

BILLS 1981 - 1982
CSHB 198 cont. - HB 199

Leg. Fin.

1479

1479

Fiscal Note - Alaska Seafood Marketing Institute

Part III - Analysis

Assumptions: That contributions based on credits against fisheries business tax (and corresponding general fund appropriations) are able to increase at a rate of 10 percent per year. 1982 base costs are similarly inflated for the years following.

Positions: The following positions and costs in 1982 are summarized under personal services:

	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Director/Office Manager	\$52,000	\$12,007	\$64,007
Research, writing, reception	25,000	5,839	30,839
Special Projects Manager (part-time)	28,000	5,525	34,525
Data Programmer (part-time)	18,000	4,241	22,241
			<u>\$151,612</u>

Expenditures:

Detail of contractual total in 1982 is provided below:

Program	\$1,262,388
Space rental	6,000
Janitorial	2,000
Legal/accounting	12,000
Telephone	4,000
Equipment rental	5,000
Copying & printing	8,000
Board meeting related	4,000
	<u>\$1,303,388</u>

Program:

The budgeted program encompasses seafood market promotion, product development, market research activities called for in the legislation. Specific projects to be developed by the appointed board.

The program amount is derived by subtracting "administrative" costs from the amount presumed to be available.

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS HB 198 (Fin)
 Title An Act Relating to the Promotion of Marketing of Seafood
 Requested by Rules Date _____

II. FISCAL DETAIL

Agency Affected Fish and Game
 Program Category Affected _____
 BRU, Program, or Subprogram(s) Affected _____
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

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

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

IV. DATE _____ PREPARED BY Russell H. Clark *(Signature)*
 AGENCY Department of Fish and Game
 PHONE 465-4120
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

*Fis. Note rec'd.
after bill
reported out.
Not considered
by HFC. (4/20/81)*

I. REQUEST
Bill/Resolution No. CS for HB 198 (Fin)
Title Promotion of the Marketing of Seafood (AK Seafood Marketing Institute)
Requested by _____ Date 4/1/81

II. FISCAL DETAIL Commerce & Economic Development
Agency Affected _____
Program Category Affected _____
BRU, Program, or Subprogram(s) Affected _____
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		\$3,000	\$3,540	\$3,900	\$4,290	\$4,710
TOTAL		\$3,000	\$3,540	\$3,900	\$4,290	\$4,710

FUNDING (Thousands of Dollars)

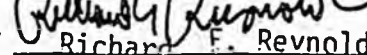
	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND		\$3,000	\$2,360	\$2,600	\$2,860	\$3,140
FEDERAL FUNDS						
OTHER (Specify Fund Source)						
Industry Assessment		--	\$1,180	\$1,300	\$1,430	\$1,570

POSITIONS

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME						
PART TIME						
TEMPORARY						

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

HB 453 provides \$3 million appropriation in FY 82. Estimated gross ex-vessel value in 1980 was \$536 million. Above calculation based on 10% increase in ex-vessel value per year. It is assumed that the industry assessment called for in CSHB 198 (Sec. 16.51.120) was maintained at .2 percent of processor's purchase. Further, that the legislature will elect to match the industry contribution 2 to 1.

IV. DATE April 14, 1981 PREPARED BY  Richard F. Reynolds
AGENCY Commerce & Economic Development
PHONE 465-2018
Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

Rec'd after RO 4/1/81

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. CSHB 198(Fin)am
 Title An Act relating to the promotion of the marketing of seafood
 Requested by _____ Date _____

II. FISCAL DETAIL
 Agency Affected Department of Commerce and Economic Development
 Program Category Affected Development
 BRU, Program, or Subprogram(s) Affected Economic Enterprise - Fisheries Development
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)
EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES		3,000.0	3,540.0	3,900.0	4,290.0	4,710.0
700 GRANTS, CLAIMS, ETC.						
TOTAL		3,000.0	3,540.0	3,900.0	4,290.0	4,710.0

FUNDING (Thousands of Dollars)

GENERAL FUND		3,000.0	3,540.0	3,900.0	4,290.0	4,710.0
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)
 HB 453 provides \$3 million appropriation in FY 82. Estimated gross ex-vessel value in 1980 was \$536 million. Above calculation based on 10% increase in ex-vessel value per year.

Richard Reynolds

IV. DATE April 28, 1981 PREPARED BY Richard Reynolds
 AGENCY Department of Commerce and Economic Development
 PHONE 465-2018
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

*Fis. Note rec'd.
after bill
reported out.
Not considered
by HFC. (4/20/81)*

I. REQUEST

Bill/Resolution No. CS for HB 198 (Fin)

Title Promotion of the Marketing of Seafood (AK Seafood Marketing Institute)

Requested by _____ Date 4/1/81

II. FISCAL DETAIL

Agency Affected Commerce & Economic Development

Program Category Affected _____

BRU, Program, or Subprogram(s) Affected _____

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS. CLAIMS. ETC.		\$3,000	\$3,540	\$3,900	\$4,290	\$4,710
TOTAL		\$3,000	\$3,540	\$3,900	\$4,290	\$4,710

FUNDING (Thousands of Dollars)

GENERAL FUND	\$3,000	\$2,360	\$2,600	\$2,860	\$3,140
FEDERAL FUNDS					
OTHER (Specify Fund Source)					
Industry Assessment	--	\$1,180	\$1,300	\$1,430	\$1,570

POSITIONS

FULL TIME					
PART TIME					
TEMPORARY					

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

HB 453 provides \$3 million appropriation in FY 82. Estimated gross ex-vessel value in 1980 was \$536 million. Above calculation based on 10% increase in ex-vessel value per year. It is assumed that the industry assessment called for in CSHB 198 (Sec. 16.51.120) was maintained at .2 percent of processor's purchase. Further, that the legislature will elect to match the industry contribution 2 to 1.

IV. DATE April 14, 1981

PREPARED BY *Richard F. Reynolds*
Richard F. Reynolds

AGENCY Commerce & Economic Development

PHONE 465-2018

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS HB 198 (Fin)
 Title An Act Relating to the Promotion of Marketing of Seafood
 Requested by Rules Date _____

II. FISCAL DETAIL

Agency Affected Fish and Game
 Program Category Affected _____
 BRU, Program, or Subprogram(s) Affected _____
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

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

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

IV. DATE _____ PREPARED BY Russell H. Clark
 AGENCY Department of Fish and Game
 PHONE 465-4120
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

Rec'd
4/30/81.
Not considered
by HFC

I. REQUEST

Bill/Resolution No. CSHB 198 (Finance) am
Title An Act relating to the promotion of the marketing of seafood.
Requested by Senate Resources Committee Date April 23, 1981

II. FISCAL DETAIL

Agency Affected Department of Revenue
Program Category Affected Revenue Collection and Management
BRU, Program, or Subprogram(s) Affected Audit Division
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars) NONE

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						

TOTAL

FUNDING (Thousands of Dollars) NONE

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS NONE

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME						
PART TIME						
TEMPORARY						

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

See the attached memorandum to R. D. Stevenson dated April 24, 1981.

IV. DATE April 24, 1981

PREPARED BY Gary I. Jenkins
AGENCY Audit Division
PHONE 465-2320

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

MEMORANDUM

State of Alaska

TO: R. D. Stevenson
Legislative Assistant

DATE: April 24, 1981

FILE NO:

TELEPHONE NO:

FROM: Gary L. Jenkins
Director
Audit Division

SUBJECT: CSHB 198 (Finance) am

The amendments which have been made to this bill are very significant in relation to the source of funds for the operation of the Seafood Marketing Institute. The provision for a credit against the Fisheries Business Tax has been removed and replaced by a separate assessment which the processors will levy on themselves by majority vote. This will result in all processors being required to report and pay the seafood marketing assessment on an annual basis. In the proposed AS 16.51.160(a) the due date for paying the assessment is April 15 of each year. It is recommended that the date be changed to April 1 to coincide with the Fisheries Business Tax return due date in order that we could provide for a processor to report both liabilities on the same form. Failure to change the date will result in higher administrative costs for the state and for all the processors because of all the additional paperwork which will have to be prepared by the processors and handled by our staff. A fiscal note showing these costs has not been prepared at this time, since I am assuming the date can and will be changed.

The proposed AS 16.51.170 on page 10 of the bill provides for limited collection authority as provided in AS 43.10 to be applicable to the collection of the assessments. However, that limited cross reference to Title 43 would not give us the authority to audit the information reported, assess any interest or penalties for failure to file or pay the assessment, bill a processor for the assessment if he refuses to file and report the amount due, or impose any criminal penalties for evasion of the assessment. If the legislature intends for us to have that authority, the section should be rewritten to read as follows:

Sec. 16.51.170. ENFORCEMENT OF ASSESSMENTS. The provisions of AS 43.05 and AS 43.10 shall apply to the requirement imposed by this chapter to report and pay the seafood marketing assessment.

Several places in the proposed bill the term "Eligible Processor" is used, yet it is not defined. I think I can guess what is meant, however, it would aid administration of the act greatly if the term were defined in the law. Further, the definition of

"value" on page 11 of the bill includes the term "eligible processor" as part of the definition. Since it appears that value will be used to determine who is an "eligible processor" it is inconsistent to use the term in the definition of value.

There are several places in the bill which include the phrase "value paid by the processor". Since value will not be determined in all cases on the basis of a purchase, it would appear to be clearer if the phrase "value of the seafood products acquired by the processor" were used in place of the current phrase. I recommend that the proposed language be substituted on page 6, lines 22, 25 and 28; and on page 10, line 6. Finally, on page 9, line 22 consideration should be given to substituting the word "acquired" in place of "purchased" to be consistent with the above language.

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB 198 (Finance) am
 Title Relating to the promotion of the marketing of seafood
 Requested by Senate Resources Committee Date 4/27/81

II. FISCAL DETAIL

Agency Affected Department of Revenue
 Program Category Affected _____
 BRU, Program, or Subprogram(s) Affected _____
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						

TOTAL

<u>FUNDING</u> (Thousands of Dollars)	a)	b)	c)			
	943	1886	2829	1037	1141	1255
				2075	2282	2510
				3112	3423	3765
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

The figures represent the anticipated revenues collected and available for legislative appropriation, if eligible processors elect a seafood market assessment. The possible assessment rate scenarios are presented as follow:

- a) .2 percent of value
- b) .4 percent of value
- c) .6 percent of value

Value was determined by using Department of Fish and Game catch and price projections for FY 1982, with a 10% inflation rate adjustment for subsequent years.

IV. DATE 4/27/81 PREPARED BY Robert W. Elliott
 AGENCY Revenue
 Original: Legislative Finance PHONE 465-2309
 cc: Budget and Management
Prime Sponsor (First Legislator Named)

B. Fritz:

HB 198 Fiscal

Note 2,100.0 GF should
be lined out of

your file. HB453

appropriates 3,000.0
to the Institute



COMMITTEE REPORT

HOUSE

FURTHER:

4/1/81

(11)

Date: April 11 1981

Mr. Speaker:

The Committee on FINANCE has had HB 198

"An Act establishing the Alaska Seafood Marketing Institute; and providing for an effective date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 198 (FIN) same title new title
- and recommends do pass
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

CHAIRMAN

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 198 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the promotion of the marketing of
7 seafood; and providing for an effective date."

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

9 * Section 1. FINDINGS. The legislature finds that a cooperative effort
10 by the state and private industry to stabilize and develop the seafood indus-
11 try of Alaska, promote quality control within the industry, and foster
12 expansion of the market for Alaska seafoods throughout the state, nation,
13 and world is in the public interest and is a valid public purpose. The
14 legislature further finds that such a cooperative effort would inure to the
15 benefit of the seafood industry in Alaska, and that some of the costs of
16 maintaining such an effort should be borne by the industry. The legislature
17 further recognizes that assessments which seafood processors levy upon them-
18 selves under this Act are levied to reimburse the state for the industry's
19 rightful share of the seafood marketing effort, while reserving its right
20 under the state constitution to spend the money so collected for any purpose.
21 The legislature finds that public financing of this program in excess of the
22 amounts realized from the assessment during the development phases of the
23 program is appropriate.

24 * Sec. 2. PURPOSE. The purposes of this Act are to

25 (1) encourage the seafood industry in the state to make greater
26 use of the seafood resources in the coastal and freshwater areas of the
27 state;

28 (2) expand the range of species of seafood harvested by the
seafood industry in the state;

1 (3) enable the seafood industry to maintain and enhance the
2 quality and purity of seafood harvested and processed by fishermen and
3 processors in the state;

4 (4) enable the seafood industry in the state to stimulate consumer
5 identification of Alaska seafood to increase the use and consumption of
6 seafood harvested and processed in the state;

7 (5) stabilize and diversify the distribution of seafood products
8 processed and harvested in the state by encouraging consumers to purchase
9 Alaska seafood;

10 (6) provide for the reimbursement to the state, through assess-
11 ments made on seafood processors, a part of the financial assistance provided
12 by the state to maintain the seafood marketing effort provided for under
13 this Act;

14 (7) create an effort which will be financed jointly by the state
15 and by seafood processors.

16 * Sec. 3. AS 16 is amended by adding a new chapter to read:

17 CHAPTER 51. ALASKA SEAFOOD MARKETING INSTITUTE.

18 Sec. 16.51.010. ALASKA SEAFOOD MARKETING INSTITUTE ESTABLISHED.

19 There is established the Alaska Seafood Marketing Institute. The
20 institute is a public corporation of the state. It is an instrumentality
21 of the state in the Department of Commerce and Economic Development,
22 but has a legal existence independent of and separate from the state.
23 Exercise by the institute of the powers conferred by this chapter is an
24 essential governmental function of the state.

25 Sec. 16.51.020. BOARD OF DIRECTORS. (a) The governing body of
26 the institute is a board of directors.

27 (b) The board shall consist of 18 voting members appointed as
28 follows:

29 (1) thirteen members appointed by the governor from the

1 seafood processing industry;

2 (2) five commercial fishermen appointed by the governor.

3 (c) The board shall also include the following three nonvoting
4 members:

5 (1) one member of the senate appointed by the president of
6 the senate at the beginning of each legislature;

7 (2) one member of the house of representatives appointed by
8 the speaker of the house of representatives at the beginning of each
9 legislature;

10 (3) the commissioner of commerce and economic development or
11 his designee.

12 (d) Nine members of the board appointed under (b)(1) of this
13 section must be persons nominated by seafood processors having an
14 annual payroll in the state of \$1,000,000 or more. Four members of the
15 board appointed under (b)(1) of this section must be persons nominated
16 by seafood processors having an annual payroll in the state of at least
17 \$100,000, but less than \$1,000,000. Five members of the board appointed
18 under (b)(2) of this section must be persons nominated by organizations
19 of commercial fishermen.

20 (e) The board shall annually elect a chairman and other necessary
21 officers from among its members.

22 Sec. 16.51.030. TERM OF OFFICE. (a) The members of the legisla-
23 ture appointed to the board under AS 16.51.020(c) serve for the duration
24 of the legislature during which they were appointed.

25 (b) The members of the board appointed by the governor under
26 AS 16.51.020(b) serve three-year terms and may be reappointed. Terms
27 shall be staggered. An appointee to fill a vacancy shall hold office
28 for the balance of the term for which his predecessor on the board was
29 appointed.

1 Sec. 16.51.040. REMOVAL AND VACANCIES. The members of the board
2 appointed by the governor under AS 16.51.020(b)(1) serve at his plea-
3 sure. A vacancy on the board occurring other than by expiration of
4 term shall be filled in the same manner as the original appointment but
5 for the unexpired term only.

6 Sec. 16.51.050. QUORUM. Nine members of the board appointed
7 under AS 16.51.020(b) constitute a quorum for the transaction of busi-
8 ness and the exercise of the powers and duties of the board.

9 Sec. 16.51.060. COMPENSATION OF BOARD MEMBERS. Board members
10 receive no salary, but are entitled to per diem and travel expenses
11 authorized by law for other state boards and commissions under AS 39.-
12 20.180.

13 Sec. 16.51.070. MEETINGS. The board shall meet at least once a
14 year. A meeting of the board shall occur at the call of the chairman,
15 or upon the written request of two members of the board.

16 Sec. 16.51.080. EMPLOYMENT OF PERSONNEL. The board may employ
17 and determine the salary of an executive director. The executive
18 director may, with the approval of the board, select and employ addi-
19 tional staff as necessary. The executive director and all employees of
20 the board are in the exempt service under AS 39.25.

21 Sec. 16.51.090. POWERS. In carrying out the powers of the insti-
22 tute, the board may

- 23 (1) adopt, alter, and use a corporate seal;
24 (2) prescribe, adopt, amend, and repeal bylaws;
25 (3) sue and be sued in the name of the institute;
26 (4) enter into any agreements necessary to the exercise of
27 its powers and functions;
28 (5) cooperate with a public or private board, organization,
or agency engaged in work or activities similar to the work or activi-

1 ties of the institute, including entering into contracts for joint
2 programs of consumer education, sales promotion, quality control,
3 advertising and research in the production, processing, or distribution
4 of seafood;

5 (6) conduct, or contract for, scientific research to develop
6 and discover health, dietetic, or other uses of seafood harvested and
7 processed in the state;

8 (7) receive contributions of money from persons;

9 (8) establish offices in the state and otherwise incur
10 expenses incidental to the performance of its duties;

11 (9) appear on behalf of the institute before boards, commis-
12 sions, departments, or other agencies of municipal, state, or federal
13 government;

14 (10) acquire, hold, lease, sell, or otherwise dispose of
15 property of any kind, real, personal, or mixed, or an interest in it;

16 (11) establish and maintain one or more bank accounts for the
17 transaction of the institute's business;

18 (12) prepare market research and product development plans
19 for the promotion of any species of seafood and their by-products which
20 may be harvested in the state and processed for sale;

21 (13) do everything necessary or desirable to carry out the
22 purposes of the institute.

23 Sec. 16.51.095. EXECUTIVE BUDGET ACT. The operating budget of
24 the institute shall be prepared and submitted in accordance with the
25 Executive Budget Act (AS 37.07).

26 Sec. 16.51.100. DUTIES. The board shall

27 (1) conduct programs of education, research, advertising, or
28 sales promotion designed to accomplish the purposes of this chapter;

(2) promote all species of seafood and their by-products

1 which are harvested in the state and processed for sale;

2 (3) propose quality control programs including product
3 quality standards for seafood harvested and processed in the state;

4 (4) prepare market research and product development plans
5 for the promotion of all species of seafood and their by-products which
6 are harvested in the state and processed for sale; and

7 (5) submit an annual report to the governor and the legisla-
8 ture describing the activities of the institute.

9 Sec. 16.51.110. PROHIBITED PROMOTIONS. The board may not promote
10 or make a contact which promotes seafood by

11 (1) geographic origin other than from the state generally;

12 (2) geographic region of the state; or

13 (3) specific brand name.

14 Sec. 16.51.120. SEAFOOD MARKETING ASSESSMENT. (a) A seafood
15 marketing assessment shall be levied on seafood products purchased in
16 Alaska as provided in (b), (c), or (d) of this section if an election
17 is held in accordance with AS 16.51.140 in which the assessment is
18 approved by eligible processors who together purchase at least 51
19 percent of the value of seafood purchased in Alaska in the calendar
20 year.

21 (b) Each processor who purchases at least \$50,000 or more of
22 seafood products in Alaska shall pay a seafood marketing assessment of
23 .2 percent of the value paid by the processor.

24 (c) Each processor who purchases at least \$50,000 or more of
25 seafood products in Alaska shall pay a seafood marketing assessment of
26 .4 percent of the value paid by the processor.

27 (d) Each processor who purchases at least \$50,000 or more of
28 seafood products in Alaska shall pay a seafood marketing assessment of
29 .6 percent of the value paid by the processor.

1 (e) An election under (a) of this section shall be held if the
2 proposed election for the levying of an assessment under AS 16.51.120-
3 (b), (c), or (d) is approved by a majority of the whole membership of
4 the board at a regularly scheduled meeting.

5 Sec. 16.51.130. TERMINATION OF THE SEAFOOD MARKETING ASSESSMENT.

6 (a) A seafood marketing assessment levied under AS 16.51.120(b), (c),
7 or (d) shall be terminated by the commissioner if

8 (1) an election is held in accordance with AS 16.51.140 in
9 which the termination is approved by eligible processors who together
10 purchase at least 51 percent of the total value of seafood products
11 purchased in Alaska during the calendar year; or

12 (2) the board, at a regularly scheduled meeting, adopts a
13 resolution approved by two-thirds of the voting membership of the board
14 requesting the commissioner of revenue to terminate the assessment.

15 (b) An election under (a)(1) of this section shall be held if

16 (1) the proposed election for the termination of the assess-
17 ment is approved by a majority of the whole membership of the board at
18 a regularly scheduled meeting; or

19 (2) a petition is presented to the director of the division
20 of elections requesting termination of the seafood marketing assessment
21 by eligible processors who together purchase at least 25 percent of the
22 total value of seafood products purchased in Alaska during the calendar
23 year.

24 (c) The institute shall provide notice of an election in accor-
25 dance with AS 16.51.140 within 60 days after receiving notice from the
26 director of the division of elections that a valid petition under
27 (b)(2) of this section has been received.

28 (d) The seafood marketing assessment is terminated under AS 16.-
51.120 on the effective date stated on the ballot.

1 Sec. 16.51.140. PROCEDURES FOR AN ELECTION TO APPROVE OR TERMINATE
2 A SEAFOOD MARKETING ASSESSMENT. (a) The institute may conduct an
3 election under this section after the director of the division of
4 elections approves

5 (1) the notice to be published by the institute;

6 (2) the ballot to be used in the election; and

7 (3) the registration and voting procedures for the approval
8 or termination of the seafood marketing assessment.

9 (b) In conducting the election under this section, the institute
10 shall adopt the following procedures:

11 (1) The proposed levy or termination of the assessment shall
12 be adopted at a regularly scheduled meeting of the board held not less
13 than 60 days before the date on which the ballots must be postmarked to
14 be counted unless the election is for termination of the assessment and
15 has been initiated by a petition under AS 16.51.130(b)(2).

16 (2) The institute shall hold at least one meeting, not less
17 than 30 days before the date on which ballots must be postmarked to be
18 counted, to explain the reason for the proposed seafood marketing
19 assessment or termination of the assessment and to explain the voting
20 procedure to be used in the election. The institute shall provide
21 notice of the meeting by

22 (A) mailing the notice to each eligible processor; and

23 (B) publishing the notice in at least one newspaper of
24 general circulation in each region of the state at least two weeks
25 before the meeting.

26 (3) The institute shall mail ballots to each eligible
27 processor not more than 45 days before the date specified as the date
28 ballots must be postmarked.

 (4) The ballot shall

1 (A) indicate whether the assessment is to be levied
2 under AS 16.51.120(b), (c), or (d) and shall state the percentage
3 of the assessment;

4 (B) indicate the effective date of the levy of the
5 assessment or termination of the assessment;

6 (C) ask whether the assessment shall be levied or, if
7 the election is to terminate the assessment, whether the assess-
8 ment shall be terminated.

9 (5) The ballots shall be returned by mail and shall be
10 counted by the director of the division of elections or his representa-
11 tive.

12 (c) The director of the division of elections shall certify the
13 results of an election under this section if the director determines
14 that the requirements of (a) and (b) of this section have been satis-
15 fied.

16 (d) For the purposes of this section a ballot submitted by a
17 corporation is presumed valid if the ballot is signed by an individual
18 who is indicated to be an officer of the corporation and the ballot is
19 imprinted with the corporate seal.

20 Sec. 16.51.150. DETERMINATION OF VALUE. Upon request from the
21 director of the division of elections, the commissioner of revenue
22 shall determine

23 (1) the total value of seafood products purchased in Alaska
24 during any calendar year;

25 (2) whether the eligible processors approving the levy or
26 termination of a seafood marketing assessment together purchased at
27 least 51 percent of the total value of seafood products purchased in
28 Alaska during the calendar year; or

(3) whether the eligible processors petitioning for an

1 election under AS 16.51.130(b)(2) together purchased at least 25
2 percent of the total value of seafood purchased in Alaska during the
3 calendar year.

4 Sec. 16.51.160. COLLECTION OF ASSESSMENTS AND DISPOSITION OF
5 PROCEEDS. (a) Processors shall remit to the Department of Revenue by
6 April 15 of each year the total amount of the assessment owed on the
7 value paid for seafood products by the processor in the previous cal-
8 endar year.

9 (b) The seafood marketing assessment collected under this chapter
10 shall be deposited in the general fund. The legislature may make
11 appropriations to the Department of Commerce and Economic Development
12 for the purpose of providing financing to the institute based on
13 collections of the seafood marketing assessment, and may appropriate
14 additional money beyond the assessment collected under AS 16.51.120 as
15 need is demonstrated by the institute.

16 Sec. 16.51.170. ENFORCEMENT OF ASSESSMENTS. The provisions of
17 AS 43.10 apply for the enforcement and collection of the seafood
18 marketing assessment.

19 Sec. 16.51.180. DEFINITIONS. In this chapter,

20 (1) "board" means the Board of Directors of the Alaska
21 Seafood Marketing Institute;

22 (2) "institute" means the Alaska Seafood Marketing Insti-
23 tute;

24 (3) "processor" means a person who engages in processing
25 seafood for sale by freezing, cooking, salting, or other method and
26 includes but is not limited to canneries, cold storages, freezer ships,
27 and processing plants;

28 (4) "promote or make a contract which promotes seafood"
means to advertise or publicize, or make a contract for advertising or

1 publicizing, the use, value, attractiveness, or quality of seafood;

2 (5) "seafood" means fin fish, shellfish, and fish by-
3 products, including but not limited to salmon, halibut, herring,
4 flounder, crab, clam, cod, shrimp, and pollock;

5 (6) "value" means the actual price paid for the seafood by
6 the eligible processors, including indirect consideration such as fuel,
7 supplies, or gear, whether paid at the time of purchase of the seafood
8 or tendered as a deferred or delayed payment, except that "value" means
9 the market value of the seafood if the seafood is procured in company-
10 owned or company-subsidized boats operated by employees of the eligible
11 processors or in boats which are operated under lease or other arrange-
12 ment.

13 * Sec. 4. AS 39.25.110 is amended by adding a new paragraph to read:

14 (26) employees of the Alaska Seafood Marketing Institute.

15 * Sec. 5. AS 39.50.200(b) is amended by adding a new paragraph to read:

16 (44) Alaska Seafood Marketing Institute (AS 16.51.010).

17 * Sec. 6. AS 18.90 is repealed.

18 * Sec. 7. AS 16.51.095 added by sec. 3 of this Act applies to operating
19 budgets of the Alaska Seafood Marketing Institute for fiscal years beginning
20 after June 30, 1982.

21 * Sec. 8. Initial appointments to the Board of Directors of the Alaska
22 Seafood Marketing Institute under AS 16.51.020 enacted in sec. 3 of this Act
23 shall be made for the following terms:

24 (1) six members shall serve for one year;

25 (2) six members shall serve for two years;

26 (3) six members shall serve for three years.

27 * Sec. 9. This Act takes effect immediately in accordance with AS 01.10.-
28 070(c).

Orig

HB 198

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 198
 Title Establishing the Alaska Seafood Marketing Institute
 Requested by House Resources Date 3/5/81

II. FISCAL DETAIL

Agency Affected Commerce & Economic Development
 Program Category Affected _____

BRU, Program, or Subprogram(s) Affected _____

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		151.6				
200 TRAVEL		35.0				
300 CONTRACTUAL		1902.8				
400 COMMODITIES		6.6				
500 EQUIPMENT		4.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						

TOTAL

FUNDING (Thousands of Dollars)

GENERAL FUND		2100.0				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		2				
PART TIME		1				
TEMPORARY		1				

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

- 1) Appropriation based upon 10% of estimated tax receipts to be collected under AS 43.75 for calendar year 1980 (see attached letter from the Department of Revenue).
- 2) Administrative costs estimated by the Dept. of Commerce & Economic Development (see attached)

IV. DATE 3/5/81 PREPARED BY Elmer Lindstrom
 AGENCY Legislative Finance
 PHONE 465-3795

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

MEMORANDUM


State of Alaska

TO: Elmer Lindstrom
Legislative Finance

DATE: March 3, 1981

FILE NO:

TELEPHONE NO:

FROM: John Mintken 
Department of Revenue

SUBJECT: House Bill 198

Sec. 16.51.030(b) of House Bill 198 calls for the amount of fish tax collected in the tax year which ended in the prior fiscal year. This means to me that the tax collected figure needed for FY81 is from the tax year ending on 12/31/79. The tax collected for the tax year ending on 12/31/79 would take place in 1980 since the due date of the 1979 tax return is April 1, 1980, and payment is generally made with the filing of the tax return.

The amount of taxes collected for calendar year ending December 31, 1979, by the audit division is approximately \$18,000,000.

This should not be confused with the amount collected for FY80 (ending 6/30/80) which totaled \$14,645,426.

The tax collection figure for FY82 is from the calendar year ending on 12/31/80. The tax collected would take place in 1981 since the due date of the 1980 tax return is April 1, 1981.

The estimate for the calendar year 1980 taxes to be collected in 1981 is approximately \$21,000,000.

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HOUSE BILL NO. 198 (Page 1 of 2)
 Title Establishment of Alaska Seafood Marketing Institute
 Requested by Governor Date 2/17/81

II. FISCAL DETAIL

Agency Affected Commerce & Economic Development
 Program Category Affected Board & Commissions
 BRU, Program, or Subprogram(s) Affected _____
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		151,612	166,773	183,451	201,796	221,975
200 TRAVEL		35,000	38,000	42,000	46,585	51,284
300 CONTRACTUAL		103,388	1,433,727	1,577,000	1,734,800	1,908,200
400 COMMODITIES		6,000	6,600	7,200	7,985	8,785
500 EQUIPMENT		4,000	4,400	4,840	5,320	5,856
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		1,500,000	1,650,000	1,815,000	1,996,500	2,196,150

FUNDING (Thousands of Dollars)

GENERAL FUND		750,000	825,000	907,500	998,250	1,098,075
FEDERAL FUNDS						
OTHER (Specify Fund Source)						
Private contribution derived		750,000	825,000	907,500	998,250	1,098,075
From proposed tax credit						

POSITIONS

FULL TIME		2	2	2	2	2
PART TIME		1	1	1	1	1
TEMPORARY		1	1	1	1	1

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

See attachment

IV. DATE _____

PREPARED BY Richard E. Casanovi
 AGENCY Commerce and Economic Development
 PHONE 465-2018

AMENDMENTS TO CSHB 198 (Finance Resources)

Pg. 4, line 20, add: The executive director and all employees of the board are in the exempt service under AS 39.25.

Pg. 5, after line 22, add:

Sec. ____ . EXECUTIVE BUDGET ACT. The operating budget of the institute shall be prepared and submitted in accordance with the Executive Budget Act (AS 37.07) for fiscal years beginning after June 30, 1982.

Pg. 5, delete lines 26-27.

Pg. 11. Add a new section after line 20 to read:

Sec. 7 . AS 39.25.110 is amended by adding a new paragraph to read:

(26) employees of the Alaska Seafood Marketing Institute

Original sponsor: Rules/Governor

Offered: 4/1/81
Referred: Finance

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 198 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the promotion of the marketing of
7 seafood; and providing for an effective date."

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

9 * Section 1. FINDINGS. The legislature finds that a cooperative effort
10 by the state and private industry to stabilize and develop the seafood indus-
11 try of Alaska, promote quality control within the industry, and foster
12 expansion of the market for Alaska seafoods throughout the state, nation,
13 and world is in the public interest and is a valid public purpose. The
14 legislature further finds that such a cooperative effort would inure to the
15 benefit of the seafood industry in Alaska, and that some of the costs of
16 maintaining such an effort should be borne by the industry. The legislature
17 further recognizes that assessments which seafood processors levy upon them-
18 selves under this Act are levied to reimburse the state for the industry's
19 rightful share of the seafood marketing effort, while reserving its right
20 under the state constitution to spend the money so collected for any purpose.
21 The legislature finds that public financing of this program in excess of the
22 amounts realized from the assessment during the development phases of the
23 program is appropriate.

24 * Sec. 2. PURPOSE. The purposes of this Act are to

25 (1) encourage the seafood industry in the state to make greater
26 use of the seafood resources in the coastal and freshwater areas of the
27 state;

28 (2) expand the range of species of seafood harvested by the
29 seafood industry in the state;

1 ~~presented to the governor by~~ ^{the} seafood processors;

2 (2) five members ^{Commercial fishermen} appointed by the governor ^{ing industry} from nominees
3 ~~presented to the governor by commercial fishermen.~~ ^{ing industry}

4 (c) The board shall also include the following three nonvoting
5 members:

6 (1) one member of the senate appointed by the president of
7 the senate at the beginning of each legislature;

8 (2) one member of the house of representatives appointed by
9 the speaker of the house of representatives at the beginning of each
10 legislature;

11 (3) the commissioner of commerce and economic development or
12 his designee.

13 (d) Nine members of the board appointed under (b)(1) of this
14 section must be persons nominated by seafood processors having an
15 annual payroll in the state of \$1,000,000 or more. Four members of the
16 board appointed under (b)(1) of this section must be persons nominated
17 by seafood processors having an annual payroll in the state of at least
18 \$100,000, but less than \$1,000,000. Five members of the board appointed
19 under (b)(2) of this section must be persons nominated by organizations
20 of commercial fishermen.

21 (e) The board shall annually elect a chairman and other necessary
22 officers from among its members.

23 Sec. 16.51.030. TERM OF OFFICE. (a) The members of the legisla-
24 ture appointed to the board under AS 16.51.020(c) serve for the duration
25 of the legislature during which they were appointed.

26 (b) The members of the board appointed by the governor under
27 AS 16.51.020(b) serve three-year terms and may be reappointed. Terms
28 shall be staggered. An appointee to fill a vacancy shall hold office
29 for the balance of the term for which his predecessor on the board was

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

Original sponsor: Rules/Governor

Offered: 4/1/81
Referred: Finance

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 198 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

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7 seafood; and providing for an effective date."

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

9 * Section 1. FINDINGS. The legislature finds that a cooperative effort
10 by the state and private industry to stabilize and develop the seafood indus-
11 try of Alaska, promote quality control within the industry, and foster
12 expansion of the market for Alaska seafoods throughout the state, nation,
13 and world is in the public interest and is a valid public purpose. The
14 legislature further finds that such a cooperative effort would inure to the
15 benefit of the seafood industry in Alaska, and that some of the costs of
16 maintaining such an effort should be borne by the industry. The legislature
17 further recognizes that assessments which seafood processors levy upon them-
18 selves under this Act are levied to reimburse the state for the industry's
19 rightful share of the seafood marketing effort, while reserving its right
20 under the state constitution to spend the money so collected for any purpose.
21 The legislature finds that public financing of this program in excess of the
22 amounts realized from the assessment during the development phases of the
23 program is appropriate.

24 * Sec. 2. PURPOSE. The purposes of this Act are to

25 (1) encourage the seafood industry in the state to make greater
26 use of the seafood resources in the coastal and freshwater areas of the
27 state;

28 (2) expand the range of species of seafood harvested by the
29 seafood industry in the state;

1 (3) enable the seafood industry to maintain and enhance the
2 quality and purity of seafood harvested and processed by fishermen and
3 processors in the state;

4 (4) enable the seafood industry in the state to stimulate consumer
5 identification of Alaska seafood to increase the use and consumption of
6 seafood harvested and processed in the state;

7 (5) stabilize and diversify the distribution of seafood products
8 processed and harvested in the state by encouraging consumers to purchase
9 Alaska seafood;

10 (6) provide for the reimbursement to the state, through assess-
11 ments made on seafood processors, a part of the financial assistance provided
12 by the state to maintain the seafood marketing effort provided for under
13 this Act;

14 (7) create an effort which will be financed jointly by the state
15 and by seafood processors.

16 * Sec. 3. AS 16 is amended by adding a new chapter to read:

17 CHAPTER 51. ALASKA SEAFOOD MARKETING INSTITUTE.

18 Sec. 16.51.010. ALASKA SEAFOOD MARKETING INSTITUTE ESTABLISHED.

19 There is established the Alaska Seafood Marketing Institute. The
20 institute is a public corporation of the state. It is an instrumentality
21 of the state in the Department of Commerce and Economic Development,
22 but has a legal existence independent of and separate from the state.
23 Exercise by the institute of the powers conferred by this chapter is an
24 essential governmental function of the state.

25 Sec. 16.51.020. BOARD OF DIRECTORS. (a) The governing body of
26 the institute is a board of directors.

27 (b) The board shall consist of 18 voting members appointed as
28 follows:

29 (1) thirteen members appointed by the governor from ~~nominees~~

1 ~~presented to the governor by~~ ^{the} seafood processors;

2 (2) five members appointed by the governor, ^{Commercial fishermen} ~~from nominees~~
3 ~~presented to the governor by commercial fishermen.~~ ^{ing industry}

4 (c) The board shall also include the following three nonvoting
5 members:

6 (1) one member of the senate appointed by the president of
7 the senate at the beginning of each legislature;

8 (2) one member of the house of representatives appointed by
9 the speaker of the house of representatives at the beginning of each
10 legislature;

11 (3) the commissioner of commerce and economic development or
12 his designee.

13 (d) Nine members of the board appointed under (b)(1) of this
14 section must be persons nominated by seafood processors having an
15 annual payroll in the state of \$1,000,000 or more. Four members of the
16 board appointed under (b)(1) of this section must be persons nominated
17 by seafood processors having an annual payroll in the state of at least
18 \$100,000, but less than \$1,000,000. Five members of the board appointed
19 under (b)(2) of this section must be persons nominated by organizations
20 of commercial fishermen.

21 (e) The board shall annually elect a chairman and other necessary
22 officers from among its members.

23 Sec. 16.51.030. TERM OF OFFICE. (a) The members of the legisla-
24 ture appointed to the board under AS 16.51.020(c) serve for the duration
25 of the legislature during which they were appointed.

26 (b) The members of the board appointed by the governor under
27 AS 16.51.020(b) serve three-year terms and may be reappointed. Terms
28 shall be staggered. An appointee to fill a vacancy shall hold office
29 for the balance of the term for which his predecessor on the board was

1 appointed.

2 Sec. 16.51.040. REMOVAL AND VACANCIES. The members of the board
3 appointed by the governor under AS 16.51.020(b)(1) serve at his plea-
4 sure. A vacancy on the board occurring other than by expiration of
5 term shall be filled in the same manner as the original appointment but
6 for the unexpired term only.

7 Sec. 16.51.050. QUORUM. Nine members of the board appointed
8 under AS 16.51.020(b) constitute a quorum for the transaction of
9 business and the exercise of the powers and duties of the board.

10 Sec. 16.51.060. COMPENSATION OF BOARD MEMBERS. Board members
11 receive no salary, but are entitled to per diem and travel expenses
12 authorized by law for other state boards and commissions under AS 39.-
13 20.180.

14 Sec. 16.51.070. MEETINGS. The board shall meet at least once a
15 year. A meeting of the board shall occur at the call of the chairman,
16 or upon the written request of two members of the board.

17 Sec. 16.51.080. EMPLOYMENT OF PERSONNEL. The board may employ
18 and determine the salary of an executive director. The executive
19 director may, with the approval of the board, select and employ addi-
20 tional staff as necessary.

21 Sec. 16.51.090. POWERS. In carrying out the powers of the insti-
22 tute, the board may

- 23 (1) adopt, alter, and use a corporate seal;
24 (2) prescribe, adopt, amend, and repeal bylaws;
25 (3) sue and be sued in the name of the institute;
26 (4) enter into any agreements necessary to the exercise of
27 its powers and functions;
28 (5) cooperate with a public or private board, organization,
29 or agency engaged in work or activities similar to the work or activi-

1 ties of the institute, including entering into contracts for joint
2 programs of consumer education, sales promotion, quality control,
3 advertising and research in the production, processing, or distribution
4 of seafood;

5 (6) conduct, or contract for, scientific research to develop
6 and discover health, dietetic, or other uses of seafood harvested and
7 processed in the state;

8 (7) receive contributions of money from persons;

9 (8) establish offices in the state and otherwise incur
10 expenses incidental to the performance of its duties;

11 (9) appear on behalf of the institute before boards, commis-
12 sions, departments, or other agencies of municipal, state, or federal
13 government;

14 (10) acquire, hold, lease, sell, or otherwise dispose of
15 property of any kind, real, personal, or mixed, or an interest in it;

16 (11) establish and maintain one or more bank accounts for the
17 transaction of the institute's business;

18 (12) prepare market research and product development plans
19 for the promotion of any species of seafood and their by-products which
20 may be harvested in the state and processed for sale;

21 (13) do everything necessary or desirable to carry out the
22 purposes of the institute.

23 Sec. 16.51.100. DUTIES. The board shall

24 (1) conduct programs of education, research, advertising, or
25 sales promotion designed to accomplish the purposes of this chapter;

26 (2) annually prepare a budget of those expenses proposed to
27 be incurred by the board in carrying out this chapter;

28 (3) promote all species of seafood and their by-products
29 which are harvested in the state and processed for sale;

1 (4) propose quality control programs including product
2 quality standards for seafood harvested and processed in the state;

3 (5) prepare market research and product development plans
4 for the promotion of all species of seafood and their by-products which
5 are harvested in the state and processed for sale; and

6 (6) submit an annual report to the governor and the legisla-
7 ture describing the activities of the institute.

8 Sec. 16.51.110. PROHIBITED PROMOTIONS. The board may not promote
9 or make a contact which promotes seafood by

10 (1) geographic origin other than from the state generally;

11 (2) geographic region of the state; or

12 (3) specific brand name.

13 Sec. 16.51.120. SEAFOOD MARKETING ASSESSMENT. (a) A seafood
14 marketing assessment shall be levied on seafood products purchased in
15 Alaska as provided in (b), (c), or (d) of this section if an election
16 is held in accordance with AS 16.51.140 in which the assessment is
17 approved by eligible processors who together purchase at least 51
18 percent of the value of seafood purchased in Alaska in the calendar
19 year.

20 (b) Each processor who purchases at least \$50,000 or more of
21 seafood products in Alaska shall pay a seafood marketing assessment of
22 .2 percent of the value paid by the processor.

23 (c) Each processor who purchases at least \$50,000 or more of
24 seafood products in Alaska shall pay a seafood marketing assessment of
25 .4 percent of the value paid by the processor.

26 (d) Each processor who purchases at least \$50,000 or more of
27 seafood products in Alaska shall pay a seafood marketing assessment of
28 .6 percent of the value paid by the processor.

29 (e) An election under (a) of this section shall be held if the

1 proposed election for the levying of an assessment under AS 16.51.120-
2 (b), (c), or (d) is approved by a majority of the whole membership of
3 the board at a regularly scheduled meeting.

4 Sec. 16.51.130. TERMINATION OF THE SEAFOOD MARKETING ASSESSMENT.

5 (a) A seafood marketing assessment levied under AS 16.51.120(b), (c),
6 or (d) shall be terminated by the commissioner if

7 (1) an election is held in accordance with AS 16.51.140 in
8 which the termination is approved by eligible processors who together
9 purchase at least 51 percent of the total value of seafood products
10 purchased in Alaska during the calendar year; or

11 (2) the board, at a regularly scheduled meeting, adopts a
12 resolution approved by two-thirds of the voting membership of the board
13 requesting the commissioner of revenue to terminate the assessment.

14 (b) An election under (a)(1) of this section shall be held if

15 (1) the proposed election for the termination of the assess-
16 ment is approved by a majority of the whole membership of the board at
17 a regularly scheduled meeting; or

18 (2) a petition is presented to the director of the division
19 of elections requesting termination of the seafood marketing assessment
20 by eligible processors who together purchase at least 25 percent of the
21 total value of seafood products purchased in Alaska during the calendar
22 year.

23 (c) The institute shall provide notice of an election in accor-
24 dance with AS 16.51.140 within 60 days after receiving notice from the
25 director of the division of elections that a valid petition under
26 (b)(2) of this section has been received.

27 (d) The seafood marketing assessment is terminated under AS 16.-
28 51.120 on the effective date stated on the ballot.

29 Sec. 16.51.140. PROCEDURES FOR AN ELECTION TO APPROVE OR TERMINATE

1 A SEAFOOD MARKETING ASSESSMENT. (a) The institute may conduct an
2 election under this section after the director of the division of
3 elections approves

4 (1) the notice to be published by the institute;

5 (2) the ballot to be used in the election; and

6 (3) the registration and voting procedures for the approval
7 or termination of the seafood marketing assessment.

8 (b) In conducting the election under this section, the institute
9 shall adopt the following procedures:

10 (1) The proposed levy or termination of the assessment shall
11 be adopted at a regularly scheduled meeting of the board held not less
12 than 60 days before the date on which the ballots must be postmarked to
13 be counted unless the election is for termination of the assessment and
14 has been initiated by a petition under AS 16.51.130(b)(2).

15 (2) The institute shall hold at least one meeting, not less
16 than 30 days before the date on which ballots must be postmarked to be
17 counted, to explain the reason for the proposed seafood marketing
18 assessment or termination of the assessment and to explain the voting
19 procedure to be used in the election. The institute shall provide
20 notice of the meeting by

21 (A) mailing the notice to each eligible processor; and

22 (B) publishing the notice in at least one newspaper of
23 general circulation in each region of the state at least two weeks
24 before the meeting.

25 (3) The institute shall mail ballots to each eligible proces-
26 sor not more than 45 days before the date specified as the date ballots
27 must be postmarked.

28 (4) The ballot shall

29 (A) indicate whether the assessment is to be levied

1 under AS 16.51.120(b), (c), or (d) and shall state the percentage
2 of the assessment;

3 (B) indicate the effective date of the levy of the
4 assessment or termination of the assessment;

5 (C) ask whether the assessment shall be levied or, if
6 the election is to terminate the assessment, whether the assessment
7 shall be terminated.

8 (5) The ballots shall be returned by mail and shall be
9 counted by the director of the division of elections or his representa-
10 tive.

11 (c) The director of the division of elections shall certify the
12 results of an election under this section if the director determines
13 that the requirements of (a) and (b) of this section have been satis-
14 fied.

15 (d) For the purposes of this section a ballot submitted by a
16 corporation is presumed valid if the ballot is signed by an individual
17 who is indicated to be an officer of the corporation and the ballot is
18 imprinted with the corporate seal.

19 Sec. 16.51.150. DETERMINATION OF VALUE. Upon request from the
20 director of the division of elections, the commissioner of revenue
21 shall determine

22 (1) the total value of seafood products purchased in Alaska
23 during any calendar year;

24 (2) whether the eligible processors approving the levy or
25 termination of a seafood marketing assessment together purchased at
26 least 51 percent of the total value of seafood products purchased in
27 Alaska during the calendar year; or

28 (3) whether the eligible processors petitioning for a
29 election under AS 16.51.130(b)(2) together purchased at least 25 percent

1 of the total value of seafood purchased in Alaska during the calendar
2 year.

3 Sec. 16.51.160. COLLECTION OF ASSESSMENTS AND DISPOSITION OF
4 PROCEEDS. (a) Processors shall remit to the Department of Revenue by
5 April 15 of each year the total amount of the assessment owed on the
6 value paid for seafood products by the processor in the previous cal-
7 endar year.

8 (b) The seafood marketing assessment collected under this chapter
9 shall be deposited in the general fund. The legislature may make
10 appropriations to the Department of Commerce and Economic Development
11 for the purpose of providing financing to the institute based on collec-
12 tions of the seafood marketing assessment, and may appropriate addi-
13 tional money beyond the assessment collected under AS 16.51.120 as need
14 is demonstrated by the institute.

15 Sec. 16.51.170. ENFORCEMENT OF ASSESSMENTS. The provisions of
16 AS 43.10 apply for the enforcement and collection of the seafood market-
17 ing assessment.

18 Sec. 16.51.180. DEFINITIONS. In this chapter,

19 (1) "board" means the Board of Directors of the Alaska
20 Seafood Marketing Institute;

21 (2) "institute" means the Alaska Seafood Marketing Institute;

22 (3) "processor" means a person who engages in processing
23 seafood for sale by freezing, cooking, salting, or other method and
24 includes but is not limited to canneries, cold storages, freezer ships,
25 and processing plants.

26 (4) "promote or make a contract which promotes seafood"
27 means to advertise or publicize, or make a contract for advertising or
28 publicizing, the use, value, attractiveness, or quality of seafood;

29 (5) "seafood" means fin fish, shellfish, and fish by-

1 products, including but not limited to salmon, halibut, herring,
2 flounder, crab, clam, cod, shrimp, and pollock;

3 (6) "value" means the actual price paid for the seafood by
4 the eligible processors, including indirect consideration such as fuel,
5 supplies, or gear, whether paid at the time of purchase of the seafood
6 or tendered as a deferred or delayed payment, except that "value" means
7 the market value of the seafood if the seafood is procured in company-
8 owned or company-subsidized boats operated by employees of the eligible
9 processors or in boats which are operated under lease or other arrange-
10 ment.

11 * Sec. 4. AS 39.50.200(b) is amended by adding a new paragraph to read:

12 (44) Alaska Seafood Marketing Institute (AS 16.51.010).

13 * Sec. 5. AS 18.90 is repealed.

14 * Sec. 6. Initial appointments to the Board of Directors of the Alaska
15 Seafood Marketing Institute under AS 16.51.020 enacted in sec. 3 of this Act
16 shall be made for the following terms:

17 (1) six members shall serve for one year;

18 (2) six members shall serve for two years;

19 (3) six members shall serve for three years.

20 * Sec. 7. This Act takes effect immediately in accordance with AS 01.10.-
21 070(c).

HB 198

February 13, 1981

The Honorable Jim Duncan
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill which would establish the Alaska Seafood Marketing Institute. This bill would also provide a tax credit to seafood processors who contribute money to the institute.

The intent of this bill is to establish one policy-making group with enough authority and financing to promote seafood harvested in Alaska waters. The Alaska Seafood Marketing Institute would be charged with the task of making consumers aware of Alaska seafood products. Equally important would be the duty of the institute to recommend quality control programs and product quality standards for adoption by fishermen and seafood processors in the state.

Proposed sec. 16.51.030 would provide, basically, a statement of intent that the legislature would appropriate money for the operation of the institute according to the amount contributed to the institute by seafood processors. While this section does not prevent a later legislature from appropriating more or less money to the institute, my philosophy that those who receive must also pay is clearly implied. However, seafood processors are given a substantial financial benefit in sec. 4 of the bill. This section would provide a tax credit to a processor who contributes money to the institute. The intent of this section is to encourage and reward those processors who are concerned enough to invest in the program and the future of the seafood industry in the state.

Sincerely,

S/JSH

Jay S. Hammond
Governor

THE ALASKA SEAFOOD MARKETING INSTITUTE - A BRIEFING PAPER

What is the Institute?

The Alaska Seafood Marketing Institute (ASMI) is a private non-profit corporation of seafood processors and fishermen formed last year as a result of the disastrous market disruptions that hit the Alaska seafood industry. Legislation and funding for ASMI passed the legislature in 1980, but the legislation was vetoed due to constitutional problems. Despite the veto, the governor supported the concept, and provided \$1.2 million to continue to develop the idea through the Alaska Renewable Resources Corporation (ARRC).

ASMI is directed by a 22-member board; 18 voting members represent Alaska fishermen and large and small processors, and four non-voting members represent the legislature, the Administration, and ARRC. Dues-paying members currently account for a large percentage of the seafood processed in Alaska.

The overall goal of ASMI is to promote consumption and stabilize market demand for Alaska seafood products through generic promotion and advertising, directed to national and international consumers. ASMI is also developing quality assurance guidelines for its members to ensure Alaska's reputation as a producer of excellent quality seafood products.

Why should the State of Alaska assist in the funding of ASMI?

Fisheries are the state's largest private employer. Fishing has been and will continue to be the backbone of many communities in the state. The industry has been supporting a number of species promotion groups - combined industry contributions equaled \$807,000 in 1980. But, the economic crisis currently affecting the industry makes it impossible to do even the long-term market development work necessary to support the marketing of species with existing promotional efforts - let alone to do the work needed to develop markets for the bottomfish resources of Alaska. A partnership between the state and the industry will allow for planned and proven real growth in the fishing industry that will stabilize the income for all Alaskans involved in or associated with it.

Strong evidence of the need for a partially state-supported marketing group is the fact that while 1980 saw the 4th largest year in history for the salmon industry, the highest king crab harvest level, and record herring harvests, the value of Alaska's fisheries products to its fishermen declined --from an estimated \$630 million in 1979 to about \$550 million in 1980. Because of the collapse of Alaska's primary market, Japan, the price paid for nearly every species harvested in the state's waters dropped, during a period of high inflation. Estimates of the total

ASMI BRIEFING PAPER

wholesale value of Alaska's fish reflect the same dismal picture, dropping nearly \$100 million (to just over \$1 billion) in 1980 despite an increase of at least 30 million pounds of production.

Generic marketing is not a new concept. The state currently supports the \$280 million tourism industry with approximately \$3 million in public monies annually. The Florida Citrus Growers annual budget is \$50 million, California Avocado Growers spend \$5 million, Washington spends about \$3 million annually promoting apples, and the California Dairy Association spends about \$14 million in California alone promoting milk. Many coastal states have developed and supported seafood marketing groups.

What has ASMI done with the \$1.2 million grant for this fiscal year?

Almost the entire budget is going directly to advertising and promotional efforts. \$730,500 is going to support existing promotional groups--\$481,000 for canned and frozen salmon, \$215,500 to king and snow crab, and \$34,000 for halibut. This money is being used to match sums already committed by the industry. Among the results is a national radio advertising campaign with supporting recipes and promotional materials urging people to "Buy Salmon" in 21 major cities across the country, beginning February 2, 1981.

One of the most important projects is the development of a strategic marketing plan. A \$50,000 contract has been let to the nation's largest food service advertising firm to develop that plan. It will provide market research and strategy development regarding consumers, or potential consumers of Alaska seafood. With a solid base of marketing information built, ASMI will be able to target promotional efforts so marketing dollars can provide the greatest return. The plan will also provide a baseline to measure the success or failure of ASMI with respect to its goals. The marketing strategy will include budget levels that should result in greater returns on promotional investments than costs of the program, to ensure that the state and the industry are using their money wisely.

50,000
quality
control
100,000
admin
services
200,000
remain

\$20,000 is being used to develop bottomfish strategy and basic marketing materials. The goal of ASMI is to help the greatest number of participants in the industry to the maximum extent possible, which means that we won't be spending a lot of money promoting bottomfish until there are a lot of Americans harvesting and processing bottomfish. Outside of administrative expenses and appropriations for development of quality guidelines, the balance of the 1980 fiscal year budget for ASMI is currently unallocated.

Why target on high-value species like salmon & crab rather than bottomfish?

As mentioned above, the goal is to help create a healthy industry - that means working to increase the market demand for existing species. Unless the industry is making money on their primary products there is

ASMI BRIEFING PAPER

no incentive to move into the riskier bottomfish fisheries. Products like frozen salmon and blackcod (sablefish) represent an area of great potential for the industry - and marketing efforts will follow the growth of the products.

Why should the state support a group that includes non-Alaskan companies?

The reality of the Alaskan fishing industry is that much of the ownership is "outside". However, it is a labor intensive industry, and much of the economy generated from the industry remains in Alaska. The goal of an industry-wide promotional group is to promote a healthier market for the entire industry, which means working in close concert with the strength of the industry regardless of location of ownership.

Is ASMI organized to help "big guys" or "little guys"? What is ASMI doing to help the fishermen?

The efforts of ASMI are designed to help everyone. Fishermen, and large and small processors sit on the board, and all will benefit from the programs. As "target areas" are defined, the marketing efforts of all the companies will be directed to take advantage of the promotion. Smaller companies will be able to utilize promotional material developed by ASMI, and also target their marketing plans to follow the trail-breaking efforts of ASMI. The Institute does not provide actual marketing services for any company - just promotional and advertising efforts for the industry as a whole. The fishermen, by sitting on the board and participating in the committees, will gain and maintain a greater understanding of all aspects of the marketing of the products, and be in a better position to negotiate for their fair share of the results.

What about Japanese ownership?

More important than foreign ownership is the issue of market control. One of the primary reasons for the creation of ASMI is to broaden the market base so that a collapse of one market won't throw the entire industry into a tailspin as it did late in 1979. The most graphic result was the waste of at least 100 million pounds of harvestable sockeye salmon in Bristol Bay in 1980, while fishermen struck as prices offered were about half of 1979 prices paid. The bankruptcy of many involved in the seafood industry, including one of Alaska's largest processors, is also attributable to the market collapse in Japan.

Assuming that the state wishes to address the issue of greater Alaskan ownership of the fisheries industry, an oft-heard cry from many Alaskans, the efforts of ASMI should be valuable. Clearly a stable and prosperous industry will attract greater interest in terms of its investment potential, and this in itself can be expected to encourage more Alaskans to enter into the fisheries business field, by creation of new companies, purchase of interest in existing companies, or in industry support services. Given the historical background of the industry,

ASMI BRIEFING PAPER

it is highly unrealistic to expect a dramatic turnaround in the basic ownership character overnight, or even in the 2-3 years since this has become an issue.

What about quality control?

The industry recognizes that quality is the most important factor in marketing the product. ASMI is developing quality guidelines for the members, through a contract with the National Food Processors Association. These guidelines will play an important role in the marketing strategy of ASMI. If the industry can deal effectively with the quality issue, it should be unnecessary for the state to get involved in quality control, circumventing the enlargement of the bureaucracy in this connection.

Summary

The Alaska Seafood Marketing Institute is an organization set up to help identify and solve the problems which have caused an economic crisis in the Alaska seafood industry. The virtually unprecedented cooperation of fishing organizations and processing companies in this endeavor, and the combination of industry and State of Alaska financial contributions gives a favorable outlook for the achievement of ASMI's stated goals of increasing the quality, marketability and consumption of Alaska seafood products. This effort is particularly important due to the need of the State of Alaska to develop stable renewable resource based industries to provide continued economic growth.

Memo: To House Finance Committee
From: Eric Eckholm, Executive Director
Alaska Seafood Marketing Institute
Re: Technical amendments to HB 198

Page 2, line 29--Change to read the Governor may choose from a list supplied from the industry for each category. This requested by Governor's office so as to be not restrictive to the Governor.

Page 3, line 6-10 Governor's office would like to see legislative appointments deleted. They cite possible conflicts.

Page 6, line 20--add sections including .1%, .3%, delete .6% . This would allow greater flexibility on the part of the industry in determining assessment.

Page 6, line 1--(propose), add Develop and Administer quality ..
line 2--(standards), add Specifications

Page 11, line 3--"value" means actual price paid for the seafood by the eligible processors as reflected on the fish ticket documents, and includes all advances or fuel allowances given to the fisherman.

Page 11, line 11--add;"eligible processor" means a person or company with a valid intent to operate from the Alaska Department of Fish and Game.

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill 198
 Title "An Act relating to the promotion of the marketing of seafood;"
 Requested by Senator Mulcahy Date 5-6-81

II. FISCAL DETAIL

Agency Affected Office of the Governor
 Program Category Affected Legislative and Elective Operations
 BRU, Program, or Subprogram(s) Affected Division of Elections
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES	- 0 -	- 0 -				
200 TRAVEL	- 0 -	- 0 -				
300 CONTRACTUAL	- 0 -	- 0 -				
400 COMMODITIES	- 0 -	- 0 -				
500 EQUIPMENT	- 0 -	- 0 -				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	- 0 -	- 0 -				

FUNDING (Thousands of Dollars)

GENERAL FUND	- 0 -	- 0 -				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

Negligible fiscal impact for the Division of Elections.

Dana C. Coffman

IV. DATE May 6, 1981 PREPARED BY Dana C. Coffman
 AGENCY Division of Elections
 PHONE 586-6181
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HOUSE BILL NO. 198 (page 1 of 2)
Title Establishment of Alaska Seafood Marketing Institute
Requested by Governor Date 2/17/81

II. FISCAL DETAIL

Agency Affected Commerce & Economic Development
Program Category Affected Board & Commissions
BRU, Program, or Subprogram(s) Affected _____

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		151,612	166,773	183,451	201,796	221,975
200 TRAVEL		35,000	38,500	42,350	46,585	51,244
300 CONTRACTUAL		303,388	1,433,727	1,577,099	1,734,809	1,908,290
400 COMMODITIES		6,000	6,600	7,260	7,986	8,785
500 EQUIPMENT		4,000	4,400	4,840	5,324	5,856
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		1,500,000	1,650,000	1,815,000	1,996,500	2,196,150

FUNDING (Thousands of Dollars)

GENERAL FUND		750,000	825,000	907,500	998,250	1,098,075
FEDERAL FUNDS						
OTHER (Specify Fund Source)						
Private contribution derived from proposed tax credit		750,000	825,000	907,500	998,250	1,098,075

POSITIONS

FULL TIME		2	2	2	2	2
PART TIME		1	1	1	1	1
TEMPORARY		1	1	1	1	1

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

See attachment

IV. DATE _____ PREPARED BY Richard E. Reynolds
AGENCY Commerce and Econ. Dev.
PHONE 465-2018
Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

Fiscal Note - Alaska Seafood Marketing Institute

Part III - Analysis

Assumptions: That contributions based on credits against fisheries business tax (and corresponding general fund appropriations) are able to increase at a rate of 10 percent per year. 1982 base costs are similarly inflated for the years following.

Positions: The following positions and costs in 1982 are summarized under personal services:

	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Director/Office Manager	\$52,000	\$12,007	\$64,007
Research, writing, reception	25,000	5,839	30,839
Special Projects Manager (part-time)	28,000	5,525	34,525
Data Programmer (part-time)	18,000	4,241	22,241
			<u>\$151,612</u>

Expenditures:

Detail of contractual total in 1982 is provided below:

Program	\$1,262,388
Space rental	6,000
Janitorial	2,000
Legal/accounting	12,000
Telephone	4,000
Equipment rental	5,000
Copying & printing	8,000
Board meeting related	4,000
	<u>\$1,303,388</u>

Program:

The budgeted program encompasses seafood market promotion, product development, market research activities called for in the legislation. Specific projects to be developed by the appointed board.

The program amount is derived by subtracting "administrative" costs from the amount presumed to be available.

Orig

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 198
Title An Act establishing the Alaska Seafood Marketing Institute
Requested by House Resources Committee Date 2-25-81

II. FISCAL DETAIL

Agency Affected Department of Revenue
Program Category Affected Revenue Collection and Management
BRU, Program, or Subprogram(s) Affected Audit Division
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars) NONE

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						

TOTAL

FUNDING (Thousands of Dollars) NONE

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS NONE

FULL TIME						
PART TIME						
TEMPORARY						

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

IV. DATE 3-4-81

PREPARED BY Gary L. Jenkins
AGENCY Audit Division
PHONE 465-2320

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

Orig
HB 198

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill 198
 Title An Act establishing the Alaska Seafood Marketing Institute
 Requested by House Resources and Finance Committee Date 02/27/81

II. FISCAL DETAIL

Agency Affected _____
 Program Category Affected _____
 BRU, Program, or Subprogram(s) Affected _____
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)
EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						

TOTAL

FUNDING (Thousands of Dollars)

GENERAL FUND		(880.0)	(970.0)	(1,065.0)	(1,170.0)	(1,285.0)
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

The above figures reflect the subsequent decrease in the fisheries business taxes (AS 43.75.015 and AS 43.75.100) if a tax credit is granted to partially fund the Alaska Seafood Marketing Institute. Assumptions are based on a 100% participation by the industry, a maximum 5% tax credit, and a 10% inflation rate for the years following a FY 1982 base year for which revenues have been estimated.

IV. DATE 02/27/81 PREPARED BY Robert W. Elliott
 AGENCY Revenue
 Original: Legislative Finance PHONE 465-2309
 cc: Budget and Management
Prime Sponsor (First Legislator Named)

COMMITTEE REPORT

3/5

HOUSE

FURTHER: FINANCE

(7)

3/1/82

Date: Mar 3, 1982

Mr. Speaker: (Taken from Finance 3/1/82)

The Committee on JUDICIARY has had HB 199

"An Act relating to the Guide Board; and providing for an effective date."

under consideration and (a majority of the committee) -- (the committee) ---- reports it back with the following recommendations:

- do pass [] do not pass
- [] do pass with attached amendments(s)
- replace with CS for ~~HB 199~~ HB 199 (Jud) same title new title and recommends _____
- [] AND attaches a "Letter of Intent" New Fiscal Note
- [] reports it back without recommendation *or 'as follows'*
- [] referred to the _____ Committee

MEMBERS SIGNING DO PASS

Charles Anderson

Freeman

ROD F. PELL - Do Pass

MEMBERS HAVING OTHER RECOMMENDATIONS:

Richard D. Tennell No Rec

Melkins No Rec

James H. Barnes No Rec

James H. Barnes

CHAIRMAN

COMMITTEE REPORT

3/1/82

HOUSE

(7)

FURTHER: FINANCE

1/13/82

Date: Feb 25, 1982

Mr. Speaker: (Taken from Rules 5/4/81) (Taken from Finance 1/12/82)

The Committee on RESOURCES has had HB 199

"An Act relating to the Guide Board; and providing for an effective date."

under consideration and ~~xxxxxxx~~ reports it back with the following recommendations:

- [] do pass [] do not pass
[] do pass with attached amendments(s)
[] replace with CS for CS HB199 (2d Res) [] same title [X] new title
and recommends do pass
[] AND attaches a "Letter of Intent" [] New Fiscal Note
[] reports it back without recommendation
[] referred to the Committee

MEMBERS SIGNING DO PASS

Handwritten signatures of committee members who support the bill.

MEMBERS HAVING OTHER RECOMMENDATIONS:

Handwritten signatures and notes of committee members with other recommendations.

Ken Fanning CHAIRMAN

COMMITTEE REPORT

HOUSE

4/23

2/19/81

FURTHER: Rules

(11)

Date: 4/23/81

Mr. Speaker:

The Committee on RESOURCES has had HB 199

"An Act relating to the Guide Board; and providing for an effective date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

[] do pass [] do not pass

[] do pass with attached amendments(s)

[X] replace with CS for HB 199 (Rev) [X] same title new title and recommends DO PASS

[] AND attaches a "Letter of Intent" [] New Fiscal Note

[] reports it back without recommendation

[] referred to the _____ Committee

MEMBERS SIGNING DO PASS

MEMBERS HAVING OTHER RECOMMENDATIONS:

Robert B. Bennett
Darron Fulber
James Vaska
Dale Smith
Terry Gardner

Rick Helford No REC
Eun G. Seitel No REC
Fred J. Zhauff No REC
Demora Jones No REC

Terry Gardner
Fred J. Zhauff
CO-CHAIRMAN

Hein

Original sponsor: Rules/Governor

Offered: 3/5/82

Referred: Finance

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 199 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to guiding; and providing for an
7 effective date."

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

9 * Section 1. AS 08.01.010(20) is amended to read:

10 (20) Guide [LICENSING AND CONTROL] Board;

11 * Sec. 2. AS 08.03.010(c)(20) is amended to read:

12 (20) Guide [LICENSING AND CONTROL] Board (AS 08.54.010) --

13 June 30, 1984 [1982].

14 * Sec. 3. AS 08.54.010 is amended to read:

15 ARTICLE 1. GUIDE [LICENSING AND CONTROL] BOARD.

16 Sec. 08.54.010. CREATION AND MEMBERSHIP OF BOARD. For the pur-
17 poses of licensing and regulating the activities of guides in the best
18 interests of the state's wildlife resources, there [THERE] is created
19 in the Department of Commerce and Economic Development the Guide [LI-
20 CENSING AND CONTROL] Board consisting of seven members. Three members
21 of the board must be licensed registered or master guides who are ac-
22 tively involved in the guiding profession. The other members of the
23 board shall be knowledgeable and experienced with the fish and game
24 resources of the state but may not be licensed guides. Each member
25 shall have been a resident of the state for at least 10 years !NO MORE
26 THAN THREE MEMBERS OF THE BOARD SHALL HAVE A GUIDE LICENSE. THE OTHER
27 MEMBERS SHALL HAVE A GENERAL KNOWLEDGE OF THE GAME RESOURCES OF THE
28 STATE. A MINIMUM OF 10 YEARS RESIDENCE IN THE STATE IS REQUIRED FOR
29 ALL MEMBERS OF THE BOARD].

COMMITTEE COPY

Final Note

1 * Sec. 4. AS 08.54.020 is amended to read:

2 Sec. 08.54.020. APPOINTMENT AND TERM OF OFFICE. The members of
3 the board shall be appointed by the governor and confirmed by the
4 legislature for staggered terms of three years or until their successors
5 are appointed. [INITIAL TERMS ARE AS FOLLOWS: THREE MEMBERS FOR ONE
6 YEAR, TWO MEMBERS FOR TWO YEARS, AND TWO MEMBERS FOR THREE YEARS.] A
7 member may be removed at the pleasure of the governor.

8 * Sec. 5. AS 08.54.030 is amended to read:

9 Sec. 08.54.030. CHAIRMAN OF THE BOARD. The board shall elect one
10 of its members to serve as chairman for a period of two years. If a
11 chairman resigns or his term as a board member expires sooner than two
12 years after his election as chairman and he is not reappointed to the
13 board, the board may elect an acting chairman. When all vacancies on
14 the board are filled, the board shall elect a new chairman.

15 * Sec. 6. AS 08.54 is amended by adding a new section to read:

16 Sec. 08.54.035. QUORUM: REQUIRED MAJORITY VOTE. Four members of
17 the board constitute a quorum for the transaction of business, for the
18 performance of any duty, and for the exercise of any power under this
19 chapter. However, the board may not adopt a regulation, revoke, sus-
20 pend, or deny renewal of a license, unless the action is approved by a
21 vote of a majority of the full membership of the board.

22 * Sec. 7. AS 08.54.040(a)(2) is amended to read:

23 (2) determine [AND PASS ON] qualifications of applicants for
24 licenses and authorize the issuance of licenses to those who qualify;

25 * Sec. 8. AS 08.54.040(a)(4) is amended to read:

26 (4) compile, maintain and publish a [GUIDE] register of
27 guides who have not been convicted of a violation of a [FEDERAL OR]
28 state hunting [SPORT FISH, GAME,] or guiding statute or regulation
29 during the five years immediately preceding publication; [A GUIDE

1 LISTED IN THE REGISTER WHOSE LICENSE IS REVOKED OR SUSPENDED SHALL BE
2 REMOVED FROM THE REGISTER WHILE HIS LICENSE IS REVOKED OR SUSPENDED;]

3 * Sec. 9. AS 08.54.040(a)(5) is repealed and reenacted to read:

4 (5) collect and maintain records of hunts conducted by
5 guides;

6 * Sec. 10. AS 08.54.040(b) is amended to read:

7 (b) If a person is unable to competently understand the written
8 portion of an examination given under (a)(1) of this section, the board
9 shall substitute a special oral examination [HE SHALL BE GIVEN THE COM-
10 PLETE EXAMINATION ORALLY IN A LANGUAGE WHICH HE UNDERSTANDS].

11 * Sec. 11. AS 08.54.110(8) is amended to read:

12 (8) has been licensed as and performed the services of an
13 assistant guide or a special guide in the state for a part of each of
14 three years;

15 * Sec. 12. AS 08.54 is amended by adding a new section to read:

16 Sec. 08.54.141. PRIVILEGES AND LIMITATIONS OF ASSISTANT GUIDES.

17 An assistant guide

18 (1) may not contract for guided hunts; and

19 (2) shall be supervised by a registered or master guide at
20 all times while the assistant guide is in the field on guided hunts.

21 * Sec. 13. AS 08.54.170 is amended to read:

22 Sec. 08.54.170. ANNUAL [LICENSE] FEES. (a) Annual [LICENSE]
23 fees for engaging in the profession of guiding are:

24 (1) master guide license [, ANNUAL]\$75

25 (2) registered guide license [, ANNUAL] 75

26 (3) class-A assistant guide license [, ANNUAL] 15

27 (4) assistant guide license [, ANNUAL] 10

28 (5) special guide license 25

29 (b) The annual [LICENSE] fee for a master guide, registered

1 guide, special guide, class-A assistant guide, or assistant guide
2 license is in addition to the fee required for a hunting or fishing
3 license.

4 [(c) THE LICENSE FEE FOR A TRANSPORTER IS \$10.]

5 * Sec. 14. AS 08.54 is amended by adding a new section to read:

6 Sec. 08.54.186. REGISTERED GUIDE EXAMINATION. The board shall
7 administer the qualification examination required under AS 08.54.110 at
8 least twice a year. At least once every other year the board shall
9 give the examination at a location other than Anchorage.

10 * Sec. 15. AS 08.54.190(a) is amended to read:

11 (a) A master guide, registered guide, special guide, class-A
12 assistant guide, or assistant guide [OR TRANSPORTER] license expires on
13 December 31, following issuance.

14 * Sec. 16. AS 08.54.200(a) is amended to read:

15 (a) The board shall hold a hearing to determine if disciplinary
16 action is necessary if during the five years immediately preceding the
17 date of the hearing

18 (1) complaints concerning the licensee's guiding activities
19 [LICENSEE] have been filed with the board or other state agency from
20 three or more clients of separate parties and the division of fish and
21 wildlife protection, Department of Public Safety, finds after investi-
22 gation that the complaints appear to be valid; or

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

25 (3) a licensee has been convicted of a violation of a
26 [FEDERAL OR] state hunting or guiding [SPORT FISH, GAME OR GUIDE]
27 statute or regulation.

28 * Sec. 17. AS 08.54.200(b) is amended to read:

29 (b) After a hearing, the board may revoke, suspend, or deny

1 renewal of a license if the board finds that the licensee

2 (1) engaged in unethical activity, unsafe activity, or acti-
3 vity which adversely affects the natural resources of the state when
4 such activity is unrelated to the legal and legitimate purposes of the
5 contract hunt; [OR]

6 (2) violated a provision of a [FEDERAL OR] state hunting
7 [SPORT FISH, GAME] or guiding [GUIDE] statute or regulation.

8 * Sec. 18. AS 08.54.200(c)(2) is amended to read:

9 (2) is incompetent as a master guide, registered guide,
10 special guide, class-A assistant guide, or assistant guide;

11 * Sec. 19. AS 08.54.200(c)(3) is repealed and reenacted to read:

12 (3) during the five years immediately preceding the date of
13 the hearing has been convicted of a violation of a statute or regulation
14 prohibiting

15 (A) wanton waste of a wild food animal under AS 16.-
16 30.010;

17 (B) hunting on the same day that the guide or his clients
18 are airborne;

19 (C) hunting in an area closed under AS 16.05.255(a)(2);
20 or

21 (D) hunting during a hunting season closed under AS 16.-
22 05.255(a)(2).

23 * Sec. 20. AS 08.54.200(d) is amended to read:

24 (d) A [NO] person who is disciplined under this section may not
25 engage in any guiding [OR TRANSPORTING] activity during the period of
26 license revocation or disciplinary action. A person licensed under this
27 chapter may not hire a person whose license is suspended or revoked to
28 guide, and a guide whose license is suspended or revoked may not guide
29 in the employ of a person licensed under this chapter [NO PERSON LICENSED

1 UNDER THIS CHAPTER MAY HIRE OR WORK FOR A GUIDE WHOSE LICENSE IS SUS-
2 PENDED OR REVOKED UNDER THIS SECTION].

3 * Sec. 21. AS 08.54.200 is amended by adding new subsections to read:

4 (f) If a certified copy of a judgment of a conviction of a guide
5 for a crime described in (c)(3) of this section is filed with the board,
6 the board may immediately suspend the guide's license. The suspension
7 may be ordered even if the conviction resulted from a plea of nolo
8 contendere or the conviction is under appeal to a higher court. The
9 order remains in effect until after the final disposition of the disci-
10 plinary proceeding under this section.

11 (g) A certified copy of a judgment of conviction of a guide for
12 any crime is conclusive evidence of the commission of that crime in any
13 disciplinary proceeding instituted under this section.

14 * Sec. 22. AS 08.54.210 is repealed and reenacted to read:

15 Sec. 08.54.210. UNLAWFUL ACTS. (a) It is unlawful for

16 (1) a master guide, registered guide, special guide, class-A
17 assistant guide, or assistant guide to fail to report violations of a
18 state hunting or guiding statute or regulation to the Department of
19 Public Safety, division of fish and wildlife protection, within 30 days
20 after becoming aware of the violations;

21 (2) a master guide, registered guide, special guide, class-A
22 assistant guide, or assistant guide to aid the commission of a violation
23 of this chapter or of AS 16.05 or a regulation adopted under either
24 chapter, or permit the commission of a violation in his sight without
25 attempting (short of using force) to prevent the violation;

26 (3) a person to advertise as or represent himself to be a
27 licensed master guide, registered guide, special guide, class-A assis-
28 tant guide, or assistant guide without being currently licensed, or to
29 falsely advertise services;

1 (4) a person to guide without having a current valid hunting
2 license in his possession;

3 (5) a master or registered guide to employ or have under his
4 supervision more than four assistant guides who are simultaneously and
5 actively guiding;

6 (6) a person to guide without being licensed under this
7 chapter;

8 (7) a person to guide during a period in which his license is
9 suspended, revoked or lapsed under this chapter.

10 (b) A person who violates (a)(1) - (6) of this section is, upon
11 conviction, guilty of a class A misdemeanor, and, in addition to the
12 other penalties prescribed by law, the court may revoke the guide license
13 for a period of up to five years.

14 (c) A person who violates (a)(6) or (7) of this section is, upon a
15 second conviction of (a)(6) or a conviction of (a)(7), guilty of a class
16 C felony, and, in addition to other penalties prescribed by law, the
17 court may revoke the guide license for a period of up to five years. In
18 addition to punishment for a felony, all guns, fishing tackle, boats,
19 aircraft, automobiles or other vehicles, camping gear and other equipment
20 and paraphernalia used in, or in aid of, a second violation of (a)(6) or
21 a violation of (a)(7) of this section, shall be confiscated by persons
22 authorized to enforce this chapter.

23 * Sec. 23. AS 08.54.240(1) is amended to read:

24 (1) "board" means the Guide [LICENSING AND CONTROL] Board;

25 * Sec. 24. AS 08.54.240(2) is repealed and reenacted to read:

26 (2) "to guide" or "guiding" means assisting another person in
27 the field either directly or through an agent, employee, or associate in
28 locating, taking, or attempting to take big game with the intent of
29 receiving monetary or other material remuneration for the service;

1 * Sec. 25. AS 08.54.240(4) is amended to read:

2 (4) "unethical activity" means

3 (A) deception or misrepresentation [IN ANY DEGREE] in-
4 volving prospective or actual clients either before, during, or
5 following a contract hunt including, but not limited to, misrepre-
6 sentation through private or public advertising of the type, dura-
7 tion, cost, or conditions of the contract hunt [HUNTS];

8 (B) [MISREPRESENTATION EITHER THROUGH PRIVATE COMMUNI-
9 CATION OR PUBLIC ADVERTISING OF THE NATURE, TYPE, DURATION, COST,
10 OR OTHER CONDITIONS OF CONTRACT HUNTS.]

11 (C) making a guaranty or money-back promise that a
12 species or certain number of species of game will be taken on a
13 contract hunt;

14 (D) unsafe or unsportsmanlike activities that are det-
15 rimental to the game resources of the state, as defined by regula-
16 tions of the board, including violations of state or federal hunt-
17 ing, sport fishing, trapping, or guiding laws or regulations; [.]

18 * Sec. 26. AS 08.54.142 - 08.54.146, 08.54.185, 08.54.240(5); and AS 16.-
19 05.340(e) are repealed.

20 * Sec. 27. The terms of the members of the Guide Licensing and Control
21 Board are terminated as of the effective date of this Act. The members of
22 the Guide Board shall be appointed by the governor in accordance with the
23 provisions of AS 08.54 within 30 days of the effective date of this Act.
24 Three of the members initially appointed to serve on the Guide Board shall be
25 appointed to serve a one-year term, two members shall be appointed to serve a
26 two-year term, and two members shall be appointed to serve a three-year term.

27 * Sec. 28. The Guide Board shall elect a new chairman under AS 08.54.030
28 not later than September 1, 1982.

29 * Sec. 29. This Act takes effect July 1, 1982.

Hein

Original sponsor: Rules/Governor

Offered: 3/1/82
Referred: Finance

1 IN THE HOUSE BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 199 (2d Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to guiding; and providing for an
7 effective date."

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

9 * Section 1. AS 08.01.010(20) is amended to read:

10 (20) Guide [LICENSING AND CONTROL] Board;

11 * Sec. 2. AS 08.03.010(c)(20) is amended to read:

12 (20) Guide [LICENSING AND CONTROL] Board (AS 08.54.010) --
13 June 30, 1984 [1982].

14 * Sec. 3. AS 08.54.010 is amended to read:

15 ARTICLE 1. GUIDE [LICENSING AND CONTROL] BOARD.

16 Sec. 08.54.010. CREATION AND MEMBERSHIP OF BOARD. For the pur-
17 poses of licensing and regulating the activities of guides in the best
18 interests of the state's wildlife resources, there [THERE] is created
19 in the Department of Commerce and Economic Development the Guide [LI-
20 CENSING AND CONTROL] Board consisting of seven members. Three members
21 of the board must be licensed registered or master guides who are ac-
22 tively involved in the guiding profession. The other members of the
23 board shall be knowledgeable and experienced with the fish and game
24 resources of the state but may not be licensed guides. Each member
25 shall have been a resident of the state for at least 10 years [NO MORE
26 THAN THREE MEMBERS OF THE BOARD SHALL HAVE A GUIDE LICENSE. THE OTHER
27 MEMBERS SHALL HAVE A GENERAL KNOWLEDGE OF THE GAME RESOURCES OF THE
28 STATE. A MINIMUM OF 10 YEARS RESIDENCE IN THE STATE IS REQUIRED FOR
29 ALL MEMBERS OF THE BOARD].

1 * Sec. 4. AS 08.54.020 is amended to read:

2 Sec. 08.54.020. APPOINTMENT AND TERM OF OFFICE. The members of
3 the board shall be appointed by the governor and confirmed by the
4 legislature for staggered terms of three years or until their successors
5 are appointed. [INITIAL TERMS ARE AS FOLLOWS: THREE MEMBERS FOR ONE
6 YEAR, TWO MEMBERS FOR TWO YEARS, AND TWO MEMBERS FOR THREE YEARS.] A
7 member may be removed at the pleasure of the governor.

8 * Sec. 5. AS 08.54.030 is amended to read:

9 Sec. 08.54.030. CHAIRMAN OF THE BOARD. The board shall elect one
10 of its members to serve as chairman for a period of two years. If a
11 chairman resigns or his term as a board member expires sooner than two
12 years after his election as chairman and he is not reappointed to the
13 board, the board may elect an acting chairman. When all vacancies on
14 the board are filled, the board shall elect a new chairman.

15 * Sec. 6. AS 08.54 is amended by adding a new section to read:

16 Sec. 08.54.035. QUORUM: REQUIRED MAJORITY VOTE. Four members of
17 the board constitute a quorum for the transaction of business, for the
18 performance of any duty, and for the exercise of any power under this
19 chapter. However, the board may not adopt a regulation, revoke, sus-
20 pend, or deny renewal of a license, unless the action is approved by a
21 vote of a majority of the full membership of the board.

22 * Sec. 7. AS 08.54.040(a)(2) is amended to read:

23 (2) determine [AND PASS ON] qualifications of applicants for
24 licenses and authorize the issuance of licenses to those who qualify;

25 * Sec. 8. AS 08.54.040(a)(4) is amended to read:

26 (4) compile, maintain and publish a [GUIDE] register of
27 guides who have not been convicted of a violation of a [FEDERAL OR]
28 state hunting [SPORT FISH, GAME,] or guiding statute or regulation
29 during the five years immediately preceding publication; [A GUIDE

1 LISTED IN THE REGISTER WHOSE LICENSE IS REVOKED OR SUSPENDED SHALL BE
2 REMOVED FROM THE REGISTER WHILE HIS LICENSE IS REVOKED OR SUSPENDED;]

3 * Sec. 9. AS 08.54.040(a)(5) is repealed and reenacted to read:

4 (5) collect and maintain records of hunts conducted by
5 guides;

6 * Sec. 10. AS 08.54.040(b) is amended to read:

7 (b) If a person is unable to competently understand the written
8 portion of an examination given under (a)(1) of this section, the board
9 shall substitute a special oral examination [HE SHALL BE GIVEN THE COM-
10 plete examination orally in a language which he understands].

11 * Sec. 11. AS 08.54.110(8) is amended to read:

12 (8) has been licensed as and performed the services of an
13 assistant guide or a special guide in the state for a part of each of
14 three years;

15 * Sec. 12. AS 08.54 is amended by adding a new section to read:

16 Sec. 08.54.141. PRIVILEGES AND LIMITATIONS OF ASSISTANT GUIDES.

17 An assistant guide

18 (1) may not contract for guided hunts; and

19 (2) shall be supervised by a registered or master guide at
20 all times while the assistant guide is in the field on guided hunts.

21 * Sec. 13. AS 08.54.170 is amended to read:

22 Sec. 08.54.170. ANNUAL [LICENSE] FEES. (a) Annual [LICENSE]
23 fees for engaging in the profession of guiding are:

24 (1) master guide license [, ANNUAL]\$75

25 (2) registered guide license [, ANNUAL] 75

26 (3) class-A assistant guide license [, ANNUAL] 15

27 (4) assistant guide license [, ANNUAL] 10

28 (5) special guide license 25

29 (b) The annual [LICENSE] fee for a master guide, registered

1 guide, special guide, class-A assistant guide, or assistant guide
2 license is in addition to the fee required for a hunting or fishing
3 license.

4 [(c) THE LICENSE FEE FOR A TRANSPORTER IS \$10.]

5 * Sec. 14. AS 08.54 is amended by adding a new section to read:

6 Sec. 08.54.186. REGISTERED GUIDE EXAMINATION. The board shall
7 administer the qualification examination required under AS 08.54.110 at
8 least twice a year. At least once every other year the board shall
9 give the examination at a location other than Anchorage.

10 * Sec. 15. AS 08.54.190(a) is amended to read:

11 (a) A master guide, registered guide, special guide, class-A
12 assistant guide, or assistant guide [OR TRANSPORTER] license expires on
13 December 31, following issuance.

14 * Sec. 16. AS 08.54.200(a) is amended to read:

15 (a) The board shall hold a hearing to determine if disciplinary
16 action is necessary if during the five years immediately preceding the
17 date of the hearing

18 (1) complaints concerning the licensee's guiding activities
19 [LICENSEE] have been filed with the board or other state agency from
20 three or more clients of separate parties and the division of fish and
21 wildlife protection, Department of Public Safety, finds after investi-
22 gation that the complaints appear to be valid; or

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

25 (3) a licensee has been convicted of a violation of a
26 [FEDERAL OR] state hunting or guiding [SPORT FISH, GAME OR GUIDE]
27 statute or regulation.

28 * Sec. 17. AS 08.54.200(b) is amended to read:

29 (b) After a hearing, the board may revoke, suspend, or deny

1 renewal of a license if the board finds that the licensee

2 (1) engaged in unethical activity, unsafe activity, or acti-
3 vity which adversely affects the natural resources of the state when
4 such activity is unrelated to the legal and legitimate purposes of the
5 contract hunt; [OR]

6 (2) violated a provision of a [FEDERAL OR] state hunting
7 [SPORT FISH, GAME] or guiding [GUIDE] statute or regulation.

8 * Sec. 18. AS 08.54.200(c)(2) is amended to read:

9 (2) is incompetent as a master guide, registered guide,
10 special guide, class-A assistant guide, or assistant guide;

11 * Sec. 19. AS 08.54.200(c)(3) is repealed and reenacted to read:

12 (3) during the five years immediately preceding the date of
13 the hearing has been convicted of a violation of a statute or regulation
14 prohibiting

15 (A) wanton waste of a wild food animal under AS 16.-
16 30.010;

17 (B) hunting on the same day that the guide or his clients
18 are airborne;

19 (C) hunting in an area closed under AS 16.05.255(a)(2);
20 or

21 (D) hunting during a hunting season closed under AS 16.-
22 05.255(a)(2).

23 * Sec. 20. AS 08.54.200(d) is amended to read:

24 (d) A [NO] person who is disciplined under this section may not
25 engage in any guiding [OR TRANSPORTING] activity during the period of
26 license revocation or disciplinary action. A person licensed under this
27 chapter may not hire a person whose license is suspended or revoked to
28 guide, and a guide whose license is suspended or revoked may not guide
29 in the employ of a person licensed under this chapter [NO PERSON LICENSED

1 UNDER THIS CHAPTER MAY HIRE OR WORK FOR A GUIDE WHOSE LICENSE IS SUS-
2 PENDED OR REVOKED UNDER THIS SECTION].

3 * Sec. 21. AS 08.54.200 is amended by adding new subsections to read:

4 (f) If a certified copy of a judgment of a conviction of a guide
5 for a crime described in (c)(3) of this section is filed with the board,
6 the board may immediately suspend the guide's license. The suspension
7 may be ordered even if the conviction resulted from a plea of nolo
8 contendere or the conviction is under appeal to a higher court. The
9 order remains in effect until after the final disposition of the disci-
10 plinary proceeding under this section.

11 (g) A certified copy of a judgment of conviction of a guide for
12 any crime is conclusive evidence of the commission of that crime in any
13 disciplinary proceeding instituted under this section.

14 * Sec. 22. AS 08.54.210 is repealed and reenacted to read:

15 Sec. 08.54.210. UNLAWFUL ACTS. (a) It is unlawful for

16 (1) a master guide, registered guide, special guide, class-A
17 assistant guide, or assistant guide to fail to report violations of a
18 state hunting or guiding statute or regulation to the Department of
19 Public Safety, division of fish and wildlife protection, within 30 days
20 after becoming aware of the violations;

21 (2) a master guide, registered guide, special guide, class-A
22 assistant guide, or assistant guide to aid the commission of a violation
23 of this chapter or of AS 16.05 or a regulation adopted under either
24 chapter, or permit the commission of a violation in his sight without
25 attempting (short of using force) to prevent the violation;

26 (3) a person to advertise as or represent himself to be a
27 licensed master guide, registered guide, special guide, class-A assis-
28 tant guide, or assistant guide without being currently licensed, or to
29 falsely advertise services;

1 (4) a person to guide without having a current valid hunting
2 license in his possession;

3 (5) a master or registered guide to employ or have under his
4 supervision more than four assistant guides who are simultaneously and
5 actively guiding;

6 (6) a person to guide without being licensed under this
7 chapter;

8 (7) a person to guide during a period in which his license is
9 suspended, revoked or lapsed under this chapter.

10 (b) A person who violates (a)(1) - (6) of this section is, upon
11 conviction, guilty of a class A misdemeanor, and, in addition to the
12 other penalties prescribed by law, may have his license revoked for a
13 period of up to five years.

14 (c) A person who violates (a)(6) or (7) of this section is, upon a
15 second conviction of (a)(6) or a conviction of (a)(7), guilty of a class
16 C felony, and, in addition to other penalties prescribed by law, may
17 have his license revoked for a period of up to five years. In addition
18 to punishment for a felony, all guns, fishing tackle, boats, aircraft,
19 automobiles or other vehicles, camping gear and other equipment and
20 paraphernalia used in, or in aid of, a second violation of (a)(6) or a
21 violation of (a)(7) of this section, shall be confiscated by persons
22 authorized to enforce this chapter.

23 * Sec. 23. AS 08.54.240(1) is amended to read:

24 (1) "board" means the Guide [LICENSING AND CONTROL] Board;

25 * Sec. 24. AS 08.54.240(2) is repealed and reenacted to read:

26 (2) "to guide" or "guiding" means assisting another person in
27 the field either directly or through an agent, employee, or associate in
28 locating, taking, or attempting to take big game with the intent of
29 receiving monetary or other material remuneration for the service;

1 * Sec. 25. AS 08.54.240(4) is amended to read:

2 (4) "unethical activity" means

3 (A) deception or misrepresentation [IN ANY DEGREE] in-
4 volving prospective or actual clients either before, during, or
5 following a contract hunt including, but not limited to, misrepre-
6 sentation through private or public advertising of the type, dura-
7 tion, cost, or conditions of the contract hunt [HUNTS];

8 (B) [MISREPRESENTATION EITHER THROUGH PRIVATE COMMUNI-
9 CATION OR PUBLIC ADVERTISING OF THE NATURE, TYPE, DURATION, COST,
10 OR OTHER CONDITIONS OF CONTRACT HUNTS.]

11 (C) making a guaranty or money-back promise that a
12 species or certain number of species of game will be taken on a
13 contract hunt;

14 (D) unsafe or unsportsmanlike activities that are det-
15 ritmental to the game resources of the state, as defined by regula-
16 tions of the board, including violations of state or federal hunt-
17 ing, sport fishing, trapping, or guiding laws or regulations; [.]

18 * Sec. 26. AS 08.54.142 - 08.54.146, 08.54.185, 08.54.240(5); and AS 16.-
19 05.340(e) are repealed.

20 * Sec. 27. The terms of the members of the Guide Licensing and Control
21 Board are terminated as of the effective date of this Act. The members of
22 the Guide Board shall be appointed by the governor in accordance with the
23 provisions of AS 08.54 within 30 days of the effective date of this Act.
24 Three of the members initially appointed to serve on the Guide Board shall be
25 appointed to serve a one-year term, two members shall be appointed to serve a
26 two-year term, and two members shall be appointed to serve a three-year term.

27 * Sec. 28. The Guide Licensing and Control Board shall elect a new ch. r-
28 man under AS 08.54.030 not later than September 1, 1982.

29 * Sec. 29. This Act takes effect July 1, 1982.

Gov
Guthrie

Original sponsor: Rules/Governor

Offered: 4/23/81
Referred: Rules

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 199 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to guiding; and providing for an
7 effective date."

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

9 * Section 1. AS 08.01.010(20) is amended to read:

10 (20) Guide [LICENSING AND CONTROL] Board;

11 * Sec. 2. AS 08.03.010(c) is amended by adding a new paragraph to read:

12 (19) Guide Board (AS 08.54.010) -- June 30, 1983.

13 * Sec. 3. AS 08.54.010 is amended to read:

14 ARTICLE 1. GUIDE [LICENSING AND CONTROL] BOARD.

15 Sec. 08.54.010. CREATION AND MEMBERSHIP OF BOARD. For the pur-
16 poses of licensing and regulating the activities of guides in the best
17 interests of the state's wildlife resources, there [THERE] is created
18 in the Department of Commerce and Economic Development the Guide [LI-
19 CENSING AND CONTROL] Board consisting of seven members. Three members
20 of the board must be licensed registered or master guides who are ac-
21 tively involved in the guiding profession. The other members of the
22 board shall be knowledgeable and experienced with the fish and game
23 resources of the state. Each member shall be a resident of the state
24 for at least 10 years [NO MORE THAN THREE MEMBERS OF THE BOARD SHALL
25 HAVE A GUIDE LICENSE. THE OTHER MEMBERS SHALL HAVE A GENERAL KNOWLEDGE
26 OF THE GAME RESOURCES OF THE STATE. A MINIMUM OF 10 YEARS RESIDENCE IN
27 THE STATE IS REQUIRED FOR ALL MEMBERS OF THE BOARD].

28 * Sec. 4. AS 08.54.020 is amended to read:

29 Sec. 08.54.020. APPOINTMENT AND TERM OF OFFICE. The members of

1 the board shall be appointed by the governor and confirmed by the
2 legislature for staggered terms of three years or until their successors
3 are appointed. [INITIAL TERMS ARE AS FOLLOWS: THREE MEMBERS FOR ONE
4 YEAR, TWO MEMBERS FOR TWO YEARS, AND TWO MEMBERS FOR THREE YEARS.] A
5 member may be removed at the pleasure of the governor.

6 * Sec. 5. AS 08.54 is amended by adding a new section to read:

7 Sec. 08.54.035. QUORUM: REQUIRED MAJORITY VOTE. Four members of
8 the board constitute a quorum for the transaction of business, for the
9 performance of any duty, and for the exercise of any power under this
10 chapter. However, the board may not adopt a regulation, revoke, sus-
11 pend, or deny renewal of a license, or assign, modify, or revoke an
12 exclusive guide area, unless the action is approved by a vote of a
13 majority of the full membership of the board.

14 * Sec. 6. AS 08.54.040(a)(1) is amended to read:

15 (1) prepare, grade and administer examinations and may sub-
16 stitute special oral examinations for an applicant with limited English
17 language reading or writing ability;

18 * Sec. 7. AS 08.54.040(a)(2) is amended to read:

19 (2) determine [AND PASS ON] qualifications of applicants for
20 licenses and authorize the issuance of licenses to those who qualify;

21 * Sec. 8. AS 08.54.040(a)(4) is amended to read:

22 (4) compile, maintain and publish a guide register of guides
23 who have not been convicted of a violation of a federal or state hunt-
24 ing, sport fishing, trapping [FISH, GAME], or guiding law [STATUTE] or
25 regulation within the five years immediately preceding publication; [A
26 GUIDE LISTED IN THE REGISTER WHOSE LICENSE IS REVOKED OR SUSPENDED
27 SHALL BE REMOVED FROM THE REGISTER WHILE HIS LICENSE IS REVOKED OR SUS-
28 PENDED;]

29 * Sec. 9. AS 08.54.040(a)(5) is repealed and reenacted to read:

1 (5) collect and maintain records of hunts conducted by
2 guides;

3 * Sec. 10. AS 08.54.040(a)(8) is amended to read:

4 (8) establish exclusive or joint-use guide areas for regis-
5 tered and master guides, determine the number of [A QUOTA OF LICENSED
6 OPERATING] guides who may operate within these designated geographical
7 areas, [GAME UNITS OR SUBUNITS OF THE STATE] and establish [PROVIDE
8 FOR] an equitable and reasonable procedure for determining [LIMITING]
9 the number of guides in an area giving [TO THAT QUOTA;] preference
10 [SHALL BE GIVEN] to [QUALIFIED AVAILABLE AND WILLING LICENSED] guides
11 who permanently reside within the designated area if all other quali-
12 fications of the guides who apply for an area are equal [GAME UNIT OR
13 SUBUNIT].

14 * Sec. 11. AS 08.54.045 is repealed and reenacted to read:

15 Sec. 08.54.045. SPECIAL GUIDE LICENSE. The board shall issue a
16 special guide license to a person who applies to conduct a guided hunt
17 for musk-ox or for a specific species of marine mammal in a specifically
18 designated area, if he

19 (1) is 21 years of age or more;

20 (2) is a resident of the state;

21 (3) has resided and hunted in the area of the state in which
22 he is to guide for at least 10 years;

23 (4) is physically able to perform the duties of a special
24 guide;

25 (5) has demonstrated knowledge of the following areas to an
26 extent and degree satisfactory to the board:

27 (A) fish and game laws and regulations;

28 (B) relevant characteristics of the specific species to

29 be hunted;

- (C) field preparation of trophies;
- (D) care of game meat;
- (E) use of guiding gear;
- (F) firearm safety;
- (G) practical first aid; and
- (H) booking and contracting.

* Sec. 12. AS 08.54.110(8) is amended to read:

(8) has been licensed as and performed the services of an assistant guide or guided under a special guide license in the state for a part of each of three years;

* Sec. 13. AS 08.54.110(9) is amended to read:

(9) submits a written recommendation to the board from a registered guide for whom the applicant has worked; however, the requirements of this paragraph do not apply to a person who has guided under a special guide license for three years;

* Sec. 14. AS 08.54 is amended by adding a new section to read:

Sec. 08.54.141. PRIVILEGES AND LIMITATIONS OF ASSISTANT GUIDES.

An assistant guide

- (1) may not contract for guided hunts; and
- (2) shall be supervised by a registered or master guide at all times while the assistant guide is in the field on guided hunts.

* Sec. 15. AS 08.54.170 is amended to read:

Sec. 08.54.170. ANNUAL [LICENSE] FEES. (a) Annual [LICENSE] fees for engaging in the profession of guiding are:

- (1) master guide license [, ANNUAL]\$75
- (2) registered guide license [, ANNUAL] 75
- (3) class-A assistant guide license [, ANNUAL] 15
- (4) assistant guide license [, ANNUAL] 10
- (5) special guide license 25

1 (b) The annual [LICENSE] fee for a master guide, registered
2 guide, special guide, class-A assistant guide, or assistant guide
3 license is in addition to the fee required for a hunting or fishing
4 license.

5 [(c) THE LICENSE FEE FOR A TRANSPORTER IS \$10.]

6 * Sec. 16. AS 08.54 is amended by adding a new section to read:

7 Sec. 08.54.186. REGISTERED GUIDE EXAMINATION. The board shall
8 administer the qualification examination required under AS 08.54.110 at
9 least twice a year. At least once every other year the board shall
10 give the examination at a location other than Anchorage.

11 * Sec. 17. AS 08.54.190(a) is amended to read:

12 (a) A master guide, registered guide, special guide, class-A
13 assistant guide, or assistant guide [OR TRANSPORTER] license expires on
14 December 31, following issuance.

15 * Sec. 18. AS 08.54 is amended by adding a new section to read:

16 Sec. 08.54.195. GUIDE AREAS. (a) Under AS 08.54.040(a)(8), the
17 board may establish and assign exclusive or joint-use guide areas for
18 big game guides. The board shall adopt regulations under the Adminis-
19 trative Procedure Act (AS 44.62) which establish uniform and consistent
20 criteria that will be used by the board when it creates an exclusive
21 or joint-use guide area.

22 (b) The board shall continue in effect all exclusive or joint-use
23 guide areas assigned before the effective date of this section. How-
24 ever, the board shall by regulation establish a deadline for guides to
25 request a hearing before the board to review the assignment of an area.
26 If requested by a guide, the board shall hold a hearing to determine if
27 an assignment of an exclusive or joint-use area made before the effec-
28 tive date of this section creates a substantial injustice as determined
29 by criteria set out in (c) of this section. If the board determines

1 that an injustice was created, the board shall modify, terminate or re-
2 assign the area, or take other reasonable steps to correct the injus-
3 tice.

4 (c) The board may find that an injustice was caused by the assign-
5 ment of an exclusive or joint-use guide area if

6 (1) a person was unfairly discriminated against;

7 (2) a person who applied for the exclusive or joint-use
8 guide area was denied a hearing; or

9 (3) a qualified person was not given a preference at the
10 time the area was assigned in accordance with AS 08.54.040(a)(8).

11 (d) The board shall consider the following before it assigns an
12 exclusive or joint-use guide area:

13 (1) the extent to which the guide who has applied for the
14 area has used the game management unit in which the area is located;

15 (2) the extent to which the guide occupied and invested in
16 the area;

17 (3) the effect on other guides which would result from
18 creation of the area;

19 (4) big game populations in the area; and

20 (5) the land ownership status of the area.

21 (e) The board may consider any relevant facts or circumstance
22 before assigning an exclusive or joint-use guide area.

23 (f) A guide who permanently resides in an exclusive or joint-use
24 guide area is entitled to a preference in accordance with AS 08.54.-
25 040(a)(8) for the assignment of the area. A guide may not be assigned
26 an exclusive or joint-use area in a guide district in which he is not
27 licensed.

28 (g) If after July 1, 1981, a guide has failed to use an exclusive
29 or joint-use guide area assigned to him for two consecutive years, the

1 board shall, after a hearing, revoke the area and reassign the area
2 permit. However, for good cause shown, including circumstances beyond
3 the guide's control, a guide may be excused for not using an area if he
4 is capable of, and intends to, use the area in the next calendar year.
5 Use of a guide area does not include use of the area by a subcontractor
6 of a guide or the loan of the use of the area to another master or
7 registered guide.

8 (h) A guide may not be assigned more than three exclusive or
9 joint-use guide areas which are in effect during the same year.

10 * Sec. 19. AS 08.54.200(a) is amended to read:

11 (a) The board shall hold a hearing to determine if disciplinary
12 action is necessary if within the five years immediately preceding the
13 hearing

14 (1) complaints concerning the licensee's guiding activities
15 [LICENSEE] have been filed with the board or other state agency from
16 three or more clients of separate parties and the division of fish and
17 wildlife protection, Department of Public Safety, finds after investi-
18 gation that the complaints appear to be valid; [OR

19 (2) A LICENSEE HAS BEEN CHARGED WITH A VIOLATION OF FEDERAL
20 OR STATE SPORT FISH, GAME OR GUIDE STATUTES OR REGULATIONS; OR]

21 (3) a licensee has been convicted of a violation of a feder-
22 al or state hunting, sport fishing, trapping, or guiding law [FISH,
23 GAME OR GUIDE STATUTE] or regulation; or

24 (4) a licensee has been convicted of criminal trespass in
25 the first or second degree (AS 11.46.320 - 11.46.330) during the con-
26 duct of guiding activities.

27 * Sec. 20. AS 08.54.200(b) is amended to read:

28 (b) After a hearing, the board may revoke, suspend, or deny
29 renewal of a license if the board finds that the licensee

1 (1) engaged in unethical activity, unsafe activity, or
2 activity which adversely affects the natural resources of the state
3 when such activity is unrelated to the legal and legitimate purposes of
4 the contract hunt; [OR]

5 (2) violated a provision of a federal or state sport fish,
6 game or guide statute or regulation; or

7 (3) has been convicted of criminal trespass in the first
8 or second degree (AS 11.46.320 - 11.46.330) during the conduct of
9 guiding activities.

10 * Sec. 21. AS 08.54.200(c)(2) is amended to read:

11 (2) is incompetent as a master guide, registered guide,
12 special guide, class-A assistant guide, or assistant guide;

13 * Sec. 22. AS 08.54.200(c)(3) is repealed and reenacted to read:

14 (3) has been convicted of one or more of the following
15 violations within the five years immediately preceding the hearing:

16 (A) waste of a wild food animal;

17 (B) hunting on the same day that the guide and his
18 clients are airborne;

19 (C) hunting in an area closed by a state game law or
20 regulation;

21 (D) hunting during a closed hunting season.

22 * Sec. 23. AS 08.54.200(d) is amended to read:

23 (d) No person who is disciplined under this section may engage in
24 any guiding [OR TRANSPORTING] activity during the period of license re-
25 vocation or disciplinary action. A person licensed under this chapter
26 may not hire a person whose license is suspended or revoked to guide,
27 and a guide whose license is suspended or revoked may not guide in the
28 employ of a person licensed under this chapter [NO PERSON LICENSED
29 UNDER THIS CHAPTER MAY HIRE OR WORK FOR A GUIDE WHOSE LICENSE IS SUS-

1 PENDED OR REVOKED UNDER THIS SECTION].

2 * Sec. 24. AS 08.54.200 is amended by adding new subsections to read:

3 (f) If a certified copy of a judgment of a conviction of a guide
4 for a crime described in (c)(3) of this section is filed with the
5 board, the board may immediately suspend the guide's license. The
6 suspension may be ordered even if the conviction resulted from a plea
7 of nolo contendere or the conviction is under appeal to a higher court.
8 The order remains in effect until after the final disposition of the
9 disciplinary proceeding under this section.

10 (g) A certified copy of a judgment of conviction of a guide for
11 any crime is conclusive evidence of the commission of that crime in any
12 disciplinary proceeding instituted against him under this section based
13 upon the conviction.

14 (h) The board may hold a hearing to determine if disciplinary
15 action is necessary if within the five years immediately preceding the
16 hearing

17 (1) a licensee has been charged with a violation of federal
18 or state hunting, sport fishing, trapping, or guiding laws or regula-
19 tions; or

20 (2) a complaint that the guide has trespassed on private
21 property during the conduct of guiding activities has been filed with
22 the board by a landowner.

23 * Sec. 25. AS 08.54.210 is amended to read:

24 Sec. 08.54.210. UNLAWFUL ACTS. (a) It is unlawful for

25 (1) a master guide, registered guide, special guide, class-A
26 assistant guide, or assistant guide [OR TRANSPORTER] to fail to timely
27 report to the Department of Public Safety, division of fish and wildlife
28 protection, and in no event later than 30 days, violations known to
29 have been committed by a client or an employee other than a guide of a

1 state hunting, sport fishing, trapping, [FISH, GAME] or guiding law
2 [STATUTE] or regulation;

3 (2) a master guide, registered guide, special guide, class-A
4 assistant guide, or assistant guide [OR TRANSPORTER] to aid the commis-
5 sion of a violation of this chapter or of AS 16.05 or a regulation
6 adopted [PROMULGATED] under either chapter, or permit the commission of
7 a violation in his sight without attempting to prevent it, short of
8 using force, and without reporting it;

9 (3) a person to guide [OR TRANSPORT] as defined in this
10 chapter without being licensed under this chapter and without having
11 the license in his actual possession; [HOWEVER, FOR PURPOSES OF TRANS-
12 PORTING BY AIR, IN THE CASE OF A CORPORATION, COMPANY, PARTNERSHIP OR
13 OTHER BUSINESS ENTITY, THE LICENSE MAY REMAIN AT THE PRINCIPAL PLACE OF
14 BUSINESS OF THE BUSINESS ENTITY;]

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

19 (5) a person to guide as defined in this chapter without
20 having a current valid hunting [AND FISHING] license in his possession;
21 [.]

22 (6) a master or registered guide to employ or have under his
23 supervision more than three [ASSISTANT] guides guiding at the same
24 time.

25 [(7) A PERSON TO GUIDE AS DEFINED IN THIS CHAPTER WITHOUT
26 PAYING A FEE AS PRESCRIBED IN AS 16.05.340(e).]

27 (b) A person who violates (a)(1) - (6) of this section is guilty
28 of a misdemeanor and upon conviction is punishable by a fine of not
29 more than \$1,000 or by imprisonment for not more than one year, or by

1 both, and may have his license revoked for a period up to five years.
2 However, a person who engages in guiding [OR TRANSPORTING] activity
3 during the period his license is suspended or revoked under this chap-
4 ter is guilty of a felony punishable, upon conviction, by a fine of not
5 more than \$5,000 and by imprisonment for not less than one year nor
6 more than three years. In addition to punishment for a felony, all
7 guns, fishing tackle, boats, aircraft, automobiles or other vehicles,
8 camping gear and other equipment and paraphernalia used in, or in aid
9 of, guiding [OR TRANSPORTING] activity engaged in during the period of
10 suspension or revocation shall be confiscated by persons authorized to
11 enforce this chapter. [A PERSON WHO VIOLATES (a)(7) OF THIS SECTION,
12 UPON CONVICTION, IS SUBJECT TO THE SAME LICENSE REVOCATION PROVISION AS
13 FOR A VIOLATION OF (a)(1) - (6) OF THIS SECTION AND, IN ADDITION, IS
14 PUNISHABLE BY A FINE OF NOT MORE THAN \$5,000, OR BY IMPRISONMENT FOR
15 NOT MORE THAN ONE YEAR, OR BY BOTH.]

16 * Sec. 26. AS 08.54.240(1) is amended to read:

17 (1) "board" means the Guide [LICENSING AND CONTROL] Board;

18 * Sec. 27. AS 08.54.240(2) is amended to read:

19 (2) "guide" [, "GUIDES"] or "guiding"

20 (A) means assisting another person to take or attempt
21 to take big game with the intent of receiving monetary or material
22 remuneration for the service [SERVICES], by accompanying and
23 directing that person personally or through an employee or [A
24 LICENSED] assistant guide; and

25 (B) includes a person who transports another person to
26 a hunting area and supplies meat packers or other personal
27 services in a hunting area for monetary or material remuneration
28 [FOR THE DURATION OF A HUNT, AND NOT SOLELY FOR THE PURPOSE OF
29 PROVIDING TRANSPORTATION SERVICES];

1 * Sec. 28. AS 08.54.240(4) is amended to read:

2 (4) "unethical activity" means

3 (A) deception or misrepresentation [IN ANY DEGREE] in-
4 volving prospective or actual clients either before, during, or
5 following a contract hunt including, but not limited to, misrepre-
6 sentation through private or public advertising of the type, dura-
7 tion, cost, or conditions of the contract hunt [HUNTS];

8 (B) [MISREPRESENTATION EITHER THROUGH PRIVATE COMMUNI-
9 CATION OR PUBLIC ADVERTISING OF THE NATURE, TYPE, DURATION, COST,
10 OR OTHER CONDITIONS OF CONTRACT HUNTS.]

11 (C) making a guaranty or money-back promise that a
12 species or certain number of species of game will be taken on a
13 contract hunt;

14 (D) unsafe or unsportsmanlike activities that are
15 detrimental to the game resources of the state, as defined by
16 regulations of the board, including violations of state or fed-
17 eral hunting, sport fishing, trapping, or guiding laws or regula-
18 tions; [.]

19 * Sec. 29. AS 08.54.240 is amended by adding a new paragraph to read:

20 (6) "big game" means brown bear, grizzly bear, polar bear,
21 caribou, moose, black bear, bison, Sitka blacktail deer, elk, mountain
22 goat, musk-ox, wolf, wolverine, mountain or Dall sheep, and marine
23 mammals.

24 * Sec. 30. AS 16.05.255(a) is amended by adding new paragraphs to read:

25 (11) designating the areas of the state to which AS 16.05.-
26 407(a) applies;

27 (12) designating additional species of big game to which
28 AS 16.05.407 applies.

29 * Sec. 31. AS 16.05.407(a) is amended to read:

1 (a) It is a class A misdemeanor [UNLAWFUL] for a nonresident,
2 except a nonresident subject to (d) of this section, to hunt, pursue or
3 take brown bear, grizzly bear, polar bear or sheep or other species of
4 big game designated in regulations adopted by the Board of Game in
5 areas of this state designated in regulations adopted by the Board of
6 Game, unless personally accompanied by a person who is licensed as a
7 master guide, registered guide or assistant guide under AS 08.54 [BY
8 THE DEPARTMENT] or [WHO IS PERSONALLY ACCOMPANIED] by a resident Alaskan
9 over 19 years of age who is the spouse of or is related by blood within
10 and including the second degree of kindred to the nonresident. A
11 nonresident [PERSON] who applies for a [NONRESIDENT] big game tag for
12 the taking of an animal specified in this section or in regulations
13 adopted under this section shall first furnish to the state, on a form
14 provided by the state, an affidavit showing that he will be accompanied
15 in his hunt by a person who is qualified under the terms of this sec-
16 tion. A person who falsifies the required affidavit is guilty of
17 perjury under AS 11.56.200.

18 * Sec. 32. AS 16.05.407 is amended by adding new subsections to read:

19 (d) It is a class A misdemeanor for a nonresident alien to hunt,
20 pursue or take brown bear, grizzly bear, polar bear, sheep, caribou, or
21 moose in this state unless personally accompanied by a person who is
22 licensed as a master guide, registered guide, or assistant guide under
23 AS 08.54 or by a resident Alaskan over 19 years of age who is the
24 spouse of or is related by blood within and including the second degree
25 of kindred to the alien. The board may by regulation designate addi-
26 tional species of big game which may not be hunted by a nonresident
27 alien unless the nonresident alien is personally accompanied by a
28 person licensed as a master guide, registered guide, or assistant guide
29 under AS 08.54 or by a resident Alaskan over 19 years of age who is the

1 spouse of or is related by blood within and including the second degree
2 of kindred to the alien. A nonresident alien who applies for a big
3 game tag for the taking of an animal specified in this section shall
4 first furnish to the state, on a form provided by the state, an affi-
5 davit showing that he will be accompanied in his hunt by a person who
6 is qualified under the terms of this section. A person who falsifies
7 the required affidavit is guilty of perjury under AS 11.56.200.

8 (e) In this section,

9 (1) "big game" includes brown bear, grizzly bear, polar
10 bear, caribou, moose, black bear, bison, Sitka blacktail deer, elk,
11 mountain goat, musk-oxen, wolf, wolverine, mountain or Dall sheep and
12 marine mammals;

13 (2) "nonresident alien" means a person who is not a citizen
14 of the United States and whose permanent place of abode is not in the
15 United States.

16 * Sec. 33. AS 39.50.200(b) is amended by adding a new paragraph to read:

17 (44) the Guide Board (AS 08.54).

18 * Sec. 34. AS 08.03.010(b)(7); AS 08.54.040(b), 08.54.142 - 08.54.146,
19 08.54.185, 08.54.240(5); AS 16.05.340(e), and 16.05.407(c) are repealed.

20 * Sec. 35. The terms of the members of the Guide Licensing and Control
21 Board are terminated as of the effective date of this Act. The members of
22 the Guide Board shall be appointed by the governor in accordance with the
23 provisions of AS 08.54 within 30 days of the effective date of this Act.
24 Three of the members initially appointed to serve on the Guide Board shall
25 be appointed to serve a one-year term, two members shall be appointed to
26 serve a two-year term, and two members shall be appointed to serve a three-
27 year term.

28 * Sec. 36. This Act takes effect July 1, 1981.

*Letter
7 note*

Introduced: 2/19/81
Referred: Resources

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 199

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Guide Board; and providing for
7 an effective date."

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

9 * Section 1. AS 08.01.010(20) is amended to read:

10 (20) Guide [LICENSING AND CONTROL] Board;

11 * Sec. 2. AS 08.03.010(c) is amended by adding a new paragraph to read:

12 (19) Guide Board (AS 08.54.010) -- June 30, 1984.

13 * Sec. 3. AS 08.54.010 is amended to read:

14 ARTICLE 1. GUIDE [LICENSING AND CONTROL] BOARD.

15 Sec. 08.54.010. CREATION AND MEMBERSHIP OF BOARD. For the pur-
16 poses of licensing and regulating the activities of guides in the best
17 interests of the state's wildlife resources, there [THERE] is created
18 in the Department of Commerce and Economic Development, the Guide [LI-
19 CENSING AND CONTROL] Board consisting of seven members. Not more than
20 three members of the board may be licensed registered or master guides
21 who are actively involved in the guiding profession. The other members
22 of the board shall be knowledgeable and experienced with the fish and
23 game resources of the state. All members shall be residents of the
24 state for at least 10 years [NO MORE THAN THREE MEMBERS OF THE BOARD
25 SHALL HAVE A GUIDE LICENSE. THE OTHER MEMBERS SHALL HAVE A GENERAL
26 KNOWLEDGE OF THE GAME RESOURCES OF THE STATE. A MINIMUM OF 10 YEARS
27 RESIDENCE IN THE STATE IS REQUIRED FOR ALL MEMBERS OF THE BOARD].

28 * Sec. 4. AS 08.54 is amended by adding a new section to read:

29 Sec. 08.54.035. QUORUM. Four members of the board constitute a

1 quorum for the transaction of business, for the performance of any du-
2 ty, and for the exercise of any power under this chapter. However, a
3 majority of the members of the board must vote for the adoption of a
4 regulation or to revoke, suspend, or deny renewal of a license.

5 * Sec. 5. AS 08.54.040(a)(1) is amended to read:

6 (1) prepare, grade and administer examinations and may sub-
7 stitute special oral examinations for an applicant who is unable to
8 read or speak the English language;

9 * Sec. 6. AS 08.54.040(a)(2) is amended to read:

10 (2) determine [AND PASS ON] qualifications of applicants for
11 licenses and authorize the issuance of licenses to those who qualify;

12 * Sec. 7. AS 08.54.040(a)(4) is amended to read:

13 (4) compile, maintain and publish a guide register of guides
14 who have not been convicted of a violation of a federal or state hunt-
15 ing, sport fishing, trapping, [FISH, GAME,] or guiding law [STATUTE] or
16 regulation within the five years immediately preceding publication; [A
17 GUIDE LISTED IN THE REGISTER WHOSE LICENSE IS REVOKED OR SUSPENDED
18 SHALL BE REMOVED FROM THE REGISTER WHILE HIS LICENSE IS REVOKED OR SUS-
19 PENDED;]

20 * Sec. 8. AS 08.54.040(a)(5) is repealed and reenacted to read:

21 (5) collect and maintain records of hunts conducted by
22 guides;

23 * Sec. 9. AS 08.54.040(a)(8) is amended to read:

24 (8) establish guide areas for registered and master guides,
25 limit the number of [A QUOTA OF LICENSED OPERATING] guides who may op-
26 erate within these designated geographical areas [GAME UNITS OR SUB-
27 UNITS OF THE STATE] and establish [PROVIDE FOR] an equitable and rea-
28 sonable procedure for limiting the number of guides in an area giving
29 [TO THAT QUOTA;] preference [SHALL BE GIVEN] to [QUALIFIED AVAILABLE

1 AND WILLING LICENSED] guides who permanently reside within the desig-
2 nated area if all other qualifications of the guides who apply for an
3 area are equal [GAME UNIT OR SUBUNIT].

4 * Sec. 10. AS 08.54 is amended by adding a new section to read:

5 Sec. 08.54.141. PRIVILEGES AND LIMITATIONS OF ASSISTANT GUIDES.

6 An assistant guide

7 (1) may not contract for guided hunts; and

8 (2) shall be supervised by a registered or master guide at
9 all times while the assistant guide is in the field on guided hunts.

10 * Sec. 11. AS 08.54 is amended by adding a new section to read:

11 Sec. 08.54.126. REGISTERED GUIDE EXAMINATION. The board shall
12 administer the qualification examination required under AS 08.54.110 at
13 least twice a year. At least once every other year the board shall
14 give the examination at a location other than Anchorage.

15 * Sec. 12. AS 08.54.190(a) is amended to read:

16 (a) A master guide, registered guide, class-A assistant guide, or
17 assistant guide [OR TRANSPORTER] license expires on December 31, fol-
18 lowing issuance.

19 * Sec. 13. AS 08.54 is amended by adding a new section to read:

20 Sec. 08.54.195. GUIDE AREAS. (a) Under AS 08.54.040(a)(8), the
21 board shall establish and assign exclusive or joint use guide areas for
22 big game guides. The board shall adopt regulations under the Adminis-
23 trative Procedure Act (AS 44.62) which establish criteria that will be
24 used by the board when it creates an exclusive guide area.

25 (b) The board shall continue in effect all exclusive or joint use
26 guide areas assigned before the effective date of this section. Howev-
27 er, the board shall by regulation establish a deadline for guides to
28 request a hearing before the board to review the assignment of an area.
29 If requested by a guide, the board shall hold a hearing to determine if

1 an assignment of an exclusive or joint use area made before the effec-
2 tive date of this section creates a substantial injustice as determined
3 by criteria set out in (c) of this section. If the board determines
4 that an injustice was created, the board shall modify, terminate or re-
5 assign the area, or take other reasonable steps to correct the injus-
6 tice.

7 (c) The board may find that an injustice was caused by the assign-
8 ment of an exclusive or joint use guide area if:

9 (1) an individual was unfairly discriminated against; or

10 (2) a person who applied for the exclusive or joint use
11 guide area was denied a hearing; or

12 (3) a qualified person was not given a preference at the
13 time the area was assigned in accordance with AS 08.54.040(a)(8).

14 (d) The board shall consider the following before it assigns an
15 exclusive or joint use guide area: (1) use of the game management unit
16 in which the area is located by a guide who has applied for the area;
17 (2) occupancy of and investment of money by the guide in the area; (3)
18 the effect on other guides which would result from creation of the
19 area; and (4) big game populations in the area.

20 (e) A guide who permanently resides in an exclusive or joint-use
21 guide area is entitled to a preference in accordance with AS 08.54.-
22 040(a)(8) for the assignment of the area. A guide may not be assigned
23 an exclusive or joint use area in a guide district in which he is not
24 licensed.

25 (f) If, after July 1, 1981, a guide has failed to use an exclusive
26 or joint use guide area assigned to him for two consecutive years, the
27 board shall, after a hearing, revoke the area and reassign the area
28 permit. However, for good cause shown, including circumstances beyond
29 the guide's control, a guide may be excused for not using an area if he