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SENATE RESOURCES COMM. "TEE
LEGISLATION CHECKLIST

IDENTIFICATION:

BILL NUMBER: SB 138

BILL NAME: Continuing the Guide Licensing & Control Board & authorizing the Board to license marine mammal guides.

SPONSOR(S): Resources Committee

RELATED BILLS PENDING: SB 139

DATE INTRODUCED: 2-23-83

REFERRALS: Resources

INITIAL RESEARCH:

BILL SUMMARY COMPLETED:

SUMMARY BY LEGAL DIVISION:

SPONSOR CONTACTED FOR
BACKUP MATERIALS:

DEPT. OF LAW SUMMARY:

FISCAL NOTE: requested Katy Wallen,
Dept. Commerce, 2-24-83

AGENCY RESPONSE:

OTHER INTERESTED SENATORS OR
REPS. NOTIFIED:

+ SB 834 am (H)
+ Gov.'s veto letter
+ Budget & Audit report

BACKGROUND RESEARCH:

SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES:

RESPONSES FROM INTERESTED PERSONS/GROUPS:

OTHER STATE OR FEDERAL PRECEDENTS, REGULATIONS, LAWS:

HEARING PREPARATION:

CHAIRMAN BRIEFED:

DATE AND PLACE SET:

STAFF MEMO TO COMMITTEE:

TELECONFERENCE:

BACKGROUND MATERIAL DISTRIBUTED:

PSA/PRESS RELEASE:

LIST OF WITNESSES:

SUGGESTED AMENDMENTS/COMMITTEE

(will not testify) Guy Oliver, Marine Mammal Coordinator, NOAA 586-7441
(" " ") Ray Gillespie, Governor's office
(" " ") Mike Stanley, NOAA General Counsel 586-7414
will- Clark, Engle, 1129 Lana Ct, Anchorage 99504 333-5214 (a guide)
mailed info to him Lynn Castle, 227 Wedgewood Drive Apt 2N, Fbx 99701 (452-1442)
AK Professional Hunters' Association

SUBSTITUTES DRAFTED:

Interested: ✓ Andrew Klein guided since 1969
will send written testimony 919 David Place, Anchorage 99501 274-1061

✓ Jim Keeline, registered guide (Ineen) 586-2827
✓ Bob Hinman, ADF & G

✓ Mark Jensen, current Board

call for name ✓ Cot. Sickles - Anchorage, Fair Protection - Paul Conroy
✓ Ham Truaxer - Dept. Commerce, Licensing DIV. - ~~Spoke to Katy Wallen~~
7521

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: SCSB NO 138
Title: "Guide Board - Continuation"
Sponsor: Rules Committee
Requestor: _____

II. FISCAL DETAIL

Agency Affected: Commerce & Econ. Dev.
Program Category Affected: Pub. Protectio
BRU, Program of Subprogram(s) Affected: Occupational Licensing

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Darrell Miller Phone: 465-2535
 Division: Occupational Licensing Date: April 4, 1983
 Approved by Commissioner: Richard A. Lyon Date: 4/8/83
 Department: Commerce & Economic Development

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

rec 4-12-83

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST
Bill/Resolution No.: HCS CSSB 138
Title: "Guide Board - Continuation"
Sponsor: Resources
Requestor: Rules

II. FISCAL DETAIL
Agency Affected: Commerce & Econ. Dev.
Program Category Affected: Pub. Protection
BRU, Program of Subprogram(s) Affected: Occupational Licensing

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: *Darrell Miller*
 Division: Occupational Licensing
 Approved by Commissioner: Richard A. Lyon
 Department: Commerce & Economic Development

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A FOLLOW-UP REVIEW OF THE
GUIDE LICENSING AND CONTROL BOARD
(Originally Released July 17, 1979)

December 21, 1981

Audit Control Number
08-012-0023-R

Commissioner, Department of
Commerce and Economic Development

Charles R. Webber

Commissioner, Department of
Public Safety

William R. Nix

Commissioner, Department of
Revenue

Thomas K. Williams

Members of the
Guide Licensing and Control Board

Chairman
Member
Member
Member
Member
Member
Member

Marcus F. Jensen
Clark Engle
H. Glen Glenzer
Norman G. Sutcliff
Donald Harris
William G. Stroecker
Herbert C. Wiese

ORGANIZATION AND FUNCTION

The Guide Licensing and Control Board was established by the 1973 Session Laws of Alaska and succeeds the Board of Fish and Game, Department of Fish and Game, which previously regulated the guiding industry. The seven member Board is appointed by the Governor with confirmation by the Legislature and is restricted to having no more than three members as licensed guides. Board members serve staggered terms of three years or until their successors are appointed.

The Board is organized under the Department of Commerce and Economic Development, Division of Occupational Licensing. Two budgeted positions, a Guide Investigator and Administrative Assistant, in the Department of Public Safety, Division of Fish and Wildlife Protection, have been provided to assist in the licensure and investigations of guides.

The function of the Board is primarily regulatory, mandated by AS 08.54.040. Accordingly, the Board has the capacity to administer examinations; determine qualifications of guides; establish performance standards and regulate activities; maintain guide registers; prohibit harmful guiding activities; conduct hearings regarding licensure; and establish quotas of guides for specified geographical areas (exclusive guiding areas). The Board, through the assignment of exclusive guiding areas, limits hunting pressure by guides within a specific geographical area.

In addition, the Board licenses "transporters". A licensed "transporter" is a person who transports hunters for hire.

REPORT CONCLUSION

Policy Issues

This review contains policy issues raised as a result of our evaluation of various Board practices. The final policy decisions affecting these practices are not within the scope of this review but require legislative consideration. In debating these issues, the legislative oversight committees should consider the findings and alternatives presented in this report in reaching their decision.

Report Conclusion

In our opinion, the Guide Licensing and Control Board should be continued. For the following reasons, we believe the regulation and licensing of guides is needed to protect the public's health, safety and welfare:

- A. This profession involves contracting for hunting game that could result in severe physical harm if practiced by incompetent persons. Potential harmful results include injury or death to the hunter due to neglect or carelessness on the part of the guide.
- B. Other users of game resources, such as the general public and subsistence hunter, can be directly or indirectly affected by guiding activities. For example, overhunting by guides in an area not only depletes the game resources available to the general public but also adversely affects the subsistence hunters in that area.
- C. In order to protect the public without unduly restricting individual rights, AS 16.05.407(a) exempts Alaskan residents from requiring the services of a guide.

While the reasons above indicate that the Board should continue to license and regulate guides, certain changes need to be implemented in order for the Board to more effectively serve the public.

The Board agrees that the transfer of the guides licensing function to the Department of Public Safety would enhance public convenience and be cost efficient. The Board believes legislation should be submitted seeking such a transfer (see Prior Audit Recommendation No. 1).

The Board has proposed changes to the statutes in response to two of our prior audit recommendations. However, the statute changes have not passed and a continued effort will be necessary to provide clear, relevant and workable statutes (see Prior Audit Recommendations No. 2 and No. 3).

The Department of Revenue has developed forms and procedures to collect and account for revenues from guides as required by statute. However, a continued effort will be required to improve the efficiency and accuracy of the reporting system (see Prior Audit Recommendation No. 4).

The Board is in the process of establishing a formal set of specific objectives and related measurement criteria so that its performance can be evaluated (see Prior Audit Recommendation No. 5).

PRIOR AUDIT RECOMMENDATIONS

Prior Audit Recommendation No. 1

The Guide Licensing and Control Board should seek legislation to have the guide licensing function transferred to the Department of Public Safety.

Staff support for the Guide Licensing and Control Board is currently being provided by two departments: the Department of Commerce and Economic Development (DCED), Division of Occupational Licensing (OL) and the Department of Public Safety (DPS), Division of Fish and Wildlife Protection (F&WP).

Applications for guide licenses are required to be sent to DCED by Alaska Statute 08.01.060. A licensing examiner in the Division of Occupational Licensing (OL) in Juneau receives the application and fees and, upon authorization from the Board, issues the license. The licensing examiner also provides other administrative and clerical support to the Board. In addition, the licensing examiner maintains files on each individual licensee, and copies of the material in the files are sent to the Division of Fish and Wildlife Protection in Anchorage.

The Division of Fish and Wildlife Protection, Investigation Section in Anchorage has two budgeted positions, a Guide Investigator and an Administrative Assistant, assigned to provide assistance in the licensure and investigation of guides. F&WP is also responsible for the enforcement of guide related statutes and regulations. In addition, F&WP maintains current and complete history files on all licensed guides as well as maintaining files on all the exclusive/joint use guiding areas.

Personnel in both OL and F&WP have stated that the licensing and investigative services provided to the Guide Licensing and Control Board should be consolidated within one agency. OL personnel have stated that public convenience and staff availability would be enhanced by the consolidated effort. F&WP personnel believe that the licensing function as well as enforcement would be enhanced by consolidation of the two functions. A reduction in operating costs should result to OL, based on the reduced workload of the licensing examiner, who estimates that she spends approximately 2/3 of her time on Guide Board related matters.

Legislative Audit's Current Position

The Board agrees that the transfer of the guide licensing function to the Department of Public Safety would enhance public convenience and be cost efficient. The Board believes that legislation will soon be submitted seeking such a transfer.

Prior Audit Recommendation No. 2

The Guide Licensing and Control Board should seek legislation to have the "transporter laws" repealed.

The purpose of the "transporter laws" [Alaska Statutes 08.54.142, 08.54.144, 08.54.146 and 08.54.170(c)] is to protect the safety of the citizens of the State and better manage and protect the State's resources by licensing persons who transport hunters for hire so that reasonable standards and guidelines would be met and activities affecting the State's game resources would be more accurately monitored and assessed.

In our opinion, the "transporter laws" are not needed to protect the safety of the public or manage the game resources.

Personnel in the Department of Public Safety, Division of Fish and Wildlife Protection, consider the "transporter laws" confusing and difficult to enforce. In addition, we found the information and reports that transporters are required to file are not being used and are not needed to manage the game resources of the State. Furthermore, air transporters' flying safety qualifications and aircraft safety are regulated by the Federal Aviation Administration.

Legislative Audit's Current Position

The Board has submitted legislation providing that the transporter laws be repealed. The above mentioned statutes are addressed in House Bill 199.

Prior Audit Recommendation No. 3

The Board should continue its efforts to make the statutes more clear, relevant and workable.

Over the past several years the Board has been adopting regulations to make the statutes more clear, relevant and workable. However, we noted several statutes which need further consideration. For example:

- A. AS 08.54.142, 08.54.144, 08.54.146 and 08.54.170(c). As discussed in Recommendation No. 2, the Board should seek legislation to have the "transporter laws" repealed.
- B. AS 08.54.190(a) requires an annual renewal of guide licenses. This conflicts with AS 08.01.100(a) which requires biennial renewal of occupational licenses. It also creates additional administrative effort for both the Division of Occupational Licensing and the licensee, with no demonstrable benefit to the public.
- C. AS 08.54.110(6) pertaining to moral turpitude is considered to be vague and should be repealed as the regulation (12 AAC 38.180) defining unethical activity provides sufficient public protection in this area.
- D. AS 08.54.200(c)(3) is considered to be unduly restrictive because it requires the Board to revoke a guide's license upon two convictions of Federal or State sport fish, game or guide violations regardless of how minor the violations may have been or how long ago they may have occurred.
- E. AS 08.54.130(2) requiring a Class A assistant guide to be under the supervision of a registered or master guide is considered vague. The term "supervision" should be clarified to indicate exactly what constitutes supervision during the conduct of a hunt.

Legislative Audit's Current Position

As a result of the Board's effort, a majority of the statutes listed in the prior audit recommendations are being addressed in pending legislation. However, AS 08.54.110(6) was not addressed and AS 08.54.190(a) was not revised as intended. AS 08.54.190(a) should be revised to require biennial renewal.

We again recommend that the Board should continue its efforts to make the statutes more clear, relevant and workable.

Prior Audit Recommendation No. 4

The Department of Revenue should collect fees from guides as required by statute.

Alaska Statute 16.05.340(e) effective January 1, 1977, requires licensed master and registered guides to pay a fee in the following amounts for each caribou, sheep, moose, brown or polar bear taken on a guided hunt over a specified number:

1. Over 5 up to a total of 10 per season - \$20;
2. Over 10 up to a total of 25 per season - \$100;
3. Over 25 per season - \$500.

Executive Order No. 17 requires the Department of Revenue to collect and account for all revenues incidental to the regulation and management of Alaska's fish and game resources. The Department has not developed forms and procedures necessary to collect and account for revenue under AS 16.05.340(e).

Legislative Audit's Current Position

The Department of Revenue has developed forms and procedures to collect and account for revenue from guides as required by statute. However, these forms and procedures do not guarantee that all appropriate totals are being reported by the guides. Currently, the Department does not have an efficient means of performing cross checks and follow-up procedures for unreturned forms or forms that are improperly filled out.

We recommend that the Department continue their effort to improve the efficiency and accuracy of the reporting system.

Prior Audit Recommendation No. 5

The Board should establish formal goals, objectives and quantifiable measures which should be included in the Division of Occupational Licensing's (OL's) budget document.

Objectives describe what an agency or Board is seeking to accomplish during a specific year. Well formulated objectives are capable of measurement and should include numerical targets so that actual accomplishments can be compared with stated targets. Without goals and objectives, the Board's performance cannot be adequately evaluated and analyzed.

OL establishes its own budget goals and objectives. The budget documents do not include any goals or measures for individual boards. Without the Board's goals and measures being identified or measured, neither the Governor's Office nor the Legislature can evaluate the Board's performance.

Legislative Audit's Current Position

The Board is in the process of establishing a formal set of specific objectives and related measurement criteria so that its performance can be evaluated. The Division of Occupational Licensing has informed the Board of the need for well formulated objectives to provide a basis for judging the Board's accomplishments.

We again recommend that the Board establish formal goals, objectives and quantifiable measures to be included in the budget documents.

DEPARTMENT OF COMMERCE &
ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

POUCH D
JUNEAU, ALASKA 99811
PHONE: (907) 465-2534

January 18, 1982

RECEIVED

JAN 19 1982

LEGISLATIVE
AUDIT

Mr. Gerald L. Wilkerson, CPA
Legislative Auditor
Division of Legislative Audit
Pouch W
Juneau, Alaska 99811

Dear Mr. Wilkerson:

I would like to reply to your letter of January 15 concerning the audit of the Guide Licensing & Control Board.

Recommendation No. 1, Page 5, proposes to transfer the function of our board to the Department of Public Safety. At the last meeting our board voted unanimously to support this transfer if we had the concurrence of the board of the Alaska Professional Hunters Association. It is my understanding that the APHA board has met with the Department of Public Safety, and concurred in this transfer. Further action now will have to come from the Legislature.

Recommendation No. 2, Page 6, the Guide Board has continually supported repeal of the transporter law. We hope this is included in guide legislation this session.

Recommendation No. 3, Page 6, Nos. A, B, C and D on Page 7, should be addressed in the guide legislation of H.B. 199, this session. We have supported changes in all the above items.

Concerning "E," Page 7, which deals with supervision of Class A guides, the board members have discussed this item a number of times and could not come up with any improved wording. In the discussion it was pointed out that the master or registered guide signing client contracts is responsible for the action of his guides in the field. It was thought that being overrestrictive in wording would hinder normal operations and not really be of any benefit. I would recommend this objection be cancelled.

January 18, 1982

If the Legislature acts on the above items, I am confident that corrections will be made in those listed above.

Recommendation 4, Page 7, I feel that the collection of funds by the Department of Revenue is strictly that department's problem. In my opinion, the requirement is not a good one as it just penalizes a few guides and does not raise any amount of money.

Recommendation No. 5, Page 8, the board should establish formal goals, objectives and quantifiable measures....I am very much in favor of our board being checked and rated as to performance. To establish prior goals and then be rated as to accomplishment is very difficult in our case. The board's yearly objectives and goals are very consistent except in extreme cases. These goals include giving guide tests, ruling on petitions from guides, which include a variety of things, ruling on applications by guides for areas and transfer of areas. Sitting as a jury on violations is also one of our yearly duties. The scope of this workload is not known by the board until we listen and we act on them.

Our guide board is probably different than other state boards because it works on a one-to-one basis with over 300 registered guides and over 500 assistant guides. As chairman I have been on the board since 1973 and have never missed a meeting. Our board is a very hard working board and I want everyone to know it. To give our board some accurate performance rating I would recommend that your audit department get answers to some of the following questions I pose:

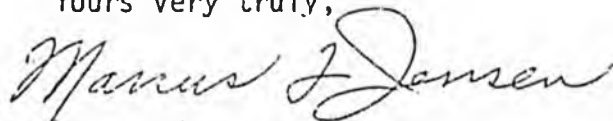
1. Is our mail answered promptly?
2. Does the board attendance show that they start at 8:30 a.m. and work a full day?
3. Does the board work evenings to expedite its workload?
4. Is the yearly workload kept current?
5. Is the board acting responsibly and consistently in judging violation cases?
6. Does the board have the respect of the heads of departments, i.e., Fish & Games Protection (and staff), Director of the Division of Occupational Licensing and staff, Governor's Office and staff, legal staff?
6. Have transcripts of meetings been checked to determine workload?
7. Does the board meet and act on emergencies?

January 18, 1982

As chairman I would like to point out that all board members have been very willing to put in extra hours when problems must be solved. Just recently the federal government passed a marine mammal bill setting forth standards for the State to meet in event of a transfer to the state. I have submitted letters to you indicating the action the board took to handle this unexpected workload and problem. I think somewhere in this audit this should be mentioned. If the board had not moved on this in the middle of the summer it would have been impossible for us to have had the meeting set up and the input from interested parties whereby guiding standards for the Arctic could have been developed. Just yesterday I was called upon by the legal staff of the State Department of Fish and Game to give them a copy of our proposed regulations, as they were needed as part of their overall marine mammal program that must be submitted to the federal government. If we had waited until now to address this problem, we would have been a year behind time.

I trust my answers to your questions will clear up the various points, but will be glad to discuss any of the above with you at your convenience.

Yours very truly,



Marcus F. Jensen, Chairman
Guide Licensing & Control Board

MFJ/cw#25K1

DEPARTMENT OF COMMERCE &
ECONOMIC DEVELOPMENT

OFFICE OF THE COMMISSIONER

POUCH D

JUNEAU, ALASKA 99811

Phone: 465-2500

February 1, 1982

RECEIVED
FEB 02 1982

LEGISLATIVE
AUDIT

Mr. Gerald Wilkerson, Director
Division of Legislative Audit
Pouch W
Juneau, Alaska 99811-3100

Dear Mr. Wilkerson:

Thank you for the opportunity to comment on your December 21, 1981, Follow-Up Audit of the Guide Licensing and Control Board. I am pleased to concur with your conclusions that guide licensing is necessary and desirable and that the Guide Licensing and Control Board should be continued.

Before addressing the audit's specific recommendations, I would like to comment on the Board's excellent performance in the recent past. The Board has aggressively and effectively addressed problems resulting from the federal D-2 land withdrawals and the imminent transfer of administrative responsibility for the Marine Mammal Protection Act.

The Board held extensive hearings on the displacement of guides as a result of D-2 land withdrawals. The members conducted a detailed review of assigned exclusive and joint area usage. Areas of nonuse were identified. As a result, 12 previously licensed guides were able to transfer to other areas and 16 new guides were able to have areas.

In anticipation of Marine Mammal Protection Act responsibilities the Board has moved quickly to develop an effective system of licensing for arctic area residents interested in professional marine mammal hunt guiding. With the assistance of the Division of Occupational Licensing the Board secured the necessary monies from the Office of the Governor to have a meeting in Nome on November 28, 1981, to get the local feedback necessary to develop workable regulations and procedures. Assisted in these efforts by Representative Fuller, the Alaska Professional Hunters Association, the Alaska Eskimo Walrus Commission, Kawerak, Inc., the Division of Occupational Licensing, the Department of Law, the Office of the Governor, local officials and Eskimo marine mammal subsistence hunters, the Board has developed a special guide permit system for Arctic Alaska, including draft regulations, special application forms and requirements for licensure.

These efforts are continuing as the Board is focusing on local training needs and on the development of an oral exam for non-English speaking Alaska Natives.

The Board has also distinguished itself in more routine matters. The Board is recognized by the Division of Occupational Licensing as one of the hardest working licensure boards in the State. Their regular meetings often extend into the evening well beyond the scheduled eight hours. Their meetings also show better participation by the general public and the regulated industry than any other licensing board.

Board members have made themselves available to the Legislature as a resource on HB 199 and have worked on an ongoing basis with the Board of Game in the Department of Fish and Game.

The Board's recent record of disciplinary hearings is also worthy of special note. In FY '81 the Board took 35 license violations through the hearing process. Twenty-five of those cases have been totally completed with disciplinary actions taken where indicated.

With the appointment of Ed Shavings of Mekoryuk, the Board assisted in securing its first Native member from Western Alaska.

The following comments address the specific recommendations made in the audit report:

PRIOR AUDIT RECOMMENDATION NO. 1: The Guide Licensing and Control Board should seek legislation to have the guide licensing function transferred to the Department of Public Safety.

Comment: Although the Department of Commerce and Economic Development has enjoyed providing staff support to the Board in the past, and would welcome the opportunity to do so in the future, the Department has no objection to the transfer of full staff responsibilities to the Department of Public Safety.

The Department is concerned that the only substantive information provided in the report to support such a transfer is inaccurate and misleading. The audit report incorrectly indicates that license examiner "spends approximately 2/3 of her time on Guide Board related matters." In the fall of 1978 the auditor was told that the licensing examiner was spending 2/3 of her time on the Guide Board because it was renewal time and because the Guide Board meets frequently in the fall and winter and does not meet in the spring and summer when most guides are working. The auditor was told that over a year period the Guide Board occupied about 1/3 of the license examiner's time then.

At present, the Guide Licensing and Control Board occupies about 1/3 of the examiner's time over a year's period. It is still true that during the winter months and the renewal period a greater proportion of time is spent on the Guide Board. Under the present distribution of workload the License Examiner who staffs with the Guide Board also is responsible for the licensing of Marine Pilots, Concert Promoters, Geologists, Collection Agencies and Collection Agency Operators.

If the license examiner position were transferred with the licensing function to the Department of Public Safety, the other licensing responsibilities could not be redistributed among the existing staff without a significant decrease in service to the public and support to the other licensing boards. Last year the Division of Occupational Licensing was forced to absorb part of the workload of the examiner that was transferred out under similar circumstances with the establishment of the Real Estate Commission.

The Department of Commerce and Economic Development supports any move that enhances public convenience and results in greater cost efficiencies. But the audit report presents no evidence that these would be the results; and, in fact, the opposite will occur if such a move results in a loss of the position from the Division of Occupational Licensing.

PRIOR AUDIT RECOMMENDATION NO. 2: The Guide Licensing and Control Board should seek legislation to have the transporter laws repealed.

Comment: The Department and the Guide Board concur with this recommendation. The department supports the elimination of transporter licensing reflected in HB 199 which is presently under consideration in the Legislature.

PRIOR AUDIT RECOMMENDATION NO. 3: The Board should continue its efforts to make the statutes more clear, relevant and workable.

Comment: The Department concurs with this recommendation. As noted in the audit report, substantial progress is being made in this area.

PRIOR AUDIT RECOMMENDATION NO. 4: The Department of Revenue should collect fees from guides as required.

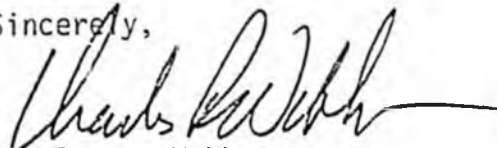
Comment: The Department of Commerce and Economic Development has no objection to this recommendation.

PRIOR AUDIT RECOMMENDATION NO. 5: The Board should establish formal goals, objectives and quantifiable measures which should be included in the Division of Occupational Licensing's (O.L.'s) budget document.

Comment: The Department of Commerce and Economic Development concurs with this recommendation. During FY '81 the Division of Occupational Licensing developed an annual report system to be used by all licensing boards to meet the planning, budgeting and reporting requirements under AS 37 and AS 08. This new procedure was based on in-house research and input from the Division of Budget and Management and the Code Revision Commission. Under this procedure each occupational licensing board will be required to submit one annual report by August. The report will cover the preceding fiscal year and will meet all the statutory planning requirements. The license examiners assigned to the boards are being trained to provide the necessary technical assistance to the boards to assure acceptable quality of the annual report document and basic usefulness of the process. If the Guide Licensing and Control Board remains in the Division of Occupational Licensing, it will participate in this uniform reporting system.

Thank you again for the opportunity to respond to the follow-up audit. If I can be of any assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Charles R. Webber", with a long horizontal flourish extending to the right.

Charles R. Webber
Commissioner

CRW/krb 1/1

DEPARTMENT OF REVENUE

STATE OFFICE BUILDING

POUCH SA - JUNEAU 99811

February 2, 1982

RECEIVED

FEB 03 1982

LEGISLATIVE
AUDIT

Gerald L. Wilkerson, CPA
Legislative Auditor
Division of Legislative Audit

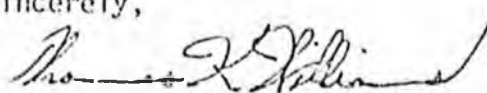
Dear Mr. Wilkerson:

This is written in response to the Preliminary Report entitled: "A Follow-up Review of the Guide Licensing and Control Board" which is dated December 21, 1981. Page 4 of the Report notes that "the Department of Revenue has developed forms and procedures to collect and account for revenue from guides as required by Statute."

However, on page 8, the Report "recommends that the Department continue their effort to improve the efficiency and accuracy of the reporting system." We agree with this recommendation. However, the Report also states on Page 8 that "Currently, the Department does not have an efficient means of performing cross checks and follow-up procedures for unreturned forms and forms that are improperly filled out." We disagree with this comment. The Departments of Public Safety and Fish and Game are contacted often to ascertain if they are applying field controls to Guides which would provide a basis for cross checking with the report content furnished by the guides. No field monitoring program has been established. As for follow-up, contact is attempted with guides who do not report promptly. Should this contact attempt fail, a hold is placed upon issuing the next year's Business License (and the guide is notified of this action) pending receipt and acceptance of the prior year report.

We believe that we are fully administering AS 16.05.340(e). Cross checking with field harvest information data will be applied should it become available.

Sincerely,



Thomas K. Williams
Commissioner
Phone (907)465-2300

TKW:PAW:11

STATE OF ALASKA

AUDIT DIVISION
POUCH W—ALASKA OFFICE BUILDING

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

JUNEAU, ALASKA 99811

February 5, 1982

Members of the
Legislative Budget and Audit Committee:

We have reviewed the Department of Commerce and Economic Development's and the Department of Revenue's responses to our preliminary report. Our comments follow:

Prior Audit Recommendation No. 1

It is the position of Legislative Audit that transferring the guide licensing function to the Department of Public Safety would be cost efficient and more convenient for the public. The current system requires unnecessary duplication of effort by the Department of Commerce and Economic Development, Division of Occupational Licensing and the Department of Public Safety, Division of Fish and Wildlife Protection.


The Division of Fish and Wildlife Protection must obtain the guide licensing information to aide in the enforcement of the State laws and regulations governing guiding operations. Thus, it would be economical for them to perform the guide licensing function.

We concur that the current license examiner spends about one-third of her time on Guide Board related matters. Thus, if the license examiner position were transferred it would result in an increased workload for the Division's remaining staff.

Prior Audit Recommendation No. 4

We believe that the Department of Revenue is currently performing cross checks and follow-up procedures as efficiently as their current system will allow. Under the current system these procedures are performed manually and due to

time constraints some procedures cannot be performed. The Department is currently in the process of obtaining a computer system which will allow all procedures to be performed efficiently.



Gerald L. Wilkerson, CPA
Legislative Auditor
Division of Legislative Audit

TO: Senator Jan Vails, Chairman
Senate Rules Committee

FROM: Senator Bett Fahrenkamp, Chairman
Senate Resources Committee

RE: SB 133

DATE: March 17, 1983

SB 135, An Act extending the life of the Guide Licensing and Control Board passed out of the Senate Resources Committee March 16, 1983. This bill is currently in the Senate Rules Committee.

SB 135 provides for a simple extension of the Guide Board through FY 86. The Board is currently in its sunset year, and without passage of SB 135 will expire on June 30 of this year. Testimony at the Resources Committee hearing indicated that there will be serious economic and wildlife management impacts if the Guide Board is allowed to sunset.

I would appreciate you scheduling SB 135 at your earliest convenience.

③

TO: Senate Resources Committee Members
FROM: Senator Fahrenkamp, Chairman
RE: Guide Licensing and Control Board Regulations
DATE: February 23, 1983

Attached for your information are proposed changes in the regulations of the Department of Commerce and Economic Development, Guide Licensing and Control Board. Pursuant to AS 24.37.010, State agencies are required to submit proposed regulations to standing committees for review. I would like the Senate Resources Committee to exercise its prerogative in reviewing these regulations to determine whether they properly implement legislative intent.

If you have any questions or comments after reviewing the attached regulations, please let me know.

Effect of amendments. — The 1982 amendment, effective June 15, 1982, substituted the present provisions of this sec-

tion for the provisions set out in the main pamphlet.

Sec. 16.05.400. Persons exempt from license requirement. (a) A license is not required of a resident or nonresident person under the age of 16 years for sport fishing nor shall a license be required of any resident under the age of 16 for hunting or trapping.

(b) A sport fishing, hunting or trapping license is not required of a resident who is 60 years of age or more and has been a resident for 30 consecutive years or more. The commissioner of revenue shall issue a permanent identification card without charge to persons who qualify by age and residence and who complete the forms required by the commissioner for implementation of this subsection. A person who is issued a permanent identification card under this subsection shall have it in his possession while sport fishing, hunting or trapping. (§ 9 art II ch 94 SLA 1959; am § 3 ch 180 SLA 1972; am § 1 ch 19 SLA 1980)

Effect of amendments. — The 1980 amendment deleted ", as long as he remains a resident" at the end of the first

sentence in subsection (b), and added the present second and third sentences in subsection (b).

Sec. 16.05.407. Nonresident hunting game animals must be accompanied by guides. (a) It is unlawful for a nonresident to hunt, pursue or take brown bear, grizzly bear, polar bear, or sheep in this state, unless personally accompanied by a person who is licensed as a master guide, registered guide, or assistant guide by the Guide Licensing and Control Board, or who is personally accompanied by a resident Alaskan over 19 years of age who is the spouse of or is related by blood within and including the second degree of kindred. A person who applies for a nonresident big game tag for the taking of an animal specified in this subsection shall first furnish to the state, on a form provided by the state, an affidavit showing that he will be accompanied in his hunt by a person who is qualified under the terms of this subsection. A person who falsifies the required affidavit is guilty of perjury under AS 11.56.200.

(b) It is unlawful for a nonresident to import polar bear into this state unless personally accompanied by a person who is licensed as a master guide, registered guide, or assistant guide by the Guide Licensing and Control Board.

(c) The nonresident who violates (a) of this section is guilty of a misdemeanor and upon conviction is punishable by imprisonment for not more than one year, or by a fine of not more than \$2,500, or by both. (§ 1 ch 86 SLA 1967; am § 39, 40 ch 59 SLA 1982; am § 1 ch 74 SLA 1982)

(c) No marine mammal guide may contract for, or guide, more than two hunters in the field on any one hunt.

(d) A marine mammal guide must comply with AS 08.54 and 12 AAC 38. (Eff. 10/15/82, Reg. 84)

Authority: AS 08.54.040(a) and (b)
AS 08.54.050

12 AAC 38.156. REQUIREMENTS FOR ASSISTANT MARINE MAMMAL GUIDE LICENSE.

(a) To help provide economic opportunity for residents of rural coastal Alaska who engage in subsistence uses of marine mammals, the board will, in its discretion, issue an assistant marine mammal guide license to an applicant who meets the following criteria:

(1) is at least 19 years old;

(2) has legally hunted marine mammals during each of at least seven years, in a manner directly contributing to his experience and competency as an assistant marine mammal guide;

(3) is physically able to perform the duties of an assistant marine mammal guide; and

(4) demonstrates to the board sufficient standards of competence and ethical conduct and has not been convicted of a crime of moral turpitude.

(b) No assistant marine mammal guide may

(1) book or contract for a guided marine mammal hunt;

(2) conduct a guided hunt for marine mammals; or

(3) guide for a marine mammal, unless under the immediate supervision of a licensed marine mammal guide. (Eff. 10/15/82, Reg. 84)

Authority: AS 08.54.040(a) and (b)
AS 08.54.050

12 AAC 38.160. IMPROPER CERTIFICATION. No master or registered guide may improperly certify that a person has met the qualifications for a guide license. (Eff. 6/28/74, Reg. 50)

Authority: AS 08.54.050

12 AAC 38.170. IMPROPER REPORTING. No guide may knowingly falsify any information required to be set out on any form required by the Alaska Department of Fish and Game or the Guide Licensing and Control Board. (Eff. 6/28/74, Reg. 50)

Authority: AS 08.54.050

12 AAC 38.175. EMPLOYMENT AND SUPERVISION OF ASSISTANTS. A registered or master guide may employ an unlimited number of registered, master, or class A guides to assist in his guiding operation; a registered or master guide may employ or have under his supervision an unlimited number of employees and helpers who hold assistant guide licenses, but not more than three employees may act in the capacity of, or be employed as, assistant guides at the same time by the same registered or master guide. No assistant guide employed or acting in a capacity other than as assistant guide may count any period of such other employment toward qualification for a registered, master or class A guide license. (Eff. 6/15/80, Reg. 74)

Authority: AS 08.54.210(a)(6)
AS 08.54.050
AS 08.54:040(a)(2)

12 AAC 38.180. GUIDING ETHICS. Unethical activity includes, but is not limited to

(1) not fully cooperating with state and federal wildlife officials or not abiding by and advising clients and personnel of all applicable conservation and game laws and regulations or condoning their violation;

(2) misrepresenting or not clearly defining rates, accommodations and services to prospective clients prior to booking and acceptance of deposit, or otherwise misleading prospective clients through false or fictitious advertising;

(3) being unwilling or incapable of making financial restitution to a client for any breach of

or shipping to its destination for the purpose of human consumption. If the meat is delivered to a person other than the person who took the animal, a signed and dated statement or receipt stating the kind and quantity of meat received in approximate pounds or named portions of the carcass must be obtained from the recipient and presented upon request to any officer authorized to enforce this chapter. (Eff. 6/28/74, Reg. 50)

Authority: AS 08.54.050

12 AAC 38.120. COOPERATION WITH OFFICIALS. Failure on the part of a guide to assist the Departments of Fish and Game and Public Safety in determining the truth of any statements reported in accordance with 12 AAC 8.030 - 12 AAC 38.180 is considered a violation of ethical conduct. (Eff. 6/28/74, Reg. 50)

Authority: AS 08.54.050

12 AAC 38.130. REQUIREMENT FOR AN ASSISTANT GUIDE LICENSE. Repealed 1/12/79.

12 AAC 38.140. REQUIREMENTS FOR A REGISTERED GUIDE LICENSE. In addition to the requirements of AS 08.54.110, to be qualified for a registered guide license, a person must

(1) demonstrate to the board that he has spent 90 days in the field acting as an assistant guide as certified by the master or registered guides who employed him;

(2) not have violated a federal or state sport fish, game or guide statute or regulation or engaged in unethical activity, unsafe activity or activity which adversely affects the natural resources of the state for the preceding five years. (Eff. 6/28/74, Reg. 50)

Authority: AS 08.54.050
AS 08.54.110(12)

12 AAC 38.150. REQUIREMENTS FOR A MASTER GUIDE. In addition to the requirements of AS 08.54.100, to be qualified for a master guide license a person must have acted as a registered guide for 12 consecutive years. (Eff. 6/28/74, Reg. 50)

Authority: AS 08.54.050
AS 08.54.100(5)

12 AAC 38.155. REQUIREMENTS FOR MARINE MAMMAL GUIDE LICENSE. (a) To help provide economic opportunity for residents of rural coastal Alaska who engage in subsistence uses of marine mammals, the board will, in its discretion, issue a marine mammal guide license to an applicant who meets the following criteria:

(1) is at least 21 years old;

(2) has legally hunted marine mammals during each of at least 10 years, in a manner directly contributing to his experience and competency as a marine mammal guide;

(3) is physically able to perform the services of a marine mammal guide;

(4) demonstrates to the board sufficient standards of competence and ethical conduct and has not been convicted of a crime of moral turpitude;

(5) passes a qualification examination approved by the board and administered by the board or its agent, which covers the following areas:

(A) fishing, hunting, and guiding regulations;

(B) relevant characteristics of marine mammals;

(C) relevant characteristics of the ice, ocean, currents, and weather;

(D) field preparation of trophies;

(E) care of meat;

(F) firearms safety;

(G) practical first aid;

(H) photography; and

(I) booking and contracting guided hunts.

(b) A marine mammal guide will be authorized only to contract for and conduct guided hunts for species of marine mammals and in geographic areas of the state designated by the board.

⁵⁶
FLOOR STATEMENT FOR CS¹138 (Rules)

CS 138 HAS THREE MAJOR PROVISIONS:

- 1) EXTENDS THE GUIDE BOARD FOR THREE YEARS UNTIL JUNE 30, 1986 .
- 2) AUTHORIZES THE BOARD TO LICENSE MARINE MAMMAL GUIDES.
- 3) REQUIRES THAT NON-RESIDENT ALIENS HUNTING WALRUS BE ACCOMPANIED BY A MARINE MAMMAL GUIDE.

THE GUIDE BOARD HAS BEEN INSTRUMENTAL IN ESTABLISHING A WORKABLE, ORDERLY SYSTEM OF GUIDE AREA ASSIGNMENTS WHICH HAVE ENHANCED WILDLIFE MANAGEMENT AND REDUCED GUIDING CONFLICTS. IT HAS ALSO WORKED HARD TO POLICE GUIDING OPERATIONS IN THE STATE AND "WEED OUT" ILLEGAL OR UNSCRUPULOUS OPERATORS.

WITHOUT THE BOARD THE ENTIRE LICENSING AND GUIDE AREA SYSTEM AND REGULATIONS WOULD LAPSE AND CERTAIN CHAOS AND DANGER TO WILDLIFE RESOURCES WOULD RESULT.

ALTHOUGH CONSIDERABLE CRITICISM HAS BEEN DIRECTED AT THE BOARD IN THE PAST OVER THE METHODS OF ASSIGNING OR REASSIGNING GUIDE AREAS, THE RESOURCES COMMITTEE HEARD CONSIDERABLE TESTIMONY FROM NEW, YOUNG GUIDES ATTESTING TO THE OPPORTUNITIES WHICH WERE NOW BEING AFFORDED THOSE DESIRING TO ENTER THE PROFESSION. ONE SUCH OPPORTUNITY WHICH IS STRENGTHENED BY PROVISIONS OF THIS BILL IS IN THE AREA OF MARINE MAMMAL GUIDING.

THE PROVISIONS IN THE BILL RELATING TO MARINE MAMMAL GUIDING ARE INTENDED TO REINFORCE REGULATIONS ALREADY ADOPTED BY THE BOARD AND TO ASSIST IN THE TRANSFER OF MARINE MAMMAL MANAGEMENT TO THE STATE FROM THE FEDERAL GOVERNMENT.

IT IS EXPECTED THAT WALRUS MAY BE RETURNED TO THE STATE FOR MANAGEMENT IN THE NEAR FUTURE. THE PROVISION REQUIRING GUIDING OF NON-RESIDENT ALIENS WOULD BE SIMILAR TO THAT NOW GOVERNING SHEEP AND BEAR AND WOULD UTILIZE THE NEW REGULATIONS ADOPTED BY THE BOARD WHICH ENCOURAGE THE LICENSING OF LOCAL RESIDENTS AS MARINE MAMMAL GUIDES.

SB 138
~~HB 273~~

I would like to add an amendment which is pretty much technical in nature. Last session HB 409 passed the legislature, requiring nonresident alien hunters to be guided by licensed guides. In this bill, walrus were defined as a class of game requiring a licensed guide for nonresident aliens; but in the press to get the bill out at the end of the session, adding marine mammal guides to the list of licensed guides was overlooked. This amendment would simply be a clarification that marine mammal guides accompany nonresident aliens on marine mammal hunts.

I urge the committee to adopt the amendment. I have checked with our legal section, and have been advised that this amendment ought to be inserted, and that this is the proper language.

A M E N D M E N T

Offered in the ~~HOUSE~~ *Senate*

TO: ~~HB-273~~ *SB 138*

By ~~Fuller~~
Ferguson

Page 1, after line 16, insert:

"* Sec. 3. AS 16.05.408(a) is amended to read:

(a) It is a class A misdemeanor for a nonresident alien to hunt, pursue, or take walrus unless personally accompanied by a licensed marine mammal guide, or a big game animal as defined by the Board of Game unless personally accompanied by a [PERSON WHO IS] licensed [AS A] master guide, registered guide, or class-A assistant guide under AS 08.54."

Renumber remaining section.



Official Business

Alaska State Legislature

Senate

Pouch V
State Capitol
Juneau, Alaska 99811

March 16, 1983

Memo

To: Bettye

From: Pat

Subject: Hearing on SB 101 (Fish and Game Citations), SB 138 (Guide Board Extension), SB 139 (Delete "Transporter" Licensing), and CSHB 118 (Bear tag fees), March 16, 3:00pm, Beltz Rm.

General

This is going to be a fairly big hearing and involve several different agencies and interest groups. We should probably think about order of presentation. I would suggest that we take the Members (Shultz will there at 3 pm) first, then all the Administration witnesses first regardless of bill because some like ADF&G will offering testimony of several bills. Then we might want to bunch up the interest groups by bill, namely have all the guides testify together on SB 138.

The Administration has indicated support for all of the four bills. Two of the bills, SB 101 and CSHB 118 are their bills.

I think it would be possible to move out all the bills today if no serious or complicated issues or amendments are raised beyond what we know now. However, I see no problem at all in moving out CSHB 118 or SB 139. If the guides can live with a stripped down simple extension of SB 138, I think we should move it also, but there is considerable controversy and possible add-ons, we shouldn't rush it. The non-guide and would-be guides out there are very paranoid about the Board perpetuating its own nest-feathering.

The only amendments we have received are from the Court system on SB 101. I have reviewed all of them and found all but one very logical and do-able. I have attached a possible CS for the bill incorporating these changes. The one change which I didn't make there was no language submitted for and substituting a petitioning process with a "point" system for revoking licenses after several "minor" offenses as suggested would require more work and review and is not critical to the purpose of the bill.

SPECIFIC QUESTIONS

CSHB 118--Gives authority to Game Board to reduce or delete bear tag fee to help increase bear harvests in overpopulated areas incidental to other hunting.

- 1) I understand that this fee removal would only be implemented in certain select areas with large bear populations, not statewide. Is this correct?

- 2) Do the words in the bill, "for a game management unit", require the Board to take actions on tags for an entire unit or could actions be taken on portions of large units? (possible amendment might read: "for a game management unit or portion thereof".)

SB 138, Extend the Guide Board three years and authorize regulation of marine mammals.

- 1) Criticism has been made of the Board in the past for not allowing sufficient opportunities for new or young guides through the assignment of exclusive areas to "old-time" established guides. What has the Board been doing to provide increased opportunities for more guides?

---"taking back" areas no longer used. How are they being reassigned?

---study of guide areas to see if portions unused and could be used by others?

- 2) There have been questions raised as to the transfer policies by the Board. Specifically, complaints have been raised about selling guide areas like limited entry fishing permits. What is the Board's policies regarding guide area transfers and its thoughts on the selling of areas?
- 3) Problems have also apparently occurred in the Board's procedural actions resulting in court cases and overturning of Board decisions based on failures to follow the administrative procedure code. What technical assistance or staff support does the Board currently receive and what changes might be necessary to improve the decision processes?

(The Budget and Audit Committee recommended that the Board be transferred from under the Occupational Licensing Div. of Dept. of Commerce to the Div. of Fish and Wildlife Protection, within Dept. of Public Safety to improve staff support and efficiency)

SB 139, Repeal licensing provisions for "transporters" of hunters

- 1) If this provision is repealed will there be any increased danger to wildlife resources or hunter safety? (Budget and Audit found no)

SB 101, Authorizing the issuance of citations not requiring court appearance for "minor" fish and game violations, like traffic tickets.

- 1) I understand that this would relieve a considerable number of court appearances yearly (1,000 estimated) and state manhours spent in court (6,000 manhours) as well as a benefit to offenders in not taking time off from work, etc; would this in anyway adversely affect management and enforcement of our fish and wildlife resources or laws?
- 2) The court system has recommended that the word "minor" be removed from the bill as not being clear in intent, but we obviously are thinking about certain kinds of misdemeanor offenses for the setting of a bail program. What specific kinds of offenses would be envisioned as covered by a bail program? What specific kinds of offenses would most likely not be covered (court appearances would still be required)?

I would suggest that we take this partial list of offenses and put them into the attached Letter of Intent to guide the courts in setting the offenses for which bail could be paid and forfeited rather than using the word "minor".

3) A question for the Courts woman: What specific statute should be added to Section 1 in line 11 in the "notwithstanding" clause? (They recommended a range of statute parts: AS 12.25.180-230) We can, however, correct this "technical" citation when it goes to Legal.

SENATE RESOURCES COMMITTEE

LETTER OF INTENT

CSS3 101

It is the intent of the Resources Committee in passing out this bill that the Supreme Court shall specify certain fish and game violations for which bail amounts can be set and for which citations could be issued which would not require court appearances. It is intended that this procedure be similar to that currently employed under the motor vehicle code for traffic citations. Through implementation of this procedure it is intended that savings to the court system, enforcement agencies and violators in time and expenditures would be realized.

However, the Committee recognizes that only some fish and game misdemeanors would be identified under this new statute because of their "minor" nature. Other misdemeanors would continue to require court appearances by the cited violators. In testimony before the Committee and in statements to the Committee the following misdemeanors were mentioned as examples of those violations for which the provisions of this bill might in all likelihood apply:

The following misdemeanors were mentioned as examples of those violations for which the provisions of this bill should probably not apply:

It is the intention of the Committee that the Supreme Court, in consultation with the Department of Public Safety, would identify misdemeanors under this bill consistent with the above lists.

STATE OF ALASKA

PUBLIC NOTICE
NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF
THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT
GUIDE LICENSING AND CONTROL BOARD

Notice is hereby given that the Department of Commerce and Economic Development, Guide Licensing and Control Board, under authority vested by AS 08.54.040 and AS 08.54.050, proposes to amend, adopt, or repeal regulations in Title 12 of the Alaska Administrative Code, Chapter 38, dealing with application for examination, state-wide licenses, restriction to districts, use of guiding area assigned to another guide, application and qualification for guiding area permit, reassignment of guiding area permit, changes to guiding area permit, minimum use of guiding area, and confidentiality of statements of financial remuneration, to implement AS 08.54.040 and AS 08.54.050 as follows:

1. 12 AAC 38.010(a) is amended to specify a date that applications for examinations must be made in order to clarify the regulations and eliminate confusion for applicants.
2. 12 AAC 38.040(a) is amended to reflect a change in the licensing of guides to a state-wide license instead of districts for which certified.
3. 12 AAC 38.040(b) is amended to reflect the deletion of the subdistricts which would no longer be valid if the proposal for a state-wide license is adopted.
4. 12 AAC 38.040(c), (d), (e) and (f) are being opened for comment and possible amendment and/or repeal, which would be necessary to clarify regulations if the proposal for the state-wide license is adopted.
5. 12 AAC 38.052(c) is amended to add the requirement for a unique identification code number assigned for the area to be included on the written permission required for use of guiding area assigned to another guide.
6. 12 AAC 38.052(d) is amended to reflect the mandatory requirement that the written permission required for use of guiding area assigned to another guide be on the person of the registered or master guide conducting the hunt or be in the base camp from which the hunt is conducted, and must be produced for inspection on request by the Department of Public Safety.
7. 12 AAC 38.052(e) is amended to clarify the board's intent with regard to monetary and/or material gain, i.e., prevent the renting or leasing of exclusive guide areas for monetary or material gain, and to clearly establish acceptable conditions for granting permission for a guide to use an area assigned to another guide.
8. 12 AAC 38.052(g) is a new subsection which places the responsibility of the guides involved in an agreement for the use of an area assigned to another guide to provide documentation to the board, upon request, to substantiate the need to use another's area.
9. 12 AAC 38.053(c) is amended to require the applicant to show satisfactory documentation of occupancy when applying for a guiding area permit.
10. 12 AAC 38.053(d) is amended to reflect the deletion of wording such as Temporary Guiding, Unit, and In the Guiding Area, and the insertion of the wording, "guide district," to clarify the regulation in relation to guiding area permits.
11. 12 AAC 38.053(e) is opened for comment and possible amendment and/or repeal to be consistent with other proposed amendments to regulations relating to temporary guiding area permits.
12. 12 AAC 38.053(f) is amended to delete the wording, "Either on a temporary or permanent basis," in relation to the board issuance of exclusive or joint-use guide area permits.
13. 12 AAC 38.053^h(g) is a new subsection relevant to the application which involves a previously designated joint-use area and specifying conditions to be met before the board will issue a joint-use permit to the applicant for a portion of the joint-use area.
14. 12 AAC 38.054(d) is amended to delete wording relating to certification in the district or districts in which the guiding area is located to be consistent with the proposed change to state-wide licenses.

Received 2-22-83

15. 12 AAC 38.054(e) is amended to reflect changes and board requirements when a transfer application for a joint-use guiding area permit is involved in the board's reassignment of a guiding area permit.
16. 12 AAC 38.054(f) is being opened for comment and possible amendment, as the regulation as presently written closes an area to all guided hunting until it is reassigned. The board solicits comment as to how this regulation may be worded to allow the board flexibility in the implementation of the regulation.
17. 12 AAC 38.056(a)(1) is repealed.
18. 12 AAC 38.056(d) is opened for comment and possible amendment and/or repeal to be consistent with other proposed amendments to regulations relating to changes to guiding area permits.
19. 12 AAC 38.057 is amended to reflect that statements of financial remuneration submitted for photography hunts or fishing will not be counted as use of guide area in relation to minimum use of guide area requirements.
20. 12 AAC 38.060(e) is a new subsection which would classify all statements of financial remuneration as well as other supporting documentation regarding guide/client contractual agreements, which are maintained on file by the Department of Public Safety, as confidential information and would require a court order for production.

Notice is also given that any person interested may present written or oral statements or arguments relevant to the action proposed at a public hearing to be held at the Alaska Room, Fairbanks Inn, 1521 Cushman Street, Fairbanks, Alaska, starting at 8:30 a.m., Monday, March 28, 1983.

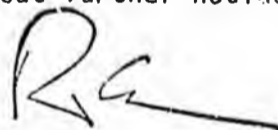
Notice is also given that any person interested may present written or oral statements or arguments relevant to the action proposed by mailing them or delivering them so that they are received by 5:30 p.m., March 25, 1983, to:

Department of Commerce and Economic Development
Guide Licensing and Control Board - Regulations
Pouch D
Juneau, Alaska 99811

This action is not expected to require an increased appropriation.

Copies of the proposed regulations may be obtained by writing to the above address or telephoning (907)465-2535.

The Department of Commerce and Economic Development, Guide Licensing and Control Board, upon its own motion or at the instance of any interested person, may thereafter adopt the proposals substantially as described above without further notice or may decide to take no action on them.



Richard A. Lyon, Commissioner

Feb. 18, 1983

Date

GUIDE LICENSING AND CONTROL BOARD
PROPOSED REGULATIONS

12 AAC 38.010(a) is amended to read:

(a) The application for a guide examination must be made by July 1 of each year [AT LEAST FIVE MONTHS BEFORE THE EXAMINATION DATE] on a form provided by the board. The application for examination shall include a listing of all hunters the applicant has guided or assisted in guiding during his apprenticeship and a letter of recommendation from any registered or master guide for whom he has worked. (Eff. 6/28/74, Reg. 50; am 6/18/80, Reg. 74; am 3/23/82, Reg. 81; am / / , Reg.)

Authority: AS 08.54.040(1) and (2)
AS 08.54.050
AS 08.54.110(5)

12 AAC 38.040(a) and (b) are amended to read:

12 AAC 38.040(a). GUIDE DISTRICTS. [RESTRICTION TO]
(a) A guide who receives a passing score on examinations conducted under 12 AAC 38.010(c) will be licensed to conduct guiding activities in all districts in the state. [MAY CONDUCT GUIDING ACTIVITIES ONLY IN DISTRICTS FOR WHICH HE IS CERTIFIED.]

(b) Twenty-six guide districts are established and defined as being identical to those areas described as game management units by the Board of Fish and Game in 5 AAC 90.010. [AS OF JANUARY 1, 1974 WITH THE ADDITION OF THE FOLLOWING SUBDISTRICT]: and;

12 AAC 38.040(c), (d), (e) and (f) presently reads as follows:

12 AAC 38.040(c). A guide licensed under AS 08.54 as of June 28, 1974 is restricted to certification to guide in those districts for which he was certified on that date. A guide licensed or entitled to renewal under AS 08.54 as of April 11, 1980 and certified in Districts 18, 18A, 22, 23, or 26 is hereby certified for Unit 27.

(d) Except as provided in (c) above, no guide may be certified for more than three districts; in addition to District 27.

(e) A master guide or registered guide may serve as a class A assistant guide in districts for which he is not certified.

(f) Notwithstanding any provision of this section, a guide may petition the board for a transfer of certification to another district if he demonstrates to the satisfaction of the board

(1) that he will incur substantial hardship if a transfer is not permitted as evidenced by

(A) substantial land withdrawals from hunting within his district;

(B) significant reclassifications of land within his district;

(C) depletion of game as evidenced by actions of the Department of Fish and Game; or

(D) other demonstration of hardship; and

(2) that he is qualified to guide in the district to which he wishes to be transferred. (Eff. 6/28/74, Reg. 50; am 2/25/77, Reg. 61; am 6/6/79, Reg. 70; am 6/15/80, Reg. 74; am 3/28/82, Reg. 81; am / / , Reg.)

Authority: AS 08.54.040(a)(3)

and (5)

AS 08.54.050

(It is the intent of the board to open these regulations, 12 AAC 38.040(c), (d), (e) and (f), for discussion and possible amendment or repeal.)

12 AAC 38.052(c) is amended by adding a paragraph to read:

(3) date permission is signed and signature of each person holding a permit for the area; and

(4) a unique identification code number assigned to the area to be used.

12 AAC 38.052(d) and (e) are amended to read:

(d) The written permission required in (a) and (b) of this section must be on the person of the registered or master guide conducting the big game hunt or in the base camp from which the hunt is conducted and will be produced for inspection upon request by an authorized representative of the Department of Public Safety.

[APPROVED - PROVIDED IN (d) OF THIS SECTION AND AT ALL TIMES DURING THE HUNT, A COPY MUST BE ON THE PERSON OF THE GUIDE CONDUCTING THE BIG GAME HUNT OR IN THE BASE CAMP FROM WHICH THE HUNT IS CONDUCTED, AND BE ON THE PERSON OF EACH EMPLOYEE OF EACH MASTER OR REGISTERED GUIDE OPERATING IN THE GUIDE AREA.]

(e) It is the intent of this regulation to prevent the leasing or renting of exclusive guide areas for monetary or material gain. The reasons for allowing a guide to use an area assigned to another guide shall be confined to; [NO GUIDE MAY LEASE OR RENT A GUIDE AREA TO ANOTHER GUIDE FOR MONETARY OR MATERIAL GAIN. THE ONLY LAWFUL REASONS FOR ALLOWING USE OF ANOTHER'S AREA ARE THE FOLLOWING.]

(1) the guide seeking to grant permission to another is unable to conduct a contracted hunt due to physical or mental incapacity;

(2) a state or federal law [OR REGULATION ADOPTED NOT MORE THAN NINE MONTHS BEFORE THE DATE OF PROPOSED USE HAS CLOSED OR OTHERWISE RESTRICTED HUNTING IN THE GUIDING AREA OF THE GUIDE SEEKING USE OF ANOTHER'S AREA, MAKING GUIDING IN HIS OWN AREA UNFEASIBLE OR]

(3) the guide seeking to use another's area does not have an exclusive guide area assigned to him in that guide district, and he is unable to conduct a given species hunt in an open area in that guide district. [MIGRATION OR MOVEMENT OF CARIBOU OUT OF A GUIDE'S OWN AREA NECESSITATES GUIDING IN ANOTHER'S AREA.]

12 AAC 38.052 is amended by adding a new subsection to read:

(g) It is the responsibility of the guides involved in the agreement to provide documentation to the board upon request to substantiate the need to use another's area.

(Eff. 5/12/78, Reg. 66; am 10/11/81, Reg. 80; am 10/15/82, Reg. 84; am / / , Reg.)

Authority: AS 08.54.040

12 AAC 38.053(c) and (d) are amended to read:

(c) Each application must include satisfactory documentation of the applicant's past use, as defined in subparagraph (g) of this section, occupancy, or financial investment in the guiding area applied for. The applicant must show satisfactory documentation of occupancy (recorded deeds, titles to property held, voter registration), or any other documentation that the board may require. [THE APPLICATION MAY INCLUDE OTHER RELEVANT INFORMATION IF IT IS SUBSTANTIATED BY SATISFACTORY DOCUMENTATION.]

(d) The board will, in its discretion, issue a permanent guiding area permit to a qualified applicant who can substantiate his use, occupancy, or financial investment in the guiding area for at least three of the five years immediately preceding the published deadline for filing the application for that particular unit. The board will, in its discretion, issue a guide [TEMPORARY GUIDING] area permit to a qualified applicant who can substantiate his use, or occupancy and [OR] financial investment [IN THE GUIDING AREA] for at least two of the five years immediately preceding the published deadline for filing the application

for that particular guide district [UNIT]. In determining whether to issue a guiding area permit, the board will give preference to qualifying guides whose permanent residence is within the district in which the area is located and will consider criteria including the following:

(1) ability of the area to sustain an additional guided hunting operation, in terms of game populations, terrain, methods of hunting, and use by other guides or hunters; and

(2) amount of investments in the applied for area and length of use in the district.

12 AAC 38.053(e) presently reads as follows:

(e) The holder of a temporary guiding area permit may apply for a permanent permit after one additional year of use, in the temporary guiding area.

(It is the intent of the board to open this regulation, 12 AAC 38.053(e), for discussion and possible amendment or repeal.)

12 AAC 38.053(f) is amended to read:

(f) The board will not issue to a master or registered guide more than three exclusive or joint use guide area permits. [EITHER ON A TEMPORARY OR PERMANENT BASIS]

12 AAC 38.053 is amended by adding a new subsection to read:

(h) If an application involves a guide district which has been previously designated for joint usage among a specific number of registered or master guides, the board will issue a joint use permit to the applicant for a portion of the guide district only upon a finding that:

(1) all other affected guides in joint use agree to the change, or

(2) creation of a joint usage area is required by changes in game populations, hunting regulations, weather patterns, or land use laws or regulations, and other guides in joint use of the area will not be detrimentally affected by the change. In determining whether other guides may be detrimentally affected, the board will consider projected loss of hunting clients, revenue, investments, access and other similar concerns. (Eff. 5/12/78, Reg. 66; am 10/15/82, Reg. 64; am / / , Reg.)

Authority: AS 08.54.040(a,
AS 08.54.050

12 AAC 38.054(d) is amended to read:

(d) If an applicant cannot establish past use of the guiding area to be transferred [OR IS NOT CERTIFIED IN THE DISTRICT OR DISTRICTS IN WHICH THE GUIDING AREA IS LOCATED] the board will consider experience and current use in another area of similar terrain if the applicant can establish to the satisfaction of the board that he or she is competent because of other relevant factors to conduct guiding activities in the guiding area.

12 AAC 38.054(e) is amended to read:

(e) The board may [WILL] consider the recommendations of the prior holder of the guiding area permit to be re-assigned and may [WILL], in areas of joint use, consider the recommendations of the other holders of permits for the guiding area. When a transfer application concerns a joint use guiding area permit, the board will send each joint use permit holder a copy of the application and reasonable notice of the date and place of the meeting at which the application is scheduled to be heard. Each joint use permit holder may appear before the board and present testimony relevant to the application.

12 AAC 38.054(f) presently reads as follows:

(F) When an area has been revoked or suspended under (a)(2) of this section the area is closed to all guided hunting until it is reassigned. (Eff. 5/12/78, Reg. 66; am 10/15/82, Reg. 84; am / / , Reg.)

(It is the intent of the board to open this regulation for discussion and possible amendment at the public hearing.)

Authority: AS 08.54.040(a)

AS 08.54.050

12 AAC 38.056(a)(1) is repealed.

12 AAC 38.056(a)(2) is amended to read:

(2) changes within the boundaries of a guide area assigned to the petitioner including reducing permit area

size, clarifying boundaries, [AND CREATING EXCLUSIVE GUIDING AREAS IN AREAS ALREADY ASSIGNED IN JOINT USE, AS PROVIDED IN (d) OF THIS SECTION] however, no petitions will be accepted seeking expansion of a guiding permit area size.

12 AAC 38.056(d) presently reads as follows:

(d) The board will, in its discretion, issue an exclusive guiding area permit for an area or portion of an area already granted in joint use only upon a finding that

(1) all other affected guides in joint-use agree to the change; or

(2) creation of an exclusive guiding area is required by changes in game populations, hunting regulations, weather patterns, or land use laws or regulations, and other guides in joint use of the area will not be detrimentally affected by the change in determining whether other guides may be detrimentally affected, the board will consider projected loss of hunting clients, revenue, investments, access and other similar concerns. (Eff. 5/12/78, Reg. 66; am 6/16/80, Reg. 74; am 6/27/81, Reg. 78; am / / , Reg.)

Authority: AS 08.54.040(a)(3),
(6) and (8)
AS 08.54.050

(It is the intent of the board to open this regulation, 12 AAC 38.056(d), for discussion and possible amendment or repeal at the public hearing.)

12 AAC 38.057 is amended to read:

12 AAC 38.057. MINIMUM USE OF GUIDING AREA. Each holder of a guiding area permit must conduct at least two contracted big game hunts within two consecutive calendar years within the guiding area as evidenced by statements of financial remuneration filed in accordance with 12 AAC 38.060. Statements of financial remuneration submitted for photography hunts or fishing will not be counted as use of guiding area. If, in any calendar year, the holder of a guiding area permit fails to conduct a guided hunt in that guiding area, he must submit to the Department of Public Safety, Fish and Wildlife Protection Division, Records Section, P. O. Box 6188 Annex, Anchorage, Alaska 99502, by January 31 of the following calendar year, a written statement explaining his failure to use the area. Failure to conduct at least two guided hunts within two consecutive calendar years in the guiding area as required by this section constitutes grounds for revocation of the guiding area permit unless the permit holder can demonstrate to the satisfaction of the board that circumstances beyond his control precluded conducting the required hunts. (Eff. 5/12/78, Reg. 66; am 6/27/81, Reg. 78; am / / , Reg.)

Authority: AS 08.54.040(a)(3),
(6) and (8)
AS 08.54.050

12 AAC 38.060 is amended by adding a new subsection to read:

(e) Statements of financial remuneration as well as other supporting documentation regarding guide/client contractual agreements which are maintained on file by the

Department of Public Safety will be considered confidential information requiring a court order for production.

(Eff. 6/28/74, Reg. 50; am 5/12/78, Reg. 56; am / / ,
Reg.)

Authority: AS 08.54.050

ROUGH DRAFT/cw

-11-

February 17, 1983

Diskette #6 Job BB

STATE OF ALASKA
FISCAL NOTE

Revision Date March , 1983

I. REQUEST

Bill/Resolution No.: SB 138
 Title: An Act continuing the Guide Licensing
 Sponsor: Resources Committee & Control Bd.
 Requestor: _____

II. FISCAL DETAIL

Agency Affected: Commerce & Econ. Development
 Program Category Affected: Public Protection
 BRU, Program or Subprogram(s) Affected: Licensing Boards

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	18.0	19.0				
CAPITAL						
REVENUE	* 38.8					

FUNDING: (Thousands of Dollars) *7/1/82 to 3/1/83

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
GENERAL FUND	18.0	19.0				
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Harry D. Treager, Director ^{HT} Phone: 465-2534
 Division: Occupational Licensing Date: March 14 1983
 Approved by Commissioner: Richard A. Lyon ^{RAL} Date: 3/16/83
 Department: Commerce & Economic Development

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

3/8/83

SB 138: FISCAL NOTE ANALYSIS

Expenditures are those funds allocated for board per diem and travel only, under the division's budget - Licensing Boards component.

Additional expenditures in support of the board are allocated through the Administrative component of the division's budget. The licensing examiner assigned to the Guide Board serves two other licensing boards in addition to the Guide Licensing and Control Board.

The legislation, as written, will not add a fiscal impact.

Funding for the board has been included in the FY '84 request.

GUIDE LICENSING & CONTROL BOARD

CURRENT NUMBER OF LICENSEES:

FY '82 - Allocated 15.5 (Board Travel and Per Diem)

Revenues	-	44.7
Expenditures	-	48.3

Expenditures:

Board Travel and Per Diem	17.8
**Personal Services	8.9
*Contractual	3.6
Marine Mammal Contract	18.0

FY '83 - Allocated 18.0 (Board Travel and Per Diem)

Revenues (7/1/82 to 3/1/83)	38.8
Expenditures (7/1/82 to 3/1/83)	12.9

Expenditures:

Board Travel and Per Diem	5.6
**Personal Services (7/1/82 to 3/1/83)	5.9
*Contractual	1.4

TOTAL	12.9
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FY '84 - Board Component - Division Budget - 201.5

Guide Licensing and Control Board allocation - 19.0

Alaska State Legislature

BETTYE FAHRENKAMP
CHAIRMAN
ROBERT H. ZIEGLER, SR.
VICE-CHAIRMAN
DICK ELIASON - PAUL FISCHER
VIC FISCHER - BOB MULCAHY
ARLISS STURGULEWSKI



POUCH V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
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Senate

Committee on Resources

TO: Senate Resources Committee
FROM: Senate Resources Committee Staff
RE: March 16, 1983 Committee Hearing
DATE: March 14, 1983

On Wednesday, March 16 at 3:00 p.m. in the Beltz Room the Resources Committee will hear the following four bills:

SB 101 RELATING TO THE ISSUANCE OF CITATIONS FOR FISH AND GAME VIOLATIONS.

Sec. 1 would give peace officers the authority to issue citations for fish and game misdemeanors under a procedure similar to the issuance of traffic citations. The supreme court is to identify the minor misdemeanors that are appropriate for disposition without court appearance and establish a schedule of bail amounts.

Sec. 2 generally exempts persons who have been convicted of two or more fish and game misdemeanors from the mandatory license forfeiture required by current statute. However, it allows a peace officer to petition the district court to seek an offender's license revocation.

The intent of SB 101 is to expedite the enforcement procedure by reducing court loads. Among the attachments is a list of recommended changes to SB 101 given to us by the Alaska Court System. These recommendations will be discussed at the hearing.

SB 133 CONTINUING THE GUIDE LICENSING AND CONTROL BOARD, AND AUTHORIZING THE BOARD TO LICENSE MARINE MAMMAL GUIDES.

Sec. 1 would extend the life of the Guide Licensing and Control Board through FY 86. The Guide Board is currently scheduled to sunset June 30, 1983. An extension was recommended by the Budget

and Audit Committee in their December 1981 review of the Board.

Sec. 2 authorizes the Board to establish qualifications, set license fees, and issue licenses for marine mammal guides. While most agree that the Board probably already has the authority to regulate marine mammal guides, there have been some questions raised, and the amendment is designed to clarify this authority. The amendment might also assist the State in the return of management to the State from the federal government of some marine mammal species by clarifying and emphasizing its management authorities for marine mammals.

A similar bill passed the Resources Committee and both the Senate and the House last session, but was vetoed by the Governor because of a section relating to Board regulations (see attachments). This section is not in the current bill.

SB 139 REPEALING THE LICENSING OF BIG GAME TRANSPORTERS

This bill would repeal the licensing of big game transporters. The Budget and Audit Committee recommended the repeal after finding that the transporter laws are not needed to protect the safety of the public or manage the game resources.

CSHB 118 RELATING TO A BROWN AND GRIZZLY BEAR TAG FOR A RESIDENT.

This bill would allow the Board of Game to reduce or eliminate the \$25 fee for a resident brown or grizzly bear big game tag for a game management unit for a period of up to one year. This would provide the Board with a management tool for controlling the bear population in certain areas by encouraging the taking of bear incidental to hunting of other animals.

It is hoped that, after hearing testimony, action could be taken by the Committee on one or more of these bills.

Alaska State Legislature

BETTYE FAHRENKAMP, CHAIRMAN
VIC FISCHER, VICE-CHAIRMAN
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
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Senate Committee on Resources

April 18, 1983

Memo

To: Bettye

From: Pat

Subject: Guide License Board bill on floor Tues. April 19, (SB 138)

History

In Senate Resources we passed out the bill to provide for a 3-year extension of the Board beyond ~~the~~ July of this year and a provision to enable the Board to license marine mammal guides. In the Senate Rules Committee Jack Fuller requested an amendment to require non-resident aliens to be accompanied by a marine mammal guide on walrus hunts. In the House Resources Committee this amendment was further modified to include all marine mammals, not just walrus.

As the Marine Mammal Act amendments which passed the Congress last year require maximum participation by local people in such activities as guiding for marine mammals which may be returned to the state for management, and as polar bear and walrus are probably the only two marine mammal species which may be returned to the state in the near future, and as all non-residents (alien and otherwise) are required under current law to be accompanied by licensed guides for polar bear, this amendment in the House changes the bill little and probably further helps compliance with the Marine Mammals Act and the return of marine mammals for management by the state.

Recommendation

Accept the House-passed CS on the floor.

The FUTURE

This issue on marine mammals is not over. The state will have many hoops to jump through on the return of management of certain marine mammal species. Some of the hoops may require additional legislative and administrative changes, some of which may raise eventual objection from many guides, sport hunters and state managers. This marine mammal provision is just a little first step in the process. You should also be aware that some guides are going to grumble when they find they may not be able to qualify for or be licensed as a "marine mammal guide" and hunt walrus or polar bear, even though they may be a licensed guide.

SENATE BILL 138 EXTENDS THE GUIDE LICENSING & CONTROL BOARD FOR ANOTHER" FOUR YEARS. I WOULD URGE ITS PASSAGE FOR THE FOLLOWING REASONS: TESTIMONY BEFORE OUR SENATE COMMITTEE SHOWED THE PROFESSION IS A VERY VIABLE INDUSTRY GENERATING \$20 MILLION INTO THE ECONOMY. IN MANY RESPECTS, IT IS A FACTOR OF THE TOURIST TRADE. THE HUNTER CLIENT SPENDS MONEY FOR TRAVEL, HOTEL, SPECIAL GIFTS, AND STATE LICENSES AND GAME TAGS. THE NON-RESIDENT LICENSE MONEY IS USED ON A 4 TO 1 MATCHING PROGRAM UNDER THE FEDERAL PITTMAN-ROBINSON ACT. THE MONEY HAS FUNDED 80 TO 90% OF STATE PROGRAMS.

THE GUIDE BOARD HAS BEEN INEXISTENCE FOR TEN YEARS. IT HAS ACCOMPLISHED MANY THINGS. IT HAS DEVELOPED A HIGH STANDARD OF PERFORMANCE. IN DOING SO IT HAS REVOKED OVER 25 GUIDE LICENSES. MANY OF THESE WERE SOME OF THE BIG OPERATORS IN THE STATE. THE INDUSTRY HAS BECOME VERY CONSERVATION MINDED AND HAS WORKED CLOSELY WITH BOTH THE DEPARTMENT OF GAME AND THE FISH AND WILDLIFE PROTECTION.

THE BOARD HAS ESTABLISHED ORDER BY HAVING BOUNDARIES IN WHICH THE GUIDE MUST WORK. THIS HAS ELIMINATED CONFLICT IN THE FIELD.

THE BOARD HAS HELD HEARINGS AND WORKED CLOSELY WITH THE WALRUS COMMISSION TO DEVELOP REGULATIONS FOR LICENSING MARINE MAMMAL GUIDES. THE STATE IS IN THE PROCESSE OF TAKING OVER MANAGEMENT AND WHEN THIS HAPPENS IT WILL BE A BIG HELP IN SUPPLEMENTING THE ARCTIC ECONOMY.

TESTIMONY WAS RECEIVED FROM NEW AND YOUNG GUIDES, THAT THE PROGRAM IS WORKING AND THEY HAVE AN OPPORTUNITY TO WORK INTO THE SYSTEM.

I URGE THE PASSAGE OF S.B. 138.

Mark Jensen
3-21-83

STATE OF ALASKA

THE LEGISLATURE BUDGET AND AUDIT COMMITTEE

FEB 1 1983


ROOM 508
CAPITOL BUILDING
POUCH V
JUNEAU, ALASKA 99811

907-465-3818
907-465-3810

MEMORANDUM

January 27, 1983

TO: Senator Bettye Fahrenkamp, Chair
Senate Resources Committee

FROM: Senator Arliss Sturgulewski, Chairman 
Legislative Budget and Audit Committee

RE: Guide Licensing Board

During the Twelfth Legislature, the Legislative Budget and Audit Committee submitted a sunset review of the Guide Licensing Board. The Senate and House passed SB 834. This bill was vetoed by Governor Hammond. Therefore, the Guide Licensing Board is in its "wind-down" period and will expire on June 30, 1983, unless legislative action is taken to extend the board.

cc: Senator Jalmar Kerttula
Peggy Mulligan

SB 138 CONTINUING THE GUIDE LICENSING AND CONTROL BOARD, AND
AUTHORIZING THE BOARD TO LICENSE MARINE MAMMAL GUIDES.
SPONSOR: RESOURCES COMMITTEE

Sec. 1 Extends the life of the Guide Licensing and Control Board to June 30, 1986.

Sec. 2 Authorizes the Board to establish qualifications, set license fees, and issue licenses for marine mammal guides.

Sec 3 Immediate effective date.

The Division of Legislative Audit did a follow-up review of the Guide Licensing and Control Board dated 12/21/81 and recommended that the Board be continued in the interest of "protecting the public's health, safety and welfare."

However, they recommended that, for the Board to more effectively serve the public, the licensing function should be transferred from the Department of Commerce to the Department of Public Safety, and that "transporter laws" be repealed. (See SB 139)

(See attached comments on the Federal Marine Mammal Protection Act.)

Guy Oliver, Marine Mammal Coordinator, NOAA

586-7441

Is possible for State to request return of management of some species but at this point decision to do so has not been made. Possible species: stellar sea lions, ring seals, bearded seals, polar bear, walrus, belugas.

Mike Stanley, NOAA General Counsel (or Pat Travers)

586-7414

The 1981 amendments to the Federal Marine Mammal Protection Act changed the procedures for transferring management of marine mammals back to the State; may be too many strings attached. The State is questioning whether it wants to pursue the return of management under the conditions laid out in the legislation. (The history of the legislation refers to a preference for guiding rural residents.) At present, State is not even preparing an application for return of management. May be a change because of the new Sheffield administration. Is up to ADF&G and the Game Board.

Feels SB 138 (Sec. 2) is "the cart before the horse". Currently seal hunting is prohibited except for subsistence; process to return management began in 1973 and could drag on a lot longer.

Bob Hinman, Acting Director, Game Division, ADF&G

4190

Are proceeding towards application for control. The federal regulations will be out shortly, several major study reports are in the final printing stages, and hearings are being scheduled for this spring on Optimum Sustained Populations. Hope to be able to apply for state control this summer.

All this presupposes that ADF&G will get State funding. The Administration has yet to make a policy decision on the proposed take-over of control.

sandra

2/24/83

rec 3-10

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

**DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE COMMISSIONER**

POUCH N
JUNEAU, ALAS. A 99811
PHONE:

March 4, 1983

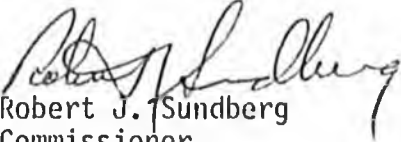
465-4322

Senator Bettye Fahrenkamp
Chairman, Senate Resources Committee
State Capitol
Pouch V
Juneau, Alaska 99811

Dear Senator Fahrenkamp:

The Division of Fish and Wildlife Protection, Department of Public Safety, supports SB 138. The Guide Board has been instrumental in decreasing guide violations by disciplining those who have violated and has fairly dealt with the industry in other areas. We concur with your recognized need for this Board and will support your efforts to see passage of this piece of legislation.

Sincerely,


Robert J. Sundberg
Commissioner

cc: Colonel Robert J. Stickles, Director, Fish and Wildlife Protection