

H B

199

THE LEGISLATURE OF THE STATE OF ALASKA
THELEFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB 199 (2d Resources)
 Title An Act relating to quiding; and providing for an effective date.
 Requested by Governor Date 3-1-82

II. FISCAL DETAIL

Agency Affected Department of Commerce & Economic Development
 Program Category Affected Public Protection
 BRU, Program, Or Subprogram(s) Affected Regulation & licensing of professions; board
 (Note: If more than one budget component is affected, separate line-item & admin.
 amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

| | FY 82 | FY 83 | FY 84 | FY 85 | FY 86 | FY 87 |
|--------------------------|-------|-------|-------|-------|-------|-------|
| 100 PERSONAL SERVICES | | | | | | |
| 200 TRAVEL | | 6.8 | 7.5 | 8.2 | 9.0 | 9.9 |
| 300 CONTRACTUAL | | 3.0 | .0 | .0 | .0 | .0 |
| 400 COMMODITIES | | | | | | |
| 500 EQUIPMENT | | | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS, ETC. | | | | | | |
| TOTAL | | 9.8 | 7.5 | 8.2 | 9.0 | 9.9 |

FUNDING (Thousands of Dollars)

| | FY 82 | FY 83 | FY 84 | FY 85 | FY 86 | FY 87 |
|------------------------|-------|-------|-------|-------|-------|-------|
| GENERAL FUND | | 9.8 | 7.5 | 8.2 | 9.0 | 9.9 |
| FEDERAL FUNDS | | | | | | |
| OTHER (Specify Source) | | | | | | |

POSITIONS

| | FY 82 | FY 83 | FY 84 | FY 85 | FY 86 | FY 87 |
|-----------|-------|-------|-------|-------|-------|-------|
| FULL TIME | | 0 | 0 | 0 | 0 | 0 |
| PART TIME | | | | | | |
| TEMPORARY | | | | | | |

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

TRAVEL - 10% inflation factor projected.

Annual meeting in Nome area, to address concerns of guides in Northwestern region of the state; 7 members and 1 department staff, travel costs plus 5 days per diem @ \$80/day:

| | |
|----------|-----------------|
| Travel | \$ 3,590 |
| Per diem | 3,200 |
| | <u>\$ 6,790</u> |

CONTRACTUAL -

Reprinting and distribution costs of new guide board statute and regulation booklets, applications and renewal forms. (one time cost FY'83) - \$2,000.00
 In anticipation of special guide license regulations for guiding of marine mammals, additional costs of regulation public notices and teleconference public hearings estimated in FY'83: \$1,000.00

IV. DATE March 3, 1982

PREPARED BY Marjorie Odland
 AGENCY Division of Occupational Licensing
 PHONE 465-2535

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

Alaska Trophy Safaris

WITH

Dennis Harms

March 18, 1981



Mr. Fred F. Zharoff, Alaska State House of Representatives
Pouch V, Juneau, Ak. 99811
Mail Stop Number 3100

Dear Mr. Zharoff,

The purpose of this letter is House Bill 199, the Governor's Guide Bill.

It is extremely important that the guiding industry have a good sound framework for ethical guides to work in. The Governor's Guide Bill would provide this.

Some changes should be made to make this bill a bill that will stand the test of time and the courts.

No. 1 Our legal system is based on hundreds of years of precedents and safeguards. I believe in a strong system, and that if a guide breaks a law he should be punished, but this can never be a function of the Board. That is the function of the Courts, and we will never have a satisfactory system in Alaska until this is understood.

No. 2 The transporter loophole must be closed. There are many "fly-by-night" outfits operating that have all the advantages of a guide, plus can hunt anywhere, but have none of the responsibilities of the guide when operating under the transporter law. I am not referring to legitimate air taxi businesses.

No. 3 There is extremely strong prejudice among the people of the industry against one or two past Guide Board Members for cause, and it would be good to force removal of those members or appoint an entirely new Board.

I hope you can put a good Guide Bill together that will be here two decades from now.

Best of luck!

Sincerely,

Dennis Harms
Alaska Master Guide





Alaska

Professional Hunters Association, Inc.

P. O. BOX 4-1932
ANCHORAGE, ALASKA 99509

Phone (907) 276-6914

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Anchorage, Alaska

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Anchorage, Alaska
VERNON HUMBLE
Anchorage, Alaska
RAY McHUTT
Selling, Alaska
ED SHAYNGS SR.
McCarthy, Alaska

To: House Resources Committee

Ref: APHA Testimony on H.B. 199, submitted March 16, 1981 by Lynn Castle

I should like to correct a portion of my testimony which involved my answer to Representative Barnes's question about the APHA membership:

I was asked if Ron Hayes had been, or is a member or on the board of directors of the association. I replied that he had been, but had resigned his membership upon indictment of certain charges pending at this time. This information is incorrect. Ron Hayes did not renew his membership in either 1979, nor in 1980 or 1981. He was a member for several years prior to 1977. During the period that he was a member in good standing his guiding record showed no arrests, convictions or other pending legal problems associated with guiding activity insofar as the association could determine.

It should be noted perhaps, that at the annual meetings of APHA in December, 1980 the APHA Board of Directors unanimously adopted a resolution, which subsequently received widespread approval from the membership that, "in the event one of the association members is indicted for one of the following major game or guiding violations: 1 - Hunting same day airborne, 2 - Waste of a wild food animal (waton waste), 3 - Hunting in an area closed by State law or regulations, 4 - Hunting during a closed hunting season, and 5 - Hunting in another guide's exclusive assigned area; that his membership be automatically suspended pending adjudication of the alledged violation by the courts."

Thank you,

Lynn M. Castle
President, APHA



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VERNON HURBLE
Anchorage, Alaska
RAY MCHUGH
Selling, Alaska
ED SHAYINGS SR.
Mokryud, Alaska

To: House Resources Sub-Committee on House Bill 199 (Guide Bill)

Ref: Recommended amendments from the Alaska Professional Hunters Association

page 1, lines 19 & 20 -- Delete (Not more than), and require that Three members of the board shall be..... etc.

page 2, line 4 -- Add after license, or assignment and/or modification of an exclusive guide area.

page 2, line 25 -- Delete (limit), change word to determine.

page 2, line 28 -- Delete (limiting), and change word to determining

page 3, lines 21 & 22 -- Delete words (shall), and change word to may

page 5, line 23 -- Change to read, (3) a licensee has been convicted of any two of the following violations within

(remark: this is one of the changes we are MOST interested in seeing made. The bill is tight enough already without mandatory revocation upon conviction of only one violation. We would concur with language which provided a 'may' option for one violation, and a 'shall' option for two of the major violations as listed under sub-section (3) of this section.)

page 7, lines 19 & 20 -- Delete entirely

(remark: this requirement is no longer necessary now that Guide Board has successfully eliminated sub-contracting of areas, only works as a hardship on many guides, particularly those involved in boat crew operations such as walrus hunting, and/or lodge ownership. An alternative to this deletion would be adoption of the Advisory Committee's recommendation for changing the qualifications for a Class A Assistant Guide license. APHA would support either approach, but we do NEED one or the other.)

page 8, lines 21, 22, & 23 -- Delete sub-section (B) as written, and insert, includes the providing and/or contracting to provide for packers, camp helpers, temporary camps, hunting equipment or other services in the hunting area to non-resident hunters for monetary or material remuneration. Nothing in this definition shall preclude rental of permanent overnight cabins existing prior to July 1, 1981.

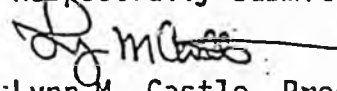
(remark: this definition would appear an equitable solution to the

problems identified during the House Resources Committee Hearing of H.B.199, March 16th, and APHA endorses such language.)

Remark: APHA has no conflict with any of the other proposed amendments submitted by the Guide Board Advisory Committee, however the association has taken no official stand on each of those amendments. We would like to see the deletion of requirements to possess a fishing license, as well as deletion to referral to violations of sport fishing regulations in the bill for fishing really has nothing to do with the guide bill. But we can certainly accept these items without hardship. I've tried to limit our recommended amendments to those items of particular concern to association and industry members.

Thank you for your consideration of our industry.

Respectfully submitted,



Lynn M. Castle, President APHA



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ALASKA GUIDING INDUSTRY FACTS

(Summary of data obtained from a sample of 133 returned questionnaires which were mailed to a total of 433 master and registered guides licensed during the 1977 and 1978 calendar years. Creditability of these figures is good as evidenced by comparing portions of sample data to Department of Revenue and Department of Commerce figures for this period. Data was originally obtained as part of an Alaska Professional Hunter's Association project to determine the dollar value of the guiding industry to the State of Alaska. Licensing figures were obtained from the Alaska Department of Commerce and Alaska Guide License and Control Board.

Since 1977-78 we have observed an increase in the number of guiding contracts (up 15 - 20%), however the average number of animals taken as result of each of these contracts has dropped markedly subsequent to increasingly restrictive and non-overlapping game seasons. For instance, August hunts for sheep have traditionally included caribou and/or moose; this is no longer possible as moose and caribou seasons do not open until September in most areas of the state today. The following figures have been projected from the 1977-78 data, conservatively assuming that guiding revenues within the overall state have remained relatively constant other than an inflation factor which appears to average between 40 and 60 percent. I've conservatively used a 40% factor to relate relative values for 1981.)

Number of Registered and Master Guides licensed in 1980 -- 366

Number of Class-A Guides licensed in 1980 -- 109

Number of Assistant Guides licensed in 1980 -- 575

Number of Registered/Master guides expected to file one or more guiding contracts (that is expected to be active) in 1981 year -- 220 to 260

Approximately 55% of active Registered/Master guides list guiding as full-time or major profession

Approximately 45% of active Registered/Master guides list guiding as part-time or secondary profession

Approximately 19% of guiding operations gross less than \$14,000 in 1980

Approximately 28% of guiding operations gross \$14,000 to \$35,000 in 1980

Approximately 28% of guiding operations gross \$14,000 to \$35,000 in 1980

Approximately 38% of guiding operations gross \$35,000 to \$105,000 in 1980

Approximately 15% of guiding operations gross more than \$105,000 in 1980

Average gross of all operations in 1981 -- \$65,261

Industry reports clients spend additional monies within state for travel, hotel, souvenirs, taxidermy preparation, etc. equal to approximately 28-30% of guiding fees (exclusive of license fees and travel to and from Alaska)

Each Master/Registered guide operation supports an average of 7.5 employees

Each Master/Registered guide operation supports therefor a total average of 31.6 Alaskans directly dependent upon guiding income for all or a portion of their livelihood (i.e. family members and dependents). Thus some 8,216 Alaskans receive direct benefit from the guiding dollar from within the guiding industry annually; questionnaires reflected comments which would place this figure some what higher than this figure, or approximately 12,000, however if we take into account that in any given year not all 'active' guides are active owing to the provisions of the guide law which allow a guide to be listed as 'active' if he hunts only every other year., Thus, the 8,216 figure more accurately represents an annual figure.

Estimated (conservative for we have used the lower inflation factor) dollars guiding industry brings into Alaska exceeds 22.8 million dollars (250 active guides in any given year times average gross income plus related expenditures reported at 28% of guiding gross)

License revenue dollars guiding industry brings into Alaska exceeds 1.5 million dollars. These figures are somewhat lower than the total non-resident license and tag revenues reported by the Department of Revenue figures owing to involvement by non-guiding, primarily air-taxi-guiding operations operating within the State.

(figures prepared by Lynn Castle and the board of directors of the APHA, with the help of the Anchorage office of the Guide License and Control Board, and Department of Commerce figures)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE - AMENDED

I. REQUEST

Bill/Resolution No. CSHB 199 (Res)
Title An Act relating to guiding and providing for an effective date
Requested by Resources Committee Date 4-23-81

II. FISCAL DETAIL

Agency Affected Department of Commerce & Economic Development
Program Category Affected Public Protection

BRU, Program, Or Subprogram(s) Affected Regulation & licensing of professions; administrative boards, and investigations
(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 82 | FY 83 | FY 84 | FY 85 | FY 86 | FY 87 |
|--------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| 100 PERSONAL SERVICES | | | | | | |
| 200 TRAVEL | 14.4 | 15.8 | 17.4 | 19.2 | 21.0 | 23.1 |
| 300 CONTRACTUAL | 29.9 | 32.6 | 35.5 | 38.7 | 42.2 | 45.9 |
| 400 COMMODITIES | | | | | | |
| 500 EQUIPMENT | | | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS, ETC. | | | | | | |
| TOTAL | 44.3 | 48.4 | 52.9 | 57.9 | 63.2 | 69.0 |

FUNDING (Thousands of Dollars)

| | FY 82 | FY 83 | FY 84 | FY 85 | FY 86 | FY 87 |
|------------------------|-------|-------|-------|-------|-------|-------|
| GENERAL FUND | 44.3 | 48.4 | 52.9 | 57.9 | 63.2 | 69.0 |
| FEDERAL FUNDS | | | | | | |
| OTHER (Specify Source) | | | | | | |

POSITIONS

| | FY 82 | FY 83 | FY 84 | FY 85 | FY 86 | FY 87 |
|-----------|-------|-------|-------|-------|-------|-------|
| FULL TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| PART TIME | | | | | | |
| TEMPORARY | | | | | | |

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

TRAVEL - 10% inflation factor projected.

Travel and per diem for guide board members (7) and department staff (1) to hold meetings, regulation hearings on marine mammals, and administer special guide license examinations: 1 in Nome, and 1 in Hope, AK; 5 days each @ \$80/day per diem plus travel costs

| | | | | |
|------------------|---|-----------------|-----------------|----------|
| Total - \$14,380 | { | Nome | Travel | Per diem |
| | | | 3,590 | 3,200 |
| | | Hope | 4,390 | 3,200 |
| | | <u>\$ 7,980</u> | <u>\$ 6,400</u> | |

CONTRACTUAL - 9% inflation factor projected.

Reprinting and distribution of amended guide board statute booklet and application forms for special guide license (marine mammals) \$ 2,000 (cont...)

IV. DATE January 28, 1982 PREPARED BY Marjorie Odland, Regulations Specialist
AGENCY Division of Occupational Licensing
PHONE 465-2535
Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

CSHB 199 contractual services continued. . .

Professional Services Contract - contract for one person to travel to Arctic villages for purpose of holding seminars for special guide license applicants (marine mammals), explaining examination process, licensing procedures and the guiding laws. Estimate a 30 day contract to include salary, travel costs, per diem and limited expenses:

| | |
|-----------------------------------------------------------------|-------|
| Salary, 30 days @ \$150/day | 4,500 |
| Per diem, 30 days @ \$80/day | 2,400 |
| Travel, 4 trips between Nome and Juneau @ approx. \$591/trip | 2,364 |
| Total \$ | 9,264 |

Violation Hearings - Costs estimated from past guide violation hearings held in December 1981. Anticipate 10 marine mammal guide violations per year. In estimating one day hearings, the following costs are considered:

*Average (6) hour days.

| | |
|------------------------------------------|--------------|
| Hearing Officer @ \$75/hour | \$ 450.00 |
| Court Reporter @ \$25/hour | 150.00 |
| 10 exhibits, .45 ea. | 4.50 |
| 3 witnesses, 1/2 day ea., @\$12.50 | 37.50 |
| 1 expert witness, 2 hrs, @ \$150/hr | 300.00 |
| Transcript, avg. 210 pages @ \$4.50/page | 945.00 |
| | \$1,887.00 |
| | X 10 |
| | \$ 18,870.00 |

** Other costs such as transportation and per diem for witnesses, depositions, and other special handling can occur and increase the daily cost.

March 2

CS HB 199 (2nd Pass.)

Ed Hein:

p. 6, line 23 -

loop holes ->

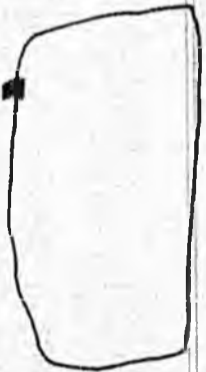
p. 5, line 12-15

esp. # ->

Liza McCracken -

Loesche case - early 1970's - distinction
between criminal & non-criminal activities -

John Graybill - early 70's - distinction betw.
criminal & non-criminal activities -



H B

2006

Introduced: 2/20/81
Referred: Labor & Commerce and
Judiciary

1 IN THE HOUSE

BY ABOOD, BARNES, BYLSMA,
MARTIN, METCALFE AND SUTCLIFFE

2 HOUSE BILL NO. 206

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the termination of rental agree-
7 ments of mobile home park dwellers and tenants."

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

9 * Section 1. AS 34.03.225(3) is amended to read:

10 (3) the mobile home dweller or tenant has violated a provi-
11 sion of the rental agreement or lease signed by both parties and not
12 prohibited by law including rent, terms of agreement, or other provi-
13 sions covering the rights and obligations of the party [A REASONABLE
14 RULE OR REGULATION PROPERLY ESTABLISHED BY THE OPERATOR]; and

15
16 *Ir. Walker - Mayflower Mobile Home.*
17 *Anita Thompson - Top Ten Trailer Court*
18 *Paul Fry - Tenant of Mobile Home*
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Article 6. Landlord Remedies.

Section

225. Limitations on mobile home park operator's right to terminate

Sec. 34.03.225. Limitations on mobile home park operator's right to terminate. A mobile home park operator may evict a mobile home or a mobile home park dweller or tenant only for one of the following reasons:

(1) the mobile home dweller or tenant has defaulted in the payment of rent owed;

(2) the mobile home dweller or tenant has been convicted of violating a federal or state law or local ordinance, and that violation is continuing and is detrimental to the health, safety or welfare of other dwellers or tenants in the mobile home park;

(3) the mobile home dweller or tenant has violated a reasonable rule or regulation properly established by the operator; and

(4) a change in the use of the land comprising the mobile home park or the portion of it on which the mobile home to be evicted is located; however, all dwellers or tenants so affected by a change in land use shall be given at least 90 days notice, or longer if a longer notice period is provided in a valid lease. (§ 5 ch 138 SLA 1976)

Legislative committee report. — For am S [re-engrossed], see 1976 Senate report on ch. 138, SLA 1976 (SCS CSHB 829 Journal, p. 1368.

Sec. 34.03.240. Waiver of landlord's right to terminate.

Section is limitation on remedies of landlord. — Rather than giving a right or remedy to the tenant, this section acts as a limitation upon the remedies of the landlord. *McCall v. Fickes*, Sup. Ct. Op. No. 1335 (File No. 2611), 556 P.2d 535 (1976).

Rights which may be waived. — This section should be so interpreted that waiver of the "right to terminate" a rental agreement refers to rights which arise as a consequence of a breach, and does not concern rights of termination which exist regardless of whether or not a tenant

breached a condition of the agreement. *McCall v. Fickes*, Sup. Ct. Op. No. 1335 (File No. 2611), 556 P.2d 535 (1976).

Right to terminate month-to-month agreement not waived. — Since a landlord always has the right to terminate the month-to-month rental agreement with the tenant, even without cause, by giving a month's notice, he does not waive this right by accepting the late rental payment. *McCall v. Fickes*, Sup. Ct. Op. No. 1335 (File No. 2611), 556 P.2d 535 (1976).

Sec. 34.03.270. Remedy after termination.

Landlord could bring action for forcible entry and detainer seeking restitution of trailer space from tenants. — See *McCall v. Fickes*, Sup. Ct. Op. No.

1335 (File No. 2611), 556 P.2d 535 (1976).

Quoted in *McDowell v. Lenarduzzi*, Sup. Ct. Op. No. 1242 (File No. 2413), 546 P.2d 1315 (1976).