

**NOTICE OF PROPOSED CHANGES TO APPLICATION FOR ASSISTANT GUIDE LICENSE,  
REGISTERED GUIDE-OUTFITTER CONTRACT REQUIREMENTS, AND PROFESSIONAL  
ETHICS STANDARDS FOR GUIDES IN THE REGULATIONS OF THE  
BIG GAME COMMERCIAL SERVICES BOARD**

**BRIEF DESCRIPTION:** The Big Game Commercial Services Board proposes to update regulations by establishing standards for unlicensed persons receiving training for purposes of experience necessary to apply for licensure as an assistant guide, to update the guide-outfitter contract requirements, and to amend the ethics standards for guides.

The Big Game Commercial Services Board (Board) proposes to adopt regulation changes in Title 12, Chapter 75, of the Alaska Administrative Code, dealing with application for assistant guide license, registered guide-outfitter contract requirements, and professional ethics standards for guides, including the following:

1. **12 AAC 75.130, Application for assistant guide license**, is proposed to be changed to alter the application requirements for assistant guide license.
2. **12 AAC 75.260, Registered guide-outfitter contract requirements**, is proposed to be changed to alter the contract requirements for registered guide-outfitters.
3. **12 AAC 75.340, Professional ethics standards for guides**, is proposed to be changed to alter the ethics standards requirements for guides.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Board will accept comments by facsimile at (907) 465-2974, and by electronic mail at [jun.maiquis@alaska.gov](mailto:jun.maiquis@alaska.gov). Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system at <http://notice.alaska.gov/178894>, and using the comment link. **The comments must be received not later than 4:30 p.m. on December 4, 2015.**

Oral comments relevant to the proposed actions, including the potential costs to private persons of complying with the proposed action, may also be given at a hearing to be held on December 9, 2015, at the Coast International Inn, 3450 Aviation Avenue, Anchorage, Alaska. **Written comments will not be accepted at the hearing.** The hearing will begin at 1:45 p.m. and will end when those who have signed up before 1:45 p.m. to give oral testimony have had the opportunity to comment. The chair of the Board may set a time limit for each participant's oral testimony, determined by the chair before the hearing begins, to allow enough time for all those present and timely registered to give testimony.

You may submit written questions relevant to the proposed action to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806, or by e-mail at [jun.maiquis@alaska.gov](mailto:jun.maiquis@alaska.gov). **The questions must be received at least 10 days before the end of the public comment period.** The Board will aggregate its response to substantially similar questions and make the questions and responses available on the Board's website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BigGameCommercialServicesBoard.aspx> or on the Alaska Online Public Notice System. The Board may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Jun Maiquis at (907) 465-2537 or [jun.maiquis@alaska.gov](mailto:jun.maiquis@alaska.gov) not later than November 27, 2015 to ensure that any necessary accommodations can be provided.

For a copy of the proposed regulation changes, contact Jun Maiquis at the address or phone number above, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/BGCSB-1015.pdf>.

After the public comment period ends, the Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. **You should comment during the time allowed if your interests could be affected.** Written comments and questions received are public records and are subject to public inspection.

**Statutory Authority:** AS 08.54.600; AS 08.54.605; AS 08.54.630; AS 08.54.635; AS 08.54.680; AS 08.54.710; AS 08.54.720; AS 08.54.790; AS 16.05.255

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 08.54.600; AS 08.54.605; AS 08.54.630; AS 08.54.635; AS 08.54.680; AS 08.54.710; AS 08.54.720; AS 08.54.790; AS 16.05.255

**Fiscal Information:** The proposed regulation changes are not expected to require an increased appropriation.

DATE: 11/3/15

/s/  
Jun Maiquis, Regulations Specialist  
Division of Corporations, Business and  
Professional Licensing

For each occupation regulated under the Division of Corporations, Business and Professional Licensing, the Division keeps a list of individuals or organizations who are interested in the regulations of that occupation. The Division automatically sends a Notice of Proposed Regulations to the parties on the appropriate list each time there is a proposed change in an occupation's regulations in Title 12 of the Alaska Administrative Code. If you would like your address added to or removed from such a list, send your request to the Division at the address above, giving your name, either your e-mail address or mailing address (as you prefer for receiving notices), and the occupational area in which you are interested.

### **ADDITIONAL REGULATION NOTICE INFORMATION (AS 44.62.190(d))**

- 1. Adopting agency:** Big Game Commercial Services Board – Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing.
- 2. General subject of regulation:** Application for assistant guide license, registered guide-outfitter contract requirements, and professional ethics standards for guides.
- 3. Citation of regulation:** 12 AAC 75.130, 12 AAC 75.260, and 12 AAC 75.340.
- 4. Department of Law file number:** To be assigned.
- 5. Reason for the proposed action:** Update and clarification of current regulations.
- 6. Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.
- 7. Estimated annual cost to comply with the proposed action to:**
  - A private person:** None.
  - Another state agency:** None.
  - A municipality:** None.

**8. Cost of implementation to the state agency and available funding (in thousands of dollars):**

No costs are expected in FY 2016 or in subsequent years.

**9. The name of the contact person for the regulations:**

Cindy Hansen, Licensing Examiner  
Big Game Commercial Services Board  
Division of Corporations, Business and Professional Licensing  
Department of Commerce, Community, and Economic Development  
Telephone: (907) 465-2543  
Email: cindy.hansen@alaska.gov

**10. The origin of the proposed action:** Big Game Commercial Services Board.

**11. Date:** 11/3/15

**Prepared by:** /s/

Jun Maiquis, Regulations Specialist

**Chapter 75. Big Game Commercial Services Board.**

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted. Complete new sections are not underlined.)

12 AAC 75.130 is amended to read:

**12 AAC 75.130. Application for assistant guide license.** **(a)** The department will issue a license as an assistant guide to an applicant who meets the requirements of AS 08.54.630 and this section. An assistant guide license applicant shall submit

- (1) the fees required in 12 AAC 02.230;
- (2) a completed application on a form provided by the department;
- (3) a copy of the applicant's valid first aid card issued by the American Red Cross or a similar organization recognized by the department;
- (4) a form completed by the applicant listing the dates the applicant has hunted in the state and certifying that the applicant meets the requirements in AS 08.54.630(a)(2);
- (5) a written recommendation or evidence as required in AS 08.54.630(a)(4);
- (6) a signed statement from the applicant certifying that the applicant meets the eligibility requirements in AS 08.54.605;
- (7) a complete report of criminal justice information under AS 12.62, including fish and wildlife violations, and if a state other than this state is the applicant's primary state of residence, an equivalent report issued by that other state; and
- (8) for each guiding, outfitting, transportation, or other hunting services license, if any, issued to the applicant by another state or by a jurisdiction of Canada, verification from the issuing government body that the license has not been suspended or revoked.

**(b) Unlicensed persons receiving training for purposes of experience necessary to**

**apply for licensure as an assistant guide under this section may participate in activities identified in AS 08.54.635(b), when a licensed guide is physically present.**

**(c) In this section, "physically present" means that the licensed guide must be in or near camp while an unlicensed person is performing the activities of field preparation of trophies and using guiding or outfitting equipment, including spotting scopes and firearms. An unlicensed person may take necessary action to prevent the spoilage or loss while unsupervised. While an unlicensed person is accompanying a licensed guide and client during the final portion of stalking, pursuing, tracking, killing, or attempting to kill big game, the unlicensed person must act under the close and immediate supervision of the licensed guide. Under no circumstance is an unlicensed person under this section permitted to direct the actions of a hunter to stalk, take, or attempt to take a big game animal.** (Eff. 5/24/96, Register 138; am 10/19/96, Register 140; am/readopt

7/30/2006, Register 179; am 6/8/2007, Register 182; am \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.54.600 AS 08.54.630 **AS 08.54.790**  
AS 08.54.605 **AS 08.54.635**

12 AAC 75.260(b) is amended by adding a new paragraph to read:

(13) include the drawing hunt application confirmation number assigned by the department pursuant to AS 16.05, if any.

12 AAC 75.260 is amended by adding a new subsection to read:

(d) A contracting registered or master guide that is signing the hunt contract, and who intends to apply a client for a drawing hunt permit for a hunt conducted under regulations

required by AS 16.05, is required to obtain a Unique Verification Code from the department prior to entering an application for the client. Unique Verification Codes will only be issued to registered or master guides that are registered in the guide use area located in the hunt area the year the application is made and the years the permit is valid.

(Eff. 7/30/2006, Register 179; am 6/8/2007, Register 182; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.54.600 AS 08.54.720 **AS 16.05.255**  
AS 08.54.680 AS 08.54.790

12 AAC 75.340(d)(7) is amended to read:

(7) allow appropriate buffer areas between hunters and camps in order to avoid disrupting hunts and hunting experiences; [IN GAME MANAGEMENT UNIT 9, A PERSON HOLDING ANY CLASS OF GUIDE LICENSE MAY NOT PLACE A CAMP WITHIN TWO MILES OF A LEGALLY PERMITTED YEAR-ROUND STRUCTURE BEING USED FOR BIG GAME GUIDING PURPOSES, UNLESS AGREED UPON IN A WRITTEN AGREEMENT BETWEEN THE INVOLVED PARTIES;]

(Eff. 7/30/2006, Register 179; am 6/8/2007, Register 182; am 11/24/2007, Register 184; am 6/26/2010, Register 194; am 6/2/2011, Register 198; am 1/13/2012, Register 201; am 12/2/2012, Register 204; am 4/13/2013, Register 206; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.54.600 AS 08.54.680 AS 08.54.710