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**HOUSE COMMITTEE REPORT**

(11)

Date Referred: February 21, 1989

FURTHER REFERRALS:

Date of Committee Action: 3/9/89

The FINANCE Committee considered:

HB 113

HOUSE BILL NO. 113 [EXTEND TASK FORCE ON GUIDING AND GAME]  
"An Act providing for retroactive extension of the termination date of the Task Force on Guiding and Game; and providing for an effective date."

RECOMMENDS:

- replacing with CS HB 113 (Fin)  the same title
- the attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact
- zero fiscal note
- zero with analysis

APPROVES PREVIOUS:

- fiscal note(s) published:  
Leg Affairs 3/8/89
- zero fiscal notes(s) published:  
ced 3/6/89; F.C.G., 2/15/89

SIGNING DO PASS:

[Signature] Hoffman  
[Signature] Larson  
[Signature] Suackhammer  
[Signature] Koponen  
[Signature] Shultz  
[Signature] Phillips  
[Signature] Rieger  
[Signature] Wallis

SIGNING OTHER THAN DO PASS:

(Do Not Pass, No Recommendation, Amend)  
[Signature] Brown  
[Signature] Ulmer  
[Signature] Barney

CO- [Signature]  
 Chairman's signature  
 CO- [Signature]

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: An Act providing for retroactive extension of the termination date of the Task...  
Sponsor: House Resources  
Requestor: House Resources

Affect Agency Legislative Affairs Agency  
BRU: Legislative Council  
Components Council & Subcommittees

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
Personal Services	5.1	10.1	0	0	0	0
Travel	10.5	10.5	0	0	0	0
Contractual	3.0	3.0	0	0	0	0
Supplies	0	0	0	0	0	0
Equipment	0	0	0	0	0	0
Land & Structures						
Grants, Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>*18.6</b>	<b>23.6</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>CAPITAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>REVENUE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

FUNDING: (THOUSANDS OF DOLLARS)

General Fund	*18.6	23.6	0	0	0	0
Federal Fund						
Other						
<b>TOTAL</b>	<b>*18.6</b>	<b>23.6</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

POSITIONS:

Full-Time	0	0	0	0	0	0
Part-Time	1	1	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

\* FY 89 funding will be requested in the supplemental bill.

The Task Force on Guiding and Game was established under the jurisdiction of the Legislative Council Committee. This bill version will add 2 members to the Task Force and extend the termination date of the Task Force to Jan. 15, 1990. The Task Force will be composed of 15 members, 3 from the Executive Branch, 2 legislators from the Legislative Branch and 10 public members.

Prepared By: Pamela Stoops, Director  
Division: Administrative Services

*Pamela Stoops*

Phone: 465-3850  
Date: 3/8/89

Approved By: Warren Endicott, Executive Director  
Agency: Legislative Affairs Agency

*Warren Endicott*

Date: 3/8/89

DISTRIBUTION (BY PREPARER)  
LEGISLATIVE FINANCE  
LEGISLATIVE SPONSOR

REQUESTOR  
OFFICE OF MANAGEMENT & BUDGET  
AGENCY (IES)

ADOPTED

**CONTINUATION OF FISCAL ANALYSIS**

It is assumed that travel funds for this task force will be paid as follows:

3 Executive Branch members - absorbed within existing executive branch departments.

2 Legislative Branch members - absorbed within existing Legislative Operating Budget or Session Expenses.

10 Public members - paid by Legislative Council funds as projected below.

Projected expenses for the Task Force on Guiding and Game are as follows:

	FY 89		FY 90
Personal Services - Staff for the Task Force:			
Secretary, Range 14, Step A--3 months 1/2 time	5,100	full-time	10,100
Travel- 2 trips @ 366 x 10 members	7,320		7,320
2 days per diem (\$80)			
2 trips x 10 members	3,200		3,200
Contractual- Advertising-Public Notices	<u>3,000</u>		<u>3,000</u>
	18,600		23,620

Supplies- Will come from existing Legislative Council and Legislative Operating supplies.

Equipment- Will come from existing Legislative Council and Legislative Operating equipment.

FY 89 costs are for one-half year.

FY 90 costs are for one-half year.

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_ Agency Affected: Commerce & Economic Dev.  
 Title: An Act providing for retro. exten. BRU: Occupational Licensing  
of the term. date of the Task Force on Guiding and Game...  
 Sponsor: House Resources Committee Components: Administration and  
 Requestor: House Resources Committee Licensing Boards

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Jennifer Strickler, Administrative Officer Phone: 465-2144  
 Division: Occupational Licensing Date: March 6, 1989

Approved by Commissioner: Larry Mercurieff Date: 3/6/89  
 Agency: Commerce and Economic Development

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

RECEIVED  
MAR 7 1989

Adopted

NOTE

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
 Title: Extension of Task Force on  
Guiding and Game  
 Sponsor: Resources Committee  
 Requestor: Rep. Menard

Agency Affected: Fish and Game  
 BRU: Wildlife Conservation  
 Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: W. Lewis Pamplin, Jr., Director  
 Division: Wildlife Conservation

Phone: 465-4190  
 Date: 1/15/89

Approved by Commissioner: William G. Alben  
 Agency: Fish and Game

Date: 2/15/89

Distribution (by preparer):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

Adopted

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 113 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act providing for retroactive extension of the  
7 termination date of the Task Force on Guiding and  
8 Game; increasing the membership of the Task Force on  
9 Guiding and Game; authorizing certain agencies to  
10 assist the Task Force on Guiding and Game; and pro-  
11 viding for an effective date."

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

13 \* Section 1. Section 14(d), ch. 160, SLA 1988, is repealed and re-  
14 enacted to read:

15 (d) The task force terminates on the earlier of

16 (1) January 15, 1990; or

17 (2) the date of enactment into law of

18 (A) a licensing system for hunting guides and other  
19 persons who provide services to hunters for the purpose of facil-  
20 itating the harvest of big game; and

21 (B) a management system for allocating rights of  
22 access to big game to licensed guides.

23 \* Sec. 2. Notwithstanding the qualifications for members of the Task  
24 Force on Guiding and Game set out in sec. 14(a), ch. 160, SLA 1988, the  
25 members of the task force on January 8, 1989, shall continue to serve until  
26 they resign or the task force is terminated.

27 \* Sec. 3. Notwithstanding the number and composition of the Task Force  
28 on Guiding and Game set out in sec. 14(a), ch. 160, SLA 1988, the member-  
29 ship of the task force is increased by two additional members appointed by

1 the governor. Of the two persons appointed to the task force under this  
2 section, one person shall have expertise in research and analysis and, if  
3 possible, particular knowledge in resource management or allocation systems  
4 and may not have a financial interest in a business involving or related to  
5 the commercial taking of game and one person shall represent Native village  
6 landholders.

7 \* Sec. 4. The Office of the Governor, office of management and budget,  
8 division of policy and the legislature's House Research Agency and Senate  
9 Advisory Council shall provide information, data, research, analysis, and  
10 technical assistance to the task force, as requested by the task force, for  
11 the purpose of developing a management system for allocating rights of  
12 access to big game to licensed guides.

13 \* Sec. 5. Sections 1 - 2 of this Act are retroactive to January 8,  
14 1989.

15 \* Sec. 6. This Act takes effect immediately under AS 01.10.070(c).  
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29

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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

*moved by Koponen  
on 3/6/89*

MEMORANDUM

February 22, 1989

SUBJECT: Committee amendment to draft CS HB 113(Res)  
TO: Representative Curt Menard  
Attn: Johanna Munson  
FROM: George Utermohle *GU*  
Legislative Counsel

You have asked how I would have drafted the amendment to the draft CS HB 113(Res) adopted by the House Resources Committee.

I would have drafted the amendment to read as follows:

Page 2, lines 1 - 5, after "governor":

Delete all material.

Insert:

"Of the two persons appointed to the task force under this section, one person shall have expertise in research and analysis and, if possible, particular knowledge in resource management or allocation systems and may not have a financial interest in a business involving or related to the commercial taking of game and one person shall represent Native village landholders."

Please note that only the form of the amendment is changed in order to preserve clarity and consistency of style. The substance of the amendment would not be changed.

The amendment would look much different if the prohibition against a financial interest in the commercial taking of game also applied to the representative of Native village landholders.

*Koponen  
moved to amend:  
part 1  
3/6/89*

Representative Curt Menard  
Page 2  
February 22, 1989

A copy of the amendment actually adopted by the committee is attached for comparison.

If I may be of further assistance, please advise.

GU:mi:kb  
I3/086

Attachment

\*Amended  
JOINT DEPARTMENT POSITION PAPER ON HB 113

HB 113 provides for the continuation of the Legislative Task Force on Guiding and Game. Under this bill, the Task Force -- despite the requirements of SB 191 -- would continue with the same membership and terminate on the earlier of either January 15, 1991 or the date of enactment into law of two systems: one for the licensing of the state's big game commercial service providers and another for the management of game in order to allocate hunting rights to licensed guides (or guide-outfitters).

HB 113 reflects the recommendation of the Legislative Task Force on Guiding and Game, which included representatives from the Departments of Commerce and Economic Development, Fish and Game, and Public Safety, as well as the active (but nonvoting) participation of the Department of Law.

Because the recommendation to continue the Task Force generally reflects Administration policy, we will not reiterate here justification for the continuation that has already been addressed in the report of the Task Force. However, because we do quarrel with some provisions of HB 113, we wish to propose a number of amendments and discuss our reasons for the proposed changes.

First, however, we wish to emphasize our belief that the Owsichek decision has made it abundantly clear that the state must develop and put into place a game management system that is sensitive to the needs of Alaska's big game commercial services industry. We support in full the Task Force's conclusion that a method for the commercial allocation of our wildlife resource is vital and needs to be established. Without the assurance of a commercial allocation, the resultant instability and negative national and international publicity will deal a significant blow to Alaska's world famous and highly respected big game industry.

Nevertheless, the state remains anxious over the nature of the management system contemplated by a number of the members of the Task Force. Any attempt to create a management scheme that parallels the former guide area system declared unconstitutional by the Alaska Supreme Court in Owsichek will only delay and otherwise obstruct progress toward a viable management system that must meet these identified needs:

1. ensure a commercial allocation;
2. provide a measure of economic stability;
3. provide for wildlife management on a statewide basis.

Therefore, while we believe the present members of the Task Force deserve praise for their work to date, we are concerned that the goals they have set for themselves vis a vis creation of a resource-based management system are potentially beyond the immediate expertise of those members. Please recall that the present members were appointed with a specific task in mind: consideration of appropriate regulation for persons involved in the commercial taking of game in Alaska. It was the effects of the Owsichek decision which greatly expanded the Task Force's role and made consideration of a management system a must. Besides the very

obvious constraints on its time, unfamiliarity may also explain why the management system was not fully addressed by the Task Force.

Our first proposed amendment to HB 113, then, is that two additional members be added to the Task Force, to be appointed by the Governor, neither of whom may have financial interest in any business involving or related to the commercial taking of game, and who have recognized expertise in research and analysis with, if possible, particular knowledge in resource management or allocation systems.

Our second amendment proposes specific language mandating that the staff of a number of specifically identified entities be required to provide information, data, research, analysis, and technical assistance to the Task Force.

Attached are draft amendments to HB 113 accomplishing the proposals outlined above. We urge their consideration.

Finally, please hear our concern for the time it will take to successfully and competently meet the requirements of HB 113. We do not believe a comprehensive and thorough analysis of the complexities involved in establishing a game management system that provides for a commercial allocation acceptable to all state, federal, and private land owners in Alaska will be easily accomplished. We expect it, in fact, to be very hard but important work.

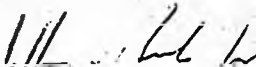
There has been some concern expressed that the management system must be in place when -- and if -- the licensing scheme envisioned in HB 112 is enacted. We do not believe this needs be the case. First, to rush establishment of the management system may doom it to mediocrity. Second, unless we can demonstrate that the system is fair, well thought-out, and reasonable, we anticipate that federal (and private) land owners will reject the plan outright, chilling any hope of creating an integrated management system that will apply statewide.

Third, while the Board of Game is legitimately concerned for the potential impact of additional registered guides being able to conduct hunts in areas previously not available to them, we believe passage of HB 112, with its licensing scheme intact, will go far in curtailing unregulated commercial hunts until the management system is in place. Under HB 112, only outfitters able to meet the requirements of the bill's transition provisions will be able to provide commercial big game hunting services directly to hunters. This appears to be less than 50 people. And only air and boat operators with proper FAA and Coast Guard licenses will be able to transport hunters into the field. We believe this will also significantly reduce pressure on the game.


We believe there are sufficient protections in HB 112 to give the Task Force the time it needs to develop a quality management system without Alaska's big game resource suffering from overharvesting in the interim.

\* \* \*


We support passage of HB 113 and urge consideration of our proposed amendments.

  
Larry Mercuri, Commissioner  
Department of Commerce &  
Economic Development

2/14/89  
Date

  
Don W. Collinsworth, Commissioner  
Department of Fish and Game

2/15/89  
Date

  
Lennie Boston-Gorsuch, Commissioner  
Department of Natural Resources

2/14/89  
Date

  
Arthur English, Commissioner  
Department of Public Safety

2-14-89  
Date

RB/cw9380c  
21389c

PROPOSED AMENDMENTS TO HB 113

Amend HB 113 by adding a new section to read:

\*Sec. 3. Notwithstanding the number and composition of members of the Task Force on Guiding and Game set out in Sec. 14(a), ch. 160, SLA 1988, two additional members will be added to the Task Force, to be appointed by the Governor, neither of whom may have a financial interest in any business involving or related to the commercial taking of game, who shall have expertise in research and analysis and, if possible, particular knowledge in resource management or allocation systems.

Amend HB 113 by adding a new section to read:

\*Sec. 4. In addition to the departments represented on the Task Force, the staff of the Legislature's House Research Agency and Senate Advisory Council and the Governor's Division of Policy shall provide information, data, research, analysis and technical assistance to the Task Force, as requested by the Task Force, for the purpose of developing the statewide game management system described in Section 14(d)(2)(B) of ch. 160, SLA 1988.

Amend HB 113 as follows:

\*Sec. 5 [SEC. 3]. Sections 1 - 5 of this Act are retroactive to January 8, 1989.

\*Sec. 6 [SEC. 4]. This Act takes effect immediately under AS 01.10.070(c).

RB/cw9379c  
21289b

See Transportation CE, Sec. 3 thru Sec 6.

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: An Act providing for retroactive extension of the termination date of the Task...  
Sponsor: House Resources  
Requestor: House Resources

Affect Agency Legislative Affairs Agency  
BRU: Legislative Council  
Components Council & Subcommittees

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
Personal Services	10.1	10.1	0	0	0	0
Travel	10.5	10.5	0	0	0	0
Contractual	3.4	3.4	0	0	0	0
Supplies	0	0	0	0	0	0
Equipment	0	0	0	0	0	0
Land & Structures						
Grants, Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>24.0</b>	<b>24.0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (THOUSANDS OF DOLLARS)

General Fund	24.0	24.0	0	0	0	0
Federal Fund						
Other						
<b>TOTAL</b>	<b>24.0</b>	<b>24.0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

POSITIONS:

Full-Time	0	0	0	0	0	0
Part-Time	1	1	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

The Task Force on Guiding and Game was established under the jurisdiction of the Legislative Council Committee. This bill version will add 2 members to the Task Force and extend the termination date of the Task Force to Jan. 15, 1990. The Task Force will be composed of 15 members, 3 from the Executive Branch, 2 legislators from the Legislative Branch and 10 public members.

Prepared By: Pamela Stoops, Director  
Division: Administrative Services

*Pamela Stoops*

Phone: 465-3850  
Date: 2/16/89

Approved By: Warren Endicott, Executive Director  
Agency: Legislative Affairs Agency

*Warren H. Endicott*

Date: 2/16/89

DISTRIBUTION (BY PREPARER)  
LEGISLATIVE FINANCE  
LEGISLATIVE SPONSOR

REQUESTOR  
OFFICE OF MANAGEMENT & BUDGET  
AGENCY (IES)

**CONTINUATION OF FISCAL ANALYSIS**

It is assumed that travel funds for this task force will be paid as follows:

3 Executive Branch members - absorbed within existing executive branch departments.

2 Legislative Branch members - absorbed within existing Legislative Operating Budget or Session Expenses.

10 Public members - paid by Legislative Council funds as projected below.

Projected expenses for the Task Force on Guiding and Game are as follows:

Personal Services - Staff for the Task Force: Secretary, Range 14, Step A	
3 months full-time--	10,100
Travel- 2 trips @ 366 x 10 members	7,320
2 days per diem (\$80)	
2 trips x 10 members	3,200
Contractual- Transcription of meetings	360
Advertising-Public Notices	3,000
	<hr/>
	23,980

Supplies- Will come from existing Legislative Council and Legislative Operating supplies.

Equipment- Will come from existing Legislative Council and Legislative Operating equipment.

FY 89 costs are for one-half year.

FY 90 costs are for one-half year.



# Alaska State Legislature

HOUSE OF REPRESENTATIVES  
COMMITTEE ON RESOURCES

FOUCH V  
JUNEAU, ALASKA 99811  
(907) 488-3718

## Letter of Intent

For

HCS CS SB 139 (Res)

It is the intent of the legislature that the task force established under the provisions of SB 139 shall consider the implications of the Owsichuk decision issued by the Alaska Supreme Court on October 21, 1988 when developing the resource-based management system for allocating big game hunting opportunities among guide-outfitters.

It is the intent of the legislature that the foremost purpose of any management system should be the conservation of game resources. Any system that places restrictions on free market competition between guides must be based on clear findings that such restrictions are needed to prevent harmful impacts on game populations that cannot be prevented through licensing requirements, bag limits, seasonal restrictions, or other traditional game management tools that are now available to the state.

Without a constitutional amendment, a system would have to provide the broad access guaranteed by the common use clause of the constitution. The system would have to have access rights that are limited in duration, and the system would have to provide equal opportunity to all qualified guides when these rights are reassigned. In order to prevent the development of non-uniform policies by various federal, state, and private landowners, the system should have statewide applicability.