

HB

1032

AGO 125416

5/8/80 Reported out as CS

(See file on Grid Band Sunset Review)

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. HB 1032 - "An Act continuing existence of the Guide Licensing & Control Board and providing for an effective date."
 Title Control Board and providing for an effective date.
 Requested by _____ Date May 14, 1980

II. FISCAL DETAIL
 Agency Affected Public Safety
 Program Category Affected NRMEC
 BRU, Program, or Subprogram(s) Affected Fish & Wildlife Protection Director's Office
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)
EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES		49.1	52.5	56.2	60.1	64.3
200 TRAVEL		26.1	27.9	29.9	32.0	34.2
300 CONTRACTUAL		4.0	4.3	4.6	4.9	5.2
400 COMMODITIES		4.0	4.3	4.6	4.9	5.2
500 EQUIPMENT		4.4				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		87.6	89.0	95.3	101.9	108.9

FUNDING (Thousands of Dollars)

GENERAL FUND		87.6	89.0	95.3	101.9	108.9
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		2	2	2	2	2
PART TIME						
TEMPORARY						

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

Operational funding for the Guide Licensing and Control Board would be required to include the establishment of two positions, an Administrative Assistant I (range 12) and a Clerk-Typist III (range 8) and associated costs. These two positions would be located in Anchorage under the Director of the Fish & Wildlife Protection Division, and would provide administrative and clerical support to the Board. Travel costs are estimated for five members of the Board plus the Administrative Assistant for three meetings (approximately twelve days each) annually. The costs shown for FY81 also include office equipment for the new positions and an audio recording system to be used to document testimony and Board actions in cases of license suspension, revocation, or denial which are litigated. Dollar amounts shown after FY81 include a 7% inflation factor.

If the Board membership is increased, travel costs will be correspondingly higher than the estimates indicated.

IV. DATE May 14, 1980 PREPARED BY Marcia Lynn Macenzie
 AGENCY Public Safety
 PHONE 465-4340
 Original Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA
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IV. DATE May 14, 1980 PREPARED BY Marcia Lynn McKenzie
 AGENCY Public Safety
 PHONE 465-4340
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 Prime Sponsor (First Legislator Named)

1	POSITION TITLE Administrative Assistant I			RANGE/STEP 12/A	BARG. UNIT. G	LOCATION Anchorage	GOV	APPROV.	DISAPP.
2	TYPE OF POSITION PFT	STAFF MONTHS 12	RP No.	PCN No.	PRIORITY	FORM 12 PAGE/LINE	LEG.		
3	TYPE OF EXPENDITURE			AMOUNT		JUSTIFICATION: The Department currently does not have sufficient clerical staff to adequately administer the Guide Licensing and Control Board. This position will be responsible for all administrative duties required and would process and issue approximately 1,500 guide licenses annually as well as preparing the Guide Register for public distribution annually and maintaining all Board records. The incumbent will also be required to arrange and attend all Board meetings to provide support as necessary and ensure proper documentation of all Board activities.			
	1	2	3						
4	PERSONAL SERVICES:								
	SALARY		20,652						
5	BENEFITS		3,406						
6	FICA		1,373						
7	HEALTH INS.		1,524						
8	TOTAL PERSONAL SERVICES			26,955					
9	TRAVEL			2,850					
10	CONTRACTUAL			1,000					
11	COMMODITIES			500					
12	EQUIPMENT			1,500					
13	OTHER								
14	TOTAL COST			32,805					
	CODE	FUNDING SOURCE							
15		FED RCPTS							
16		GF MATCH		32.8					
17		GEN FUND							
18		I-A RCPTS							
19		PGM RCPTS							
20		OTHER							
21	CONTINUATION								
22	ADDITION		FOR B&M USE ONLY						
4A KEY NUMBER		_____		COLUMN NO. _____					

AGENCY Public Safety PROGRAM AREA Fish & Wildlife Protection

BRU Director's Office

FY 81

13 REQUEST FOR NEW POSITION

COMPONENT _____

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REVISED DATE _____

1	POSITION TITLE Clerk Typist III			RANGE/STEP 8/B	BARG. UNIT. G	LOCATION Anchorage	GOV.	APPROV.	DISAPP.
2	TYPE OF POSITION PMT	STAFF MONTHS 12	RP No.	PCN No.	PRIORITY	FORM 12 PAGE/LINE	LEG.		
3	TYPE OF EXPENDITURE			AMOUNT					
	1			2		3			
4	PERSONAL SERVICES: SALARY			16,740					
5	BENEFITS			2,760					
6	FICA			1,113					
7	HEALTH INS.			1,524					
8	TOTAL PERSONAL SERVICES			22,137					
9	TRAVEL								
10	CONTRACTUAL			500					
11	COMMODITIES			500					
12	EQUIPMENT			1,500					
13	OTHER								
14	TOTAL COST			24,637					
JUSTIFICATION:									
The Department currently does not have sufficient clerical staff to adequately administer the Guide Licensing and Control Board.									
This position would be responsible for all clerical support to the Board, including transcriptions of Board meetings for use in possible hearings and litigations. At present, some of this work is being accomplished by the Director's staff to the detriment of other duties and obligations. Approximately 15,000 financial remuneration statements submitted by guides annually are currently being filed by professional level investigators, decreasing their time available for program operations.									
Some of the functions, in part, are currently being accomplished by the Dept. of Commerce. When the Board is transferred to this Department, however, clerical support will not be transferred. Denial of this position will result in program ineffectiveness, as professional level staff will have to be diverted to clerical work as indicated above.									
	CODE	FUNDING SOURCE							
15		FED RCPTS.							
16		GF MATCH.							
17		GEN FUND			24.6				
18		I-A RCPTS.							
19		PGM RCPTS							
20		OTHER							
21	CONTINUATION								
22	ADDITION			FOR B&M USE ONLY					
14 KEY NUMBER _____ COLUMN NO. _____									

AGENCY Public Safety PROGRAM AREA Fish & Wildlife Protection

BRU Director's Office

FY 81

13 REQUEST FOR NEW POSITION

COMPONENT _____

Page 2 of 2

REVISED DATE _____

the board may not act
unless a majority of the
whole membership of the
votes in a like manner
out of the board

action

the board may act only if a

action may only be undertaken
by the affirmative
by a majority of the whole
membership voting in a like
manner

or may

The board may not undertake
action authorized under this chapter
unless a majority of the whole
memberships of the board concurs
in the action.

whenever, an act of the board is required, a majority of the whole membership must ~~it~~ vote ~~to approve~~ in either approval or disapproval of this the action

action which the

The board may not undertake action authorized ~~or required~~ under this ~~section~~ ^{chapter} unless a majority of the whole membership of the board concurs in the action.

act of the board

a majority of the board
must vote in a like
manner to constitute
an act of the board

for

~~the~~

action must be joint

a majority of the whole
membership of the board
must join in any

THE FOLLOWING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

Critical sponsor: Resources Committee

1 21 1967

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 1037

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For or for entitled: "An Act relating to guide licensing; continuing the
7 existence of the Guide Licensing and Control Board,
8 amending regulations relating to exclusive guide
9 lic using areas, and amending the law relating to the
10 board's powers and responsibilities; and providing for
11 an effective date."

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

13 Section 1. AS 08.54.010 is created to read:

14 Sec. 08.54.010. CREATION AND MEMBERSHIP OF BOARD. There is created
15 in the division of fish and wildlife protection, Department of Public
16 Safety, the Guide Licensing and Control Board consisting of five (5) full
17 members. Three (NO MORE THAN THREE) members of the board shall be master
18 guides or registered guides actively involved in guiding (HAVE A GUIDE
19 LICENSE). The other members shall have a general knowledge of the game
20 resources of the state but may not (1) be engaged in guiding; (2) be
21 associated by local contract with a guide except as a consumer of the
22 services provided by the guide; or (3) have a direct financial interest
23 in a guide business. A minimum of 10 years residence in the state is
24 required for all members of the board.

25 Section 2. AS 08.54.020 is amended to read:

26 Sec. 08.54.020. APPOINTMENT AND TERM OF OFFICE. The members of
27 the board shall be appointed by the Governor and confirmed by the legis-
28 lature for staggered terms of three years or until their successors are
29 appointed. (INITIAL TERMS ARE AS FOLLOWS: THREE MEMBERS FOR ONE YEAR,

Rick - Please Check the wording of the new sections. I particularly wondering about the last line of section 4 - does that wording take care of your intent? I won't turn the new CS in to the Chief Clerk until you let me know. If this version is not satisfactory I'll take it back to Guthrie for a re-write.

Thanks, Mary Levan

TWO MEMBERS FOR TWO YEARS, AND TWO MEMBERS FOR THREE YEARS.) A member may be removed at the pleasure of the governor. A person may not be appointed to the board for more than two consecutive terms.

* Sec. 3. AS 09.54.030 is amended to read:

Sec. 09.54.030. CHAIRMAN OF BOARD. The board shall annually elect one of its members as chairman and one of its members as vice-chairman. A person elected as chairman may not serve for more than two consecutive years.

* Sec. 4. AS 09.54 is amended by adding a new section to read:

Sec. 09.54.035. QUORUM. Three members of the board constitute a quorum for the conduct of business. However, regulations may only be adopted ^{with the affirmative vote of} a majority of the full membership of the board. ?

* Sec. 5. AS 09.54 is amended by adding a new section to read:

Sec. 09.54.047. LIMITATION ON AUTHORITY OF BOARD. The board may not limit the number of licensed operating guide allowed to guide in an area of the state or the exclusion of other guides licensed to guide in the guide district in which the area is located.

* Sec. 6. AS 09.54.170(a) is amended to read:

- (a) License fees for engaging in the profession of guide are:
- (1) master guide license, biennial (ANNUAL). . . \$200 (175)
 - (2) registered guide license, biennial (ANNUAL). \$200 (175)
 - (3) class-A assistant guide, biennial (ANNUAL). \$ 50 (15)
 - (4) assistant guide license, biennial (ANNUAL). \$ 30 (10)

* Sec. 7. AS 09.54 is amended by adding a new section to read:

Sec. 09.54.182. EXAMINATION. The qualification examination required to be passed by persons seeking a license under AS 09.54.100 and 09.54.110 shall be administered twice a year in both Juneau and Anchorage.

* Sec. 8. AS 09.54.170(a) is amended to read:

1 (1) A master guide, registered guide, class-A assistant guide, or
2 assistant guide [OR TRANSPORTER] license expires on December 31 of the
3 calendar year following the calendar year in which the license was issued
4 [FOLLOWING ISSUANCE].

5 * Sec. 9. AS 02.54.190(b) is amended to read:

6 (b) No license may be issued to a class-A assistant guide or
7 assistant guide who has failed to renew his license for four [THREE]
8 consecutive years unless he again meets the qualifications for initial
9 issuance of the license.

10 * Sec. 10. AS 02.54.200(a) is amended to read:

11 (a) The board shall hold a hearing to determine if disciplinary
12 action is necessary if

13 (1) complaints concerning the licensee have been filed with
14 the board from three or more clients of separate parties within the past
15 five years; or

16 (2) [A LICENSEE HAS BEEN CHARGED WITH A VIOLATION OF FEDERAL
17 OF STATE SPORT FISH, GAME OR GUIDE STATUTES OR REGULATIONS, OR]

18 (3) a licensee has been convicted of a violation of federal
19 or state sport fish, game or guide statute or regulation.

20 * Sec. 11. AS 02.54.200(c) is amended to read:

21 (c) After a hearing, the board shall revoke, suspend, or deny re-
22 newal of a license if the board finds that the licensee

23 (1) does not meet the qualifications specified by statute or
24 regulation for the class of license held;

25 (2) is incompetent as a master guide, registered guide,
26 class-A assistant guide, or assistant guide;

27 (3) has been convicted of two violations of federal or state
28 sport fish, game or guide statutes or regulations within the past five
29 years.

1 * Sec. 12. AS 05.54.210(a)(1) is amended to read:

2 (1) a master guide, registered guide, class-A assistant
3 guide, or assistant guide (OR TRANSPORTER) to fail to timely report to
4 the Department of Public Safety, division of fish and wildlife protec-
5 tion, and in no event later than 10 days, violations by a client of a
6 state fish, game or guiding statute or regulation;

7 * Sec. 13. AS 05.54.210(a)(2) is amended to read:

8 (2) a master guide, registered guide, class A assistant
9 guide, or assistant guide (OR TRANSPORTER) to aid the commission of a
10 violation of this chapter or of AS 16.05 or a regulation adopted
11 [REPHRASED] under either chapter, or permit the commission of a
12 violation in his right without attempting to prevent it, short of using
13 force, and without reporting it;

14 * Sec. 14. AS 08.54.210(a)(4) is amended to read:

15 (4) a person to advertise as or represent himself to be a
16 licensed master guide, registered guide, class-A assistant guide, or
17 assistant guide (OR TRANSPORTER) without being currently licensed, or to
18 falsely advertise services;

19 * Sec. 15. AS 44.41.020 is amended to read:

20 Sec. 44.41.020. DUTIES OF DEPARTMENT. (a) The Department of
21 Public Safety shall administer functions relative to the protection of
22 life and property.

23 (c) The Department of Public Safety shall administer the Guide
24 Licensing and Control Board established under AS 05.54.010.

25 * Sec. 16. AS 05.54.010(c) is amended by adding a new paragraph to read:

26 (2) Guide Licensing and Control Board (AS 05.54.010) --
27 June 10, 1954.

28 * Sec. 17. The terms of the members of the Guide Licensing and Control
29 Board appointed under AS 05.54.020 terminate on the effective date of this

1 Act. The governor shall appoint members to the board for the following
2 initial terms: one member for one year, two members for two years, and two
3 members for three years.

4 * Sec. 18. 12 AAC 38.051 - 12 AAC 38.053 are amended.

2 Sections
+.047
EH July 1, 1981

5 * Sec. 19. AS 05.01.010(20); AS 05.03.010(b)(7); AS 05.51.340(a)(2),
6 05.54.120(5), 05.54.110(12), 05.54.142, 05.54.144, 05.54.146, 05.54.170(c),
7 05.54.240(5); and AS 16.05.340(c) are repealed.

8 * Sec. 20. This Act takes effect immediately in accordance with AS 01.10.-
9 070(c).

THE PRECEDING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

AMENDMENT TO HOUSE BILL 1032

Delete Repeal in Sect 17 of bill

Sec. 4

AS 08.54.040 Powers and duties (a) is amended to read

- (8) [ESTABLISH A QUOTA OF LICENSED OPERATING GUIDES WHO MAY OPERATE WITHIN DESIGNATED GEOGRAPHICAL GAME UNITS OR SUBUNITS OF THE STATE AND PROVIDE FOR AN EQUITABLE AND REASONABLE PROCEDURE FOR LIMITING THE NUMBER OF GUIDES TO THAT QUOTA; PREFERENCE SHALL BE GIVEN TO QUALIFIED, AVAILABLE AND WILLING LICENSED GUIDES WHO RESIDE WITHIN THE DESIGNATED GAME UNIT OR SUBUNIT.] the authority of the board does not extend to the creation of exclusive use areas for guides.

Sect 5

New section to read:

AS 08.54.065 Quorum. A majority of the members of the board constitutes a quorum for the transaction of business, for the performance of any duty, and for the exercise of any power. However, a majority of the full board membership is required to carry all motions, regulations and resolutions.