

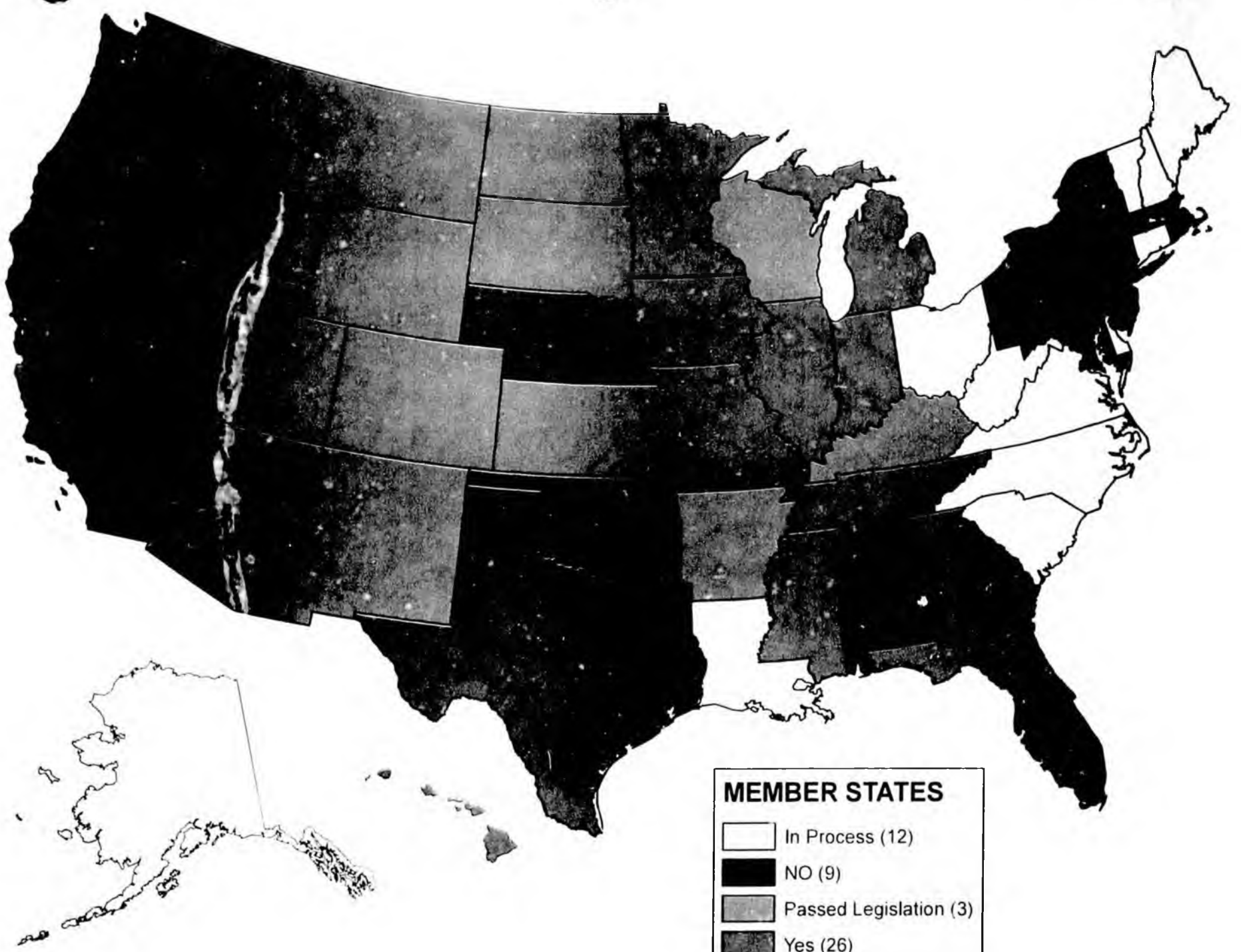
ALASKA LEGISLATURE COMMITTEE FILES 2007-2008 RES 12731





Wildlife Compact Member States



REASONS ALASKA SHOULD JOIN

- Greatly increase deterrence of serious fish & wildlife crimes in Alaska by individuals who hunt or fish in other states
- Increase compliance in paying fines by nonresidents
- Greater protection of valuable game animals throughout the United States



MEMBER STATES	
	In Process (12)
	NO (9)
	Passed Legislation (3)
	Yes (26)

TWENTY-SIX STATES



MEMBER STATES



WILDLIFE VIOLATOR COMPACT STATES
OCTOBER 20, 2005

ARIZONA
CALIFORNIA
COLORADO
GEORGIA
IDAHO
INDIANA
IOWA
KANSAS
MARYLAND
MICHIGAN
MINNESOTA
MISSOURI

MONTANA
NEVADA
NEW MEXICO
NORTH DAKOTA
OREGON
SOUTH DAKOTA
UTAH
WASHINGTON
WYOMING

2006 AND 2007 ADDITIONS

MISSISSIPPI
ILLINOIS
TENNESSEE
FLORIDA
NEW YORK



Interstate Wildlife Violator Compact

WILDLIFE VIOLATOR COMPACT MAP

IWVC GENERAL INFORMATION & STATISTICS

2005

**WILDLIFE VIOLATOR COMPACT
OPERATIONS MANUAL
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SECTION I BACKGROUND

I. Historical Information

The concept of a wildlife violator compact was first advanced in the early 1980s by member states in the Western Association of Fish and Wildlife Agencies. Law enforcement administrators and Wildlife Commissioners from several states began discussing the idea of a compact based on the format of the existing Drivers License Compact and Non-Resident Violator Compact, both of these related to motor vehicle operator licensing and enforcement.

In 1985 draft compacts were developed independently in Colorado and Nevada. Subsequently, these drafts were merged and the Wildlife Violator Compact (WVC) was presented for discussion at the 1986 Law Enforcement Technical Committee Workshop of the Western Association.

During the 1989 Legislative session compact legislation was passed into law in Colorado, Nevada and Oregon. These three states formed the nucleus for the development of the operational procedures of the WVC.

II. Compact Benefits

A. For the consumer

1. Delays, and/or the inconvenience involved with the processing of a violation are comparable for residents and non-residents of participating states.

2. Personal recognizance is permitted in many cases involving wildlife violations. Certain violations and circumstances still require an immediate appearance or bonding.

B. For the agency

1. Wildlife law enforcement officers are able to devote more time to patrol, surveillance and apprehension of violators since they are not burdened with violator processing procedures.

2. The burden on courts and jail facilities is reduced because of the decreased case load involving immediate appearances, bonding and incarceration.

3. Public relations are improved by not having to subject as many violators to the inconveniences of immediate appearance, bonding, or incarceration.

4. The number of "Failure to Appear" cases is reduced because non-residents cannot ignore a citation from participating states without facing the suspension of their wildlife license privileges in their home states.

5. Wildlife law violators are put on notice that their activities in one state can affect their privilege to recreate in all participating states.

SECTION II WILDLIFE VIOLATOR COMPACT

NOTE: This section contains the text of the Wildlife Violator Compact as passed by the Colorado Legislature in 1989. Details may differ from Wildlife Violator Compact language enacted by other participating states, but the substantive language remains intact.

ARTICLE I Findings, Declaration of Policy, and Purpose

(a) The participating states find that:

(1) Wildlife resources are managed in trust by the respective states for the benefit of all residents and visitors.

(2) The protection of the wildlife resources of a state is materially affected by the degree of compliance with state statutes, laws, regulations, ordinances, and administrative rules relating to the management of such resources.

(3) The preservation, protection, management, and restoration of wildlife contributes immeasurably to the aesthetic, recreational, and economic aspects of such natural resources.

(4) Wildlife resources are valuable without regard to political boundaries; therefore, every person should be required to comply with wildlife preservation, protection, management, and restoration laws, ordinances, and administrative rules and regulations of the participating states as a condition precedent to the continuance or issuance of any license to hunt, fish, trap, or possess wildlife.

(5) Violation of wildlife laws interferes with the management of wildlife resources and may endanger the safety of persons and property.

(6) The mobility of many wildlife law violators necessitates the maintenance of channels of communication among the various states.

(7) In most instances, a person who is cited for a wildlife violation in a state other than his home state:

(i) Is required to post collateral or a bond to secure appearance for a trial at a later date; or

(ii) Is taken into custody until the collateral or bond is posted; or

(iii) Is taken directly to court for an immediate appearance.

(8) The purpose of the enforcement practices set forth in paragraph (7) of this article is to ensure compliance with the terms of a wildlife citation by the cited person who, if permitted to continue on his way after receiving the citation, could return to his home state and disregard his duty under the terms of the citation.

(9) In most instances, a person receiving a wildlife citation in his home state is permitted to accept the citation from the officer at the scene of the violation and immediately continue on his way after agreeing or being instructed to comply with the terms of the citation.

(10) The practices described in paragraph (7) of this article cause unnecessary inconvenience and, at times, a hardship for the person who is unable at the time to post collateral, furnish a bond, stand trial, or pay a fine, and thus is compelled to remain in custody until some alternative arrangement is made.

(11) The enforcement practices described in paragraph (7) of this article consume an undue amount of law enforcement time.

(b) It is the policy of the participating states to:

(1) Promote compliance with the statutes, laws, ordinances, regulations, and administrative rules relating to management of wildlife resources in their respective states.

(2) Recognize the suspension of wildlife license privileges of any person whose license privileges have been suspended by a participating state and treat such suspension as if it had occurred in their state.

(3) Allow a violator, except as provided in paragraph (b) of Article III, to accept a wildlife citation and, without delay, proceed on his way, whether or not a

resident of the state in which the citation was issued, provided that the violator's home state is party to this compact.

(4) Report to the appropriate participating state, as provided in the compact manual, any conviction recorded against any person whose home state was not the issuing state.

(5) Allow the home state to recognize and treat convictions recorded against its residents, which convictions occurred in a participating state, as though they had occurred in the home state.

(6) Extend cooperation to its fullest extent among the participating states for enforcing compliance with the terms of a wildlife citation issued in one participating state to a resident of another participating state.

(7) Maximize effective use of law enforcement personnel and information.

(8) Assist court systems in the efficient disposition of wildlife violations.

(c) The purpose of this compact is to:

(1) Provide a means through which participating states may join in a reciprocal program to effectuate the policies enumerated in paragraph (b) of this article in a uniform and orderly manner.

(2) Provide for the fair and impartial treatment of wildlife violators operating within participating states in recognition of the violator's right to due process and the sovereign status of a participating state.

ARTICLE II Definitions

As used in this compact, unless the context requires otherwise:

- (a) "Citation" means any summons, complaint, summons and complaint, ticket, penalty assessment, or other official document issued to a person by a wildlife officer or other peace officer for a wildlife violation which contains an order requiring the person to respond.
- (b) "Collateral" means any cash or other security deposited to secure an appearance for trial in connection with the issuance by a wildlife officer or other peace officer of a citation for a wildlife violation.
- (c) "Compliance" with respect to a citation means the act of answering a citation through an appearance in a court or tribunal, or through the payment of fines, costs, and surcharges, if any.

- (d) "Conviction" means a conviction, including any court conviction, for any offense related to the preservation, protection, management, or restoration of wildlife which is prohibited by state statute, law, regulation, ordinance, or administrative rule, and such conviction shall also include the forfeiture of any bail, bond, or other security deposited to secure appearance by a person charged with having committed any such offense, the payment of a penalty assessment, a plea of nolo contendere and the imposition of a deferred or suspended sentence by the court.
- (e) "Court" means a court of law, including magistrate's court and the justice of the peace court.
- (f) "Home state" means the state of primary residence of a person.
- (g) "Issuing state" means the participating state which issues a wildlife citation to the violator.
- (h) "License" means any license, permit, or other public document which conveys to the person to whom it was issued the privilege of pursuing, possessing, or taking any wildlife regulated by statute, law, regulation, ordinance, or administrative rule of a participating state.
- (i) "Licensing authority" means the department or division within each participating state which is authorized by law to issue or approve licenses or permits to hunt, fish, trap, or possess wildlife.
- (j) "Participating state" means any state which enacts legislation to become a member of this wildlife compact.
- (k) "Personal recognizance" means an agreement by a person made at the time of issuance of the wildlife citation that such person will comply with the terms of the citation.
- (l) "State" means any state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Provinces of Canada, and other countries.
- (m) "Suspension" means any revocation, denial, or withdrawal of any or all license privileges, including the privilege to apply for, purchase, or exercise the benefits conferred by any license.
- (n) "Terms of the citation" means those conditions and options expressly stated upon the citation.
- (o) "Wildlife" means all species of animals including, but not limited to, mammals, birds, fish, reptiles, amphibians, mollusks, and crustaceans, which are defined as "wildlife" and are protected or otherwise regulated by statute, law, regulation, ordinance, or administrative rule in a participating state. Species included in the definition of

"wildlife" vary from state to state and determination of whether a species is "wildlife" for the purposes of this compact shall be based on local law.

- (p) "Wildlife law" means any statute, law, regulation, ordinance, or administrative rule developed and enacted for the management of wildlife resources and the uses thereof.
- (q) "Wildlife officer" means any individual authorized by a participating state to issue a citation for a wildlife violation.
- (r) "Wildlife violation" means any cited violation of a statute, law, regulation, ordinance, or administrative rule developed and enacted for the management of wildlife resources and the uses thereof.

ARTICLE III Procedures for Issuing State

- (a) When issuing a citation for a wildlife violation, a wildlife officer shall issue a citation to any person whose primary residence is in a participating state in the same manner as though the person were a resident of the issuing state and shall not require such person to post collateral to secure appearance, subject to the exceptions noted in paragraph (b) of this article, if the officer receives the recognizance of such person that he will comply with the terms of the citation.
- (b) Personal recognizance is acceptable (1) if not prohibited by local law, issuing agency policy, procedure or regulation, or by the compact manual and (2) if the violator provides adequate proof of identification to the wildlife officer.
- (c) Upon conviction or failure of a person to comply with the terms of a wildlife citation, the appropriate official shall report the conviction or failure to comply to the licensing authority of the participating state in which the wildlife citation was issued. The report shall be made in accordance with procedures specified by the issuing state and shall contain information as specified in the compact manual as minimum requirements for effective processing by the home state.
- (d) Upon receipt of the report of conviction or noncompliance pursuant to paragraph (c) of this article, the licensing authority of the issuing state shall transmit to the licensing authority of the home state of the violator the information in form and content as prescribed in the compact manual.

ARTICLE IV
Procedure for Home State

- (a) Upon receipt of a report from the licensing authority of the issuing state reporting the failure of a violator to comply with the terms of a citation, the licensing authority of the home state shall notify the violator and shall initiate a suspension action in accordance with the home state's suspension procedures and shall suspend the violator's license privileges until satisfactory evidence of compliance with the terms of the wildlife citation has been furnished by the issuing state to the home state licensing authority. All member states may honor a suspension based on failure to comply. Due process safeguards will be accorded.
- (b) Upon receipt of a report of conviction from the licensing authority of the issuing state, the licensing authority of the home state shall enter such conviction in its records and shall treat such conviction as though it occurred in the home state for the purposes of the suspension of license privileges.
- (c) The licensing authority of the home state shall maintain a record of actions taken and shall make reports to issuing states as provided in the compact manual.

ARTICLE V
Reciprocal Recognition of Suspension

- (a) All participating states shall recognize the suspension of license privileges of any person by any participating state as though the violation resulting in the suspension had occurred in their state and could have been the basis for suspension of license privileges in their state.
- (b) Each participating state shall communicate suspension information to other participating states in form and content as contained in the compact manual.

ARTICLE VI
Applicability of Other Laws

- (a) Except as expressly required by provisions of this compact, nothing herein shall be construed to affect the right of any participating state to apply any of its laws relating to license privileges to any person or circumstance or to invalidate or prevent any agreement or other cooperative arrangement between a participating state and a nonparticipating state concerning wildlife law enforcement.

ARTICLE VII
Compact Administrator Procedures

- (a) For the purpose of administering the provisions of this compact and to serve as a governing body for the resolution of all matters relating to the operation of this compact, a board of compact administrators is established. The board shall be composed of one representative from each of the participating states to be known as the compact administrator. The compact administrator shall be appointed by the head of the licensing authority of each participating state and shall serve and be subject to removal in accordance with the laws of the state he represents. A compact administrator may provide for the discharge of his duties and the performance of his functions as a board member by an alternate. An alternate shall not be entitled to serve unless written notification of his identity has been given to the board.
- (b) Each member of the board of compact administrators shall be entitled to one vote. No action of the board shall be binding unless taken at a meeting at which a majority of the total number of the board's votes are cast in favor thereof. Action by the board shall be only at a meeting at which a majority of the participating states are represented.
- (c) The board shall elect annually from its membership a chairman and vice-chairman.
- (d) The board shall adopt bylaws not inconsistent with the provisions of this compact or the laws of a participating state for the conduct of its business and shall have the power to amend and rescind its bylaws.
- (e) The board may accept for any of its purposes and functions under this compact any and all donations and grants of moneys, equipment, supplies, materials, and services, conditional or otherwise, from any state, the United States, or any governmental agency, and may receive, utilize and dispose of same.
- (f) The board may contract with, or accept services or personnel from, any governmental or intergovernmental agency, individual, firm, or corporation, or any private nonprofit organization or institution.
- (g) The board shall formulate all necessary procedures and develop uniform forms and documents for administering the provisions of this compact. All procedures and forms adopted pursuant to board action shall be contained in a compact manual.

ARTICLE VIII
Entry into Compact and Withdrawal

- (a) This compact shall become effective at such time as it is adopted in substantially similar form by two or more states.

- (b) (1) Entry into the compact shall be made by resolution of ratification executed by the authorized officials of the applying state and submitted to the chairman of the board.
- (2) The resolution shall substantially be in the form and content as provided in the compact manual and shall include the following:
- (i) A citation of the authority from which the state is empowered to become a party to this compact;
 - (ii) An agreement of compliance with the terms and provisions of this compact; and
 - (iii) An agreement that compact entry is with all states participating in the compact and with all additional states legally becoming a party to the compact.
- (3) The effective date of entry shall be specified by the applying state but shall not be less than sixty days after notice has been given (a) by the chairman of the board of the compact administrators or (b) by the secretariat of the board to each participating state that the resolution from the applying state has been received.
- (c) A participating state may withdraw from participation in this compact by official written notice to each participating state, but withdrawal shall not become effective until ninety days after the notice of withdrawal is given. The notice shall be directed to the compact administrator of each member state. No withdrawal of any state shall affect the validity of this compact as to the remaining participating states.

ARTICLE IX Amendments to the Compact

- (a) This compact may be amended from time to time. Amendments shall be presented in resolution form to the chairman of the board of compact administrators and shall be initiated by one or more participating states.
- (b) Adoption of an amendment shall require endorsement by all participating states and shall become effective thirty days after the date of the last endorsement.
- (c) Failure of a participating state to respond to the compact chairman within sixty days after receipt of a proposed amendment shall constitute endorsement thereof.

ARTICLE X
Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes stated herein. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States, or the applicability thereof to any government, agency, individual, or circumstance is held invalid, the validity of the remainder of this compact shall not be affected thereby. If this Compact shall be held contrary to the constitution of any participating state, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the participating state affected as to all severable matters.

ARTICLE XI
Title

This compact shall be known as the "Wildlife Violator Compact".

SECTION III
PROCEDURAL MATTERS

I. The Wildlife Violator Compact

A. What is it?

The Wildlife Violator Compact (WVC) assures non-resident violators receiving citations for certain wildlife violations in participating states the same treatment accorded residents who are in violation. Procedures are established in Section IV of this manual which cause a non-resident violator who fails to comply with the terms of a citation issued in a participating state to face the possibility of the suspension of his wildlife license privileges in his home state until the terms of the citation are met. Safeguards are built into the WVC to assure that a non-resident violator is afforded all due process protection.

In addition, the WVC provides for the reciprocal recognition of the suspension of license privileges by participating states, subject to limitations again intended to provide due process protection. The reciprocal recognition of suspensions is intended to address the problems associated with the mobility of many violators.

Finally, the WVC provides that information on convictions in participating states shall be forwarded to the home state of the violator. The home state shall treat such convictions as if they had occurred in that state for the purposes of license suspension actions.

The WVC not only assures equal treatment of residents and non-residents of participating states, but also enhances the law enforcement services and deterrent value of time spent patrolling by uniformed officers.

B. What it is not.

The WVC is not a device to secure court appearance if a defendant has previously delivered himself into the court's jurisdiction and trial has been postponed to a later date. It is not a device for collecting unpaid portions of fines allowed to be paid in installments by the courts. It is not a punitive device.

II. Release on Personal Recognizance

A. Violations covered

1. Any violation subject to the provisions of a "Penalty Assessment", which allows a violator to comply with a citation by mailing a fine payment to the issuing agency or a court, thereby admitting guilt without a formal appearance.

2. Any violation written as a summons requiring a violator to deal directly with the court, either in person, by mail or through an attorney. Unless there are other restrictions in this document or in the laws, policies or procedures of the issuing state or the court of jurisdiction.

3. In order for a violation to be subject to these provisions the person to whom the citation is issued must be a resident of a Compact state, other than the issuing state, at the time the citation is issued.

B. Types of Violations Not Covered

1. Any violations that mandate a personal appearance.

2. Any petty offense or misdemeanor violation that has a jail term as a mandatory penalty.

3. Any felony violation.

4. Any violation that the issuing officer deems serious enough to arrest a resident violator.

5. Any violation or situation which the laws, policies or procedures of the issuing state dictate shall be handled otherwise.



III. Compliance With a Citation

A. Methods of Compliance

1. Payment by mail where provided for.
2. Responding to the citation in person.
3. Submission of a plea by mail where allowed.
4. Responding through an attorney where allowed.

B. Evidence of Compliance (in response to a notice of suspension for non-compliance).

1. Certificate from the court.
2. Copy of the court judgement.

NOTE: personal representations, check stubs, money order receipts, etc. are not acceptable.

3. The violator copy of a Notice of Compliance sent by the issuing state.

SECTION IV COMPACT PROCESS

The following are the general procedures to be followed by enforcement agencies and courts in States which are participants in the Wildlife Violator Compact (WVC). Specific procedures which are developed to comply with the legal and administrative requirements of the various States shall be acceptable so long as they comply with the intent of this manual.

The following procedures make the assumption that the violation in question meets the general requirements of Paragraph II A. of Section III of this Manual.

I. Procedures for the Issuing State

A. The officer issues a citation to the violator on the standard form used in that state.

1. When a non-resident is issued a citation and released on personal recognizance under the provisions of this compact, it is advisable that the signature of the recipient is contained on the citation, regardless of specific requirements on that issue.

2. The citation is returnable to the court at a future date specified on the document, in accordance with the laws, regulations, policies, or procedures of the Agency and/or the Court of jurisdiction

B. If the violator pays the fine or resolves the case with the court, as appropriate, the matter is closed and no further action is taken under the provisions of Paragraphs I and II of this section of the WVC.

C. If the violator does not resolve the case by payment of the fine or with the court, action under the provisions of the WVC will be initiated.

1. The "Notice of Failure to Comply" form will be completed and the original delivered to the violator by certified mail, return receipt requested, or in person. The remaining copies are held in a suspense file pending a response from the violator.

Any "Notice of Failure to Comply" shall be processed by the issuing state and reported to the home state within six months of issuance of the citation.

a. Sufficient time will be allowed for the defendant to respond to the Notice of Failure to Comply Form prior to initiating further action under the WVC. This will normally be not less than 14 days and not more than 28 days.

b. If the defendant complies with the terms of the citation within the grace period allowed, no further action is taken under the provisions of this section of the WVC. Final action in a court case is not a prerequisite.

2. If the defendant fails to respond within the time allowed, copy 2 of the Notice of Failure to Comply will be sent to the home state of the defendant. The home state will proceed as outlined in Section II.

Procedures for Home State

a. If at any time beyond this point in the WVC process the defendant resolves the case with the court, it is imperative that copies 3 and 4 of the Notice of failure to comply (Defendant's and Home State Acknowledgment of Compliance) be mailed immediately so that any pending or ongoing suspension of license privileges which are the result of the action at hand may be canceled.

b. At any time subsequent to the mailing of the

Notice of Failure to Comply that the violator complies with the citation as specified in Section B or Section C.1.b, above, no further actions under this section of the WVC will take place.

II. Procedures for the Home State

A. Upon receipt of the "Notice of Failure to Comply" from the issuing state, the licensing authority of the home state of the violator will review the form for the following:

1. Is it legible?
2. Is it complete?
3. Is it timely, within the six month limit of the compact?
4. Is the violation covered under the compact?
5. Are all other aspects of the case proper under applicable state laws, policies, and procedures?

B. If for any reason the case cannot be acted on, it will be returned to the issuing state within 14 days with an explanation of the problem. If all problems are resolved and the case is returned to the home state it will be reinstated.

C. If the case is accepted, it will be entered into the suspension process of the home state.

D. A Notice of Suspension will be prepared and sent to the violator. If it is a provision of the laws, policies or procedures of the home state, an advance warning letter to the violator is acceptable.

1. The Notice of Suspension should have a delayed effective date to permit the violator to contact the court in the issuing state and resolve the case. The length of this delay is subject to the laws, policies or procedures of the home state, but should be at least 14 days in length.

2. The Notice of Suspension must inform the violator of the facts behind the suspension with special emphasis on the procedures to be followed in resolving the matter with the court in the issuing state. Accurate information on the court (name, address, phone number) must be provided in the Notice of Suspension. This will help eliminate inquiries of the home state which are costly, time consuming and nonproductive as the home state can do nothing to resolve the case.

E. Should the defendant request a hearing on the suspension, it will

follow the form appropriate to the laws, policies or procedures of the home state.

1. Such hearings will normally be restricted to challenging the right of the home state to suspend under the provisions of the WVC; to deny receiving the original citation (thus the importance of the violator's signature on the citation); or to claim that the case has been resolved.

2. The question of guilt or innocence regarding the original charge will not be a subject of hearings held under the provisions of this section.

3. If needed, assistance can be requested from the issuing state. This is normally limited to obtaining certified documentation.

4. **NOTE: Suspensions levied for failure to comply with the terms of a citation are enforced in the home state of the violator and honored by all compact states.** These administrative suspensions are not to be confused with suspensions which are the result of convictions of wildlife violations in one or more states which are participants in the WVC.

F. If the suspension is upheld, the defendant must then proceed to resolve the court case with the suspension remaining in effect.

G. If the suspension is denied for any reason, the case is terminated and the suspension order vacated. In such cases the issuing state will be informed of the reason for denial.

H. Appeals from suspension orders will be handled in accordance with the laws, policies and procedures of the home state.

1. Should a suspension order be overturned on appeal, the issuing state shall be notified.

I. When a violator resolves a case with the court in the issuing state, an acknowledgement of compliance will be issued directly to that person. It is the responsibility of the violator to present this document to the licensing authority in the home state in order to terminate the suspension. The acknowledgement of compliance may take any form acceptable to the home state and the Court.

1. If the acknowledgement of compliance is presented prior to the effective date of the suspension, the suspension is cleared immediately.

2. If the acknowledgement of compliance is presented after the effective date of the suspension, reinstatement will be handled in accordance with the laws, policies and procedures of the home state.

J. Any reinstatement or restoration fees shall be established and assessed in accordance with the laws, policies and procedures of the home state.

III. Reciprocal Recognition of Suspensions

A. States participating in the WVC shall recognize the suspension for cause of the license privileges of any person by any other participating state under the following circumstances:

1. The suspension is the result a conviction for one or more of the following violations types or a failure to appear on a wildlife citation:

a) Priority will be placed on the following violation types:

VIOLATION	WVC CODE FOR IWVC Database
Illegal take or possession of big game	BGV
Illegal take or possession of threatened or endangered species	TEV
Felony wildlife violations	FEV
License violations, fraud, false statement	LIV
Waste of wildlife	WAV
Accumulated wildlife violations	ACV
Violations while on revocation	REV
Sale/purchase of wildlife	SPV
Failure to Appear	FTA

b) The following violation types will also be subject to reciprocal revocation by member states depending on member state laws:

VIOLATION	WVC CODE FOR IWVC Database
Illegal take or possession of small game or migratory birds	SGV
Illegal take or possession of fish	FIV
Illegal take or possession of other wildlife	OWV
Tag/permit/license transfer	TRV
Federal Wildlife Violations	FDV

Other criminal violations	OTV
Guide/outfitter violations	GUV
Safety Violations	SAV
Trespass Violations	TPV
Littering Violations	LPV
Interfering With an Officer	IWO
Commercial Wildlife Violation	COM

2. And, such recognition of suspension is not contrary to the laws of that state.

B. Recognition of suspensions which do not meet the criteria of section III. A. 1 and 2 above will be up to the laws, policies and procedures of that state.

C. Each state participating in the WVC shall communicate suspension information to other participating states, using the secure Interstate Wildlife Violator Compact database. Participating states will use the guidelines prescribed by the board of compact administrators. The following information will be included but not limited to:

1. Positive identification of the subject of the suspension.
Including:
 - a. Name
 - b. Date of birth
 - c. Physical description
 - d. Last known address
2. The basis of the suspension including:
 - a. Violation(s) and convictions upon which the suspension is based.
 - b. The scope of the suspension (ie. fishing, hunting, trapping, all privileges).
 - e. Effective dates of the suspension.

- D. In the event documentation of a violation and subsequent license suspension is needed by a member state for license suspension hearings or other purposes, the issuing state shall provide certified copies of the citation or other charging instrument, any arrest or investigation reports, suspension orders and the disposition of the matter.

IV. Transmittal of Conviction Information to the Home State of the Violator

- A. Upon a conviction, the issuing state shall forward to the home state of the violator the following information:

1. Personal Information

- a. Name
- b. Date of birth
- c. Sex
- d. Physical description (height, weight, hair, eyes)
- e. Last known address

2. Violation Information

- a. Citation number
- b. Violation description
- c. Revocation begin & end date
- d. Fine assessed

- B. For the purpose of consideration for license suspension, the home state shall treat such convictions in other participating states as if they had occurred in the home state.

- C. In the event detailed information on a violation is needed by the home state, for license suspension hearings or other purposes, the issuing state shall provide certified copies of the citation or other charging instrument, any arrest or investigation reports and the disposition of the matter.

**SECTION V
ADMINISTRATIVE MATTERS**

I. Entry into the Compact

A. Entry into the WVC may be accomplished by the following methods.

1. A state legislature may accomplish WVC joinder by adopting the full compact as a statute.

2. A state legislature may authorize and direct that state's wildlife agency to enter into the compact.

B. Upon legislative action as specified above, entry into the WVC shall be finalized by the submission of a resolution of ratification and an informational application submitted to the chairman of the board of compact administrators.

The resolution of ratification shall be signed by the chief administrator of the wildlife agency or licensing authority and shall include the items found in section (b),2 of Article VIII of the WVC.

C. The effective date of entry shall be specified by the applying state but shall be at least sixty days after notice has been given to each member state by the chairman of the board of compact administrators.

D. Only violations which are committed on or after the effective date of entry, and resulting suspensions, shall be subject to the provisions of the Compact

II. Withdrawal from the Compact

A. A member state may withdraw from the WVC by submitting official written notice to the other member states. Such withdrawal shall not be effective until ninety (90) days after such notice is mailed.

B. Such notice must be directed to the compact administrator of each member state.

C. The withdrawal of one or more member states shall have no effect on the validity of the WVC as to the remaining member states.

WILDLIFE VIOLATOR COMPACT NOTICE OF APPLICABILITY AND DUE PROCESS

This is official notice that the member states of the Interstate Wildlife Violator Compact, as listed below, have agreed to recognize, as applicable, the attached wildlife license suspension or revocation notice and/or order as if the qualifying offense, conviction, and suspension or revocation had occurred in those states. Obtaining or attempting to obtain any license, tag or permit that is prohibited by the attached notice may be an additional and separate violation if the license, tag or permit is obtained from any of the member states. Any license, tag or permit obtained in violation of the attached notice and/or order may be invalid.

It is your responsibility to contact any member state where you intend to obtain or attempt to obtain any license, permit or tag to determine your eligibility to purchase that license, permit or tag, or to determine if appeal procedures are available. You may determine your eligibility by inquiring in writing to the specific member state at the address listed below.

Interstate Wildlife Violator Compact member states include:

Arizona
California
Colorado
Georgia
Idaho
Indiana
Iowa
Maryland
Minnesota
Missouri
Montana
Nevada
New Mexico
North Dakota
Oregon
Utah
Washington
Wyoming

Member states contact information is as follows:

Arizona Game and Fish Department
Law Enforcement Branch - IWVC
2221 W. Greenway Road
Phoenix, AZ 85023

California Dept. of Fish & Game
Law Enforcement Branch
1416 Ninth St., Ste. 1326
Sacramento, CA 95814

Colorado DNR, Division of Wildlife
6060 Broadway
Denver, CO 80216

Georgia Dept. of Natural Resources
Wildlife Resources Division
2070 US Hwy 278 S.E.
Social Circle, GA 30025

Idaho Fish & Game
Enforcement Bureau
600 S. Walnut Box 25
Boise, ID 83707

Indiana Department of Natural Resources
Law Enforcement Division
402 W. Washington St. Room W255D
Indianapolis, IN 46204

Iowa DNR/Fish & Wildlife Division
Law Enforcement Bureau
Wallace State Office Bldg.
E 9th & Grand Ave
Des Moines, IA 50319

Maryland Natural Resources Police
Tawes State Office Bldg., E-3
580 Taylor Ave.
Annapolis, MD 21401

Minnesota DNR, Enforcement Division
500 Lafayette Rd, Box 47

St. Paul, MN 55155

Missouri Department of Conservation
Protection Division
PO Box 180
Jefferson City, MO 65102

Montana Dept. of Fish, Wildlife & Parks
Enforcement Division
PO Box 200701
Helena, MT 59620

Nevada Department of Wildlife
1100 Valley Rd
Reno, NV 89512

New Mexico Department of Game & Fish
PO Box 25112
Santa Fe, NM 87504

North Dakota Game & Fish Dept.
Chief of Law Enforcement
100 N. Bismarck Expressway
Bismarck, ND 58501

Oregon Dept. of Fish & Wildlife
2501 SW First St.
Portland, OR 97201

Utah Division of Wildlife Resources
Interstate Wildlife Violator Compact
P.O. Box 146301
Salt Lake City, UT 84114-6301

Washington Department of Fish & Wildlife
Enforcement Program
600 Capitol Way N.
Olympia, WA 98501-1091

Wyoming Game & Fish Dept.
5400 Bishop Blvd.
Cheyenne, WY 82006

HB

315

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 315
 () Publish Date: _____

Identifier (file name): HB315-CED-OL-02-25-08 Dept. Affected: DCCED
 Title: Extend Big Game Commercial Services Board RDU: Corp. Bus & Prof Licensing (117)
 Component: Corp. Bus & Prof Licensing
 Sponsor: Rules by Request of LB&A
 Requester: Senate Resources Component Number: 2360

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below

	Appropriation Required	Information					
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
OPERATING EXPENDITURES							
Personal Services			215.7	215.7	199.2	199.2	199.2
Travel			25.6	25.6	25.6	25.6	25.6
Contractual			163.8	163.8	108.5	108.5	108.5
Supplies			19.6	19.6	14.5	14.5	14.5
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	0.0	424.7	424.7	347.8	347.8	347.8	

CAPITAL EXPENDITURES							
-----------------------------	--	--	--	--	--	--	--

CHANGE IN REVENUES (1156)	0.0	849.4	0.0	695.6	0.0	347.8	
------------------------------------	------------	--------------	------------	--------------	------------	--------------	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
1156 Receipt Supported Services		424.7	424.7	347.8	347.8	347.8	
TOTAL	0.0	424.7	424.7	347.8	347.8	347.8	

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

This legislation extends the Big Game Commercial Services Board to June 30, 2012. In accordance with AS08.03.020, funding is extended one year following the termination date allowing the Board to conclude its affairs. Programs operate on a two year cycle (biennium). Operating expenditures are calculated by averaging the last full biennium cycle and anticipated increases in program costs. Anticipated new costs for this time frame include funds for contractual services for investigations, for the development and maintenance of a new database program, for managing guide applications, as well as for increased publication costs for examination materials. FY 2009 funding is included in the Operating Budget request. The program is required to cover its costs with licensing fees under AS 08.01.065. Revenue generated by board fees collected on a biennial renewal basis is anticipated to cover the full operating costs.

Prepared by: Chris Wyatt, Administrative Officer Phone: (907) 465-2572
 Division: Corporations, Business, and Professional Licensing Date/Time: 2/25/08 11:14 AM
 Approved by: Emil R. Notti, Commissioner Date: 2/25/2008
 Agency: Commerce, Community, and Economic Development

SENATE COMMITTEE REPORT

DATE: 2/13/08

FURTHER: Finance

DATE TURNED
IN TO OFFICE: _____

Resources Committee considered HOUSE BILL NO. 315

HB 315 EXTEND BIG GAME COMMERCIAL SERVICES BOARD

"An Act extending the termination date of the Big Game Commercial Services Board; and providing for an effective date."

and recommends:

- be replaced with SCS or CS _____ (_____)
- adopt previous SCS or CS _____ (_____)
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

SENATE BILL:
 Same Title
 New Title

HOUSE BILL:
 Same Title
 Technical Title Change
 New Title w/ SCR # _____


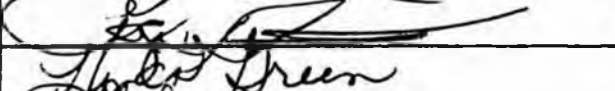
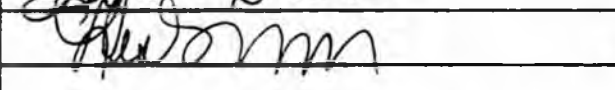
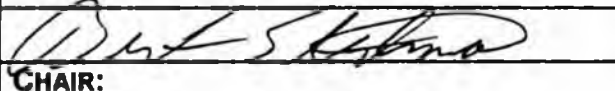
NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
DCED	2/25	✓			

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Wiolechowski			✓	
	Green	✓		X	
	McNamee	✓			
	STEDMAN			✓	
CHAIR:					

ALASKA STATE LEGISLATURE

Sen. Charlie Huggins, Chair
Sen. Bert Stedman, Vice Chair
Sen. Lyda Green
Sen. Gary Stevens
Sen. Lesil McGuire
Sen. Bill Wielechowski
Sen. Thomas Wagoner



State Capitol, Room 119
Juneau AK 99801-1182
907-465-3878
Fax: 907-465-3265
800-862-3878

Senate Resources Committee
Butrovich Room 205
Monday, February 25, 2008
3:30-5:30 p.m.

AGENDA

- **HB 315 Big Game Commercial Services Board**

- **Presentation: Alaska Natural Gas Development Authority**
Harold Heinz, Executive Director, ANGDA

Teleconference

Testimony: By Invitation

ALASKA STATE LEGISLATURE

Sen. Charlie Huggins, Chair
Sen. Bert Stedman, Vice Chair
Sen. Lyda Green
Sen. Gary Stevens
Sen. Lesil McGuire
Sen. Bill Wielechowski
Sen. Thomas Wagoner



State Capitol, Room 119
Juneau AK 99801-1182
907-465-3878
Fax: 907-465-3265
800-862-3878

Senate Resources Committee
Butrovich Room 205
Wednesday, February 20, 2008
3:30-5:30 p.m.

AGENDA

- **SB 246 Susitna Hydro Working Group; Report**

- **HB 315 Big Game Commercial Services Board**

Teleconference

HB 315 Extend Big Game Commercial Services Board

February 25, 2008

[February 20, 2008, Heard & Held:]

*passed out
of SRES w/o
objections*

HB 315 vs/A (extend termination date to 2012)

- 1. Fiscal Notes**
- 2. Sponsor Statement**
- 3. LB&A Audit Summary & Full Audit**
- 4. Support Letters**

Board of Game

Ak Wildlife Troopers

USFS

HB 315 Extend Big Game Commercial Services Board

February 25, 2008

[February 20, 2008, Heard & Held:]

HB 315 vs/A (extend termination date to 2012)

- 1. Fiscal Notes**
- 2. Sponsor Statement**
- 3. LB&A Audit Summary & Full Audit**
- 4. Support Letters**

Board of Game

Ak Wildlife Troopers

USFS

HOUSE BILL NO. 315

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

**BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE BUDGET AND AUDIT
COMMITTEE**

Introduced: 1/15/08

Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act extending the termination date of the Big Game Commercial Services Board;
2 and providing for an effective date."

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

4 * Section 1. AS 08.03.010(c)(22) is amended to read:

5 (22) Big Game Commercial Services Board (AS 08.54.591) - June 30,

6 2012 [2008].

7 * Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 315
 () Publish Date: _____

Identifier (file name): HB315-CED-OL-02-18-08 Dept. Affected: DCCED
 Title: Extend Big Game Commercial Services Board RDU: Corp. Bus & Prof Licensing (117)
 Component: Corp. Bus & Prof Licensing
 Sponsor: Rules by Request of LB&A
 Requester: Senate Resources Component Number: 2360

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
OPERATING EXPENDITURES							
Personal Services		199.2	199.2	199.2	199.2	199.2	
Travel		102.5	102.5	102.5	102.5	102.5	
Contractual		108.5	108.5	108.5	108.5	108.5	
Supplies		14.5	14.5	14.5	14.5	14.5	
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	0.0	424.7	424.7	424.7	424.7	424.7	

CAPITAL EXPENDITURES							
CHANGE IN REVENUES (1156)	0.0	0.0	849.4	0.0	849.4	0.0	

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
1156 Receipt Supported Services		424.7	424.7	424.7	424.7	424.7	
TOTAL	0.0	424.7	424.7	424.7	424.7	424.7	

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

This legislation extends the Big Game Commercial Services Board to June 30, 2012. In accordance with AS 08.03.020, funding is extended one year following the termination date allowing the Board to conclude its affairs. FY 2009 funding is included in the Operating Budget request. Programs operate within a two year cycle (biennium). Operating expenditures are calculated by averaging the last full biennium 2 year cycle. The costs shown for subsequent fiscal years reflect the direct costs included in the FY 2009 budget.

The program is required to cover its costs with licensing fees under AS 08.01.065. Revenue generated by board fees collected on a biennial renewal basis are anticipated to cover its full operating costs

Prepared by: Chris Wyatt, Administrative Officer Phone: (907) 465-2572
 Division: Corporations, Business, and Professional Licensing Date/Time: 2/18/08 1:49 PM
 Approved by: Emil R. Notti, Commissioner Date: 2/18/2008
 Agency: Commerce, Community, and Economic Development

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 315
 () Publish Date: _____

Identifier (file name): HB315-CED-OL-02-04-08 Dept. Affected: Commerce
 Title: Extend Big Game Commercial Services Board RDI: Corp. Bus & Prof Licensing (117)
 Component: Corp. Bus & Prof Licensing
 Sponsor: Rules by Request of LB&A
 Requester: House Labor and Commerce Component Number: 2360

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES							
Personal Services		199.2	199.2	199.2	199.2	199.2	199.2
Travel		102.5	102.5	102.5	102.5	102.5	102.5
Contractual		108.5	108.5	108.5	108.5	108.5	108.5
Supplies		14.5	14.5	14.5	14.5	14.5	14.5
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	0.0	424.7	424.7	424.7	424.7	424.7	424.7

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

1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
1156 Receipt Supported Services		424.7	424.7	424.7	424.7	424.7	424.7
TOTAL	0.0	424.7	424.7	424.7	424.7	424.7	424.7

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

This legislation extends the Big Game Commercial Services Board to June 30, 2012. In accordance with AS 08.03.020, funding is extended one year following the termination date allowing the Board to conclude its affairs. FY 2009 funding is included in the Operating Budget request. The costs shown for subsequent fiscal years reflect the direct costs included in the FY 2009 budget.

The program is required to cover its costs with licensing fees under AS 08.01.065, and revenue generated by board fees are anticipated to cover its full operating costs.

Prepared by: Chris Wyatt, Administrative Officer
 Division: Corporations, Business, and Professional Licensing
 Approved by: Emil R. Notti, Commissioner
Commerce, Community, and Economic Development

Phone: (907)465-2572
 Date/Time: 2/4/08 11:09 AM
 Date: 1/24/2008



LEGISLATIVE BUDGET & AUDIT COMMITTEE

Representative Ralph Samuels, Chairman

Sponsor Statement

HB 315 Extend Big Game Commercial Services Board

An Act extending the termination date of the Big Game Commercial Services Board; and providing for an effective date

House Bill 315 extends the sunset date of the Big Game Commercial Services Board until June 30, 2012.

The Big Game Commercial Services Board was reestablished by Chapter 84, Section 3, SLA 2005 and became effective July 26, 2005. The board is responsible for licensing and regulating activities of big game guides and transporters. Guiding involves providing, services, equipment or facilities to a big game hunter in the field. Transporting, which can be provided both by a guide or a separately licensed transporter means delivery of big game hunters, their equipment or harvested animals to, from or in the field.

The board is comprised of nine members. Membership consists of two public members, two currently licensed registered guide-outfitters, two licensed transporters, one member of the Board of Game, and two private landholders.

It is the opinion of the Legislative Budget and Audit Committee that the Big Game Commercial Services Board should be extended. I ask for your support in extending its sunset date to June 30, 2012.

ALASKA STATE LEGISLATURE

LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Audit



P.O. Box 113300
Juneau, AK 9811-3300
(907) 465-3830
FAX (907)465-2347
legaudit@legis.state.ak.us

SUMMARY OF: A Sunset Review of the Department of Commerce, Community and Economic Development, Big Game Commercial Services Board, August 16, 2007.

PURPOSE OF THE REPORT

In accordance with Titles 24 and 44 of the Alaska Statutes (sunset legislation), we have reviewed the activities of the Big Game Commercial Services Board (board) to determine if there is a demonstrated public need for its continued existence and if it has been operating in an efficient and effective manner. As required by AS 44.66.050(a), this report shall be considered by the committee of reference during the legislative oversight process in determining whether the board should be reestablished. Currently, AS 08.03.010(c)(22) states that the board will terminate on June 30, 2008 and will have one year from that date to conclude its administrative operations. Our report objectives were as follows:

1. To determine whether there is a public need for the board and if its existence should be extended.
2. To review the board's major functions of licensing and investigations for effectiveness in meeting public need and for efficiency of operation.

REPORT CONCLUSIONS

In our opinion, the termination date of the board should be extended. The board has demonstrated a need for its continued existence for regulating and licensing qualified, registered guide-outfitters and transporters which benefits the public's safety and welfare as well as protection of the state's wildlife resources. The board has also successfully developed and adopted regulatory changes to improve the big game commercial services industry in Alaska.

As indicated in the Analysis of Public Need section of this report, the board has met the various statutory sunset criteria, generally, in an effective and efficient manner; exceptions are discussed in the Findings and Recommendations section. In our opinion, the board serves an important public purpose.

Based on the operational deficiencies identified and the limited time the board has functioned since reinstatement, we recommend the board continue in statute and its termination date be extended for four years until June 30, 2012.

FINDINGS AND RECOMMENDATIONS

1. The director of the Division of Corporations, Business, and Professional Licensing (DCBPL) should ensure division staff adheres to statute, regulations, and policy and procedures for efficient and effective support of the board's day-to-day operations.
2. The division's director should ensure case management procedures are adhered to by staff to accurately reflect case status on the case management system in support of the board's operations.
3. The board and the division should review licensing fees and regulatory costs, and increase fees to cover the annual operating costs to eliminate the anticipated deficit. At the end of FY 07, the board had an estimated operating deficit of \$52,000.
4. The board should make appropriate changes to regulations which require proof of current first aid certification for all guide-outfitters, under board purview, for both initial and renewed licenses.
5. The board should cease the electronic accumulation of information gathered from hunt records and transporter reports. Staff resources were ill-spent recording historic licensee reports into an electronic database. The cost versus the benefit of capturing information from reports is questionable.

ALASKA STATE LEGISLATURE

LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Audit



P.O. Box 113300
Juneau, AK 9811-3300
(907) 465-3830
FAX (907) 465-2347
legaudit@legis.state.ak.us

August 30, 2007

Members of the Legislative Budget
and Audit Committee:

In accordance with the provisions of Title 24 and Title 44 of the Alaska Statutes, the attached report is submitted for your review.

DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT BIG GAME COMMERCIAL SERVICES BOARD SUNSET REVIEW

August 16, 2007

Audit Control Number

08-20052-07

The audit was conducted as required by AS 44.66.050 and under the authority of AS 24.20.271(1). Alaska Statute 44.66.050(c) lists criteria to be used to assess the demonstrated public need for a given board, commission, agency, or program subject to the sunset review process. Currently, AS 08.03.010(c)(22) states that the Big Game Commercial Services Board (board) will terminate on June 30, 2008 and will have one year from that date to conclude its administrative operations.

In our opinion, the termination date for the board should be extended. The licensing of qualified guide-outfitters and transporters benefits the public's safety and welfare. We recommend the legislature extend the termination date of the board to June 30, 2012.

The audit was conducted in accordance with generally accepted government audit standards. Fieldwork procedures utilized in the course of developing this report are discussed in the Objectives, Scope, and Methodology section.

Pat Davidson, CPA
Legislative Auditor

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OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with Titles 24 and 44 of the Alaska Statutes, we have reviewed the activities of the Big Game Commercial Services Board (board) to determine if there is a demonstrated public need for its continued existence and if it has been operating in an efficient and effective manner. Currently, AS 08.03.010(c)(22) states that the board will terminate on June 30, 2008 and will have one year from that date to conclude its administrative operations.

Objectives

Our specific audit objectives were:

1. To determine if the termination date of the board should be extended;
2. To determine if the board is operating in the public interest; and,
3. To determine if the board has exercised appropriate regulatory oversight of licensed guide-outfitters and transporters.

Scope:

Our audit reviews the operations and activities of the board for the period July 26, 2005 through June 30, 2007. The assessment of the board is based on criteria set out in AS 44.66.050(c).

Methodology:

To accomplish the audit objectives, we:

- Reviewed applicable federal regulations and state guide-outfitter/transporter statutes and regulations;
- Read annual reports and minutes of board meetings related to, or issued by, the board;
- Examined licensing files including hunt records, transporter reports and hunt contracts;
- Examined complaint and investigation files for guide-outfitter and transporters;
- Reviewed various state and federal websites containing hunt and land use information;
- Read departmental correspondence files relating to board and licensee activities;
- Reviewed professional hunter website information;
- Analyzed board revenue and expenditure from FY 06 through FY 07;
- Reviewed legal information from the Department of Law and the courts;

- Reviewed the 2003 Special Audit No. 08-30025-03, *Department of Community and Economic Development, Division of Occupational Licensing, Guides and Transporters (October 16, 2003)*.

We also compared 1995 provisions of the former Big Game Commercial Services Board's statute and regulations with those since the board reinstatement.

We interviewed:

- Members of the Alaska Professional Hunters Association;
- Members of the Board of Big Game Commercial Services;
- Staff of the Division of Corporations, Business, and Professional Licensing within the Department of Commerce, Community, and Economic Development;
- Staff of the Division of Mining, Land, and Water within the Department of Natural Resources
- Staff of the Division of Fish and Wildlife Protection within the Department of Public Safety
- Staff at the Department of Fish and Game
- Staff at the Natural Resources Civil Division, Department of Law who regularly assist the board with statute and regulatory issues.
- Staff of the U.S. Forest Service, U.S. Fish and Wildlife Service, and U.S. Department of the Interior's Bureau of Land Management

Additionally, during the course of the review we were contacted directly by interested members of the public conveying their concerns and issues over board proceedings and matters.

ORGANIZATION AND FUNCTION

The Big Game Commercial Services Board (board) was reestablished by Chapter 84, Section 3, SLA 2005 and became effective July 26, 2005. The board is responsible for licensing and regulating activities of big game guides and transporters. Guiding involves providing services, equipment or facilities to a big game hunter in the field. Transporting, which can be provided both by a guide or separately licensed transporter means delivery of big game hunters, their equipment or harvested animals to, from or in the field. Alaska Statutes require nonresident U.S. citizens and nonresident foreign nationals to be accompanied by a licensed guide when hunting big game species in Alaska.¹

Previously, the board was terminated effective June 30, 1995 and its regulatory responsibility was transferred to the Division of Corporations, Business, and Professional Licensing (the division or DCBPL) within the Department of Commerce, Community, and Economic Development (DCCED). DCBPL staff performed the oversight, licensing, and investigations of guide-outfitters' and transporters' licensees from July 1995 through July 2005. Upon reinstatement the regulatory responsibilities were transferred back to the board.

Membership on the Board

The board is composed of nine members. Membership consists of two public members, two currently licensed registered guide-outfitters, two licensed transporters, one member of the Board of Game, and two private landholders.

The public members cannot be engaged in the guiding or transporting profession, or have a direct financial interest in the piloting profession. All members must be residents of Alaska.

Duties of the Board

1. Prepare and grade a qualification examination for registered guide-outfitter licenses that require demonstration that the applicant is generally qualified to provide guided and outfitted hunts and, in particular, possess knowledge of fishing, hunting, and guiding laws and regulations.

¹ AS 16.05.407 and .408

Exhibit 1

Big Game Commercial Services Board Members As of June 30, 2007

Licensed Registered Guide-Outfitter Members

Paul Johnson - Chairman
Richard Roher

Transporter Members

Colin Brown
Leif Wilson

Private Landholder Members

Raymond Stoney
Vacant

Public Members

Bob Mumford
Betty Jo Schmitz

Member of the Board of Game
Ted Spraker

2. Prepare and grade a certification examination for each game management unit (GMU) in which the registered guide-outfitter intends to provide big game hunting services. The exam requires demonstration by the guide-outfitter that they possess knowledge of the terrain, transportation problems, game, and other characteristics of the GMU.
3. Provide for administration of examinations for registered guide-outfitters at least twice a year.
4. Authorize the issuance of registered guide-outfitter, master guide-outfitter, class-A assistant guide, assistant guide, and transporter licenses. Prior to issuance or renewal the applicant of any class of guide or transporter license must certify by signed document the right to obtain, or exercise the privileges granted by a hunting, guiding, outfitting, or transportation services license is not revoked or suspended in this state, another state, or Canada.
5. Impose appropriate disciplinary sanctions on a licensee.
6. Regularly disseminate information regarding examinations and other qualifications for all classes of guide licenses to residents of the rural areas of the State.
7. Adopting procedural and substantive regulations.
8. Meet at least twice annually.

Division of Corporations, Business, and Professional Licensing (DCBPL or division)

DCBPL provides administrative assistance to the board. Administrative assistance includes budgetary services/functions such as collecting fees, maintaining files, receiving/issuing application forms; publishing notice of examinations and meetings; and compiling/maintaining a current register of licensees. On its own initiative, the division may conduct an investigation if it appears an individual has engaged, or is about to engage, in a practice over which the division has authority. DCBPL can issue an order that the individual stop the practice, bring an action in Superior Court to enjoin the act, examine the books and records of a license holder and/or association, and issue subpoenas for the attendance of witnesses and records.

Licensing examiners at DCBPL are assigned the function of administering and grading the written portion of the registered guide-outfitter and game management unit examinations, issuing initial and renewal licenses for all types of guide-outfitters and transporters, reviewing and data entry of information contained on hunt records and transporter activity reports from guide-outfitter and transporter licensees, handling requests for information, issuing and receiving correspondence over licensees, and refer complaints received to the investigation section within DCBPL.

An investigator at DCBPI is assigned to conduct investigations of complaints on behalf of the board which are received from clients of a guide-outfitter or transporter, the public, other guide-outfitters and transporters, licensing examiners, and other state or federal agencies. A complaint which is clearly a potential criminal violation is referred by the investigator to an appropriate law enforcement agency.

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REPORT CONCLUSIONS

Under AS 08.03.010(22), the Big Game Commercial Services Board (board) will terminate on June 30, 2008. If the legislature does not take action of extending the board's termination date, then AS 08.03.020 provides the board one year in which to conclude its administrative operations.

The regulation and licensing of qualified, registered guide-outfitters and transporters benefits the public's safety and welfare as well as protection of the state's wildlife resources. The board provides reasonable assurance that the individuals licensed to guide and or outfit hunts, as well as transportation of hunters to and from hunt locations in Alaska, are qualified to do so. The board has also successfully developed and adopted regulatory changes to improve the big game commercial services industry in Alaska.

As indicated in the Analysis of Public Need section of this report, the board has met the various statutory sunset criteria, generally, in an effective and efficient manner; exceptions are discussed in the Findings and Recommendations section. In our opinion, the board serves an important public purpose. Based on the operational deficiencies identified and the limited time the board has functioned since reinstatement, we recommend the board continue in statute and its termination date be extended for four years until June 30, 2012.

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FINDINGS AND RECOMMENDATIONS

Recommendation No. 1

The director of the Division of Corporations, Business, and Professional Licensing should ensure procedures are adhered to by division staff for the efficient and effective support of the Big Game Commercial Services Board's day-to-day operations.

Several processes and procedures, required of the Division of Corporations, Business, and Professional Licensing (DCBPL or division) staff to provide adequate support of the Big Game Commercial Services Board (board), were identified as untimely and inaccurate. Issues identified were:

1. Licensee files missing required documentation. One of eight newly-licensed registered guide-outfitter, and one of six assistant guide-outfitter, reviewed license renewals did not have all documentation required for licensure. The registered guide's file was missing both scores showing successful completion of the practical exam and proof of financial responsibility.² The assistant guide's file was missing proof of first aid.³

Without required documentation to prove compliance with eligibility requirements, it is unclear whether requirements were met. The procedure to ensure all required licensing support documentation be retained in the licensee file was not followed.

2. Public notice not issued for exam. Of the four examinations held from October 2005 through March 2007, one examination⁴ was not publicly noticed as required by AS 08.01.050(a)(6). Failure to adequately publish dates of examinations means applicants who would otherwise take the exam, were not aware it was scheduled. The procedure, to ensure public notice is adequately posted by divisional staff, was not followed.
3. Proposed regulations issued by the board were not publicly noticed in a timely manner. By mis-prioritizing work efforts, division staff failed to publicly notice the draft regulations in a timely manner prior to an upcoming board meeting. The result was insufficient time for public comments to be received. In the adoption of new regulations, the board must allow an adequate period for public comments.⁵ Consequently, the board incurred additional and unnecessary costs in order to adopt the regulatory changes at a later meeting.

² AS 08.54.610(a)(3) and (4) and 12 AAC 75.220(b)(2)(A) and (B)

³ 12 AAC 75.130(3)

⁴ The October 28, 2005 exam

⁵ AS 44.62.190(a)