

HB

768

COMMITTEE REPORT

2/13/76

HOUSE

FINANCE

Mr. Speaker:

Date _____

The Committee on RESOURCES has had HD 768

under consideration. A Majority of the members of the Committee

() recommends it DO PASS

() recommends it DO NOT PASS

() recommends it DO PASS WITH ATTACHED AMENDMENT(S)

recommends it BE REPLACED WITH CS FOR HB 768 AND THAT ^{individual} CS FOR HB 768 ~~DO PASS~~ ^{be reported out with ~~other~~ recommendations}

() "and" recommends it BE REFERRED TO THE _____ COMMITTEE

() reports it back WITHOUT RECOMMENDATION

() "other"

Members signing the Majority report:

<u>Melvin B. Anderson</u>	<u>DO PASS</u>	_____
<u>Frank L. Swanson</u>	<u>DO PASS</u>	_____
<u>Clayton C. Stovall</u>	<u>DO PASS</u>	_____
_____	_____	_____

Members NOT concurring in the Majority report:

_____ recommends:

_____ recommends:

Wm. Hooshberger recommends: Do Not Pass

_____ recommends: W. Rec.

_____ recommends:

Melvin B. Anderson Chairman

June 30, 1976

* Sec. 3. This Act takes effect July 1, 1976.

Members serving on the board of Fisheries on the effective date of this act shall continue to serve until their term expires. Upon the expiration of their term, a new member shall be appointed from a geographical area specified in Sec 1 of this act ~~according~~ ^{geographical} so that equal representation

2	76	Carrouette	as implemented in a continuing manner,
July 1 st		Zabo	and in no case may unequal representation
77		Dementoff	7BX exist after July 1
		Kropp	1978
78		Schroeder	BB
		Beaton	Jensen
		Jensen	Petersburg -

THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465 3800

MEMORANDUM

February 11, 1976

SUBJECT: Fish and Game Boards (W.O. #1910)

TO: The Honorable Alvin Osterback

FROM: James Owers^{JO} Joel Bennet
Research Analyst Staff Attorney

Several bills were introduced last session relating to the composition of the Board of Fish and Game. The Bill numbers and their status are as follows:

HB 117 - Would create two seven member boards, one for fish and one for game. The Bill is presently in House Resources.

SB 131 - Would create two seven member boards, one for fish and one for game. This is essentially the same as HB 117 with a few changes. The Bill was passed and became law in 1975. (206 SLA 75)

HB 470 - Would increase the membership of Board of Fish and Game from 12 to 13 members. This Bill is presently in House Finance.

SB 193 - Would provide for a "section 26" board similar to the board of education. The seven member Board would be responsible for hiring and firing the Commissioner of Fish and Game and would take a more active administrative role. The Bill is in Senate Resources.

Under the present law members of either the Board of Fisheries or Board of Game "shall be residents of the State and shall be appointed without regard to political affiliation or geographical location of residence."

It is doubtful whether it would be legal to elect the members of the board of fisheries or game. This conclusion is based on the following facts:

- (1) The Alaska Constitution provides that "each principle department shall be under the supervision of the governor."

(Section 24, Article III, Alaska State Constitution). Thus, even though Section 26 does not apply to the present Board of Fisheries or Game, it is clear that the constitution intended the executive power of government to be vested in the governor.

- (2) From an examination of the proceedings of the Alaska constitutional convention it would appear that the idea of an elected rule making board within the executive branch was never considered. Nevertheless, it is very clear that the majority of delegates to the constitutional convention wanted only two elected officials in the executive branch of State government. There were repeated amendments to create more elected offices. All were defeated.
- (3) Of the 88 commissions, advisory councils, Boards and public corporations in the executive branch, only one rule making board provides for an electoral procedure in selecting members. This is the Public Employees Retirement Board. Three members are appointed by the governor and two members are elected by members of the retirement system.

Nevertheless, while it does not appear feasible to elect members to the Board of Fisheries or Board of Game from electoral districts, there is ample precedent for requiring the governor to make selections to the Boards from either certain occupational groups or geographical areas.

The attached Draft Bill would require that members to the Boards of Fisheries or Game be selected according to major hunting and fishing areas.

JO:cw

ATTACHMENT

THE LEGISLATURE OF THE STATE OF ALASKA
FISCAL NOTE

Second Session - Ninth Legislature

I. REQUEST

Bill No. House Bill 768
 Title: An Act Relating to the Boards of Fisheries and Game
 Requested by: Jiin Rhode Date: 2/18/76
 Return Date Requested: 2/25/76
 Agency: Fish and Game Program: NRMEC

II. FISCAL DETAIL

Budget Request Unit(s) Affected: Administration and Support

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

B. FUNDING: (Thousands of dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	/	/	/	/	/	/
MAN MONTHS (P./T.)	/	/	/	/	/	/

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Assumes no significant increase or decrease in costs as a result of board members being selected from designated areas.

IV. ATTACHMENTS

V. DATE: 2/19/76 PREPARED BY: Dean Paddock *Dean Paddock*

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

MEMORANDUM

State of Alaska

Mr. Morrison
Fish & Game

1100

DATE:

17 Feb 76

FROM:

Jim Rhode
AA to Rep. Malone, Chairman
House Finance Committee

SUBJECT:

Fiscal Note Requests

This is to request fiscal notes for the following bills (with one copy for us and, where applicable, one copy for the prime sponsor).

HB 768

FEB 17 1976

RECEIVED