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SENATE RESOURCES COMMITTEE
LEGISLATION CHECKLIST

IDENTIFICATION:

BILL NUMBER: SB 139

BILL NAME: Repealing the licensing of big game transporters.

SPONSOR(S): Resources Comm.

RELATED BILLS PENDING: SB 138

DATE INTRODUCED: 2/23/83

REFERRALS: Resources
Judiciary

INITIAL RESEARCH:

BILL SUMMARY COMPLETED:

SUMMARY BY LEGAL DIVISION:

SPONSOR CONTACTED FOR
BACKUP MATERIALS:

DEPT. OF LAW SUMMARY:

FISCAL NOTE:

AGENCY RESPONSE:

OTHER INTERESTED SENATORS OR
REPS. NOTIFIED:

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
SUBSTITUTES DRAFTED:

see SB 138

Interested: Andrew Klein, 919 Ocean Place, Anchorage 99501 (guided since)

Alaska State Legislature

BETTYE FAHRENKAMP
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ROBERT H. ZIEGLER, SR.
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POUCH V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

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 138 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.

STATE OF ALASKA
FISCAL NOTE

Revision Date March , 1983

I. REQUEST

Bill/Resolution No.: SB 139
 Title: An Act repealing the Licensing of Big Game Transport
 Sponsor: Resources Committee
 Requestor: Resource Committee

II. FISCAL DETAIL

Agency Affected: Commerce & Econ. Development
 Program Category Affected: Consumer Protection
 BRU, Program of 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						
CAPITAL						
REVENUE	1.0	1.0	1.0			

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: Harry D. Treador, Director *HT* Phone: 465-2534
 Division: Occupational Licensing Date: March 14, 1983
 Approved by Commissioner: Richard A. Lvon *Rlvon* 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

FISCAL NOTE
SB 139

ASSUMPTIONS: Since the inception of licensing of big game transporters in 1977, a total of 161 transporters have been licensed by the Division of Occupational Licensing. This bill would eliminate revenue as follows:

Transporter licenses are \$10.00 and must be renewed annually.

During calendar year 1982, 75 big game transporters were licensed.

Since the beginning of FY '83, 75 transporters have been licensed. It is anticipated that this figure will remain constant through FY '84 and FY '85.

One-third of one licensing examiner position is allotted to the Guide Licensing and Control Board; transporter licensing is only a portion of the Guide Licensing and Control Board's function and repeal will not appreciably alter staff duties.

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: November 30, 1983

I. REQUEST

Bill/Resolution No.: SB 139
 Title: Repeal Licensing Big Game Transporters
 Sponsor: Senate Resources Committee
 Requestor: _____
 Date of Request: _____

II. FISCAL DETAIL

Agency Affected: Fish and Game
 Program Category Affected: NRMEC
 BRU, Program of Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
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	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						
TOTAL						

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

OFFICE OF
MANAGEMENT & BUDGET
NOV 30 1983

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Beverly Reaume Phone: 465-4130
 Division: Administration Date: _____
 Approved by Commissioner: *Dennis J. Lelso* Date: 11/29/83
 Department: Fish and Game

BUDGET REVIEW

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)

9/14/83

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: SB 139 Date on Bill: 2/23/83
 Title: repealing the licensing of big game transporters.
 Sponsor: Resources Committee
 Requestor: Senate Resources

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

			FY 83	FY 84	FY 85	FY 86		
Capital								
Operating								
Total			0	0	0	0		

b. Revenues:

Revenue			0	0	0	0		
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2. Source of funds to offset fiscal impact of bill:

Source of funds not identified by sponsor

3. Assumptions:

No fiscal impact

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Col. Robert J. Stickles *RJS* Phone: 269-5532
 Division: Fish & Wildlife Protection *()* Date: 3/2/83

Approved by Commissioner: *[Signature]* Date: 3/4/83
 Department: Public Safety *[Signature]*

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/15/83

SB 139 AN ACT REPEALING THE LICENSING OF BIG GAME TRANSPORTERS.

SPONSOR: RESOURCES COMMITTEE

Removes reference to "transporters" and "transporting activity" from the statute on guides.

Repeals the following sections:

Qualification for transporter license.

Restriction to transportation.

Transporter report.

License fee for a transporter.

Definition of "transporting".

(Transporting is defined as conveying a person by any lawful means to an area for remuneration or material benefit in excess of normal operating costs, when the primary purpose of the person being conveyed is the taking of big game and the associated removing of big game meat after big game has been taken.)

Currently, a transporter is required to submit a notarized application with a \$10 fee to the Department of Commerce. (The Department has issued 161 licenses since the program began in 1977.) Under current statute, Master, Registered, Class A Assistant, and Assistant Guides are exempt from the license requirements for transporters, but must comply with the reporting provisions. There is no limit on the number of transporter licenses that can be issued, nor are transporters restricted to certain geographic areas.

The Division of Legislative Audit did a follow-up review of the Guide Licensing and Control Board dated 12-21-81, and recommended the repeal of the "transporter laws", as they are not needed to protect the safety of the public or manage the game resources. In addition, air transporters' flying safety qualifications and aircraft safety are regulated by the FAA.

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STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

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

POUCH N
JUNEAU, ALASKA 99811
PHONE:

March 8, 1983

465-4322

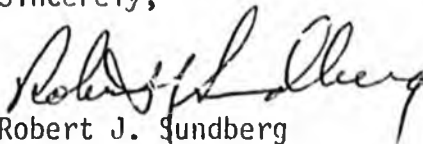
Senator Bettye Fahrenkamp
Chairman, Senate Resources Committee
State Capital
Pouch V
Juneau, Alaska 99811

Dear Senator Fahrenkamp:

Re: SB 139

We support your intent to remove transporters from Title 8.

Sincerely,



Robert J. Sundberg
Commissioner

SB834

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 Glenser
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).

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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).

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:

ON THE SENATE CALENDAR:

SB 99 MAKING A SUPPLEMENTAL APPROPRIATION TO THE OFFICE OF THE GOVERNOR, DIVISION OF ELECTIONS.

SPONSOR: KERTTULA BY REQUEST

Appropriates \$274,000 from the general fund to the Office of the Governor to pay for increased FY 83 operating costs in the division of elections.

SB 139 REPEALING THE LICENSING OF BIG GAME TRANSPORTERS.

SPONSOR: RESOURCES COMMITTEE

Passed out of Resources March 17, 1983 - you were a Do Pass. There is NOT a Committee Substitute.

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. THIS BILL DOES HAVE THE SUPPORT OF THE DEPARTMENT OF PUBLIC SAFETY.

BILLS OF INTEREST TO BE READ ACROSS:

SB 281 Relating to energy development and conservation functions of the Dept. of Commerce and Economic Development and the Department of Community and Regional Affairs.

CITATIONS ENCLOSED.

HEARING SCHEDULE ENCLOSED.