Services Board and to the regulation of
2 big game hunting services and transportation services; and providing for an effective
3 date."

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

5 * Section 1. AS 08.01.010(7) is amended to read:

6 (7) Big Game Commercial Services Board (AS 08.54.591)
7 [REGULATION OF BIG GAME GUIDES AND TRANSPORTERS UNDER
8 AS 08.54];

9 * Sec. 2. AS 08.03.010(c) is amended by adding a new paragraph to read:

10 (22) Big Game Commercial Services Board (AS 08.54.591) -- June 30,
11 2007.

12 * Sec. 3. AS 08.54 is amended by adding new sections to article 1 to read:

13 **Sec. 08.54.591. Creation and membership of board.** (a) For the purposes
14 of licensing and regulating the activities of providers of commercial services to big

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game hunters in the interest of the state's wildlife resources, there is created the Big Game Commercial Services Board. For administrative purposes, the board is in the Department of Community and Economic Development.

(b) The board consists of seven members as follows:

- (1) two members who are current, licensed registered guide-outfitters;
- (2) one member who is a licensed transporter;
- (3) one member of the Board of Game who is chosen by the Board of Game and who does not hold a guide or transport license; *alder*
- (4) two members who represent private landholders and who do not hold a license issued under this chapter; and
- (5) one public member.

Sec. 08.54.595. Board assistance. The Department of Fish and Game, Department of Natural Resources, Department of Law, and Department of Public Safety shall provide the board with information, data, or technical assistance requested by the board for the purposes of licensing and regulating the activities of providers of commercial services to big game hunters.

* **Sec. 4.** AS 08.54.600 is amended to read:

Sec. 08.54.600. Duties of board [DEPARTMENT]. (a) The board [DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT] shall

(1) prepare and [,] grade [, AND ADMINISTER]

(A) a qualification examination for a registered guide-outfitter [GUIDE] license that requires demonstration that the applicant is qualified generally to provide guided and outfitted hunts and, in particular, possesses knowledge of fishing, hunting, and guiding laws and regulations; and

(B) a certification examination for each game management unit in which the registered guide-outfitter [GUIDE] intends to provide big game hunting services; the examination must require demonstration that the registered guide-outfitter [GUIDE] is qualified to provide guided and outfitted hunts in the game management unit for which the registered guide-outfitter [GUIDE] seeks to be certified and, in particular, must require demonstration that the registered guide-outfitter [GUIDE] possesses knowledge of the

1 terrain, transportation problems, game, and other characteristics of the game
2 management unit;

3 (2) authorize the issuance of [ISSUE] registered guide-outfitter
4 [GUIDE], master guide-outfitter [GUIDE], class-A assistant guide, assistant guide,
5 and transporter licenses;

6 (3) [COMPILE, MAINTAIN, AND PUBLISH AN ANNUAL
7 ROSTER OF REGISTERED GUIDES AND MASTER GUIDES LICENSED
8 UNDER THIS CHAPTER; A PERSON LISTED IN THE ROSTER WHOSE
9 LICENSE IS REVOKED OR SUSPENDED SHALL BE REMOVED FROM THE
10 ROSTER WHILE THE PERSON'S LICENSE IS REVOKED OR SUSPENDED;

11 (4)] impose appropriate disciplinary sanctions on a licensee under
12 AS 08.54.600 - 08.54.790;

13 (4) [(5)] require an applicant for issuance or renewal of any class of
14 guide license or of a transporter license to state in a written and signed document
15 whether the applicant's right to obtain, or exercise the privileges granted by, a hunting,
16 guiding, outfitting, or transportation services license is revoked or suspended in this
17 state or another state or in Canada;

18 (5) [(6)] regularly disseminate information regarding examinations and
19 other qualifications for all classes of guide licenses to residents of the rural areas of the
20 state;

21 (6) [(7)] adopt procedural and substantive regulations required by this
22 chapter;

23 (7) provide for administration of [(8) ADMINISTER] examinations
24 for registered guide-outfitters [GUIDES] at least twice a year [; AN
25 EXAMINATION MAY NOT BE GIVEN WITHIN 90 DAYS AFTER THE
26 PREVIOUS EXAMINATION; AT LEAST ONCE EVERY OTHER YEAR THE
27 DEPARTMENT SHALL GIVE THE EXAMINATION AT A LOCATION OTHER
28 THAN ANCHORAGE].

29 (b) The board [DEPARTMENT] shall provide for administration of an oral
30 examination for a registered guide-outfitter [GUIDE] license or for a game
31 management unit certification if requested at the time of application for the license

DeLia says outdated

Handwritten signature

[AN APPLICANT EXPERIENCES A SPECIFIC LANGUAGE DISABILITY].

* Sec. 5. AS 08.54.600 is amended by adding a new subsection to read:

(c) The board may adopt regulations as the board considers appropriate to

(1) establish a code of ethics for professions regulated by the board;

(2) require registered guide-outfitters and transporters to enter into written contracts to provide big game hunting services and transportation services to clients;

(3) authorize the department to request a copy of a big game hunting services or transportation services contract entered into by a person licensed under this chapter.

* Sec. 6. AS 08.54.605(a) is amended to read:

(a) Notwithstanding AS 08.54.610, 08.54.620, 08.54.630, 08.54.650, and 08.54.660, a person may not receive or renew a registered guide-outfitter [GUIDE] license, master guide-outfitter [GUIDE] license, class-A assistant guide license, assistant guide license, or transporter license if

(1) the person has been convicted of

(A) a violation of a state or federal hunting, guiding, or transportation services statute or regulation [WITHIN THE LAST FIVE YEARS] for which the person was

(i) [FINED MORE THAN \$1,000 OR] imprisoned for more than five days within the previous five years;

(ii) fined more than \$1,000 in the previous 12

months;

(iii) fined more than \$3,000 in the previous 36

months; or

(iv) fined more than \$5,000 in the previous 60

months;

(B) a felony within the last five years; or

(C) a felony offense against the person under AS 11.41 within the last 10 years; or

(2) the person's right to obtain, or exercise the privileges granted by, a

Gives board to what with audit

Then approach

adds flexibility

1 hunting, guiding, outfitting, or transportation services license is suspended or revoked
2 in this state or another state or in Canada.

3 * Sec. 7. AS 08.54.605(c) is amended to read:

4 (c) A person may not receive a certification for a game management unit if the
5 person is prohibited by (a) of this section from receiving or renewing a registered
6 guide-outfitter [GUIDE] license or master guide-outfitter [GUIDE] license.

7 * Sec. 8. AS 08.54.610 is amended to read:

8 **Sec. 08.54.610. Registered guide-outfitter [GUIDE] license.** (a) A natural
9 person is entitled to a registered guide-outfitter [GUIDE] license if the person

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

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

14 (3) either

15 (A) has passed the qualification examination prepared [AND
16 ADMINISTERED] by the board [DEPARTMENT] under AS 08.54.600; or

17 (B) provides evidence of 25 years of experience as a class-A
18 assistant guide or class-A assistant guide-outfitter;

19 (4) has passed a certification examination prepared [AND
20 ADMINISTERED] by the board [DEPARTMENT] under AS 08.54.600 for at least
21 one game management unit;

22 (5) has legally hunted big game in the state for part of each of any five
23 years in a manner directly contributing to the person's experience and competency as a
24 guide;

25 (6) has been licensed as and performed the services of a class-A
26 assistant guide or assistant guide, or of a class-A assistant guide-outfitter or assistant
27 guide-outfitter under former AS 08.54.300 - 08.54.590, in the state for a part of each
28 of three years;

29 (7) is capable of performing the essential duties associated with
30 guiding and outfitting;

31 (8) has been favorably recommended in writing by eight big game

1 hunters whose recommendations have been solicited by the department from a list
2 provided by the applicant, including at least two favorable recommendations for each
3 year of any three years during which the person was a class-A assistant guide or
4 assistant guide, or a class-A assistant guide-outfitter or assistant guide-outfitter under
5 former AS 08.54.300 - 08.54.590;

6 (9) has provided proof of financial responsibility if required by the
7 department under AS 08.54.680; and

8 (10) has applied for a registered guide-outfitter [GUIDE] license on a
9 form provided by the department and paid the license application fee and the
10 registered guide-outfitter [GUIDE] license fee.

11 (b) A master guide-outfitter [GUIDE] license authorizes a registered guide-
12 outfitter [GUIDE] to use the title master guide-outfitter [GUIDE], but is for all other
13 purposes under this chapter a registered guide-outfitter [GUIDE] license. A natural
14 person is entitled to receive a renewable master guide-outfitter [GUIDE] license if
15 the person

16 (1) is, at the time of application for a master guide-outfitter [GUIDE]
17 license, licensed as a registered guide-outfitter [GUIDE] under this section;

18 (2) has been licensed in this state as a registered guide or a guide-
19 outfitter, under former AS 08.54.010 - 08.54.240, former AS 08.54.300 - 08.54.590, or
20 this chapter, for at least 12 of the last 15 years, including the year immediately
21 preceding the year in which the person applies for a master guide-outfitter [GUIDE]
22 license;

23 (3) submits a list to the department of at least 25 clients for whom the
24 person has personally provided guiding or outfitting services and the person receives a
25 favorable evaluation from 10 of the clients selected from the list by the department;
26 and

27 (4) applies for a master guide-outfitter [GUIDE] license on a form
28 provided by the department and pays the application fee, if any.

29 (c) A registered guide-outfitter [GUIDE] may contract to guide or outfit
30 hunts for big game and may provide transportation services, personally or through an
31 assistant, to big game hunters who are clients of the registered guide-outfitter

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[GUIDE].

(d) A person who is licensed as a registered guide-outfitter [GUIDE] may be employed by another registered guide-outfitter [GUIDE] to perform the functions of a registered guide-outfitter [GUIDE] or class-A assistant guide in the game management unit for which the person is certified under AS 08.54.600 or of an assistant guide in any game management unit.

(e) A registered guide-outfitter [GUIDE] who contracts for a guided hunt shall be

(1) physically present in the field with the client at least once during the contracted hunt; and

(2) in the field and participating in the contracted hunt, unless the hunt is being conducted by a class-A assistant guide or a registered guide-outfitter [GUIDE] employed by the contracting registered guide-outfitter [GUIDE].

* Sec. 9. AS 08.54.620 is amended to read:

Sec. 08.54.620. Class-A assistant guide license. (a) A natural person is entitled to a class-A assistant guide license if the person

(1) is 21 years of age or older;

(2) applies for a class-A assistant guide license on a form provided by the department and pays the license application fee and the license fee; [AND]

(3) possesses a ^{Current} first aid card issued by the Red Cross or a similar organization; and

(4) either

Amend #1

(A) has

(i) been employed during at least three calendar years as any class of licensed guide in the game management unit for which the license is sought; and

(ii) at least 10 years' hunting experience in the state; military service outside of the state for not more than three years shall be accepted as part of the required 10 years' hunting experience; [OR]

(B) provides

(i) evidence that the person physically resides in the

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game management unit in which the person is to be employed;

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

(iii) a written recommendation from a registered guide-outfitter [GUIDE, STATE TROOPER, STATE FISH AND WILDLIFE LAW ENFORCEMENT OFFICER, OR STATE FISH OR GAME BIOLOGIST WHO IS FAMILIAR WITH THE PERSON OR] who intends to employ the person as a class-A assistant guide; or

(C) provides evidence that the person

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

(ii) has at least 10 years' hunting experience in the state; military service outside of the state for not more than three years shall be accepted as part of the required 10 years' hunting experience; and

(iii) has passed a class-A assistant guide training course approved by the board.

(b) A class-A assistant guide

(1) may not contract to guide or outfit a big game hunt;

(2) shall be employed by and under the supervision of a registered guide-outfitter [GUIDE] who has contracted with the client for whom the class-A assistant guide is conducting the hunt;

(3) may take charge of a camp and provide [CONDUCT] guide services [ACTIVITIES] from the camp without the contracting registered guide-outfitter [GUIDE] being in the field and participating in the contracted hunt if the contracting registered guide-outfitter [GUIDE] is supervising the guiding activities;

(4) may not perform functions of a class-A assistant guide outside of the game management unit for which the license is issued; and

existing lang.

1 (5) may be employed by a registered guide-outfitter [GUIDE] to
2 perform the functions of an assistant guide in any game management unit.

3 * Sec. 10. AS 08.54.630 is amended to read:

4 Sec. 08.54.630. Assistant guide license. (a) A natural person is entitled to an
5 assistant guide license if the person

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

7 (2) has legally hunted big game in the state during two calendar years;

8 (3) possesses a first aid card issued by the Red Cross or a similar
9 organization;

10 (4) either

11 (A) obtains a written recommendation from a registered guide-
12 outfitter [GUIDE, STATE TROOPER, STATE FISH AND WILDLIFE LAW
13 ENFORCEMENT OFFICER, OR STATE FISH OR GAME BIOLOGIST
14 WHO IS FAMILIAR WITH THE PERSON OR] who intends to employ the
15 person as an assistant guide; or

16 (B) provides evidence that the person passed an assistant
17 guide training course approved by the board; and

18 (5) applies for an assistant guide license on a form provided by the
19 department and pays the license application fee and the license fee.

20 (b) An assistant guide

21 (1) may not contract to guide or outfit a big game hunt;

22 (2) shall be employed by a registered guide-outfitter [GUIDE] and
23 under the supervision of a registered guide-outfitter [GUIDE] or class-A assistant
24 guide while the assistant guide is in the field on guided hunts; and

25 (3) may not take charge of a camp or provide [CONDUCT] guide
26 services [ACTIVITIES] unless the contracting registered guide-outfitter [GUIDE] is
27 in the field and participating in the contracted hunt or a registered guide-outfitter
28 [GUIDE] or class-A assistant guide employed by the contracting guide is physically
29 present and supervising the hunt.

30 * Sec. 11. AS 08.54.640(a) is amended to read:

31 (a) Notwithstanding AS 08.54.610 - 08.54.630 and except as provided in (b)

1 of this section, a person may not hold, or earn experience credits to apply for, a
2 registered guide-outfitter [GUIDE] license under this chapter, while the person is a
3 law enforcement officer and for three months after terminating the person's status as a
4 law enforcement officer.

5 * Sec. 12. AS 08.54.640(b) is amended to read:

6 (b) A registered guide-outfitter [GUIDE] license, class-A assistant guide
7 license, or assistant guide license issued under this chapter, or under former provisions
8 of AS 08.54.300 - 08.54.590, after May 16, 1992, is suspended if the person to whom
9 the license is issued subsequently becomes a law enforcement officer. A person
10 whose license is subject to suspension under this subsection shall notify the
11 department that the person has become a law enforcement officer within 30 days after
12 becoming a law enforcement officer. The suspension of a license under this
13 subsection remains in effect until three months have elapsed from the date on which
14 the licensee provides written notification to the department of the fact that the person
15 is no longer a law enforcement officer. A person whose license is suspended under
16 this subsection is not required to renew the license or pay license renewal fees for the
17 period of suspension. Once a suspension of a license is terminated, the licensee may
18 provide, without further payment of a guide license fee, the guide services authorized
19 by the license for the remainder of the licensing period in which the suspension is
20 terminated. Notwithstanding other provisions of this subsection, if a person whose
21 license is suspended under this subsection fails to notify the department within one
22 year after the person is no longer a law enforcement officer, the person's license lapses
23 and the person is eligible for reissuance of the license only as provided in
24 AS 08.54.670. The board [DEPARTMENT] may adopt regulations to implement this
25 subsection.

26 * Sec. 13. AS 08.54.650(c) is amended to read:

27 (c) A transporter shall provide an annual activity report on a form provided by
28 the department. An activity report must contain all information required by the board
29 [DEPARTMENT] by regulation.

30 * Sec. 14. AS 08.54.660 is amended to read:

31 Sec. 08.54.660. **Renewal of guide and transporter licenses.** (a) An

1 applicant for renewal of a registered guide-outfitter [GUIDE], class-A assistant
2 guide, assistant guide, or transporter license shall submit

3 (1) a request for renewal of the license on a form provided by the
4 department; and

5 (2) the appropriate license fee for the next licensing period.

6 (b) The department may not renew a registered guide-outfitter [GUIDE]
7 license under this section unless all fees have been paid in full and the registered
8 guide-outfitter has signed an affidavit that all hunt records due during the term of
9 the current license have been filed with the department.

10 (c) The department may not renew a transporter license unless all fees have
11 been paid in full and the transporter has signed an affidavit that all activity reports
12 due during the term of the current license have been filed with the department.

13 * Sec. 15. AS 08.54.670 is amended to read:

14 Sec. 08.54.670. Failure to renew. The department may not issue a license to
15 a person who held a registered guide-outfitter [GUIDE], class-A assistant guide, or
16 assistant guide license and who has failed to renew the license under this chapter for
17 four consecutive years unless the person again meets the qualifications for initial
18 issuance of the license.

19 * Sec. 16. AS 08.54.680(b) is amended to read:

20 (b) If a registered guide-outfitter [GUIDE], class-A assistant guide, or an
21 assistant guide personally pilots an aircraft to transport clients during the provision of
22 big game hunting services, the registered guide-outfitter [GUIDE], class-A assistant
23 guide, or assistant guide shall have a commercial pilot's rating or a minimum of 500
24 hours of flying time in the state.

25 * Sec. 17. AS 08.54.710(a) is amended to read:

26 (a) The board [DEPARTMENT] may impose a disciplinary sanction in a
27 timely manner under (c) of this section if the board [DEPARTMENT] finds after a
28 hearing, that a licensee

29 (1) is convicted of a violation of ^{any} a state or federal statute or regulation
30 relating to hunting or to provision of big game hunting services or transportation
31 services; [OR]

Amend #2

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- (2) has failed to file records or reports required under this chapter;
- (3) has negligently misrepresented or omitted a material fact on an application for any class of guide license or a transporter license; or
- (4) has breached a contract to provide big game hunting services or transportation services to a client.

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* Sec. 18. AS 08.54.710(b) is amended to read:

(b) The board [DEPARTMENT] may impose a disciplinary sanction in a timely manner under (c)(3) - (7) of this section if the board [DEPARTMENT] finds, after a hearing, that a licensee has acted incompetently ^{unethically} [IS INCOMPETENT] as a registered guide-outfitter [GUIDE], class-A assistant guide, assistant guide, or transporter.

Amend #3

* Sec. 19. AS 08.54.710(c) is amended to read:

(c) The board [DEPARTMENT] may impose the following disciplinary sanctions, singly or in combination:

- (1) permanently revoke a license;
- (2) suspend a license for a specified period;
- (3) censure or reprimand a licensee;
- (4) impose limitations or conditions on the professional practice of a licensee;
- (5) impose requirements for remedial professional education to correct deficiencies in the education, training, and skill of the licensee;
- (6) impose probation requiring a licensee to report regularly to the board [DEPARTMENT] on matters related to the grounds for probation;
- (7) impose a civil fine not to exceed \$5,000 [\$1,000].

* Sec. 20. AS 08.54.710(d) is amended to read:

(d) The board [DEPARTMENT] shall permanently revoke a transporter license or any class of guide license if the board [DEPARTMENT] finds after a hearing that the license was obtained through fraud, deceit, or ~~innocent~~ misrepresentation.

Amend #4

* Sec. 21. AS 08.54.710(e) is amended to read:

(e) The board [DEPARTMENT] shall suspend or permanently revoke a

1 transporter license or any class of guide license without a hearing if the court orders
2 the board [DEPARTMENT] to suspend or permanently revoke the license as a
3 penalty for conviction of an unlawful act [UNDER AS 08.54.720]. If the board
4 [DEPARTMENT] suspends or permanently revokes a license under this subsection,
5 the board [DEPARTMENT] may not also impose an administrative disciplinary
6 sanction of suspension or permanent revocation of the same license for the same
7 offense for which the court ordered the suspension or permanent revocation under
8 AS 08.54.720.

9 * Sec. 22. AS 08.54.710(h) is amended to read:

10 (h) If the board [DEPARTMENT] revokes a license under this section, the
11 person whose license has been revoked shall immediately surrender the license to the
12 department.

13 * Sec. 23. AS 08.54.710(i) is amended to read:

14 (i) The board [DEPARTMENT] may summarily suspend a licensee from
15 practice of the profession under this chapter, for a period of not more than 30 days,
16 before a final hearing is held or during an appeal if the board [DEPARTMENT] finds
17 that the licensee poses a clear and immediate danger to the public health and safety. A
18 person is entitled to a hearing before the board [DEPARTMENT] to appeal the
19 summary suspension within seven days after the order of suspension is issued. A
20 person may appeal an adverse decision of the board [DEPARTMENT] on an appeal
21 of summary suspension to a court of competent jurisdiction.

22 * Sec. 24. AS 08.54.720(a) is amended to read:

23 (a) It is unlawful for a

24 (1) person who is licensed under this chapter to knowingly fail to
25 ~~promptly~~ report to the Department of Public Safety, [DIVISION OF FISH AND
26 WILDLIFE PROTECTION,] and in no event later than 20 days, a violation of a state
27 or federal wildlife or game, guiding, or transportation services statute or regulation
28 that the person reasonably believes was committed by a client or an employee of the
29 person;

30 (2) person who is licensed under this chapter to intentionally obstruct
31 or hinder or attempt to obstruct or hinder lawful hunting engaged in by a person who

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is not a client of the person;

(3) class-A assistant guide or an assistant guide to knowingly guide a big game hunt except while employed and supervised by a registered guide-outfitter [GUIDE];

(4) person who holds any class of guide license or transporter license to knowingly enter or remain on private, state, or federal land without prior authorization during the course of providing big game hunting services or transportation services;

(5) registered guide-outfitter [GUIDE] to knowingly engage in providing big game hunting services outside of

(A) a game management unit for which the registered guide-outfitter [GUIDE] is certified; or

(B) a use area for which the registered guide-outfitter [GUIDE] is registered under AS 08.54.750 unless the registration requirement for the area has been suspended by the Department of Fish and Game;

(6) person to knowingly guide without having a current registered guide-outfitter [GUIDE], class-A assistant guide, or assistant guide license and hunting license in actual possession; *Amend # 5*

(7) registered guide-outfitter [GUIDE] to knowingly fail to comply with AS 08.54.610(e);

(8) person who is licensed under this chapter to knowingly

(A) commit or aid in the commission of a violation of this chapter, a regulation adopted under this chapter, or a state or federal wildlife or game statute or regulation; or

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

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

(ii) reporting the violation;

(9) person without a current registered guide-outfitter [GUIDE]

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1 license to knowingly guide, advertise as a registered guide-outfitter [GUIDE], or
2 represent to be a registered guide-outfitter [GUIDE];

3 (10) person without a current master guide-outfitter [GUIDE] license
4 to knowingly advertise as, or represent to be, a master guide-outfitter [GUIDE];

5 (11) person without a current registered guide-outfitter [GUIDE]
6 license to knowingly outfit a big game hunt, provide outfitting services, advertise as
7 an outfitter of big game hunts, or represent to be an outfitter of big game hunts;

8 (12) person to knowingly provide transportation services to big game
9 hunters without holding a current registered guide-outfitter [GUIDE] license or
10 transporter license;

11 (13) person without a current transporter license to knowingly
12 advertise as, or represent to be, a transporter;

13 (14) class-A assistant guide or an assistant guide to knowingly contract
14 to guide or outfit a hunt;

15 (15) person licensed under this chapter to knowingly violate a state
16 statute or regulation prohibiting waste of a wild food animal or hunting on the same
17 day airborne;

18 (16) person to knowingly provide big game hunting service or
19 transportation services during the period for which the person's license to provide that
20 service is suspended or revoked;

21 (17) registered guide-outfitter [GUIDE], except in the defense of life
22 or property, to knowingly personally take

23 (A) big game while accompanying a client in the field; or

24 (B) a species of big game if the registered guide-outfitter
25 [GUIDE] is under contract with a client to provide a guided hunt for that
26 species of big game and the client is in the field;

27 (18) person who is licensed as a registered guide-outfitter [GUIDE], a
28 class-A assistant guide, or an assistant guide, except in the defense of life or property,
29 to knowingly personally take big game while a client of the registered guide-outfitter
30 [GUIDE] by whom the person is employed is in the field unless the person is not
31 participating in, supporting, or otherwise assisting in providing big game hunting

1 services to a client of the registered guide-outfitter [GUIDE] by whom the person is
2 employed; or

3 (19) person who is licensed as a transporter, or who provides
4 transportation services under a transporter license, to knowingly accompany or remain
5 in the field with a big game hunter who is a client of the person except as necessary to
6 perform the specific duties of embarking or disembarking big game hunters, their
7 equipment, or big game animals harvested by hunters; this paragraph does not apply to
8 a person who holds both a transporter license and a registered guide-outfitter [ANY
9 CLASS OF GUIDE] license issued under this chapter when the person has a
10 contract to provide guiding services for the client.

11 * Sec. 25. AS 08.54.720(f) is amended to read:

12 (f) In addition to the penalties set out in (b) - (e) of this section and a
13 disciplinary sanction imposed under AS 08.54.710,

14 (1) the court may order the board [DEPARTMENT] to suspend the
15 guide license or transporter license of a person who commits a misdemeanor offense
16 set out in (a)(1), (3) - (5), (7), (17), (18), or (19) of this section for a specified period
17 of not more than three years;

18 (2) the court shall order the board [DEPARTMENT] to suspend the
19 guide license or transporter license of a person who commits a misdemeanor offense
20 set out in (a)(2) or (8) - (14) of this section for a specified period of not less than one
21 year and not more than five years;

22 (3) the court shall order the board [DEPARTMENT] to suspend the
23 guide license or transporter license for a specified period of not less than three years,
24 or to permanently revoke the guide license or transporter license, of a person who
25 commits an offense set out in (a)(15) or (16) of this section; and

26 (4) all guns, fishing tackle, boats, aircraft, automobiles, or other
27 vehicles, camping gear, and other equipment and paraphernalia used in, or in aid of, a
28 violation of (a) of this section may be seized by persons authorized to enforce this
29 chapter and may be forfeited to the state as provided under AS 16.05.195.

30 * Sec. 26. AS 08.54.730 is amended to read:

31 **Sec. 08.54.730. Injunction against unlawful action.** When in the judgment

1 of the board [DEPARTMENT], a person has engaged in an act in violation of
 2 AS 08.54.620(b), 08.54.630(b), 08.54.650(b), 08.54.710(g), or 08.54.720(a) or the
 3 regulations adopted under these statutes, the board [DEPARTMENT] may apply to
 4 the appropriate court for an order enjoining the action. Upon a showing by the board
 5 [DEPARTMENT] that the person is engaging in the act, the court shall grant
 6 injunctive relief or other appropriate order without bond.

7 * Sec. 27. AS 08.54.740 is amended to read:

8 **Sec. 08.54.740. Responsibility of guide or transporter for violations.** (a) A
 9 registered guide-outfitter [GUIDE] who contracts to guide or outfit a big game hunt
 10 is equally responsible under AS 08.54.710 for a violation of a state or federal wildlife
 11 or game or [,] guiding [, OR TRANSPORTATION SERVICES] statute or regulation
 12 committed by a person while in the course of the person's employment for the
 13 registered guide-outfitter [GUIDE].

14 (b) A transporter who provides transportation services is equally responsible
 15 under AS 08.54.710 for a violation of a state or federal wildlife or game, guiding, or
 16 transportation services statute or regulation committed by a person while in the course
 17 of the person's employment for the transporter.

18 * Sec. 28. AS 08.54.750 is amended to read:

19 **Sec. 08.54.750. Use area registration.** (a) At least 30 days before
 20 conducting big game hunting services within a guide use area, a registered guide-
 21 outfitter [GUIDE] shall inform the department, in person or by registered mail on a
 22 registration form provided by the department, that the guide-outfitter [GUIDE] will
 23 be conducting big game hunting services in the use area. A registered guide may not
 24 withdraw or amend a guide use area registration during the calendar year in
 25 which the registration was submitted to the department.

26 (b) A registered guide-outfitter [GUIDE] may not register for, or conduct big
 27 game hunting services in,

28 (1) more than three guide use areas during a calendar year; or

29 (2) a guide use area that is outside of a game management unit for
 30 which the registered guide-outfitter [GUIDE] is certified under AS 08.54.600.

31 (c) Notwithstanding (a) and (b) of this section, a registered guide-outfitter

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1 [GUIDE] may register to conduct big game hunting services within a guide use area at
 2 any time before beginning operations in the guide use area and may conduct big game
 3 hunting services in a guide use area, or for a big game species in a guide use area, that
 4 is not one of the three guide use areas for which the registered guide-outfitter
 5 [GUIDE] has registered under (b) of this section if the Department of Fish and Game
 6 has determined by regulation that it is in the public interest to suspend the registration
 7 requirements for that guide use area or for all guide use areas in a game management
 8 unit or game management subunit for a big game species within those guide use areas.

9 (d) Notwithstanding (b) of this section, a registered guide-outfitter [GUIDE]
 10 who is registered in three guide use areas may also register for and conduct big game
 11 hunting services in a portion of one additional guide use area on federal land adjacent
 12 to a guide use area in which the registered guide-outfitter [GUIDE] is already
 13 registered if the board [DEPARTMENT] finds that the portion of the adjacent guide
 14 use area for which the registered guide-outfitter [GUIDE] is seeking to be registered
 15 would otherwise remain unused by a registered guide-outfitter [GUIDE] because the
 16 boundaries of guide use areas do not coincide with boundaries of federal big game
 17 guide concession or permit areas.

18 (e) In this section, "guide use area" means a geographic area of the state
 19 identified as a guide-outfitter use area by the former Big Game Commercial Services
 20 Board established under former AS 08.54.300 and described on a set of maps titled
 21 Guide-Outfitter Use Area Maps, dated June 22, 1994, as amended by the board as
 22 the board considers necessary.

23 * Sec. 29. AS 08.54.750 is amended by adding new subsections to read:

24 (f) Notwithstanding (b) of this section, a registered guide who is registered in
 25 three guide use areas may also register for and conduct big game hunting services for
 26 wolf, wolverine, black bear, brown bear, or grizzly bear in guide use areas within a
 27 game management unit or portion of a game management unit where the Board of
 28 Game has identified predation by wolf, wolverine, black bear, brown bear, or grizzly
 29 bear as a cause of the depletion of a big game prey population or a reduction of the
 30 productivity of a big game prey population that is the basis for the establishment of an
 31 intensive management program in the game management unit or portion of the game

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Gives Authority to Change Guide Use Areas

Amend # 6

1 management unit or for the declaration of the biological emergency in the game
 2 management unit or portion of the game management unit. A registered guide may
 3 only conduct hunts in a guide use area under this subsection for the big game species
 4 identified by the Board of Game as the cause of the depletion or reduction of
 5 productivity a big game prey population.

6 (g) At least 60 days before providing transportation services to, from, or in an
 7 area as may be determined by the board, a transporter shall inform the department, in
 8 person or by registered mail on a registration form provided by the department, that
 9 the transporter will be providing transportation services to, from, or in the use area.
 10 The board may establish transporter use areas and adopt regulations to implement this
 11 subsection as the board considers necessary.

12 * Sec. 30. AS 08.54.760 is amended to read:

13 **Sec. 08.54.760. Hunt records; confidentiality of hunt records and activity**
 14 **reports.** (a) The department shall collect and maintain hunt records provided by a
 15 registered guide-outfitter [GUIDE]. A registered guide-outfitter [GUIDE] shall
 16 submit to the department a hunt record for each contracted hunt within 60 [30] days
 17 after the completion of the hunt. A hunt record must include a list of all big game
 18 hunters who used the guiding or outfitting services of the registered guide-outfitter
 19 [GUIDE], the number of each big game species taken, and other information required
 20 by the board [DEPARTMENT]. The department shall provide forms for reporting
 21 hunt records.

22 (b) The department shall make hunt records received under this section, and
 23 activity reports received under AS 08.54.650, available to state agencies, [AND]
 24 federal law enforcement agencies and other [FISH AND WILDLIFE] law
 25 enforcement agencies [CHARGED WITH THE ENFORCEMENT OF STATUTES
 26 AND REGULATIONS RELATING TO GUIDING, OUTFITTING,
 27 TRANSPORTATION SERVICES, OR GAME OR WITH MANAGEMENT OF
 28 GAME] if requested [FOR GAME MANAGEMENT OR LAW ENFORCEMENT
 29 PURPOSES]. Aggregated data compiled from hunt records and activity reports may
 30 be included in reports by the department. For all other purposes, the hunt records and
 31 activity reports are confidential and are not subject to inspection or copying under

*for use
in the
future*

*DC
Licenses
requested
4/15*

1 AS 40.25.110 - 40.25.125.

2 * Sec. 31. AS 08.54.770 is amended to read:

3 Sec. 08.54.770. License and examination fees. (a) The department shall set
4 fees under AS 08.01.065 for each of the following:

- 5 (1) registered guide-outfitter [GUIDE] license;
- 6 (2) class-A assistant guide license;
- 7 (3) assistant guide license;
- 8 (4) transporter license;
- 9 (5) license application fee.

10 (b) The license fee for the registered guide-outfitter [GUIDE], class-A
11 assistant guide, or assistant guide license is in addition to the fee required for a hunting
12 license issued by the Department of Fish and Game under AS 16.05.340.

13 (c) An applicant for a qualifying examination for a registered guide-outfitter
14 [GUIDE] license shall pay a fee established by regulations adopted under
15 AS 08.01.065.

16 (d) The fee for the transporter license must be equal to the fee for the
17 registered guide-outfitter [GUIDE] license.

18 (e) The [FOR LICENSES ISSUED UNDER THIS CHAPTER FOR 1997
19 AND SUBSEQUENT YEARS, THE] amount of the license fee for a nonresident shall
20 be two times the amount of the license fee for a resident.

21 * Sec. 32. AS 08.54.790 is amended to read:

22 Sec. 08.54.790. Definitions. In this chapter,

23 (1) "big game" means brown bear, grizzly bear, caribou, moose, black
24 bear, bison, Sitka blacktail deer, elk, mountain goat, musk-ox, and mountain or Dall
25 sheep; "big game" includes wolf and wolverine when taken under hunting regulations;

26 (2) "big game hunting service" means a service for which the provider
27 of the service must obtain a registered guide-outfitter [GUIDE], class-A assistant
28 guide, or assistant guide license; "big game hunting service" includes guiding services
29 and outfitting services;

30 (3) "board" means the Big Game Commercial Services Board;

31 (4) "compensation" means payment for services including wages or

has been on book since late 70s

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

2 (5) [(4)] "department" means the Department of Community and
3 Economic Development;

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

8 (7) [(6)] "game management unit" means one of the 26 geographic
9 areas defined by the Board of Game for game management purposes;

10 (8) [(7)] "guide" means to provide, for compensation or with the intent
11 or with an agreement to receive compensation, services, equipment, or facilities to a
12 big game hunter in the field by a person who accompanies or is present with the big
13 game hunter in the field either personally or through an assistant; in this paragraph,
14 "services" includes

15 (A) contracting to guide or outfit big game hunts;

16 (B) stalking, pursuing, tracking, killing, or attempting to kill
17 big game;

18 (C) packing, preparing, salvaging, or caring for meat, except
19 that which is required to properly and safely load the meat on the mode of
20 transportation being used by a transporter;

21 (D) field preparation of trophies, including skinning and
22 caping;

23 (E) selling, leasing, or renting goods when the transaction
24 occurs in the field;

25 (F) using guiding or outfitting equipment, including spotting
26 scopes and firearms, for the benefit of a hunter; and

27 (G) providing camping or hunting equipment or supplies that
28 [WHICH] are already located in the field;

29 (9) [(8)] "outfit" means to provide, for compensation or with the intent
30 to receive compensation, services, supplies, or facilities to a big game hunter in the
31 field, by a person who neither accompanies nor is present with the big game hunter in

1 the field either personally or by an assistant;

2 (10) [(9)] "transportation services" means the carriage for
3 compensation of big game hunters, their equipment, or big game animals harvested by
4 hunters to, from, or in the field; "transportation services" does not include the carriage
5 by aircraft of big game hunters, their equipment, or big game animals harvested by
6 hunters

7 (A) on nonstop flights between airports listed in the Alaska
8 supplement to the Airmen's Guide published by the Federal Aviation
9 Administration; or

10 (B) by an air taxi operator or air carrier for which the carriage
11 of big game hunters, their equipment, or big game animals harvested by
12 hunters is only an incidental portion of its business; in this subparagraph,
13 "incidental" means transportation provided to a big game hunter by an air taxi
14 operator or air carrier who does not

15 (i) charge more than the usual tariff or charter rate for
16 the carriage of big game hunters, their equipment, or big game animals
17 harvested by hunters; or

18 (ii) advertise transportation services or big game
19 hunting services to the public; in this sub-subparagraph, "advertise"
20 means soliciting big game hunters to be customers of an air taxi
21 operator or air carrier for the purpose of providing air transportation to,
22 from, or in the field through the use of print or electronic media,
23 including advertising at trade shows, or the use of hunt broker services
24 or other promotional services.

25 * Sec. 33. AS 16.05.407(a) is amended to read:

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

28 (1) a person who is licensed as

29 (A) a registered guide-outfitter [GUIDE] or a master guide-
30 outfitter [GUIDE] under AS 08.54 and who is providing big game hunting
31 services to the nonresident under a contract with the nonresident; or

1 (B) a class-A assistant guide or an assistant guide under
2 AS 08.54 and who is employed by a registered guide-outfitter [GUIDE] or a
3 master guide-outfitter [GUIDE] who has a contract to provide big game
4 hunting services to the nonresident; or

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

6 (A) the spouse of the nonresident; or

7 (B) related to the nonresident, within and including the second
8 degree of kindred, by marriage or blood.

9 * Sec. 34. AS 16.05.407(f) is amended to read:

10 (f) An applicant for a nonresident hunt permit for the taking of an animal
11 specified in (a) of this section shall, if requested by the department, first furnish to the
12 department proof of prior authorization to use federal, state, or private land where the
13 permit hunt will occur. The authorization shall be provided to the applicant by the
14 registered guide-outfitter [GUIDE] or master guide-outfitter [GUIDE] with whom
15 the applicant has contracted to guide the permit hunt.

16 * Sec. 35. AS 16.05.408(a) is amended to read:

17 (a) It is a class A misdemeanor for a nonresident alien to hunt, pursue, or take
18 a big game animal as defined by the Board of Game unless personally accompanied by

19 (1) a registered guide-outfitter [GUIDE] or a master guide-outfitter
20 [GUIDE] licensed under AS 08.54 who is providing big game hunting services to the
21 nonresident alien under a contract with the nonresident alien; or

22 (2) a class-A assistant guide or an assistant guide licensed under
23 AS 08.54 who is employed by a registered guide-outfitter [GUIDE] or a master
24 guide-outfitter [GUIDE] who has a contract to provide big game hunting services to
25 the nonresident alien.

26 * Sec. 36. AS 16.05.408(c) is amended to read:

27 (c) Before obtaining a nonresident hunt permit for the taking of an animal
28 specified in (a) of this section, a nonresident alien shall, if requested by the
29 department, first furnish to the department proof of prior authorization to use federal
30 or private land where the permit hunt will occur. The authorization shall be provided
31 to the nonresident alien by the registered guide-outfitter [GUIDE] or master guide-

1 outfitter [GUIDE] with whom the nonresident alien has contracted to guide the permit
2 hunt.

3 * Sec. 37. AS 23.10.055 is amended to read:

4 Sec. 23.10.055. Exemptions. The provisions of AS 23.10.050 - 23.10.150 do
5 not apply to

6 (1) an individual employed in agriculture, which includes farming in
7 all its branches and, among other things, includes the cultivation and tillage of the soil,
8 dairying, the production, cultivation, growing, and harvesting of any agricultural or
9 horticultural commodities, the raising of livestock, bees, fur-bearing animals, or
10 poultry, and any practices, including forestry and lumbering operations, performed by
11 a farmer or on a farm as an incident to or in conjunction with the farming operations,
12 including preparation for market, delivery to storage or to market or to carriers for
13 transportation to market;

14 (2) an individual employed in the catching, trapping, cultivating, or
15 farming, netting or taking of any kind of fish, shellfish, or other aquatic forms of
16 animal and vegetable life;

17 (3) an individual employed in the hand picking of shrimp;

18 (4) an individual employed in domestic service, including a baby-
19 sitter, in or about a private home;

20 (5) an individual employed by the United States or by the state or
21 political subdivision of the state, except as provided in AS 23.10.065(b), including
22 prisoners not on furlough detained or confined in prison facilities;

23 (6) an individual engaged in the nonprofit activities of a nonprofit
24 religious, charitable, cemetery, or educational organization or other nonprofit
25 organization where the employer-employee relationship does not, in fact, exist, and
26 where services rendered to the organization are on a voluntary basis and are related
27 only to the organization's nonprofit activities; for purposes of this paragraph,
28 "nonprofit activities" means activities for which the nonprofit organization does not
29 incur a liability for unrelated business income tax under 26 U.S.C. 513, as amended;

30 (7) an employee engaged in the delivery of newspapers to the
31 consumer;

1 (8) an individual employed solely as a watchman or caretaker of a
2 plant or property that is not in productive use for a period of four months or more;

3 (9) an individual employed in a bona fide executive, administrative, or
4 professional capacity or in the capacity of an outside salesman or a salesman who is
5 employed on a straight commission basis;

6 (10) an individual employed in the search for placer or hard rock
7 minerals;

8 (11) an individual under 18 years of age employed on a part-time basis
9 not more than 30 hours in a week;

10 (12) employment by a nonprofit educational or child care facility to
11 serve as a parent of children while the children are in residence at the facility if the
12 employment requires residence at the facility and is compensated on a cash basis
13 exclusive of room and board at an annual rate of not less than

14 (A) \$10,000 for an unmarried person; or

15 (B) \$15,000 for a married couple;

16 (13) an individual who drives a taxicab, is compensated for taxicab
17 services exclusively by customers of the service, whose written contractual
18 arrangements with owners of taxicab vehicles, taxicab permits, or radio dispatch
19 services are based upon flat contractual rates and not based on a percentage share of
20 the individual's receipts from customers, and whose written contract with owners of
21 taxicab vehicles, taxicab permits, or radio dispatch services specifically provides that
22 the contract places no restrictions on hours worked by the individual or on areas in
23 which the individual may work except to comply with local ordinances;

24 (14) a person who holds a license under AS 08.54 and who is
25 employed by a registered guide-outfitter [GUIDE] or master guide-outfitter
26 [GUIDE] licensed under AS 08.54, for the first 60 work days in which the person is
27 employed by the registered guide-outfitter [GUIDE] or master guide-outfitter
28 [GUIDE] during a calendar year;

29 (15) an individual engaged in activities for a nonprofit religious,
30 charitable, civic, cemetery, recreational, or educational organization where the
31 employer-employee relationship does not, in fact, exist, and where services are

1 rendered to the organization under a work activity requirement of AS 47.27 (Alaska
2 temporary assistance program); or

3 (16) an individual who

4 (A) provides emergency medical services only on a voluntary
5 basis;

6 (B) serves with a full-time fire department only on a voluntary
7 basis; or

8 (C) provides ski patrol services on a voluntary basis.

9 * Sec. 38. AS 39.50.200(b) is amended by adding a new paragraph to read:

10 (58) Big Game Commercial Services Board (AS 08.54.591).

11 * Sec. 39. AS 41.23.420(d) is amended to read:

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

13 (1) the Department of Fish and Game, the Board of Fisheries, the
14 Board of Game, or the Big Game Commercial Services Board [DEPARTMENT OF
15 COMMUNITY AND ECONOMIC DEVELOPMENT] under AS 08.54, AS 16, or
16 AS 41.99.010;

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

18 (3) state agencies and municipalities under AS 46.39.010 and
19 AS 46.40.100.

20 * Sec. 40. AS 44.62.330(a)(35) is amended to read:

21 (35) Big Game Commercial Services Board [DEPARTMENT OF
22 COMMUNITY AND ECONOMIC DEVELOPMENT UNDER AS 08.54 AS TO
23 LICENSING AND RELATED FUNCTIONS FOR BIG GAME GUIDES AND
24 TRANSPORTERS];

25 * Sec. 41. The uncodified law of the State of Alaska is amended by adding a new section to
26 read:

27 INITIAL APPOINTMENT OF MEMBERS OF THE BIG GAME COMMERCIAL
28 SERVICES BOARD. (a) Notwithstanding AS 08.54.591, added by sec. 3 of this Act, and
29 AS 39.05.055, the initially appointed members of the Big Game Commercial Services Board
30 shall be appointed by the governor to terms as follows: one member serves for one year, two
31 members serve for two years, two members serve for three years, and two members serve for

1 four years.

2 (b) The governor shall appoint the initial members of the Big Game Commercial
3 Services Board, as provided for under AS 08.54.591(a), added by sec. 3 of this Act, before
4 December 1, 2004.

5 (c) The governor shall appoint persons who are active, licensed registered guides at
6 the time of appointment to fill the initial registered guide-outfitter positions on the Big Game
7 Commercial Services Board.

8 * **Sec. 42.** The uncodified law of the State of Alaska is amended by adding a new section to
9 read:

10 **TRANSITION: LICENSES.** (a) Notwithstanding AS 08.54.610(a), as amended by
11 sec. 8 of this Act, a person who holds a registered guide license in good standing on the day
12 before the first meeting of the Big Game Commercial Services Board established under
13 AS 08.54.591, added by sec. 3 of this Act, shall, after the effective date of sec. 8 of this Act,
14 be considered to hold a registered guide-outfitter license issued under AS 08.54.610, as
15 amended by sec. 8 of this Act and may renew the license as a registered guide-outfitter license
16 under AS 08.54.660, as amended by sec. 14 of this Act.

17 (b) Notwithstanding AS 08.54.610(b), as amended by sec. 8 of this Act, a person who
18 holds a master guide license in good standing on the day before the first meeting of the Big
19 Game Commercial Services Board established under AS 08.54.591, added by sec. 3 of this
20 Act, shall, after the effective date of sec. 8 of this Act, be considered to hold a master guide-
21 outfitter license issued under AS 08.54.610, as amended by sec. 8 of this Act and may renew
22 the license as a master guide-outfitter license under AS 08.54.660, as amended by sec. 14 of
23 this Act.

24 * **Sec. 43.** The uncodified law of the State of Alaska is amended by adding a new section to
25 read:

26 **SAVING CLAUSE.** Litigation, hearings, investigations, and other proceedings
27 pending under a law amended or repealed by this Act, or in connection with functions
28 transferred by this Act, continue in effect and may be continued and completed
29 notwithstanding a transfer or amendment or repeal provided for by this Act. Regulations
30 adopted under authority of a law amended or repealed by this Act remain in effect for the term
31 adopted or until repealed or otherwise amended under the provisions of this Act.

1 * Sec. 44. Sections 3 and 41 - 43 of this Act take effect immediately under
2 AS 01.10.070(c).

3 * Sec. 45. Except as provided in sec. 44 of this Act, this Act takes effect on the day on
4 which the Big Game Commercial Services Board convenes its first meeting. The
5 commissioner of community and economic development shall inform the revisor of statutes
6 and the lieutenant governor of the date on which the Big Game Commercial Services Board
7 convenes its first meeting.

1. Page 2, line 5 – following “are” delete “active” and insert “current”
2. Page 2, line 9, - following “landholders” - delete “; and” Insert – “who is not licensed under this chapter; and”
3. Page 2, line 10, - Following “member” Insert – “who is not licensed under this chapter”
4. Page 2, line 19 – Following “prepare,” Insert – “and” Following “grade” Delete - “, and administer”
5. Page 3, lines 5 through 8 – Delete paragraph (3).
6. Page 3, line 20 – following “chapter” Insert – “such as, but not limited to, the following;
a) Adoption of a Code of Ethics
b) Mandating written service contracts for guide-outfitters and transporter services.
 - 1) Contractual amendments need to be in writing and agreed to by all parties.
 - 2) The board may take disciplinary action against guide-outfitters or transporters for breach of contract.
 - 3) The department may request copies of a contract for investigative purposes.
7. Page 3, lines 22 through 25 – Following “year;” Delete all text through “Anchorage”
8. Page 3 lines 28 through 29 – Following “if” Delete “an applicant,...disability” and insert “requested at the time of application”
9. Page 4, line 5 – following “of” - Delete “a” and Insert “any” and Following “state” Insert “or federal”
10. Page 4, line 7 – following “days” insert “or”
11. Page 4 lines 8 insert new sub-subparagraphs
 - (i) fined more than \$1,000 in the previous 12 months or;
 - (ii) fined more than \$3,000 in the previous 36 months or;
 - (iii) fined more than \$5,000 in the previous 60 months;
12. Page 4, line 26 through 27 – delete “and administered”
13. Page 4, line 30 – delete “and administered”
14. Page 5, line 2 – following “hunted” - Insert “big game”

15. Page 5, line 11 – following “been solicited by the” delete “board” and insert “department”
16. Page 5 line 16 – leave existing language “(9) Has provided proof of,....AS 08.54.680; and”
17. Page 6, line 2 – delete “board” and insert “department”
18. Page 6, line 5 – delete “board” and insert “department”
19. Page, 6 line 10 – following “clients of the” delete “guide” and insert “registered guide-outfitter”
20. Page 6, between lines 28 & 29 – Insert new language “(3) Possess a first aid card issued by the Red Cross or a similar organization;” re-numbered subsection accordingly
21. Page 7, lines 15, 16, 17 – following ,... “guide-outfitter [GUIDE] delete “state trooper, ...with the person or”
22. Page 7, line 19- insert new sub paragraph
“(C) Provides
 - (i) evidence that the person physically resides in the game management unit in which the person is to be employed;
 - (ii) at least 10 years' hunting experience in the game management unit in which th person is to be employed; military service outside of the state for not more than three years shall be accepted as part of the required 10 years' hunting experience; or
 - (iii) evidence that the applicant has passed a board approved class-A assistant guide course.”
23. Page 7, line 24 – delete “conduct guide activities” and insert “provide guide services”
24. Page 8, line 5 – Following “hunted” Insert “big game”
25. Page 8, line 8 – Delete all of “(4)” and “(5)” becomes “(4)”
26. Page 8, line12 – New “(5)”
 - “(5) either
 - (A) obtains a written recommendation from a registered guide-outfitter who intends to employ the person as an assistant guide; or
 - (B) passes a board approved assistant guide course.
27. Page 8, line 19 – delete “conduct guide activities” and insert “provide guide services”
28. Page 9, line 21 – Following “,...must contain” Insert “all”
29. page 9, line 31 – following “paid in full and” insert “signs an affidavit that”

30. page 10, line 1 – following “department” delete “and the renewal of the license has been approved by the board”
31. Page 10, line 4 – following “paid in full and” insert “signs an affidavit that”
32. Page 10, line 5 – following “department” delete “and the renewal of the license has been approved by the board”
33. Page 10, line 23 – following “state” Insert “or federal”
34. Page 10, line 25 – following “under this chapter” insert “;or
(3) has negligently misrepresented or omitted a material fact on a guide or transporter application.”
35. Page 10, line 29 – following “that a licensee” delete “is incompetent” and insert “has acted incompetently”
36. Page 11, line 16 – delete “intentional” and insert “innocent”
37. Page 11, line 22 – following “penalty” delete “for” and insert “of” and delete “of an unlawful act under AS 08.54.720”
38. Page 12, lines 13 & 14 – following “Department of Public Safety,” delete “division of fish and wildlife protection,”
39. Page 12, line 14 – Delete “40” - and go back to original language “20”
40. Page 12, line 14 – Following ,...”state” Insert “or federal”
41. Page 12, line 20 – following “guide a” insert “big game”
42. Page 12, line 22 – Following ,... “class of guide” Insert “or transporter”
43. Page 12, line 23 – Following ,...”private” Insert “, state, or federal”
44. Page 12, line 24 – following “big game hunting” insert “or transportation”
45. Page 12, lines 24&25 – Insert new paragraph “(5) person to knowingly provide outfitting services without holding a current registered guide-outfitter, or master guide-outfitter license.”
46. Page 13, line 3 – following “assistant guide license and” insert “an Alaska” following “hunting license” retain original language “in actual possession”
47. Page 13, line 8 – Following ,...”state” Insert “or federal”
48. Page 13, line 11 – Following ,...”state” Insert “or federal”

49. Page 14, line 23 – following “...transporter license and” Delete “any class of guide” and Insert “registered guide-outfitter, or master guide-outfitter”
50. Page 14, line 24 – following “chapter” Insert “while under contract to provide guiding services for that client or group of clients.”
51. Page 15, line 23 – Following ,...”of a state” Insert “or federal”
52. Page 15, line 24 – Following ,...”guiding” Delete “, or transportation services” Create new subsection (b) covering violations by transportation services.
53. Page 16, line 4 –(George) language regarding BOG authorization for fourth area for intensive management areas for species as designated by the board of game.
54. Page 16, lines 6&7 – Insert new language “(3) after submission, Guide Use Area registration may not be withdrawn or changed until following calendar year.
55. Page 16, line 28 – Following ,...”dated June 22, 1994.” Insert “The board may amend these boundaries when deemed necessary.”
56. Page 16, Line 31 – Delete “guide use area” Insert “area as determined by the board”
57. Page 17, line 2 – Following ,...”the use area.” Insert “The board may adopt regulations defining transporter use areas and adopt regulations to implement this subsection.”
58. Page 17, line 6 – following ,...”hunt within” Delete “30” and Insert “60”
59. Page 17, line 11 Amend subsection (b)

(b) The department shall make hunt records received under this section, and activity reports received under AS 08.54.650, available to state, federal, or law enforcement agencies[AND FEDERAL FISH AND WILDLIFE, LAW ENFORCEMENT AGENCIES CHARGED WITH THE ENFORCEMENT OF STATUTES AND REGULATIONS RELATING TO GUIDING, OUTFITTING, AND TRANSPORTATION SERVICES, OR GAME OR WITH MANAGEMENT OF GAME] if requested [FOR GAME MANAGEMENT OR LAW ENFORCEMENT PURPOSES]. Aggregated data compiled from hunt records and activity reports may be included in reports by the department. For all other purposes, the hunt records and activity reports are confidential and are not subject to inspection or copying under AS 40.25.110 - 40.25.125.

60. Page 17, lines 20 through 22 – delete subsection (b)
61. Page 18, line 6 – AS 08.54.790 – Definitions. (for clarity purposes - show all of this section)

- (5) following “, or other developments” Delete “usually”
- (7) Delete “guide” and Insert “guide-outfitter”
- (8) Following ,... “by an assistant” Insert “. Only a registered guide-outfitter, or master guide-outfitter may provide outfitting services;”

62. Page 18, line 25 – Following ,...”to use federal” Insert “, state,”

63. *transition language to provide for existing statute and licenses to remain in place until board is established. (delay effective date?)*