

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672  
5812 HOUSE JUDICIARY

210

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSHB 448 (Resources) (dated 3/26/90)

Page 10, after line 2:

Sec. 08.54.670(b), relating to restrictions on the sale of property between a former use area permittee and the assignee of the use area permit, as contained in HB 448 as introduced, has been deleted.

The following subsections were relettered accordingly.

A M E N D M E N T

OFFERED IN THE HOUSE

TO: HB 448

Page 11, following line 7:

Insert a new bill section to read:

"\* Sec. 4. AS 08.54.350(a) is amended to read:

(a) A natural person is entitled to a guide-outfitter license if the person

(1) is 21 years of age or older;

(2) has practical field experience in the handling of firearms, hunting, judging trophies, field preparation of meat and trophies, first aid, photography, and related guide-outfitting activities;

(3) is familiar with the terrain and transportation problems in the game management unit for which the license is requested;

(4) has passed the qualification examinations prepared and administered by the board;

(5) has demonstrated to the board sufficient standards of competence and ethical conduct and has not been convicted of a state or federal hunting or guide-outfitting statute or regulation within the last five years for which the person was fined more than \$500 or imprisoned for more than five days;

(6) has legally hunted in the state for part of each of any five years in a manner directly contributing to the person's

experience and competency as a guide-outfitter;

(7) has been licensed as and performed the services of a class-A assistant guide-outfitter or assistant guide-outfitter in the state for a part of each of three years, or has guide-outfitted in the state for a part of each of three years under a marine mammal guide-outfitter license issued under AS 08.54.360;

(8) has demonstrated a current knowledge of fishing, hunting, and guide-outfitting regulations;

(9) is capable of performing the essential duties associated with guide-outfitting;

(10) has been favorably recommended in writing by six big game hunters, two for each year of the person's most recent three years as a class-A assistant guide-outfitter or assistant guide-outfitter, when the person has guide-outfitted or assisted in guide-outfitting as a class-A assistant guide-outfitter or assistant guide-outfitter, whose recommendations have been solicited by the board from a list provided by the applicant;

(11) possesses a business license to provide guide-outfitting services; and

(12) has paid the license fee and has applied for a commercial use permit [FEE]."

Renumber the following bill section accordingly.

Page 11, line 20, through page 12, line 3:

Delete all material and insert:

"\* Sec. 6. AS 08.54.360(a) is amended to read:

(a) The board may issue a marine mammal guide-outfitter license to a natural person who applies to guide-outfit a hunt for a specific species of marine mammal in a specifically designated area if the person

(1) is 21 years of age or older;

(2) has, for at least 10 years, resided and hunted in the area of the state in which the applicant is to guide-outfit;

(3) is able to perform the duties of a marine mammal guide-outfitter;

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

(A) current fish and game laws and regulations;

(B) relevant characteristics of the specific species to be hunted;

(C) field preparation of trophies;

(D) care of game meat;

(E) use of guide-outfitting gear;

(F) firearm safety;

(G) practical first aid; and

(H) booking and contracting hunts;

(5) has not been convicted of violating a state or federal game or guide-outfitting statute or regulation during the previous five years for which the person was fined more than \$500 or imprisoned for more than five days;

(6) possesses a business license to provide

guide-outfitting services; and

(7) has paid the license fee and has applied for a commercial use permit [FEE].

\* Sec. 7. AS 08.54.370(a) is amended to read:

(a) An applicant for renewal of a guide-outfitter license or a marine mammal guide-outfitter license shall submit with the application for renewal

(1) the hunt record required under AS 08.54.550 for the period covered by the current license;

(2) the license fee for the next licensing period; [AND]

(3) the commercial use permit fee for the [NEXT LICENSING] period covered by the current permit; and

(4) an amended guide-outfitter use area operations plan, if appropriate.

\* Sec. 8. AS 08.54.400(a) is amended to read:

(a) A person is entitled to a transporter license if the person

(1) applies on a form provided by the department;

(2) pays the license fee;

(3) applies for a [PAYS THE] commercial use permit [FEE];

(4) provides proof of

(A) an air taxi/commercial operator certificate issued by the Federal Aviation Administration under 14 C.F.R. Part 135, if the person provides air transportation services to big game hunters;

(B) licensure by the Coast Guard to carry passengers for hire, if the person provides water transportation services to

big game hunters and if licensure is required by the Coast Guard;  
and

(5) has a business license to transport big game hunters.

\* Sec. 9. AS 08.54.400(c) is amended to read:

(c) An applicant for renewal of a transporter license shall submit with the application for renewal

(1) an activity report on a form provided by the department for the period covered by the current license; an activity report shall contain information required by the board by regulation;

(2) the license fee for the next licensing period;

(3) the commercial use permit fee for the [NEXT LICENSING] period covered by the current permit; and

(4) proof of

(A) an air taxi/commercial operator certificate issued by the Federal Aviation Administration under 14 C.F.R. Part 135, if the applicant provides air transportation services to big game hunters;

(B) licensure by the Coast Guard to carry passengers for hire, if the applicant provides water transportation services to big game hunters and if licensure is required by the Coast Guard.

\* Sec. 10. AS 08.54.460(a) is amended to read:

(a) A person, other than a guide-outfitter, marine mammal guide-outfitter, or a transporter, who provides other big game commercial services for compensation shall register with the board on a form provided by the board and shall obtain a commercial use permit and pay

the annual commercial use permit fee set by the department in consultation with the board [UNDER AS 08.54.470]. In this section, "other big game commercial services" includes provision of accommodations in the field at a permanent lodge, house, or cabin owned by the commercial use permit holder, hunt broker services, gear rental services, photographic or videographic services, and services as defined by the board by regulation.

\* Sec. 11. AS 08.54.470(a) is amended to read:

(a) A person who is licensed under this chapter as a guide-outfitter, marine mammal guide-outfitter, or transporter shall obtain an annual commercial use permit. The [AND PAY AN] annual commercial use permit fee shall be paid as set out in this section.

\* Sec. 12. AS 08.54.470(b) is repealed and reenacted to read:

(b) The commercial use permit fee shall be

(1) <sup>(1)</sup> set by the department, in consultation with the board, for transporters on the basis of a progressive fee in proportion to the number of big game hunters transported by the transporter during the period for which the permit was issued;

<sup>(2)</sup> for guide-outfitters and marine mammal guide-outfitters, <sup>at not less than</sup> ~~equal~~ to the following amounts based on the number of clients guide-outfitted by the guide-outfitter or marine mammal guide-outfitter during the period for which the permit was issued:

0 - 5 clients	\$ 250
6 - 10 clients	500
11 - 15 clients	750
16 - 20 clients	1,000

21 - 25 clients	1,500
26 - 30 clients	2,000
31 or more clients	2,500.

\* Sec. 13. AS 08.54.470(c) is amended to read:

(c) A guide-outfitter, marine mammal guide-outfitter, and transporter shall pay the commercial use permit fee at the time of application for [ISSUANCE OR] renewal of a guide-outfitter license, marine mammal guide-outfitter license, or transporter license. If the guide-outfitter, marine mammal guide-outfitter, or transporter does not apply for renewal of the guide-outfitter license, marine mammal guide-outfitter license, or transporter license, the commercial use permit fee shall be paid within 30 days after the end of the annual period for which the commercial use permit was issued."

Renumber the following bill sections accordingly.

Page <sup>20</sup> 15, line <sup>4</sup> 18:

Delete "sec. 4"

Insert "sec. 5"

Page <sup>20</sup> 16, ~~following~~ line <sup>29 thru p. 21 lines 1-14</sup> 21:

Insert a new bill section to read:

"\* Sec. <sup>21</sup> 19. TRANSITION; COMMERCIAL USE PERMIT FEE FOR 1991 AND SUBSEQUENT YEARS. AS 08.54.350(a), as amended by sec. 4 of this Act, AS 08.54.-360(a), as amended by sec. 6 of this Act, AS 08.54.370(a), as amended by sec. 7 of this Act, AS 08.54.400(a), as amended by sec. 8 of this Act,

AS 08.54.400(c), as amended by sec. 9 of this Act, AS 08.54.470(a), as amended by sec. 11 of this Act, AS 08.54.470(b), as amended by sec. 12 of this Act, and AS 08.54.470(c), as amended by sec. 13 of this Act apply to initial applications for and renewals of guide-outfitter licenses, marine mammal guide-outfitter licenses, and transporter licenses for 1991 and subsequent years and to payment of commercial use permit fees for 1991 and subsequent years. Applicants for guide-outfitter licenses, marine mammal guide-outfitter licenses, and transporter licenses for 1990 or for renewal of these licenses for 1990 shall pay the commercial use permit fee in accordance with AS 08.54 as it existed on the day before the effective date of this section."

Renumber the following bill sections accordingly.

A M E N D M E N T

CONTAINED IN

DRAFT CSHB 448 (Resources)(dated 3/26/90)

Page 1, line 8, after "transporters":

"and air carriers," was inserted

Page 17, line 10, through page 18, line 4:

Two new bill sections were inserted to read:

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

Sec. 08.54.560. REPORTS RELATING TO CARRIAGE OF BIG GAME HUNTERS. (a) A person who is subject to AS 42.30.200 shall submit to the department by January 31 of each year an activity report relating to the carriage, to, from, or in the field, during the previous year of big game hunters, their equipment, and big game animals harvested by hunters. The report shall be made on a form provided by the department and must contain information required by the board by regulation.

(b) A person who intentionally violates this section is guilty of a class B misdemeanor.

\* Sec. 16. AS 08.54.590(13) is amended to read:

(13) "transportation services" means carriage of, or advertising to carry for compensation, big game hunters, their equipment, or big game animals harvested by hunters to, from, or in the field; "transportation services" does not include the carriage by aircraft of big game hunters, their equipment, or big game animals harvested by

hunters

(A) on nonstop flights between state, municipally, or federally maintained airports and float plane docks; or

(B) by an air taxi operator or air carrier who does not charge more than the usual tariff or charter rate for [WHICH] the carriage of big game hunters, their equipment, or big game animals harvested by hunters [IS ONLY AN INCIDENTAL, AS DEFINED BY THE BOARD, PORTION OF ITS BUSINESS];"

A M E N D M E N T

CONTAINED IN

DRAFT CSHB 448 (Resources) (dated 3/26/90)

Page 16, line 12, after "at":

"not less than" was inserted

A M E N D M E N T

OFFERED IN THE HOUSE

TO: ~~Draft CSHB 448 (Judiciary)~~ Amendment #3

~~Page 8, line 15.~~

Delete "AS 08.01.065(b) - (e)"

Insert "AS 08.01.065(c) - (e)"

Original sponsor(s): Rules Committee by Request

1 IN THE HOUSE

IN THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 448 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to guide-outfitter use area permits,  
7 the Big Game Commercial Services Board, guide-out-  
8 fitters, transporters and air carriers, and providers  
9 of other big game commercial services; and providing  
10 for an effective date."

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

12 \* Section 1. FINDINGS AND PURPOSE. (a) The legislature finds that

13 (1) unregulated access to game management units by guide-out-  
14 fitters

15 (A) can potentially harm the state's valuable big game  
16 resources by allowing overharvest of big game species or populations  
17 that have a low recovery capacity or that exist in low abundance; and

18 (B) has hindered management of hunters guide-outfitted by  
19 guide-outfitters, led to conflicts among guide-outfitters, and de-  
20 creased the quality of the hunting experience for clients of guide-  
21 outfitters and other hunters;

22 (2) an economically viable guide-outfitter industry can offer a  
23 quality hunting experience to hunters from throughout the world who seek a  
24 unique opportunity to pursue and take trophy big game animals in the state  
25 and can contribute significantly to the state's economy by increasing  
26 tourism and supporting a variety of businesses associated with the guide-  
27 outfitter industry;

28 (3) the guide-outfitter industry provides an opportunity for  
29 enhancing the state's economy, particularly the underdeveloped economies of

1 the rural regions of the state;

2 (4) intense competition exists for big game in many parts of the  
3 state and the allocation of access to big game hunting opportunities among  
4 guide-outfitters will prevent overharvest of big game in those areas and  
5 will provide continued open access to the big game resource by all users;

6 (5) a resource-based management system for allocating access to  
7 big game hunting opportunities among guide-outfitters will alleviate con-  
8 flicts among guide-outfitters, will provide an effective basis for regulat-  
9 ing guide-outfitters, and will enhance conservation and management of big  
10 game;

11 (6) a long-term interest in the conservation of wildlife encour-  
12 ages sound management practices among users of wildlife and fosters a  
13 mutually beneficial relationship between wildlife and the users of wildlife  
14 because the user understands that the user's own future well-being is  
15 dependent upon wise use of the resource in the present.

16 (b) The purpose of this Act is to

17 (1) establish a resource-based system of allocating access to  
18 big game hunting opportunities among guide-outfitters that is fully con-  
19 sistent with common use principles of the Constitution of the State of  
20 Alaska; and

21 (2) support the conservation and management of the state's  
22 wildlife, provide economic and noneconomic benefits to the state and to the  
23 citizens of the state, and generate revenue for the state from the wise use  
24 of wildlife for commercial purposes.

25 (c) This Act does not affect the existing rights and privileges of  
26 subsistence and resident sport hunters to take game in the state.

27 \* Sec. 2. AS 08.54 is amended by adding new sections to read:

28 ARTICLE 5. GUIDE-OUTFITTER USE AREAS.

29 Sec. 08.54.610. GUIDE-OUTFITTER USE AREAS. (a) The board shall

1 establish guide-outfitter use areas throughout the state. The board  
2 shall consider the recommendations of the Department of Fish and Game  
3 in identifying the boundaries of the use areas. The board shall adopt  
4 the recommendations of the Department of Fish and Game for each use  
5 area unless the board obtains a finding from the Department of Fish  
6 and Game that an amended use area boundary as proposed by the board  
7 will not adversely affect wildlife conservation and management.

8 (b) The board may amend the boundaries of use areas adopted  
9 under (a) of this section if

10 (1) the Department of Fish and Game finds that the proposed  
11 amendment will not adversely affect wildlife conservation and manage-  
12 ment; and

13 (2) the board notifies all guide-outfitters who hold use  
14 area permits for the affected use areas of the proposed amendment and  
15 provides those guide-outfitters with an opportunity to comment on the  
16 proposed amendment.

17 (c) AS 08.54.620 - 08.54.690 do not apply within an area or to  
18 the activities of a guide-outfitter within an area of the state that  
19 is not included within the boundary of a guide-outfitter use area  
20 adopted by the board.

21 Sec. 08.54.620. OFFERINGS OF GUIDE-OUTFITTER USE AREAS. (a)  
22 The board shall annually offer available use areas to qualified guide-  
23 outfitters. The board shall stagger the offering of use areas.

24 (b) The board may request recommendations from the public for  
25 use areas to be offered at the next offering of use areas.

26 (c) The board shall decide whether a use area will be offered  
27 for sole or joint use before offering the use area. In making its  
28 decision, the board shall consider for each use area

29 (1) information provided by the Department of Fish and Game

1 on the status of big game populations, historical harvests of big  
2 game, and uses of wildlife in the use area;

3 (2) information gathered from previous use by guide-outfit-  
4 ters that would facilitate big game management and planning;

5 (3) requirements for economically viable guide-outfitter  
6 operations;

7 (4) the number of economically viable guide-outfitter  
8 operations that the use area could support;

9 (5) the effect of guide-outfitting activities on resident  
10 hunters; and

11 (6) other relevant factors, including land ownership con-  
12 cerns, land management concerns, and law enforcement concerns.

13 (d) Use areas for which use area permits have expired, been  
14 relinquished by the permittee, automatically revoked under AS 08.54.-  
15 660, or revoked by the board may be offered by the board at the next  
16 offering of use areas.

17 (e) The notice of the offering of use areas must include for  
18 each use area

19 (1) the location and a brief description of the use area;

20 (2) whether the use area is available for sole or joint  
21 use.

22 Sec. 08.54.630. GUIDE-OUTFITTER USE AREA PERMIT; REGISTRATION  
23 PERMIT. (a) A guide-outfitter use area permit or registration permit  
24 authorizes a guide-outfitter to guide-outfit hunts in the use area for  
25 those big game species specified by the permit and may limit the  
26 number of clients that may be guide-outfitted in the use area each  
27 year.

28 (b) A sole use area permit grants to the permittee the sole  
29 privilege to guide-outfit hunts for all big game species that occur

1 within the use area. A joint use area permit grants to the permittee  
2 the privilege to guide-outfit hunts in the use area for the big game  
3 species specified in the permit; however, all joint use area permits  
4 for a use area, when considered together, must grant privileges to  
5 guide-outfit hunts for all big game species that occur within the use  
6 area.

7 (c) A use area that is not awarded to a guide-outfitter under  
8 AS 08.54.650 is open to use by guide-outfitters who are certified to  
9 guide-outfit hunts in the game management unit in which the use area  
10 is located and who obtain a registration permit for the use area. The  
11 board may establish the number of registration permits that will be  
12 issued for each use area. Registration permits are valid for the  
13 calendar year in which they are issued. A registration permit must  
14 specify the big game species for which hunts may be guide-outfitted  
15 under the authority of the permit.

16 (d) A guide-outfitter may not guide-outfit a hunt for a big game  
17 species in a use area, unless the guide-outfitter has a use area  
18 permit or registration permit that entitles the guide-outfitter to  
19 guide-outfit hunts for that species in that use area.

20 (e) A guide-outfitter shall physically participate in field  
21 operations while guide-outfitted hunts are conducted under the author-  
22 ity of a use area permit or registration permit held by the guide-  
23 outfitter.

24 Sec. 08.54.640. APPLICATION FOR A GUIDE-OUTFITTER USE AREA  
25 PERMIT. (a) A guide-outfitter who is licensed under AS 08.54.350 and  
26 is certified by the board to guide-outfit hunts in the game management  
27 unit in which the use area is located may apply for a guide-outfitter  
28 use area permit.

29 (b) A guide-outfitter shall submit a separate application for

1 each use area permit sought. The application shall be made on a form  
2 provided by the board and shall be accompanied by the application fee  
3 and a proposed operations plan for the conduct of guide-outfitted  
4 hunts under the use area permit, including locations of base camps,  
5 the number of clients, and the big game species to be hunted.

6 (c) The department shall set the application fee for a guide-  
7 outfitter use area permit under AS 08.01.065.

8 Sec. 08.54.650. PROCEDURES FOR AWARDING GUIDE-OUTFITTER USE AREA  
9 PERMIT. (a) The board shall adopt by regulation procedures for  
10 evaluating and ranking the qualifications of applicants for guide-  
11 outfitter use area permits. The procedures must appropriately balance  
12 the criteria included under (b) of this section to ensure that all  
13 applicants are afforded a fair opportunity to obtain a use area permit  
14 in those game management units for which the applicant is certified by  
15 the board. The board may adopt regulations to define or clarify the  
16 criteria set out in (b) of this section.

17 (b) The board shall evaluate each application to determine  
18 whether the applicant is qualified for a guide-outfitter use area  
19 permit using the following criteria:

20 (1) the applicant's ability and means to provide the guide-  
21 outfitting services proposed in the applicant's operations plan;

22 (2) whether the applicant has the financial capability to  
23 carry out the guide-outfitting services proposed in the applicant's  
24 operations plan;

25 (3) the applicant's history of safety in guide-outfitting  
26 hunts or demonstrated ability to guide-outfit hunts safely;

27 (4) the applicant's history of compliance with state and  
28 federal fish and game and guide-outfitting statutes and regulations;

29 (5) the applicant's

1 (A) experience, including experience as a guide-  
2 outfitter, an assistant guide-outfitter, or as a participant in  
3 activities directly related to guide-outfitting operations; or

4 (B) knowledge of the use area, including knowledge of  
5 the geography, climatic conditions, flora and fauna, and similar  
6 knowledge, including knowledge obtained by big game hunting in  
7 the use area, that would assist the applicant in guide-outfitting  
8 hunts in the use area;

9 (6) the applicant's history of compliance with AS 08.54.-  
10 520(a) in regard to prior authorization to enter or remain on state,  
11 federal, or private land;

12 (7) whether the applicant has obtained those prior author-  
13 izations to guide-outfit hunts on state, federal, or private land in  
14 the use area from the significant or major landowners in the use area  
15 or has demonstrated the ability to acquire those authorizations;

16 (8) whether the applicant holds all permits and licenses  
17 necessary to guide-outfit hunts in the use area or has demonstrated  
18 the ability to obtain the necessary permits and licenses.

19 (c) In balancing the criteria under (b)(5)(A) and (B) of this  
20 section, the board shall give appropriate weight to each criterion to  
21 ensure fair consideration of all applicants.

22 (d) The board shall award a use area permit only to a qualified  
23 applicant. If the board determines that more applicants are qualified  
24 to receive a use area permit for a use area than there are use area  
25 permits available, then the board shall rank all applicants for the  
26 use area permit and shall select the best qualified applicants to  
27 receive the available permits. The best qualified applicants are  
28 those who receive the highest ranking under the criteria set out in  
29 (b) of this section and regulations adopted under (a) of this section.

1 (e) If a successful applicant does not provide, at the time the  
2 board awards the use area permit, proof of the permits and licenses  
3 necessary to guide-outfit hunts on state, federal, or private land in  
4 the use area from the significant or major landowners in the use area,  
5 the board shall issue a conditional use area permit that is valid for  
6 120 days. A conditional use area permit does not entitle the per-  
7 mittee to guide-outfit hunts within the use area. If the successful  
8 applicant provides proof satisfactory to the board within 120 days  
9 after issuance of the conditional use area permit that the applicant  
10 has received the necessary permits and licenses and land use authori-  
11 zations, the applicant shall be awarded a use area permit. If the  
12 successful applicant does not provide the required proof within 120  
13 days after issuance of the conditional use area permit, the condi-  
14 tional use area permit is void. If a conditional use area permit is  
15 voided under this subsection, the board shall offer the use area  
16 permit to the next best qualified applicant for the use area.

17 Sec. 08.54.655. GUIDE-OUTFITTER USE AREA PERMIT FEE. (a) Not-  
18 withstanding AS 08.01.065(c) - (e), the department, in consultation  
19 with the board, shall set a fee for a guide-outfitter use area permit  
20 that

21 (1) reflects the economic value of the privileges conferred  
22 by the use area permit, taking into consideration the term for which  
23 the use area permit is issued, the number of clients that may be  
24 guide-outfitted in the use area under the use area permit, the big  
25 game species for which hunts may be guide-outfitted under the use area  
26 permit, and whether the use area permit is for sole or joint use of  
27 the use area; and

28 (2) ensures a fair return to the people of the state for  
29 the commercial use of the big game species in the use area.

1 (b) The commissioner of administration shall separately account  
2 for the use area permit fees deposited in the general fund by the de-  
3 partment. The annual estimated balance in the account may be used by  
4 the legislature to make appropriations to the Department of Fish and  
5 Game and the Department of Public Safety to carry out their respective  
6 responsibilities for management of game resources and enforcement of  
7 game laws.

8 Sec. 08.54.660. TERM AND SUSPENSION OR REVOCATION OF GUIDE-  
9 OUTFITTER USE AREA PERMIT; OPERATIONS PLAN. (a) The board shall  
10 grant guide-outfitter use area permits for a term not to exceed 10  
11 years, unless the board determines, after consultation with the De-  
12 partment of Fish and Game, that a longer term will further promote the  
13 wildlife conservation and management objectives of the use areas. The  
14 term of a use area permit may not in any instance exceed 15 years.

15 (b) The board may after a hearing suspend or revoke a use area  
16 permit for

17 (1) violation of the conditions of the use area permit;

18 (2) failure to exercise the privileges conferred by the use  
19 area permit for one year;

20 (3) a significant unauthorized deviation, as defined by the  
21 board, from an operations plan;

22 (4) fraud in applying for a use area permit or assignment  
23 of a use area permit; or

24 (5) other good cause, as defined by the board.

25 (c) The board may suspend or revoke a use area permit upon  
26 conviction of the permittee of an unlawful act under AS 08.54.520.

27 (d) A use area permit is revoked automatically upon revocation  
28 of the permittee's guide-outfitter license. A use area permit is  
29 suspended automatically upon suspension of the permittee's guide-

1 outfitter license.

2 (e) If the license of a guide-outfitter is summarily suspended  
3 under AS 08.01.075(c), the use area permits held by the guide-out-  
4 fitter are suspended automatically until after the final disposition  
5 of the disciplinary proceeding by the board.

6 (f) A hearing to suspend or revoke a use area permit may be  
7 combined with a disciplinary proceeding under AS 08.01.075 or AS 08.-  
8 54.500 involving the use area permittee.

9 (g) A use area permit may be revoked or the terms of the use  
10 area permit or an operations plan may be altered by the board for  
11 wildlife conservation and management considerations.

12 (h) A use area permittee shall submit an amended operations plan  
13 if the permittee intends to vary the permittee's guide-outfitting op-  
14 eration from that stated in the plan. An amended operations plan is  
15 not effective until approved by the board. A permittee may not con-  
16 duct a guide-outfitting operation outside of the terms of an approved  
17 operations plan.

18 Sec. 08.54.670. ASSIGNMENT OF GUIDE-OUTFITTER USE AREA PERMIT.

19 (a) Except as provided in this section, a use area permit may not be  
20 sold, leased, or otherwise assigned.

21 (b) A use area permit may be assigned by the board under regu-  
22 lations of the board if the assignment is

23 (1) consistent with the purposes of AS 08.54.610 - 08.-  
24 54.690;

25 (2) not for consideration to the former permittee;

26 (3) to a guide-outfitter qualified to receive the use area  
27 permit; and

28 (4) due to the death or disability of the former permittee  
29 or for other good cause, as defined by the board.

1 (c) An assigned use area permit is valid only for the period for  
2 which the use area permit was originally issued.

3 (d) If proceedings in which a guide-outfitter license may be  
4 revoked or suspended under this chapter are pending against a guide-  
5 outfitter, the guide-outfitter's use area permits may not be assigned  
6 unless allowed for good cause by the board. During the period for  
7 which a guide-outfitter's license is suspended under this chapter, use  
8 area permits held by the guide-outfitter may not be assigned.

9 (e) If proceedings in which a guide-outfitter use area permit  
10 may be revoked or suspended under AS 08.54.660 are pending against a  
11 guide-outfitter, the use area permits that are the subject of the  
12 pending proceedings may not be assigned. During the period for which  
13 a use area permit is suspended under AS 08.54.660, the use area permit  
14 may not be assigned.

15 Sec. 08.54.680. INFORMATION ON GUIDE-OUTFITTER USE AREAS AND  
16 COMMERCIAL USE PERMITTEES. (a) The board shall maintain and publish  
17 on a regular basis a comprehensive list of all unawarded guide-out-  
18 fitter use areas that are open to application for use by qualified  
19 guide-outfitters.

20 (b) The board shall maintain a centralized information center  
21 where information on guide-outfitter use areas and all commercial use  
22 permittees can be readily obtained by guide-outfitters, government  
23 agencies, and the public.

24 Sec. 08.54.690. DEFINITIONS. In AS 08.54.610 - 08.54.690

25 (1) "joint use" means the utilization of a guide-outfitter  
26 use area by more than one use area permittee;

27 (2) "sole use" means the utilization of a guide-outfitter  
28 use area by one use area permittee.

29 \* Sec. 3. AS 08.54.310(a) is amended by adding new paragraphs to read:

1           (11) certify guide-outfitters to conduct guide-outfitting  
2 activities within a game management unit;

3           (12) establish by regulation a system of guide-outfitter use  
4 areas for allocating access to big game hunting opportunities among  
5 guide-outfitters.

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

7           Sec. 08.54.355. GAME MANAGEMENT UNIT CERTIFICATION. (a) The  
8 board shall certify guide-outfitters licensed under AS 08.54.350 to  
9 guide-outfit hunts within a game management unit.

10          (b) A guide-outfitter may not guide-outfit hunts in a game  
11 management unit unless the guide-outfitter is certified by the board  
12 to guide-outfit hunts in the game management unit.

13          (c) The board shall allow a guide-outfitter to prequalify for  
14 certification for each game management unit in which the guide-out-  
15 fitter is competent to guide-outfit hunts. The board shall allow a  
16 guide-outfitter to transfer a certification between game management  
17 units.

18 \* Sec. 5. AS 08.54.370(a) is amended to read:

19          (a) An applicant for renewal of a guide-outfitter license or a  
20 marine mammal guide-outfitter license shall submit with the applica-  
21 tion for renewal

22           (1) the hunt record required under AS 08.54.550 for the  
23 period covered by the current license;

24           (2) the license fee for the next licensing period; [AND]

25           (3) the commercial use permit fee for the next licensing  
26 period; and

27           (4) an amended guide-outfitter use area operations plan, if  
28 appropriate.

29 \* Sec. 6. AS 08.54.470 is amended by adding a new subsection to read:

1 (e) Notwithstanding (a) of this section and AS 08.54.370, a  
2 person who is licensed under this chapter as a guide-outfitter but who  
3 is retired from or does not engage in guide-outfitting activities is  
4 exempt from requirements to obtain a commercial use permit and to pay  
5 the commercial use permit fee. The department shall adopt regulations  
6 to implement this subsection.

7 \* Sec. 7. AS 08.54 is amended by adding a new section to read:

8 Sec. 08.54.560. REPORTS RELATING TO CARRIAGE OF BIG GAME HUNT-  
9 ERS. (a) A person who is subject to AS 42.30.200 shall submit to the  
10 department by January 31 of each year an activity report relating to  
11 the carriage, to, from, or in the field, during the previous year of  
12 big game hunters, their equipment, and big game animals harvested by  
13 hunters. The report shall be made on a form provided by the depart-  
14 ment and must contain information required by the board by regulation.

15 (b) A person who intentionally violates this section is guilty  
16 of a class B misdemeanor.

17 \* Sec. 8. AS 08.54.590(13) is amended to read:

18 (13) "transportation services" means carriage of, or adver-  
19 tising to carry for compensation, big game hunters, their equipment,  
20 or big game animals harvested by hunters to, from, or in the field;  
21 "transportation services" does not include the carriage by aircraft of  
22 big game hunters, their equipment, or big game animals harvested by  
23 hunters

24 (A) on nonstop flights between state, municipally, or  
25 federally maintained airports and float plane docks, unless the  
26 person providing transportation services advertises as defined in  
27 this section; or

28 (B) by an air taxi operator or air carrier who does  
29 not charge more than the usual tariff or charter rate for [WHICH]

1 the carriage of big game hunters, their equipment, or big game  
2 animals harvested by hunters, unless the person providing trans-  
3 portation services advertises as defined in this section [IS ONLY  
4 AN INCIDENTAL, AS DEFINED BY THE BOARD, PORTION OF ITS BUSINESS];

5 \* Sec. 9. AS 08.54.590 is amended by adding a new paragraph to read:

6 (15) "advertise" means to make big game hunting and related  
7 transportation services publicly and generally known through the use  
8 of a media or indirectly through hunt broker services or promotional  
9 services.

10 \* Sec. 10. IDENTIFICATION OF PROPOSED GUIDE-OUTFITTER USE AREAS. (a)

11 The Department of Fish and Game shall propose guide-outfitter use areas for  
12 use by the Big Game Commercial Services Board in establishing a resource-  
13 based management system for allocating access to big game hunting oppor-  
14 tunities among guide-outfitters. The department shall identify proposed  
15 guide-outfitter use areas for appropriate regions and areas of the state.  
16 The department may set priorities for identifying use areas and may deter-  
17 mine the extent and number of use areas to be identified at one time. The  
18 department shall complete the identification of proposed use areas within  
19 two years after the close of the first public comment period prescribed  
20 under (e) of this section. The department shall complete the identifica-  
21 tion of proposed use areas for a significant portion of the state within  
22 nine months after the close of the first public comment period prescribed  
23 under (e) of this section.

24 (b) The Big Game Commercial Services Board may recommend to the  
25 department those areas of the state that should receive priority in identi-  
26 fying use areas.

27 (c) The department shall publish a public notice that it is accepting  
28 public comment for identification of areas as proposed guide-outfitter use  
29 areas. The department shall accept public comment for 60 days after the

1 notice is first published.

2 (d) The department shall propose use areas in light of the following  
3 considerations:

4 (1) wildlife management concerns, including abundance and diver-  
5 sity of wildlife, historical harvest of wildlife from the area, and exist-  
6 ing administrative boundaries established for wildlife management purposes;

7 (2) wildlife law enforcement concerns;

8 (3) public comment received under (c) of this section;

9 (4) land ownership in the area;

10 (5) administrative restrictions;

11 (6) existence of boundaries that can be readily identified in  
12 the field;

13 (7) accessibility of the area and other transportation consid-  
14 erations;

15 (8) existence of complementary and noncomplementary land uses  
16 within the area;

17 (9) existing facilities within the area; and

18 (10) other considerations relevant to the purposes of this sec-  
19 tion.

20 (e) The department shall provide maps or descriptions to the public  
21 of the use areas proposed under (d) of this section and shall solicit  
22 public comment on the proposed use areas. The public shall have 45 days  
23 after the maps or descriptions are distributed to comment on the use areas  
24 proposed by the department. At the close of the comment period, the de-  
25 partment shall review the proposed use areas in light of the public comment  
26 received and shall then recommend boundaries for the proposed use areas.  
27 The department shall transmit its boundary recommendations to the Big Game  
28 Commercial Services Board as the recommendations are made final.

29 (f) The actions of the department under this section are exempt from

the Administrative Procedure Act (AS 44.62).

2 (g) In this section

3 (1) "department" means the Department of Fish and Game;

4 (2) "public" includes a natural person, corporation, associa-  
5 tion, organization, society, company, partnership, or state, federal, or  
6 local government agency.

7 \* Sec. 11. PRELIMINARY DETERMINATION OF ELIGIBILITY FOR GUIDE-OUTFITTER  
8 USE AREA PERMIT. (a) In order to facilitate and expedite the process for  
9 issuing guide-outfitter use area permits during the first five years that  
10 offerings of guide-outfitter use areas are made under AS 08.54.610 - 08.-  
11 54.690, enacted by sec. 2 of this Act, the Big Game Commercial Services  
12 Board shall make preliminary determinations of the eligibility of a guide-  
13 outfitter to receive use area permits.

14 (b) A guide-outfitter may apply, at times set by the board, for a  
15 preliminary determination of eligibility for a use area permit for each  
16 game management unit in which the guide-outfitter is certified or prequal-  
17 ified for certification to guide-outfit hunts under AS 08.54.355, enacted  
18 by sec. 4 of this Act.

19 (c) A guide-outfitter is qualified for a preliminary determination of  
20 eligibility to receive a use area permit if the board finds that the guide-  
21 outfitter satisfies the criteria of AS 08.54.650(b), enacted by sec. 2 of  
22 this Act, that can be satisfied without reference to the characteristics of  
23 a specific use area.

24 (d) A preliminary determination of eligibility to receive a use area  
25 permit does not vest a right in the guide-outfitter to receive a use area  
26 permit when use areas are offered under AS 08.54.650, enacted by sec. 2 of  
27 this Act.

28 \* Sec. 12. During the first five years that offerings of use areas are  
29 made under AS 08.54.610 - 08.54.690, enacted by sec. 2 of this Act, the Big

1 Game Commercial Services Board shall offer all guide-outfitter use areas.

2 \* Sec. 13. The operation of AS 08.54.440 is suspended until January 1,  
3 1991.

4 \* Sec. 14. SEVERABILITY. If a provision of this Act or the application  
5 of this Act to a person or circumstance is held invalid, the remainder of  
6 this Act and the application of this Act to other persons or circumstances  
7 are not affected by the invalidity.

8 \* Sec. 15. Section 13 of this Act is retroactive to May 12, 1989.

9 \* Sec. 16. AS 08.54.310(b)(1) is repealed.

10 \* Sec. 17. Sections 13 and 15 of this Act take effect immediately under  
11 AS 01.10.070(c).

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Original sponsor(s): Rules Committee by Request

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 448 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to guide-outfitter use area permits,  
7 the Big Game Commercial Services Board, guide-out-  
8 fitters, transporters and air carriers, and providers  
9 of other big game commercial services, and commercial  
10 use permits; and providing for an effective date."

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

12 \* Section 1. FINDINGS AND PURPOSE. (a) The legislature finds that

13 (1) unregulated access to game management units by guide-out-  
14 fitters

15 (A) can potentially harm the state's valuable big game  
16 resources by allowing overharvest of big game species or populations  
17 that have a low recovery capacity or that exist in low abundance; and

18 (B) has hindered management of hunters guide-outfitted by  
19 guide-outfitters, led to conflicts among guide-outfitters, and de-  
20 creased the quality of the hunting experience for clients of guide-  
21 outfitters and other hunters;

22 (2) an economically viable guide-outfitter industry can offer a  
23 quality hunting experience to hunters from throughout the world who seek a  
24 unique opportunity to pursue and take trophy big game animals in the state  
25 and can contribute significantly to the state's economy by increasing  
26 tourism and supporting a variety of businesses associated with the guide-  
27 outfitter industry;

28 (3) the guide-outfitter industry provides an opportunity for  
29 enhancing the state's economy, particularly the underdeveloped economies of

1 the rural regions of the state;

2 (4) intense competition exists for big game in many parts of the  
3 state and the allocation of access to big game hunting opportunities among  
4 guide-outfitters will prevent overharvest of big game in those areas and  
5 will provide continued open access to the big game resource by all users;

6 (5) a resource-based management system for allocating access to  
7 big game hunting opportunities among guide-outfitters will alleviate con-  
8 flicts among guide-outfitters, will provide an effective basis for regulat-  
9 ing guide-outfitters, and will enhance conservation and management of big  
10 game;

11 (6) a long-term interest in the conservation of wildlife encour-  
12 ages sound management practices among users of wildlife and fosters a  
13 mutually beneficial relationship between wildlife and the users of wildlife  
14 because the user understands that the user's own future well-being is  
15 dependent upon wise use of the resource in the present.

16 (b) The purpose of this Act is to

17 (1) establish a resource-based system of allocating access to  
18 big game hunting opportunities among guide-outfitters that is fully con-  
19 sistent with common use principles of the Constitution of the State of  
20 Alaska; and

21 (2) support the conservation and management of the state's  
22 wildlife, provide economic and noneconomic benefits to the state and to the  
23 citizens of the state, and generate revenue for the state from the wise use  
24 of wildlife for commercial purposes.

25 (c) This Act does not affect the existing rights and privileges of  
26 subsistence and resident sport hunters to take game in the state.

27 \* Sec. 2. AS 08.54 is amended by adding new sections to read:

28 ARTICLE 5. GUIDE-OUTFITTER USE AREAS.

29 Sec. 08.54.610. GUIDE-OUTFITTER USE AREAS. (a) The board shall

1 establish guide-outfitter use areas throughout the state. The board  
2 shall consider the recommendations of the Department of Fish and Game  
3 in identifying the boundaries of the use areas. The board shall adopt  
4 the recommendations of the Department of Fish and Game for each use  
5 area unless the board obtains a finding from the Department of Fish  
6 and Game that an amended use area boundary as proposed by the board  
7 will not adversely affect wildlife conservation and management.

8 (b) The board may amend the boundaries of use areas adopted  
9 under (a) of this section if

10 (1) the Department of Fish and Game finds that the proposed  
11 amendment will not adversely affect wildlife conservation and manage-  
12 ment; and

13 (2) the board notifies all guide-outfitters who hold use  
14 area permits for the affected use areas of the proposed amendment and  
15 provides those guide-outfitters with an opportunity to comment on the  
16 proposed amendment.

17 (c) AS 08.54.620 - 08.54.690 do not apply within an area or to  
18 the activities of a guide-outfitter within an area of the state that  
19 is not included within the boundary of a guide-outfitter use area  
20 adopted by the board.

21 Sec. 08.54.620. OFFERINGS OF GUIDE-OUTFITTER USE AREAS. (a)  
22 The board shall annually offer available use areas to qualified guide-  
23 outfitters. The board shall stagger the offering of use areas.

24 (b) The board may request recommendations from the public for  
25 use areas to be offered at the next offering of use areas.

26 (c) The board shall decide whether a use area will be offered  
27 for sole or joint use before offering the use area. In making its  
28 decision, the board shall consider for each use area

29 (1) information provided by the Department of Fish and Game

1 on the status of big game populations, historical harvests of big  
2 game, and uses of wildlife in the use area;

3 (2) information gathered from previous use by guide-outfit-  
4 ters that would facilitate big game management and planning;

5 (3) requirements for economically viable guide-outfitter  
6 operations;

7 (4) the number of economically viable guide-outfitter  
8 operations that the use area could support;

9 (5) the effect of guide-outfitting activities on resident  
10 hunters; and

11 (6) other relevant factors, including land ownership con-  
12 cerns, land management concerns, and law enforcement concerns.

13 (d) Use areas for which use area permits have expired, been  
14 relinquished by the permittee, automatically revoked under AS 08.54.-  
15 660, or revoked by the board may be offered by the board at the next  
16 offering of use areas.

17 (e) The notice of the offering of use areas must include for  
18 each use area

19 (1) the location and a brief description of the use area;

20 (2) whether the use area is available for sole or joint  
21 use.

22 Sec. 08.54.630. GUIDE-OUTFITTER USE AREA PERMIT; REGISTRATION  
23 PERMIT. (a) A guide-outfitter use area permit or registration permit  
24 authorizes a guide-outfitter to guide-outfit hunts in the use area for  
25 those big game species specified by the permit and may limit the  
26 number of clients that may be guide-outfitted in the use area each  
27 year.

28 (b) A sole use area permit grants to the permittee the sole  
29 privilege to guide-outfit hunts for all big game species that occur

1 within the use area. A joint use area permit grants to the permittee  
2 the privilege to guide-outfit hunts in the use area for the big game  
3 species specified in the permit; however, all joint use area permits  
4 for a use area, when considered together, must grant privileges to  
5 guide-outfit hunts for all big game species that occur within the use  
6 area.

7 (c) A use area that is not awarded to a guide-outfitter under  
8 AS 08.54.650 is open to use by guide-outfitters who are certified to  
9 guide-outfit hunts in the game management unit in which the use area  
10 is located and who obtain a registration permit for the use area. The  
11 board may establish the number of registration permits that will be  
12 issued for each use area. Registration permits are valid for the  
13 calendar year in which they are issued. A registration permit must  
14 specify the big game species for which hunts may be guide-outfitted  
15 under the authority of the permit.

16 (d) A guide-outfitter may not guide-outfit a hunt for a big game  
17 species in a use area, unless the guide-outfitter has a use area  
18 permit or registration permit that entitles the guide-outfitter to  
19 guide-outfit hunts for that species in that use area.

20 (e) A guide-outfitter shall physically participate in field  
21 operations while guide-outfitted hunts are conducted under the author-  
22 ity of a use area permit or registration permit held by the guide-  
23 outfitter.

24 Sec. 08.54.640. APPLICATION FOR A GUIDE-OUTFITTER USE AREA  
25 PERMIT. (a) A guide-outfitter who is licensed under AS 08.54.350 and  
26 is certified by the board to guide-outfit hunts in the game management  
27 unit in which the use area is located may apply for a guide-outfitter  
28 use area permit.

29 (b) A guide-outfitter shall submit a separate application for

1 each use area permit sought. The application shall be made on a form  
2 provided by the board and shall be accompanied by the application fee  
3 and a proposed operations plan for the conduct of guide-outfitted  
4 hunts under the use area permit, including locations of base camps,  
5 the number of clients, and the big game species to be hunted.

6 (c) The department shall set the application fee for a guide-  
7 outfitter use area permit under AS 08.01.065.

8 Sec. 08.54.650. PROCEDURES FOR AWARDING GUIDE-OUTFITTER USE AREA  
9 PERMIT. (a) The board shall adopt procedures for evaluating the  
10 qualifications of applicants for guide-outfitter use area permits.  
11 The procedures must appropriately balance the criteria included under  
12 (b) of this section to ensure that new guide-outfitter licensees under  
13 this chapter are not unfairly disadvantaged or denied an opportunity  
14 to obtain a use area permit in those game management units for which  
15 the licensee is certified by the board.

16 (b) The board shall evaluate each application and determine  
17 whether the applicant is qualified for a guide-outfitter use area per-  
18 mit under criteria adopted by the board, including

19 (1) the applicant's ability and means to provide the type  
20 and quality of guide-outfitting services proposed by the applicant, as  
21 demonstrated by the applicant's proposed operations plan;

22 (2) whether the applicant has proposed a guide-outfitting  
23 operation in the use area that is economically feasible given the  
24 economic resources of the applicant;

25 (3) the applicant's history of safety in guide-outfitting  
26 hunts or demonstrated ability to guide-outfit hunts safely;

27 (4) the applicant's history of compliance with state and  
28 federal fish and game and guide-outfitting statutes and regulations;

29 (5) the applicant's experience in or knowledge of the use

1 area;

2 (6) the applicant's history of compliance with AS 08.54.-  
3 520(a) in regard to prior authorization to enter or remain on state,  
4 federal, or private land;

5 (7) whether the applicant has obtained those prior autho-  
6 rizations to guide-outfit hunts on state, federal, or private land in  
7 the use area from the significant or major landowners in the use area  
8 or has demonstrated the ability to acquire those authorizations;

9 (8) whether the applicant holds all permits and licenses  
10 necessary to guide-outfit hunts in the use area or has demonstrated  
11 the ability to obtain the necessary permits and licenses.

12 (c) If the board determines that more applicants are qualified  
13 to receive a use area permit for a use area than there are use area  
14 permits available, then the board shall reevaluate the applications of  
15 the qualified applicants and, with or without requesting additional  
16 documentation, shall select the best qualified applicants to receive  
17 the available permits. The board may request the qualified applicants  
18 to appear before the board to discuss the applicant's application in  
19 regard to the criteria in (b) of this section.

20 (d) The board shall award a use area permit only to a qualified  
21 applicant.

22 (e) If a successful applicant does not provide, at the time the  
23 board awards the use area permit, proof of the permits and licenses  
24 necessary to guide-outfit hunts in the use area or the authorizations  
25 to guide-outfit hunts on state, federal, or private land in the use  
26 area from the significant or major landowners in the use area, the  
27 board shall issue a conditional use area permit that is valid for 120  
28 days. A conditional use area permit does not entitle the permittee to  
29 guide-outfit hunts within the use area. If the successful applicant

1 provides proof satisfactory to the board within 120 days after issu-  
2 ance of the conditional use area permit that the applicant has re-  
3 ceived the necessary permits and licenses and land use authorizations,  
4 the applicant shall be awarded a use area permit. If the successful  
5 applicant does not provide the required proof within 120 days after  
6 issuance of the conditional use area permit, the conditional use area  
7 permit is void. If a conditional use area permit is voided under this  
8 subsection, the board shall offer the use area permit to the next best  
9 qualified applicant for the use area.

10 Sec. 08.54.660. TERM AND SUSPENSION OR REVOCATION OF GUIDE-  
11 OUTFITTER USE AREA PERMIT; OPERATIONS PLAN. (a) The board shall  
12 grant guide-outfitter use area permits for a term not to exceed 10  
13 years, unless the board determines, after consultation with the De-  
14 partment of Fish and Game, that a longer term will further promote the  
15 wildlife conservation and management objectives of the use areas. The  
16 term of a use area permit may not in any instance exceed 15 years.

17 (b) The board may after a hearing suspend or revoke a use area  
18 permit for

- 19 (1) violation of the conditions of the use area permit;  
20 (2) failure to exercise the privileges conferred by the use  
21 area permit for one year;  
22 (3) a significant unauthorized deviation, as defined by the  
23 board, from an operations plan;  
24 (4) fraud in applying for a use area permit or assignment  
25 of a use area permit; or  
26 (5) other good cause, as defined by the board.

27 (c) The board may suspend or revoke a use area permit upon  
28 conviction of the permittee of an unlawful act under AS 08.54.520.

29 (d) A use area permit is revoked automatically upon revocation

1 of the permittee's guide-outfitter license. A use area permit is  
2 suspended automatically upon suspension of the permittee's guide-  
3 outfitter license.

4 (e) If the license of a guide-outfitter is summarily suspended  
5 under AS 08.01.075(c), the use area permits held by the guide-out-  
6 fitter are suspended automatically until after the final disposition  
7 of the disciplinary proceeding by the board.

8 (f) A hearing to suspend or revoke a use area permit may be  
9 combined with a disciplinary proceeding under AS 08.01.075 or AS 08.-  
10 54.500 involving the use area permittee.

11 (g) A use area permit may be revoked or the terms of the use  
12 area permit or an operations plan may be altered by the board for  
13 wildlife conservation and management considerations.

14 (h) A use area permittee shall submit an amended operations plan  
15 if the permittee intends to vary the permittee's guide-outfitting  
16 operation from that stated in the plan. An amended operations plan is  
17 not effective until approved by the board. A permittee may not con-  
18 duct a guide-outfitting operation outside of the terms of an approved  
19 operations plan.

20 Sec. 08.54.670. ASSIGNMENT OF GUIDE-OUTFITTER USE AREA PERMIT.

21 (a) Except as provided in this section, a use area permit may not be  
22 sold, leased, or otherwise assigned.

23 (b) A use area permit may be assigned by the board under regu-  
24 lations of the board if the assignment is

25 (1) consistent with the purposes of AS 08.54.610 - 08.-  
26 54.690;

27 (2) not for consideration to the former permittee;

28 (3) to a guide-outfitter qualified to receive the use area  
29 permit; and

1 (4) due to the death or disability of the former permittee  
2 or for other good cause, as defined by the board.

3 (c) An assigned use area permit is valid only for the period for  
4 which the use area permit was originally issued.

5 (d) If proceedings in which a guide-outfitter license may be  
6 revoked or suspended under this chapter are pending against a guide-  
7 outfitter, the guide-outfitter's use area permits may not be assigned  
8 unless allowed for good cause by the board. During the period for  
9 which a guide-outfitter's license is suspended under this chapter, use  
10 area permits held by the guide-outfitter may not be assigned.

11 (e) If proceedings in which a guide-outfitter use area permit  
12 may be revoked or suspended under AS 08.54.660 are pending against a  
13 guide-outfitter, the use area permits that are the subject of the  
14 pending proceedings may not be assigned. During the period for which  
15 a use area permit is suspended under AS 08.54.660, the use area permit  
16 may not be assigned.

17 Sec. 08.54.680. INFORMATION ON GUIDE-OUTFITTER USE AREAS AND  
18 COMMERCIAL USE PERMITTEES. (a) The board shall maintain and publish  
19 on a regular basis a comprehensive list of all unawarded guide-out-  
20 fitter use areas that are open to application for use by qualified  
21 guide-outfitters.

22 (b) The board shall maintain a centralized information center  
23 where information on guide-outfitter use areas and all commercial use  
24 permittees can be readily obtained by guide-outfitters, government  
25 agencies, and the public.

26 Sec. 08.54.690. DEFINITIONS. In AS 08.54.610 - 08.54.690

27 (1) "joint use" means the utilization of a guide-outfitter  
28 use area by more than one use area permittee;

29 (2) "sole use" means the utilization of a guide-outfitter

1 use area by one use area permittee.

2 \* Sec. 3. AS 08.54.310(a) is amended by adding new paragraphs to read:

3 (11) certify guide-outfitters to conduct guide-outfitting  
4 activities within a game management unit;

5 (12) establish by regulation a system of guide-outfitter use  
6 areas for allocating access to big game hunting opportunities among  
7 guide-outfitters.

8 \* Sec. 4. AS 08.54.350(a) is amended to read:

9 (a) A natural person is entitled to a guide-outfitter license if  
10 the person

11 (1) is 21 years of age or older;

12 (2) has practical field experience in the handling of  
13 firearms, hunting, judging trophies, field preparation of meat and  
14 trophies, first aid, photography, and related guide-outfitting activi-  
15 ties;

16 (3) is familiar with the terrain and transportation prob-  
17 lems in the game management unit for which the license is requested;

18 (4) has passed the qualification examinations prepared and  
19 administered by the board;

20 (5) has demonstrated to the board sufficient standards of  
21 competence and ethical conduct and has not been convicted of a state  
22 or federal hunting or guide-outfitting statute or regulation within  
23 the last five years for which the person was fined more than \$500 or  
24 imprisoned for more than five days;

25 (6) has legally hunted in the state for part of each of any  
26 five years in a manner directly contributing to the person's experi-  
27 ence and competency as a guide-outfitter;

28 (7) has been licensed as and performed the services of a  
29 class-A assistant guide-outfitter or assistant guide-outfitter in the

1 state for a part of each of three years, or has guide-outfitted in the  
2 state for a part of each of three years under a marine mammal guide-  
3 outfitter license issued under AS 08.54.360;

4 (8) has demonstrated a current knowledge of fishing, hunt-  
5 ing, and guide-outfitting regulations;

6 (9) is capable of performing the essential duties associ-  
7 ated with guide-outfitting;

8 (10) has been favorably recommended in writing by six big  
9 game hunters, two for each year of the person's most recent three  
10 years as a class-A assistant guide-outfitter or assistant guide-  
11 outfitter, when the person has guide-outfitted or assisted in guide-  
12 outfitting as a class-A assistant guide-outfitter or assistant guide-  
13 outfitter, whose recommendations have been solicited by the board from  
14 a list provided by the applicant;

15 (11) possesses a business license to provide guide-outfit-  
16 ting services; and

17 (12) has paid the license fee and has applied for a commer-  
18 cial use permit [FEE].

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

20 Sec. 08.54.355. GAME MANAGEMENT UNIT CERTIFICATION. (a) The  
21 board shall certify guide-outfitters licensed under AS 08.54.350 to  
22 guide-outfit hunts within a game management unit.

23 (b) A guide-outfitter may not guide-outfit hunts in a game  
24 management unit unless the guide-outfitter is certified by the board  
25 to guide-outfit hunts in the game management unit.

26 (c) The board shall allow a guide-outfitter to prequalify for  
27 certification for each game management unit in which the guide-out-  
28 fitter is competent to guide-outfit hunts. The board shall allow a  
29 guide-outfitter to transfer a certification between game management

1 units.

2 \* Sec. 6. AS 08.54.360(a) is amended to read:

3 (a) The board may issue a marine mammal guide-outfitter license  
4 to a natural person who applies to guide-outfit a hunt for a specific  
5 species of marine mammal in a specifically designated area if the  
6 person

7 (1) is 21 years of age or older;

8 (2) has, for at least 10 years, resided and hunted in the  
9 area of the state in which the applicant is to guide-outfit;

10 (3) is able to perform the duties of a marine mammal guide-  
11 outfitter;

12 (4) has demonstrated knowledge of the following areas to an  
13 extent and degree satisfactory to the board:

14 (A) current fish and game laws and regulations;

15 (B) relevant characteristics of the specific species  
16 to be hunted;

17 (C) field preparation of trophies;

18 (D) care of game meat;

19 (E) use of guide-outfitting gear;

20 (F) firearm safety;

21 (G) practical first aid; and

22 (H) booking and contracting hunts;

23 (5) has not been convicted of violating a state or federal  
24 game or guide-outfitting statute or regulation during the previous  
25 five years for which the person was fined more than \$500 or imprisoned  
26 for more than five days;

27 (6) possesses a business license to provide guide-outfit-  
28 ting services; and

29 (7) has paid the license fee and has applied for a

1 commercial use permit [FEE].

2 \* Sec. 7. AS 08.54.370(a) is amended to read:

3 (a) An applicant for renewal of a guide-outfitter license or a  
4 marine mammal guide-outfitter license shall submit with the applica-  
5 tion for renewal

6 (1) the hunt record required under AS 08.54.550 for the  
7 period covered by the current license;

8 (2) the license fee for the next licensing period; [AND]

9 (3) the commercial use permit fee for the [NEXT LICENSING]  
10 period covered by the current permit; and

11 (4) an amended guide-outfitter use area operations plan, if  
12 appropriate.

13 \* Sec. 8. AS 08.54.400(a) is amended to read:

14 (a) A person is entitled to a transporter license if the person

15 (1) applies on a form provided by the department;

16 (2) pays the license fee;

17 (3) applies for a [PAYS THE] commercial use permit [FEE];

18 (4) provides proof of

19 (A) an air taxi/commercial operator certificate issued  
20 by the Federal Aviation Administration under 14 C.F.R. Part 135,  
21 if the person provides air transportation services to big game  
22 hunters;

23 (B) licensure by the Coast Guard to carry passengers  
24 for hire, if the person provides water transportation services to  
25 big game hunters and if licensure is required by the Coast Guard;  
26 and

27 (5) has a business license to transport big game hunters.

28 \* Sec. 9. AS 08.54.400(c) is amended to read:

29 (c) An applicant for renewal of a transporter license shall

1 submit with the application for renewal

2 (1) an activity report on a form provided by the department  
3 for the period covered by the current license; an activity report  
4 shall contain information required by the board by regulation;

5 (2) the license fee for the next licensing period;

6 (3) the commercial use permit fee for the [NEXT LICENSING]  
7 period covered by the current permit; and

8 (4) proof of

9 (A) an air taxi/commercial operator certificate issued  
10 by the Federal Aviation Administration under 14 C.F.R. Part 135,  
11 if the applicant provides air transportation services to big game  
12 hunters;

13 (B) licensure by the Coast Guard to carry passengers  
14 for hire, if the applicant provides water transportation services  
15 to big game hunters and if licensure is required by the Coast  
16 Guard.

17 \* Sec. 10. AS 08.54.460(a) is amended to read:

18 (a) A person, other than a guide-outfitter, marine mammal guide-  
19 outfitter, or a transporter, who provides other big game commercial  
20 services for compensation shall register with the board on a form  
21 provided by the board and shall obtain a commercial use permit and pay  
22 the annual commercial use permit fee set by the department in consul-  
23 tation with the board [UNDER AS 08.54.470]. In this section, "other  
24 big game commercial services" includes provision of accommodations in  
25 the field at a permanent lodge, house, or cabin owned by the commer-  
26 cial use permit holder, hunt broker services, gear rental services,  
27 photographic or videographic services, and services as defined by the  
28 board by regulation.

29 \* Sec. 11. AS 08.54.470(a) is amended to read:

1 (a) A person who is licensed under this chapter as a guide-  
 2 outfitter, marine mammal guide-outfitter, or transporter shall obtain  
 3 an annual commercial use permit. The [AND PAY AN] annual commercial  
 4 use permit fee shall be paid as set out in this section.

5 \* Sec. 12. AS 08.54.470(b) is repealed and reenacted to read:

6 (b) The commercial use permit fee shall be set by the depart-  
 7 ment, in consultation with the board,

8 (1) for transporters on the basis of a progressive fee in  
 9 proportion to the number of big game hunters transported by the trans-  
 10 porter during the period for which the permit was issued;

11 (2) for guide-outfitters and marine mammal guide-outfit-  
 12 ters, at not less than the following amounts based on the number of  
 13 clients guide-outfitted by the guide-outfitter or marine mammal guide-  
 14 outfitter during the period for which the permit was issued:

15	0 - 5 clients	\$ 250
16	6 - 10 clients	500
17	11 - 15 clients	750
18	16 - 20 clients	1,000
19	21 - 25 clients	1,500
20	26 - 30 clients	2,000
21	31 or more clients	2,500.

22 \* Sec. 13. AS 08.54.470(c) is amended to read:

23 (c) A guide-outfitter, marine mammal guide-outfitter, and trans-  
 24 porter shall pay the commercial use permit fee at the time of applica-  
 25 tion for [ISSUANCE OR] renewal of a guide-outfitter license, marine  
 26 mammal guide-outfitter license, or transporter license. If the guide-  
 27 outfitter, marine mammal guide-outfitter, or transporter does not  
 28 apply for renewal of the guide-outfitter license, marine mammal guide-  
 29 outfitter license, or transporter license, the commercial use permit

1 fee shall be paid within 30 days after the end of the annual period  
2 for which the commercial use permit was issued.

3 \* Sec. 14. AS 08.54.470 is amended by adding a new subsection to read:

4 (e) Notwithstanding (a) of this section and AS 08.54.370, a  
5 person who is licensed under this chapter as a guide-outfitter but who  
6 is retired from or does not engage in guide-outfitting activities is  
7 exempt from requirements to obtain a commercial use permit and to pay  
8 the commercial use permit fee. The department shall adopt regulations  
9 to implement this subsection.

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

11 Sec. 08.54.560. REPORTS RELATING TO CARRIAGE OF BIG GAME HUNT-  
12 ERS. (a) A person who is subject to AS 42.30.200 shall submit to the  
13 department by January 31 of each year an activity report relating to  
14 the carriage, to, from, or in the field, during the previous year of  
15 big game hunters, their equipment, and big game animals harvested by  
16 hunters. The report shall be made on a form provided by the depart-  
17 ment and must contain information required by the board by regulation.

18 (b) A person who intentionally violates this section is guilty  
19 of a class B misdemeanor.

20 \* Sec. 16. AS 08.54.590(13) is amended to read:

21 (13) "transportation services" means carriage of, or adver-  
22 tising to carry for compensation, big game hunters, their equipment,  
23 or big game animals harvested by hunters to, from, or in the field;  
24 "transportation services" does not include the carriage by aircraft of  
25 big game hunters, their equipment, or big game animals harvested by  
26 hunters

27 (A) on nonstop flights between state, municipally, or  
28 federally maintained airports and float plane docks; or

29 (B) by an air taxi operator or air carrier who does

1           not charge more than the usual tariff or charter rate for [WHICH]  
2           the carriage of big game hunters, their equipment, or big game  
3           animals harvested by hunters [IS ONLY AN INCIDENTAL, AS DEFINED  
4           BY THE BOARD, PORTION OF ITS BUSINESS];

5           \* Sec. 17. IDENTIFICATION OF PROPOSED GUIDE-OUTFITTER USE AREAS. (a)

6           The Department of Fish and Game shall propose guide-outfitter use areas for  
7           use by the Big Game Commercial Services Board in establishing a resource-  
8           based management system for allocating access to big game hunting oppor-  
9           tunities among guide-outfitters. The department shall identify proposed  
10          guide-outfitter use areas for appropriate regions and areas of the state.  
11          The department may set priorities for identifying use areas and may deter-  
12          mine the extent and number of use areas to be identified at one time. The  
13          department shall complete the identification of proposed use areas within  
14          two years after the close of the first public comment period prescribed  
15          under (e) of this section. The department shall complete the identifica-  
16          tion of proposed use areas for a significant portion of the state within  
17          nine months after the close of the first public comment period prescribed  
18          under (e) of this section.

19           (b) The Big Game Commercial Services Board may recommend to the  
20           department those areas of the state that should receive priority in identi-  
21           fying use areas.

22           (c) The department shall publish a public notice that it is accepting  
23           public comment for identification of areas as proposed guide-outfitter use  
24           areas. The department shall accept public comment for 60 days after the  
25           notice is first published.

26           (d) The department shall propose use areas in light of the following  
27           considerations:

28           (1) wildlife management concerns, including abundance and diver-  
29           sity of wildlife, historical harvest of wildlife from the area, and

1 existing administrative boundaries established for wildlife management  
2 purposes;

3 (2) wildlife law enforcement concerns;

4 (3) public comment received under (c) of this section;

5 (4) land ownership in the area;

6 (5) administrative restrictions;

7 (6) existence of boundaries that can be readily identified in  
8 the field;

9 (7) accessibility of the area and other transportation consid-  
10 erations;

11 (8) existence of complementary and noncomplementary land uses  
12 within the area;

13 (9) existing facilities within the area; and

14 (10) other considerations relevant to the purposes of this sec-  
15 tion.

16 (e) The department shall provide maps or descriptions to the public  
17 of the use areas proposed under (d) of this section and shall solicit  
18 public comment on the proposed use areas. The public shall have 45 days  
19 after the maps or descriptions are distributed to comment on the use areas  
20 proposed by the department. At the close of the comment period, the de-  
21 partment shall review the proposed use areas in light of the public comment  
22 received and shall then recommend boundaries for the proposed use areas.  
23 The department shall transmit its boundary recommendations to the Big Game  
24 Commercial Services Board as the recommendations are made final.

25 (f) The actions of the department under this section are exempt from  
26 the Administrative Procedure Act (AS 44.62).

27 (g) In this section

28 (1) "department" means the Department of Fish and Game;

29 (2) "public" includes a natural person, corporation,

1 association, organization, society, company, partnership, or state, fed-  
2 eral, or local government agency.

3 \* Sec. 18. PRELIMINARY DETERMINATION OF ELIGIBILITY FOR GUIDE-OUTFITTER  
4 USE AREA PERMIT. (a) In order to facilitate and expedite the process for  
5 issuing guide-outfitter use area permits during the first five years that  
6 offerings of guide-outfitter use areas are made under AS 08.54.610 - 08.-  
7 54.690, enacted by sec. 2 of this Act, the Big Game Commercial Services  
8 Board shall make preliminary determinations of the eligibility of a guide-  
9 outfitter to receive use area permits.

10 (b) A guide-outfitter may apply, at times set by the board, for a  
11 preliminary determination of eligibility for a use area permit for each  
12 game management unit in which the guide-outfitter is certified or prequal-  
13 ified for certification to guide-outfit hunts under AS 08.54.355, enacted  
14 by sec. 5 of this Act.

15 (c) A guide-outfitter is qualified for a preliminary determination of  
16 eligibility to receive a use area permit if the board finds that the guide-  
17 outfitter satisfies the criteria of AS 08.54.650(b), enacted by sec. 2 of  
18 this Act, that can be satisfied without reference to the characteristics of  
19 a specific use area.

20 (d) A preliminary determination of eligibility to receive a use area  
21 permit does not vest a right in the guide-outfitter to receive a use area  
22 permit when use areas are offered under AS 08.54.650, enacted by sec. 2 of  
23 this Act.

24 \* Sec. 19. During the first five years that offerings of use areas are  
25 made under AS 08.54.610 - 08.54.690, enacted by sec. 2 of this Act, the Big  
26 Game Commercial Services Board shall offer all guide-outfitter use areas.

27 \* Sec. 20. The operation of AS 08.54.440 is suspended until January 1,  
28 1991.

29 \* Sec. 21. TRANSITION; COMMERCIAL USE PERMIT FEE FOR 1991 AND  
CSHB 448(Res)

1 SUBSEQUENT YEARS. AS 08.54.350(a), as amended by sec. 4 of this Act,  
2 AS 08.54.360(a), as amended by sec. 6 of this Act, AS 08.54.370(a), as  
3 amended by sec. 7 of this Act, AS 08.54.400(a), as amended by sec. 8 of  
4 this Act, AS 08.54.400(c), as amended by sec. 9 of this Act, AS 08.54.-  
5 470(a), as amended by sec. 11 of this Act, AS 08.54.470(b), as amended by  
6 sec. 12 of this Act, and AS 08.54.470(c), as amended by sec. 13 of this Act  
7 apply to initial applications for and renewals of guide-outfitter licenses,  
8 marine mammal guide-outfitter licenses, and transporter licenses for 1991  
9 and subsequent years and to payment of commercial use permit fees for 1991  
10 and subsequent years. Applicants for guide-outfitter licenses, marine  
11 mammal guide-outfitter licenses, and transporter licenses for 1990 or for  
12 renewal of these licenses for 1990 shall pay the commercial use permit fee  
13 in accordance with AS 08.54 as it existed on the day before the effective  
14 date of this section.

15 \* Sec. 22. SEVERABILITY. If a provision of this Act or the application  
16 of this Act to a person or circumstance is held invalid, the remainder of  
17 this Act and the application of this Act to other persons or circumstances  
18 are not affected by the invalidity.

19 \* Sec. 23. Section 20 of this Act is retroactive to May 12, 1989.

20 \* Sec. 24. AS 08.54.310(b)(1) is repealed.

21 \* Sec. 25. Sections 20 and 23 of this Act take effect immediately under  
22 AS 01.10.070(c).  
23  
24  
25  
26  
27  
28  
29

HB

449



# HOUSE COMMITTEE REPORT

2/16

(7)

Date Referred: January 26, 1990

FURTHER REFERRALS:

JUDICIARY

Date of Committee Action: \_\_\_\_\_

*code 2/16 Finance*

The STATE AFFAIRS Committee considered:

HB 449

HOUSE BILL NO. 449

SINGLE MEMBER ELECTION DISTRICTS

"An Act relating to election districts; and providing for an effective date."

### RECOMMENDATIONS:

- be replaced with \_\_\_\_\_  the same title
- have attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

FIN

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

ATTACHES NEW FISCAL NOTE(S):  
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

fiscal impact *Div of Elections*

fiscal note(s) \_\_\_\_\_

zero fiscal note \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

zero with analysis \_\_\_\_\_

zero fn/analysis \_\_\_\_\_

### SIGNING DO PASS:

### SIGNING:

(Check approp. column)

Do Not Pass No Rec Amend

<i>Wesley HANLEY</i>	<i>Wesley HANLEY</i>	DOULEY	X	
<i>John ZAWACKI</i>	<i>J. G. Boucher</i>	BOUCHER		✓
<i>David FINKELSTEIN</i>				

*J. G. Boucher*  
Chairman's Signature

HOUSE COMMITTEE ON STATE AFFAIRS

RECAP OF  
HB 449

Single member Election Districts

Received January 26, 1990  
by Reps. Hanley, Leman, Martin, C. Davis,  
Zawacki

Heard February 15, 1990

Passed Out of Committee February 15, 1990  
3 Do Pass  
2 No Recommendation

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### HB 449: Single Member Election Districts

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- Item 4:** Alaska's Elections, 1958-1984
- Item 5:** Backup Information from Legislative Research Agency
- Item 6:** Legislative Representation in the United States
- Item 7:** Alaska Statutes
- Item 8:** Previous Committee Action, 1986

# HOUSE COMMITTEE REPORT

(7)

Date Referred: January 26, 1990

FURTHER REFERRALS:

JUDICIARY

Date of Committee Action: \_\_\_\_\_

The STATE AFFAIRS Committee considered:

HB 449

HOUSE BILL NO. 449

SINGLE MEMBER ELECTION DISTRICTS

"An Act relating to election districts; and providing for an effective date."

**RECOMMENDATIONS:**

- [ ] be replaced with \_\_\_\_\_ [ ] the same title
- [ ] have attached amendment(s) [ ] a new title
- [X] do pass
- [ ] do not pass
- [ ] no recommendation
- [ ] individual recommendations
- [ ] additional referral to the \_\_\_\_\_ Committee

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

ATTACHES NEW FISCAL NOTE(s):  
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

- [X] fiscal impact Div of Elections
- [ ] zero fiscal note \_\_\_\_\_
- [ ] zero with analysis \_\_\_\_\_

- [ ] fiscal note(s) \_\_\_\_\_
- [ ] zero fiscal note(s) \_\_\_\_\_
- [ ] zero fn/analysis \_\_\_\_\_

**SIGNING DO PASS:**

\_\_\_\_\_  
*George Sanders*  
 \_\_\_\_\_  
*Jim [unclear]*  
 \_\_\_\_\_  
*[unclear]*  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**SIGNING:**

(Check approp. column)

	Do Not Pass	No Rec	Amend
<i>David Duley</i>		X	
<i>D. G. [unclear]</i>		✓	

*D. G. [unclear]*  
 \_\_\_\_\_  
 Chairman's Signature

BY REP. HANLEY, Leman, Martin, C.Davis, Zawacki

1 IN THE HOUSE

2

HOUSE BILL NO. 449

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

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

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

9 \* Section 1. AS 15.35 is amended by adding new sections to article 2 to  
10 read:

11 Sec. 15.35.022. HOUSE ELECTION DISTRICTS. A member of the house  
12 of representatives shall be elected by the qualified voters of a house  
13 election district that was established in the most recent reapportion-  
14 ment. Each member of the house of representatives shall be elected  
15 under art. VI, sec. 6, Constitution of the State of Alaska, from a  
16 single member district.

17 Sec. 15.35.024. SENATE ELECTION DISTRICTS. A member of the  
18 senate shall be elected by the qualified voters of a single member  
19 senate election district that was established in the most recent  
20 reapportionment. Each senate election district is composed of two  
21 single member house election districts established under art. VI,  
22 sec. 6, Constitution of the State of Alaska, and AS 15.35.022.

23 \* Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

**FISCAL NOTE**

**REQUEST:**

Revision Date: 2/14/90  
Title: Relating to election districts; and providing for an effective date.

Agency Affected: Office of the Governor  
BRU: Elections

Sponsor: Rep. Hanley  
Requestor: Rep. Hanley

Components: I Elections  
II - Primary & General Elections

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>-0-</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS : (Attach a separate page if necessary)**

The fiscal impact for FY90 is -0- (For further explanation, see attached sheet).

Prepared by: Linda Edgeworth  
Division: Division of Elections

Phone: 465-4611  
Date: \_\_\_\_\_

Approved by Commissioner: [Signature]  
Agency: Division of Elections

Date: 2-14-90

**Distribution (by preparer):**

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

CONTINUATION OF FISCAL NOTE - HOUSE BILL 449

Division of Elections

Passage of this bill would have the most immediate and direct impact on the Reapportionment Commission charged with responsibility to develop the state's reapportionment plan following the completion of the 1990 Census. Only upon formal adoption of the Reapportionment Plan by the Governor would the Division of Elections be impacted.

General Reapportionment Costs:

It should be noted that the Division would incur extensive, one-time costs in responding to the Reapportionment Plan. In FY82 costs incurred for the realignment of election districts and reassignment of voters came to \$128.1 with additional costs expended in FY83. (These costs were in addition to the FY81 funding of \$314.2 to the Office of the Governor.) The Division will require similar funding in FY92 and FY93 to cover the following:

1. Temporary staffing for programming and data entry to realign precincts, inputting new geographic identification codes, cross-REAA/CRSA district alignments and reassignment of voters in the Voter Registration and Election Management System (VREMS).
2. Printing and postage for new voter ID cards to affected voters (approximately \$290/M).
3. Statewide advertising.
4. Mapping Services (cartography and reproduction).
5. Rewrite of district and precinct legal boundary descriptions and adoption of precinct regulations and public notice under AS 44.62.

Additional Continuing Costs Based on Single Member House Districts:

With an increase from 27 House Districts to 40 House Districts and from 14 Senate Districts to 20 Senate Districts, the cost of conducting primary and general elections would increase in each major election year (odd-numbered fiscal years). The overall costs of Primary and General Elections would increase to accommodate extra printing charges and computer count programming charges for the 13 additional House Districts which would result from this legislation.

CONTINUATION OF FISCAL NOTE - HOUSE BILL 449

Division of Elections

Ballot Counting Program

\$ 2.5 per district X 13 House Districts X 2 Elections (Primary & General) (Includes Senate District Rotations)	\$ 65.0
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Ballot Printing and Rotation Plates

Primary: 13 Additional House Districts With Average of 3 Candidates (39 Rotation Plates)	6.2
---	-----

Primary: 6 Additional Senate Districts With Average of 3 Candidates (18 Rotation Plates)	2.8
---	-----

General: 13 Additional House Districts With Average of 2 Candidates (26 Rotation Plates)	4.2
---	-----

General: 6 Additional Senate Districts With Average of 2 Candidates (12 Rotation Plates)	1.9
---	-----

Official Election Pamphlet

\$ 2.2 Per Sample Ballot Page X 13 House Districts (Includes Senate District)	28.6
--	------

\$ 2.2 Per Map Page X 6 Additional Senate Districts (Will Include 2 House Districts Each)	13.2
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TOTAL COSTS COMPONENT II PRIMARY AND GENERAL ELECTIONS (Odd Numbered Fiscal Years)	\$ 121.9
--	----------

Item 3

# Alaska State Legislature

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## House of Representatives

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3111 "C" STREET, SUITE 410  
ANCHORAGE, ALASKA 99503  
(907) 561-2033

DURING SESSION  
P.O. BOX V  
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REPRESENTATIVE  
**ALYCE HANLEY**  
DISTRICT 9, SEAT B

MEMBER  
STATE AFFAIRS COMMITTEE  
REGULATION REVIEW COMMITTEE

January 30, 1990

RECEIVED  
JAN 31 1990

MEMORANDUM

TO: Representative Red Boucher, Chairman  
House State Affairs Committee

FROM: Representative Alyce Hanley *A Hanley*

SUBJECT: HB 449 - An act relating to election districts; and  
providing for an effective date.

HB 449 was introduced to accomplish meaningful campaign reform. There is a lot of public dissatisfaction with the high cost of political campaigns. By mandating in statute single member house and senate districts, the cost of campaigns will be significantly reduced. The current system of double member house and senate districts in urban areas drives the cost of campaigns higher and higher. By contrast the rural single member districts have lower costs even though greater distances must be covered.

It is with this in mind that I respectfully request a State Affairs Committee hearing be scheduled for HB 449 on behalf of myself as well as the cosponsors. I have enclosed a copy of HB 449 and related backup for your review.

The reapportionment process in Alaska allows the Governor to reapportion the legislature. This bill would not compromise the current procedure but would establish in statute the nature of each election district by adding language that provides for single member House Districts. The Senate Districts would be composed of two single member House Districts.

I believe that there are many good reasons to have single member House and Senate Districts. Listed below are some of the more compelling reasons:

1. The cost of campaigns would be reduced because candidates in both urban rural areas would be able to utilize less expensive forms of communication media such as door knocking, town meetings or community events.

2. Voters would identify their local area with the candidates /public officials and vice versa.
3. The election process would be open to a wider range of candidates for public office because of a smaller district size.
4. Greater legislative responsibility and accountability by public officials to the voters of the district and less to political parties or special interest groups.
5. Greater input by the public on issues facing their state and district.
6. The courts are less likely to set aside reapportionment plans because they favor single member districts. It is easier to identify if the one man vote rule is being violated. Most of the districts would be compact, contiguous and socially and economically similar.

A similar bill, HB 593, was introduced during the 14th Legislature. One committee hearing was held on that bill with three members voting do pass. The committee report as well as the minutes are included in the enclosed information.

Enclosures

ISER OCCASIONAL PAPERS

No. 17, September 1985

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**Alaska's Elections,  
1958-1984**

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Thomas A. Morehouse



INSTITUTE OF SOCIAL AND ECONOMIC RESEARCH

UNIVERSITY OF ALASKA  
Anchorage, Alaska

Item 4

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Thomas A. Morehouse

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## ALASKA'S ELECTIONS, 1958-1984

Elections are the means by which citizens take part in choosing the officials who set governmental policy for nations, states, and communities. In the American states, elections are the most common way that people participate in government.

Elections would serve these purposes most effectively if large numbers of informed citizens were to go to the polls to choose between competing candidates offering clear choices for future policy. Ideally, the winning candidates would form a unified governing coalition: officials identified with one of the major political parties would lead both executive and legislative branches of government. In this way, officials could be held accountable in the next election for the record of government as a whole and for their individual performances.<sup>1</sup>

These conditions are rarely if ever fulfilled in American elections (or in elections generally). In most state elections, only about half or less of the voting age population actually goes to the polls on election day. Party competition in state executive or legislative elections is often weak and sometimes absent altogether. Candidates tend to avoid committing themselves to party or other programmatic positions. And the elections result increasingly in state governments being divided along party lines, with one party controlling the governor's office and the other controlling either or both houses of the state legislature.

This paper examines the extent to which these different electoral patterns apply in Alaska. First, we broadly discuss the social and institutional setting of Alaska elections. Then, we examine in detail changing patterns of "turnout" or public participation in elections, party competition for office, and party control of state government. Overall, the paper shows how Alaska's elections have changed since statehood and how they compare to elections in the American states generally.

### The Setting and Context of Alaska Elections

The character and outcomes of Alaska's elections are shaped by the state's changing electoral demography, campaign methods and

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<sup>1</sup>The characteristics and especially the limitations of the "party government" model in American politics are discussed fully by Frank J. Sorauf, *Party Politics in America*, 5th ed. (Boston: Little, Brown and Company, 1981), pp. 383-414.

technology, and state elections rules.

### Electoral Demography

By "electoral demography" we mean analysis of the social characteristics of a voting-age population that may influence the political orientations and voting patterns of that population. Ultimately, we are interested in knowing such things as how likely people are to turn out to vote, which party the people are most likely to identify with and support, and what general policy preferences people are likely to have. Without survey data, what can be learned from demographic analysis is limited. Nonetheless, we can trace changes in Alaska's population over time, make comparisons with other states, and show some significant differences among the populations of Alaska's major regions. The resulting demographic profile will provide useful background for subsequent analysis of election returns.

Table 1 shows changes in Alaska's overall population between 1960 and 1980 and compares the state's population with the 1980 populations of the United States as a whole and of the Mountain States. We emphasize the Mountain States because they comprise the region of the United States most similar to Alaska in its population and economic characteristics.

We see that Alaska's population is becoming more like that of the United States as a whole and even more like that of the Mountain States: During the twenty-year period, the ratio of men to women evened out somewhat; the age structure of the population became more balanced; and Alaskans became a less transient, more settled people. Also, like Americans elsewhere in the states, fewer Alaskans were married (or they were marrying at a later age) and more were divorced or separated.

On the other hand, Alaska's population in 1980 was still younger, better educated, more mobile, and had proportionately more males than the populations of other states. It also had a significantly higher proportion of Native Americans. And Alaska's rapid growth rate of the 1960-80 period—among the very highest of the states—even accelerated during the early 1980s as the state spent billions of dollars of petroleum revenues.

In the mid-1980s, as at the beginning of statehood, the "typical" Alaska voter was a relatively young, well-educated person who tended to be on the move in pursuit of economic opportunity. Compared to his or her counterpart of twenty years earlier, this 1980s Alaskan was likely to be a few years older, better educated, and wealthier.

These demographic changes were concentrated in Alaska's two

Table 1

### Alaska's Population, 1960-1980 Comparisons with Mountain States and United States, 1980

Characteristics	Alaska		Mountain States <sup>a</sup>	United States
	1960 (%)	1980 (%)	1980 (%)	1980 (%)
Sex (over age 20)				
Male	59.3	53.6	48.9	47.4
Female	40.7	46.4	51.1	52.6
Age				
Under 20	43.1	36.2	34.3	32.0
20-34	28.1	33.9	27.5	25.8
35-54	22.3	21.8	20.4	21.3
55 and over	6.5	8.1	17.7	20.9
Race (all persons)				
White	77.2	77.6	88.1	83.4
Native/Other	22.8	22.4	11.9	16.6
Residence (5 years earlier)				
Same State	53.4	68.6	77.0	88.4
Elsewhere	46.6	31.4	23.0	11.6
Marital Status (over age 15)				
Single	25.4	28.2	26.5 <sup>b</sup>	26.1
Married	66.5	58.8	57.1	57.8
Divorced/Separated	5.0	10.5	10.2	8.4
Widowed	3.1	2.7	6.2	7.6
Education (over age 25)				
0-8	26.4	9.0	12.4	18.3
9-11	18.9	8.5	12.4	15.3
High School Graduation	32.3	38.9	35.7	34.6
Some College	12.9	22.6	20.7	15.7
College Graduation & Above	9.5	21.0	18.8	16.2

<sup>a</sup>Idaho, Montana, Wyoming, Nevada, Utah, Colorado, Arizona, New Mexico.

<sup>b</sup>Mountain States plus Alaska, Hawaii, Washington, Oregon, California.

Source: U.S. Bureau of the Census.

major cities—Anchorage, with over 40 percent of the state's population in 1980, and Fairbanks, with about 13 percent. Map 1 shows the state's election regions (and election districts within them) that are used in the electoral analysis below.<sup>2</sup> We have split the Anchorage and Fairbanks districts out of the southcentral and central regions in order to show how much they differ from the rest of the state both in their population and voting patterns. Table 2 shows that Alaska's younger, more mobile, and better-educated voters are concentrated in Anchorage and Fairbanks.

Populations in the central and northwest "bush" Native regions, on the other hand, tend to have much lower levels of education and heavily disproportionate numbers of unmarried young men. In the predominantly non-Native southeast and southcentral regions, we find a somewhat older, more settled population than in Anchorage and Fairbanks. In the southeast, there is a concentration of highly educated people in Juneau, the state capital.

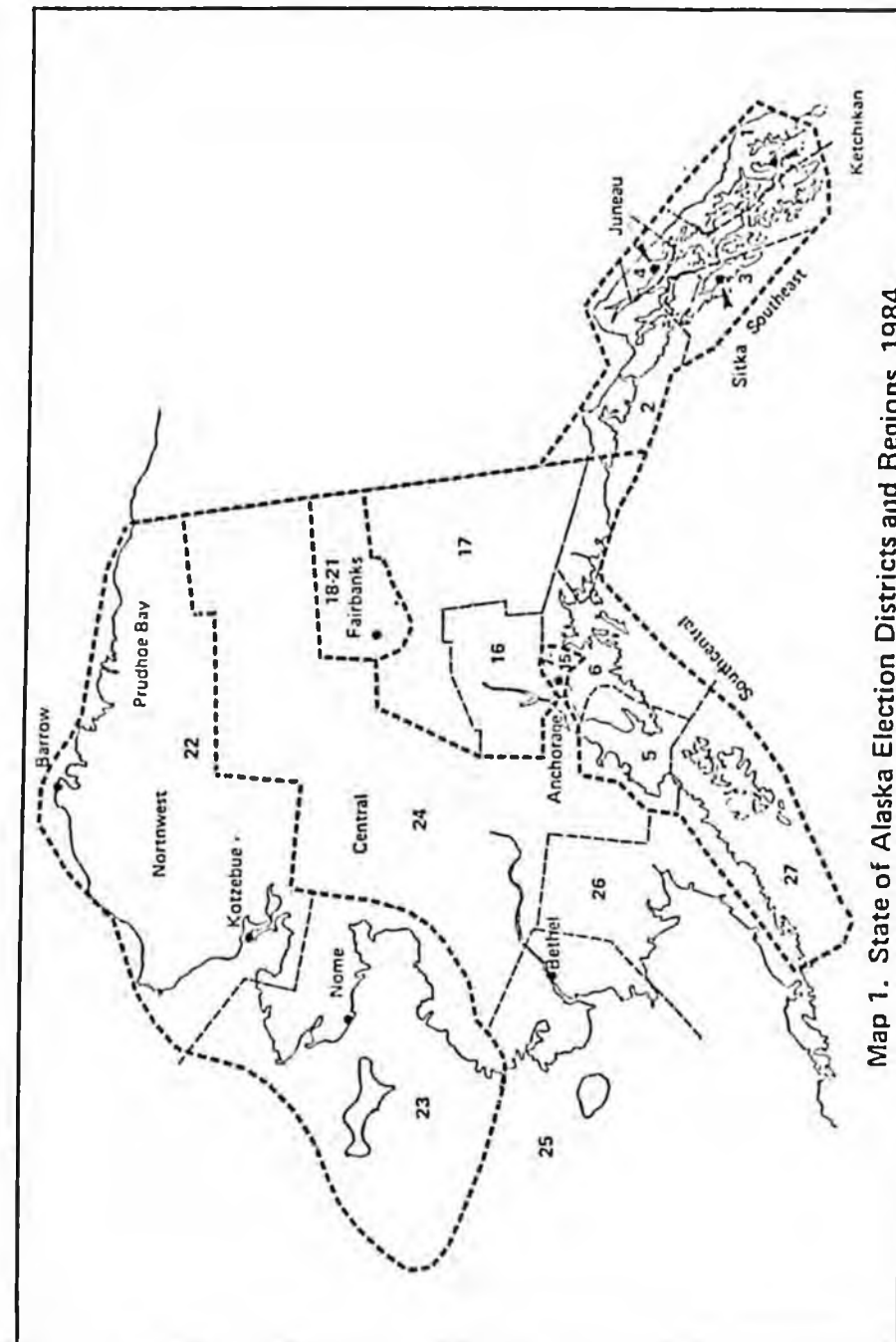
These regional descriptions indicate that our "typical" Alaska voter is most likely to be an Anchorage or Fairbanks resident who is not representative of other parts of the state. In fact, the voters of Alaska's two major urban centers differ from citizens in small towns and rural areas in several ways that may be politically significant. In the United States generally, youth, increased incomes, education, and mobility are associated with independent and conservative political identifications.<sup>3</sup> In Alaska, these distinguishing characteristics of the rapidly growing urban populations may be reinforcing the state's traditional regional divisions, in which Anchorage interests are increasingly opposed to those of the rest of the state. We might, therefore, expect some substantial regional variations in turnout, party preferences, and voting on statewide candidates and ballot issues in Alaska. We might also expect to find growing complexity and conflict in Alaska's electoral experience during the first quarter century of statehood.

#### Election Campaigns

Growth and change in Alaska's population since statehood have been accompanied by changes in the ways that candidates attempt to influence and attract voters. Two parallel developments have affected campaign methods in Alaska since statehood. First had been the

<sup>2</sup>Although the map shows election districts and regions as of 1981, our electoral data for all previous election years conform approximately to these same regions.

<sup>3</sup>Schley R. Lyons, *Who Votes and Why: a Review of American Electoral Behavior* (New York: Robert A. Taft Institute of Government, 1981), pp. 15-32.



Map 1. State of Alaska Election Districts and Regions, 1984

Table 2  
Population of Alaska's Regions, 1980

Characteristics	Alaska	South-east	South-central	Anchorage	Fairbanks	Central banks	North-west
Sex (over age 20)							
Male	53.6	52.8	54.3	52.0	58.6	54.7	56.6
Female	46.4	47.2	45.7	48.0	41.4	45.3	43.4
Age							
Under 20	36.2	35.1	36.8	35.0	40.5	35.0	43.1
20-34	33.9	30.7	31.1	35.1	33.6	37.4	28.9
35-54	21.8	22.9	22.8	23.0	18.2	20.8	18.4
55 and over	8.1	11.3	9.3	6.8	7.7	7.0	9.5
Race (all persons)							
White	77.6	78.0	87.8	85.2	38.0	85.4	18.5
Native/Other	22.4	22.0	12.2	14.8	62.0	14.6	81.5
Residence (5 years earlier)							
Same State	68.6	74.5	73.2	63.9	74.0	62.2	88.6
Elsewhere	31.4	25.5	26.8	36.1	26.0	37.8	11.4
Marital Status (over age 15)							
Single	28.2	27.7	25.6	27.5	38.1	28.5	43.4
Married	58.8	58.5	62.6	58.5	52.1	59.6	45.5
Divorced/Separated	10.5	10.4	9.2	11.9	6.4	9.7	6.7
Widowed	2.7	3.4	2.6	2.1	3.4	2.2	4.4
Education (over age 25)							
0-8	9.0	7.2	8.5	4.2	30.5	5.0	37.3
9-11	8.5	9.7	10.5	7.5	7.7	8.4	9.5
High School Grad.	38.9	37.7	41.6	39.6	32.9	41.6	26.8
Some College	22.6	21.6	22.7	25.1	14.9	23.1	13.1
College Grad. & Above	21.0	23.7	16.8	23.6	14.0	22.0	13.3

Source: U.S. Bureau of the Census.

growth of the population and its continued and increasing concentration in and around Anchorage and Fairbanks. Second has been the use of new communications technology and methods, including satellite television, that allows communication with even the most remote parts of the state.

These changes have meant that impersonal, professionally produced television appeals have increasingly replaced personal contact by candidates for political office, especially in the larger Anchorage and Fairbanks electoral "markets." In statewide elections, when candidates for governor, U.S. Senator, and U.S. Representative

attempt to reach all parts of the state, the "TV spots" are likely to be their only contact with the great majority of Alaska voters. Just as Alaska's population is becoming more like that of the nation as a whole, so are Alaska's election campaigns becoming more like those of more populous states.

Yet, with only about 500,000 population in the mid-1980s, Alaska is still small enough that candidates might personally meet a larger proportion of the electorate than is possible in most other states. This kind of "friends and neighbors" politics, however, which was common throughout the territorial period and in the early years of statehood, is increasingly rare in Anchorage and Fairbanks, which together account for 60 percent of the state's total population. In rural and small town communities, the old-style politics survive mainly in legislative and municipal elections, as opposed to statewide elections.

A further development in Alaska since statehood that has changed the way candidates communicate with voters has been the continued erosion of the major political party organizations. In Alaska, as elsewhere, weak political parties have resulted in "party-less" campaigning—elections in which individual candidates have formed personal campaign organizations and made individual appeals, identifying themselves with neither major party in their campaign advertising. This fading of party organizations and appeals has been part of a broader erosion of party loyalty on the part of voters. As we shall see below, it has been reflected in an increase in ticket-splitting and divided state government.

Another indicator of change in Alaska election campaigns is campaign financing. In Anchorage, from 1974 to 1984, the average amount spent by primary winners in both primary and general elections for the state house increased in 1984 dollars from about \$10,000 per candidate to over \$46,000. In state senate races, the corresponding increase was from under \$22,000 to over \$68,000. These are real increases—adjusted to account for inflation—of 367 percent and 216 percent, respectively.

As the costs of campaigns soared, the funding sources on which candidates for state office depended changed radically. Organized contributors and special interests began to displace individual contributors as significant sources of campaign funds. In 1978, contributions of unions, initiative committees, lobbyists, corporations, and other groups accounted for about one-third of all campaign expenditures for state offices. By 1980, they accounted for over half; in 1982, a big year for statewide initiative campaigns, these special

interest contributors covered over 90 percent of all reported campaign costs.<sup>4</sup>

Thus, candidates are increasingly ignoring their fading party organizations; turning to more expensive communications technology; and depending on organized, special-interest sources of campaign financing. During this century, these forces have transformed relationships between candidates and voters in all states. They have now caught up with Alaska, changing the nature of this state's election campaigns in little more than a generation.

### Election Rules

Election rules comprise a third part of the setting of Alaska's elections. By election rules, we mean requirements for legislative districting and apportionment, voter registration, getting on the ballot, and voting in primary and general elections. These rules can have important effects on voter turnout and choice and on who is elected to office.

1. **Legislative Districting and Apportionment.** Because of uneven, rapid population growth, the Alaska Legislature was reapportioned to revised districts six times during the first twenty-five years of statehood. Under the state constitution, the governor—not the legislature, as is usually the case in other states—has the power to reapportion the legislature on the advice of a reapportionment board appointed by him.<sup>5</sup> Typically, the governor's reapportionments have been followed by partisan political disputes in which the governor has been challenged by legislators or party officials. The perceived stakes at issue have been seats in the legislature that might, depending on the reapportionment plan, more likely be captured by one party or the other. The outcomes could therefore affect the balance of competition between the parties and, ultimately, party control of the legislature or the government as a whole. Another political effect of reapportionment that often cannot be avoided is the change and disruption in precinct and district boundaries. Such change can undermine voters' familiarity with candidates and officials and increase turnover in office.

2. **Voter Registration.** Registering to vote was first required of Alaskans for the 1970 elections. Before then, a person desiring to

vote merely had to appear at the polls and sign the voting list. Alaska's registration laws are now like those of most other states. In order to be a registered voter, a person must have lived in the state and the election district for at least thirty days and must register at least thirty days before the election. The most important electoral effect of registration (aside from minimizing fraud, which is the principal justification for the requirement) is to reduce voter turnout. The extent of the reduction depends on how difficult it is for a person to register and on the characteristics of voters. Generally, people with lower levels of education and income are less likely to register. Registration is probably not a significant deterrent to voting in Alaska, given the relative ease of registration and above-average education and income levels.

3. **Getting on the Ballot.** Once a person registers and goes to the polls, there is the question of the range of choices he or she will have among party-sponsored and independent candidates. All states place restrictions on whose names can be placed on the ballot, and this often handicaps prospective third-party and independent candidates. In Alaska, the law has required that if third-party or independent candidates wish to be on the ballot, they must first obtain signatures equal to 3 percent of the number of voters in the previous general election. Also, to be recognized as a "political party," a third party must have won at least 10 percent of the popular vote in the last gubernatorial election. (The Libertarian Party in Alaska met this requirement in the 1982 gubernatorial election, which is discussed in detail below.) These are onerous requirements, and they have been challenged in the Alaska Supreme Court. In 1983, the court ruled against both requirements, and the legislature then moved to reduce them to more acceptable levels.<sup>6</sup>

4. **Primary and General Election Requirements.** If a primary election is *closed*, voters must be registered in a party, and they can choose candidates only in that party's primary. If the primary is *open*, voters can choose which party primary they wish to vote in without having registered in either party. In the open primaries of some states, voters must publicly choose one party's ballot; in other states, they receive both ballots and, using one and discarding the other, preserve the secrecy of their choice.

Alaska (and only one other state, Washington) has the most open form of the open primary, the *blanket* primary. Here, voters receive ballots including candidates of both parties and can vote for Democratic candidates for some offices and Republicans for others.

<sup>6</sup>Vogler v. Miller (Alaska, 651 P. 2d 1).

<sup>4</sup>Alaska Public Offices Commission figures reported in "AKPIRG Legislative Alert," Anchorage, December 11, 1984. These figures exclude candidates' contributions to their own campaigns.

<sup>5</sup>See Gordon S. Harrison, *A Citizen's Guide to the Alaska Constitution* (Anchorage: Institute of Social and Economic Research, 1982), pp. 57-62.

as they wish. Alaska's blanket primary makes it especially easy for voters to "cross over," and vote for a candidate whom they consider especially attractive or whom they perceive to be weak and thus easier to beat in the general election.<sup>7</sup>

In addition to residency and registration, there is a minimum age requirement in Alaska as in all other states. Under Alaska's constitution, 19-year-olds were permitted to vote in state and local elections; in 1970, an amendment lowered the voting age to 18 years. (In 1971, the U.S. Constitution was amended to permit 18-year-olds to vote in all states.)

Lowered standards of residency and voting age probably have reduced voter participation rates in Alaska elections. Lowering the residency requirement from one year (which it was until 1972) to thirty days made it possible for many more Alaskans to go to the polls. We have already seen that Alaska has an unusually large proportion of recently arrived residents. But the very people who make up the expanded electoral base—new residents, in the state for less than one year—are also less likely than longer-term residents to be familiar with or involved in state and local politics and therefore less apt to vote. A similar observation could be made about the 18-year-olds, those who were first enfranchised in Alaska in 1970 and every group of them since. National surveys show that voting turnout generally increases with age (until the mid-60s age group), and that the youngest eligible voters are least likely of all age groups to go to the polls and vote.<sup>8</sup> Thus, the voting population base has expanded, but the newly enfranchised groups are disproportionately likely to be nonvoters.

#### Levels of Participation: Turnout

Turnout refers only to the amount of voting, and it is usually measured as the percentage of the voting-age population that votes in a given election. Another measure of turnout is the percentage of

<sup>7</sup>Although little is known about crossovers in primary elections, "it does appear that few voters shift primaries in a deliberate effort to choose the weaker candidate. They are much more likely to shift because they are particularly attracted to a candidate in the other party or because the other party has closer, more interesting primary contests." Malcolm E. Jewell and David M. Olson, *American State Political Parties and Elections* (Homewood, IL: The Dorsey Press, 1982), p. 109.

<sup>8</sup>See Jerry Hagstrom, "Baby Boom Generation May Have to Wait a While to Show its Political Clout," *National Journal*, 16 (April 28, 1981), p. 809. In national and state elections from 1932 to 1982, turnout of voters aged 18-29 lagged behind national average by 11 to 17 percent.

registered voters who actually vote. Both measures have their weaknesses. The voting-age criterion may not adequately account for institutionalized people, noncitizens, residency requirements, and other factors that reduce the effective population of eligible voters. And the registered voter criterion depends even more precariously on widely varying registration laws among the states and on voter registration lists that are not consistently kept current and accurate. With these limitations in mind, we will use both measures in examining turnout in Alaska.

#### Factors Affecting Turnout

Turnout can rise or fall, depending on voting and election rules, level of party competition, particular issues and candidates, and the characteristics of voters. Registration may be the most substantial deterrent to voting, causing as much as a 10-percent decline in turnout where registration rules are most restrictive.<sup>9</sup> Other studies have found that party competition historically has been the chief factor explaining varying levels of turnout. The positive link between competition and turnout has been especially strong "where parties reach out to specific groups, especially those who are otherwise less likely to vote."<sup>10</sup> Still other studies have found that differences in race, age, income, and educational level account for half or more of the variation in the voter turnout rates of the states.<sup>11</sup> There remains a great deal of uncertainty and controversy about the causes of turnout. On each of these measures, however, turnout in Alaska should be affected either positively or not at all, relative to all other states. Alaska's registration requirements are not unusually difficult, competition is relatively intense, and the state's majority urban population ranks well above average on socioeconomic measures.

#### Turnout in Alaska

While the rest of the United States experienced a continuing decline in turnout for presidential election years since 1960, Alaska held relatively steady and then had a significant upturn in the early

<sup>9</sup>John F. Bibby et al., "Parties in State Politics," in Virginia Gray, Herbert Jacob, Kenneth Vines, *Politics in the American States*, 4th ed. (Boston: Little, Brown and Co., 1983), p. 64; also Richard G. Niemi and Herbert F. Weisberg, *Controversies in Voting Behavior*, 2nd ed. (Washington, D.C.: Congressional Quarterly Press, 1984), p. 26.

<sup>10</sup>Niemi and Weisberg, *Controversies in Voting Behavior*, pp. 29-30.

<sup>11</sup>Thomas R. Dye, *Politics in States and Communities*, 4th ed. (Englewood Cliffs, N.J.: Prentice-Hall, Inc, 1981), p. 69.

1980s. Table 3 shows that even while the turnout of the voting-age population in the United States and Mountain States dropped between 1960 and 1976, Alaska's turnout still lagged by several percentage points. In 1980 and 1984, however, Alaska's turnout was 10 percentage points higher than in 1976, while turnout in the Mountain States and United States as a whole either flattened out or continued to drop closer to the 50 percent level.

Table 3

Turnout of Voting-Age Population in Presidential Election Years, 1960-1984: Alaska, Mountain States, and United States

Year	Alaska*	Mountain States	United States
1960	53.0%	68.7%	62.8%
1964	51.6	68.5	61.9
1968	55.8	65.5	60.9
1972	52.2	59.2	55.2
1976	50.7	56.8	53.5
1980	59.8	54.1	52.6
1984	60.0	NA	53.0

\*The Alaska turnout percentages in Tables 3 and 4 are based on population totals that are adjusted to account for estimates of the nonresident military population.

Sources: Derived from Alaska Division of Elections, U.S. Bureau of the Census.

The substantial decline from 1968 to 1972 in all three cases may in part be explained by the lowering of the voting age to 18 years and the lack of intensity and strong competition (as reflected in pre-election polls) in the 1972 Nixon-McGovern presidential race compared to the Nixon-Humphrey race four years earlier. Another

factor was the much-commented-upon alienation of the American voter. In Alaska, there was the possible additional effect of the new registration requirements, first imposed two years earlier.

Table 4 compares turnout of the Alaska voting-age population in presidential and gubernatorial election years.<sup>12</sup> Until 1982, Alaskans, like voters elsewhere, had voted more in presidential years than gubernatorial years. From 1960 to 1978, gubernatorial election turnout ranged from one to seven percentage points lower than turnout in the previous presidential election. During those years, the average difference was about five percentage points. Then, in the 1982 gubernatorial election, two-thirds of Alaska's voting-age population turned out. This reversed the pattern of over two decades, surpassing even the 60 percent turnout for the 1980 presidential election.

The increased turnout in the 1980 presidential election year might be attributed in some part to the stabilizing of Alaska's population growth during the few years after the trans-Alaska oil pipeline

<sup>12</sup>In both sets of election years, there are also state legislative, U.S. House, and, sometimes, U.S. Senate races.

Table 4

Turnout of Alaska Voting-Age Population in Presidential and Gubernatorial Years, 1960-1984

Year	Presidential Election	Gov. Election	Percentage Difference
1960	53.0%		
1962		47.3%	-5.7%
1964	51.6		
1966		46.8	-4.8
1968	55.8		
1970		48.6	-7.2
1972	52.2		
1974		47.7	-4.5
1976	50.7		
1978		49.9	-0.8
1980	59.8		
1982		66.5	+6.7
1984	60.0		

Source: Derived from Alaska Division of Elections.

was built and before heavy spending by state government again led to high levels of in-migration. But even with the population surge of the early 1980s—bringing many newcomers who were presumably less likely to vote—the turnout rate soared in the 1982 gubernatorial year and held at the 60-percent level in the 1984 presidential election.

Rates of turnout of *registered* voters from 1974 to 1984, shown in Table 5, parallel the corresponding figures for the turnout of the *voting age* population presented in the preceding tables.<sup>13</sup> The state's registered voters have turned out at increasing rates over the decade, with gains shown in virtually all regions. Two of these election years, 1978 and 1982, are unusual, and we have already commented on the surge in turnout in 1982. The 1978 decline in turnout in all regions may be attributed largely to population movements in and out of the state during the pipeline construction years. Many new voters came into the state in the early- to mid-1970s and left when construction ended in 1977. It is likely that many of them remained on voter registration lists for the 1978 elections, which would have artificially depressed the turnout rate.<sup>14</sup> The smallest decrease was in the southeast, historically a high turnout region, where a 1978 ballot initiative, placing special financial restrictions on any capital move, undoubtedly had special attraction for voters of that region. The southeast, moreover, was the region most remote from and least affected by pipeline construction activity during the previous four years.

The cause of Alaska's high turnout rates in the early 1980s obviously lies in Alaska, rather than in national trends, since presidential election-year turnout in the United States continued at relatively low levels. In Alaska, there were some unusually competitive races for the U.S. Senate, for governor, and for the state legislature. But a more basic explanation may be that increasing numbers of Alaskans perceived greater stakes and benefits in voting. Their state government was now spending billions of dollars in oil revenues, and intense, competitive electoral politics tended to expose and aggravate Alaska's regional divisions. In addition, the 1982 election included some unusually controversial ballot propositions that further aggravated these divisions. We will explore this further in discussion of "Election Outcomes" below.

<sup>13</sup>Registered voter turnout rates are consistently higher because they are calculated on a smaller population base than that including all Alaskans over age 18.

<sup>14</sup>Alaska voter registration lists were purged (inactive voters' names were deleted) only every four years until after the 1978 election, when the purge period was shortened to two years.

Table 5  
Turnout of Registered Voters by Region, 1974-1984

	1974	1976	1978	1980	1982	1984
State	58.2%	61.5%	54.5%	62.7%	74.9%	69.1%
Region						
Southeast	61.2	65.0	62.0	68.0	80.0	67.8
Southcentral	65.3	68.7	61.9	70.8	76.9	70.0
Anchorage	56.7	60.7	51.9	60.6	72.2	69.4
Central	64.0	65.7	57.4	66.6	76.8	71.0
Fairbanks	54.5	57.6	50.2	58.7	72.7	69.7
Northwest	60.0	61.9	56.8	64.2	78.7	62.0

Source: Alaska Division of Elections.

### Interparty Competition

Interparty competition involves the competitive character of electoral contests and the choices of parties and candidates available to a state's voters. There are many ways to define and measure interparty competition in state politics: by voter identification with parties, frequency of both parties fielding candidates, turnover in offices, closeness of elections, and division of control of legislative and governor's offices, among others.<sup>15</sup> Here, we will examine some causes and correlates of interparty competition and look at some electoral indicators of interparty competition in Alaska.

### Patterns in the States

Generally, the competitive states are more urban and industrial than the less competitive states, and their populations tend to divide more definitely into separate socioeconomic groups. These differences in state socioeconomic characteristics have been diminishing, however, as population has shifted from Frost Belt to Sun Belt states. Overall, party competitiveness has been increasing in state elections, and, on balance, Democratic candidates for state legislatures and governors' offices have been the beneficiaries. This is mainly because older Republican states of the north became more competitive with the New Deal electoral "realignment" of the 1930s,

<sup>15</sup>Jewell and Olson, *American State Political Parties and Elections*, p. 4.

while the Southern Democratic states have been much slower to change. More recently, interstate migration and electoral "de-alignment"—the weakening of party loyalties and the crumbling of the old New Deal electoral coalition—are increasing the electoral opportunities of candidates from both parties in virtually all states.<sup>16</sup>

#### Interparty Competition in Alaska

Alaska reflects much of the political and socioeconomic coloration of the western states, and it can be classified as a competitive two-party state. As we look more closely at Alaska, we will see some important variations within the overall pattern of competition, including increasing differences between urban and rural regions and between levels of competition for statewide and legislative offices.

In presidential elections from 1960 to 1972, Alaskans divided their votes between the two major parties much as did voters in the nation as a whole. Table 6 shows that during those years a majority of Alaskans voted for a Democrat only once (Johnson in 1964), although the 1960 Kennedy-Nixon and 1968 Humphrey-Nixon elections were close in Alaska, as they were in the rest of the country. In 1976 and subsequent elections, Alaska became more strongly Repub-

<sup>16</sup>*Ibid.*, p. 44.

Table 6

Democratic Percentage of Vote\* in Presidential Elections:  
Alaska, Mountain States, and United States, 1960-1984

Year	Alaska	Mountain States	United States
1960	49.1	46.4	50.1
1964	65.9	56.6	61.3
1968	48.8	41.8	49.6
1972	37.3	33.9	38.2
1976	38.1	42.5	51.1
1980	32.7	32.2	44.7
1984	30.7	33.1	41.0

\*Percentage of total vote for Democratic and Republican candidates; excludes votes for minor-party and independent candidates.

Source: U.S. Bureau of the Census.

Table 7

Democratic Percentage of Vote\* in Presidential Elections:  
State and Regions, 1960-1984

Year	State	South-east	South-central	Anchorage	Central	Fairbanks	North-west
1960	49.1	49.6	52.2	46.5	49.6	51.2	46.2
1964	65.9	71.1	66.5	59.9	77.8	59.6	80.8
1968	48.8	50.1	47.7	48.5	51.6	44.4	56.4
1972	37.3	41.3	34.4	31.3	43.9	41.2	51.9
1976	38.1	39.3	36.1	35.0	46.1	39.4	55.2
1980	32.7	40.0	25.7	28.1	53.0	31.3	51.4
1984	30.7	39.6	25.0	29.0	38.1	30.2	46.4

\*Percentage of total vote for Democratic and Republican candidates; excludes votes for minor-party and independent candidates.

Source: Alaska Division of Elections.

lican in its presidential voting than the United States, much like the Mountain States region.

The two-party division of the presidential vote by regions within Alaska is shown in Table 7. As in the state as a whole, there have been steep Democratic declines, or Republican gains, in all regions. The predominantly Native northwest region, including Nome, Kotzebue, and Barrow, was the only Alaska region to give majorities of its votes to Democratic presidential candidates in the 1972, 1976, and 1980 elections. The central region (excluding Fairbanks), also mostly Native, followed next in Democratic presidential preference. In contrast, urban Alaska, centering on Anchorage and the southcentral region, saw the greatest Republican gains and corresponding Democratic declines.

The pattern of Democratic losses and Republican gains also shows up in elections to the statewide offices of governor, U.S. Senator, and U.S. Representative, although not as dramatically as in presidential elections (Table 8). The most competitive elections throughout the statehood period have been those for governor. Since 1958, when the first elections for state offices were held on the eve of statehood, Democrats have won four elections and Republicans three. In five of these elections, the winning majority was 55 percent or less.

Table 8  
Winning Candidates for Statewide Offices, 1958-1984

Year	Governor		U.S. Senator		U.S. Representative	
	Name	% of Vote <sup>a</sup>	Name	% of Vote <sup>a</sup>	Name	% of Vote <sup>a</sup>
1958	Egan (D)	60.2	Bartlett (D) Gruening (D)	84.9 52.6	Rivers (D)	57.5
1960			Bartlett (D)	63.4	Rivers (D)	56.7
1962	Egan (D)	52.3	Gruening (D)	58.1	Rivers (D)	54.5
1964					Rivers (D)	51.5
1966	Hickel (R)	50.9	Bartlett (D)	75.5	Pollock (R)	51.7
1968			Gravel (D)	54.7	Pollock (R)	54.2
1970	Egan (D)	53.2	Stevens (R)	59.6	Begich (D)	55.1
1972			Stevens (R)	77.3	Begich (D)	55.1
1974	Hammond (R)	50.1	Gravel (D)	58.3	Young (R)	53.8
1976					Young (R)	71.0
1978	Hammond (R)	65.9 <sup>b</sup>	Stevens (R)	75.8	Young (R)	55.5
1980			Murkowski (R)	53.9	Young (R)	74.1
1982	Sheffield (D)	55.4 <sup>b</sup>			Young (R)	71.1
1984			Stevens (R)	71.3	Young (R)	56.5

<sup>a</sup>Percentage of total vote for Democratic and Republican candidates; excludes votes for minor-party, independent, and write-in candidates.

<sup>b</sup>These were elections in which substantial portions of the vote went to third-party, independent, or write-in candidates. Hammond's plurality in 1978 was 39 percent, and Sheffield's in 1982 was 46 percent.

Source: Alaska Division of Elections.

In elections to the U.S. Senate, there has been a swing from strong Democratic to strong Republican voting. Both U.S. Senate seats were held by Democrats until the late 1960s,<sup>17</sup> and their electoral margins were substantial. In the 1970s, each party held one U.S. Senate seat. After 1980, both were held by Republicans. Since the winning candidate has usually won heavy majorities, the balance of electoral strength has moved decisively toward the Republicans in these elections.

Elections to Alaska's one seat in the U.S. House of Representatives have swung back and forth between Democrats and Republicans, paralleling the U.S. Senate elections. First dominated by the Democrat Ralph Rivers, the seat was held next by Republican Howard Pollock and then by Democrat Nick Begich in the late 1960s and early 1970s. After the death of Representative Begich in 1972, Republican Don Young carried most of his six elections through 1984 by substantial margins.

If strong electoral competition contributes to higher turnout, the effect has been weak or obscured in Alaska's statewide elections. Except for several races for governor, most of the U.S. Senate and House races have reflected weak party or candidate competition. Yet, turnout rates held steady in the 1960s and 1970s and rose significantly in the 1980s. To the extent that competition is a factor in turnout, it may be found in state legislative races, which occur in every election year, as well as in races for governor.

In their overall results, elections to the state legislature have been very competitive throughout most of Alaska's statehood period. These results, presented in Table 9, show a close partisan division of the vote statewide, but much less competition within individual regions.<sup>18</sup> The Native northwest region has been most consistently and strongly Democratic in legislative elections since statehood. In two legislative election years, 1974 and 1980, no Republican ran in any state legislative race in the northwest, and, often, specific races there were uncontested by Republicans. This absence of Republican opposition has also occurred with some frequency in recent years in legislative races in the Democratic southeast. The most competitive regions have been Fairbanks and central. The southcentral region

<sup>17</sup>In 1968, Republican appointee Ted Stevens replaced Democrat Bob Bartlett, who died in office that year.

<sup>18</sup>We have not analyzed individual races at the election district level. Therefore, these observations about "competition" in legislative elections refer to the aggregate pattern of party voting for both house and senate seats by statewide and regional electorates; they do not refer directly to the level of competition in individual legislative races.

(including Anchorage) is the only region where Republicans have gained and held a decisive electoral edge since the mid-1970s.

The figures in Table 9 for the 1984 election (all of the others are three-election averages) show the weight of the southcentral/Anchorage and Fairbanks votes in the state totals. They also suggest that, given their concentration in the state's largest urban centers, relatively more Republican votes for legislators may be "redundant" or "wasted" compared to Democratic votes. The latter are either more widely spread throughout the state's election districts, or, where they are concentrated, as in certain southeastern and bush districts, there are fewer of them to be wasted. Thus, while winning 56 percent of the vote statewide, Republican candidates captured less than half of the total number of available legislative seats in 1984. Another possibility is that legislative districting by the governor has helped create surpluses of voters who are likely to vote for legislative candidates of the other party. We will take a closer look at the gerrymander hypothesis below in discussion of party control of state government.

Table 10 shows changes in the average Democratic vote for all statewide (governor, U.S. Senator, and U.S. Representative) and all legislative offices for the 1960-72 and 1974-84 periods. These per-

Table 9

Democratic Percentage (Average) of Vote\* in Alaska Legislative Elections: State and Regions, 1960-1984

Years	State	South-east	Southcentral (including Anchorage)	Central	Fairbanks	North-west
1960-66	49.6	57.1	47.8	61.4	51.1	68.3
1968-74	52.0	59.3	51.1	57.6	50.0	83.5
1976-82	50.1	71.0	43.1	50.2	52.7	63.7
1984	44.5	69.3	44.1	56.6	36.3	88.5

\*Percentage of total vote for Democratic and Republican candidates; excludes votes for minor-party and independent candidates.

Source: Alaska Division of Elections.

Table 10

Democratic Percentage (Average) of Vote\* in Statewide and Legislative Elections: State and Regions, 1958-1972 and 1974-1984

Regions	1958-1972		1974-1984	
	Statewide Elections	Legislative Elections	Statewide Elections	Legislative Elections
State	53.2%	50.1%	38.7%	50.0%
Southeast	58.3	56.7	45.9	70.3
Southcentral (incl. Anchorage)	49.0	49.1	35.2	44.1
Central	62.0	59.3	44.5	53.8
Fairbanks	51.5	49.7	38.2	51.3
Northwest	63.9	71.5	50.4	87.7

\*Percentage of total vote for Democratic and Republican candidates; excludes votes for minor-party and independent candidates.

Source: Alaska Division of Elections.

iods roughly correspond to the state's two major eras of growth and change—the relatively slow-moving period of the 1960s and the continuing boom period of the 1970s and 80s, after the discovery of Prudhoe Bay, pipeline construction, and billion-dollar state capital budgets. The most significant feature of the table is the divergence in statewide and legislative election patterns from the earlier to the later period. In 1960-72, there was close correspondence in voting for statewide and legislative offices in all regions of the state. In the state as a whole, the parties were very competitive in both kinds of elections, though not in all individual races for specific offices. In each of the regions, statewide and legislative elections exhibited parallel divisions of party voting. Those parallels sharply diverged in the latter, 1974-84, period. Alaska voters in all regions became much more likely to vote split tickets—to vote in much larger proportions for Republicans for statewide office while continuing to vote for

Democrats, by large or competitive margins, for the legislature. This Alaska pattern appears to reflect similar developments in the western states generally.

In statewide elections, Democratic voting eroded substantially while Republican voting correspondingly increased in all regions. In legislative elections, Democrats held their own or increased their margins in the southeast, Fairbanks, and the northwest, while losing ground in the southcentral/Anchorage region and the central region outside Fairbanks.

Anchorage and the southcentral region accounted for almost two-thirds of the total state vote in 1984 (Table 11), and population growth in these areas continued to lead the state in the mid-1980s. Republican voting is therefore likely to remain strong in statewide elections and, with legislative reapportionment, more legislative seats may be won by Republican candidates from that region as well.

Republican dominance in presidential and statewide elections in the 1970s and 1980s does not represent an electoral monopoly, as the competition in gubernatorial and state legislative elections demonstrates. Even the strong Republican showings in U.S. Senate and House races do not necessarily mean continuing weak competition from Democrats. Republicans gained control of two of those offices only after popular Democratic incumbents died in office. There has been a succession of weak Democratic candidates for the U.S. House and Senate in the 1970s and 1980s, but the Democrats may once again field strong candidates who can appeal to voters whose party loyalties are weak or nonexistent.

Table 11

Voters in State General Elections by Region,  
Selected Years, 1960-1984

Year	Number of		Percentage of Votes				
	Voters State	South-east	South-central	Anchorage	Central	Fair-banks	North-west
1960	50,343	23.0	16.7	32.1	8.1	14.1	6.1
1968	82,886	19.6	15.1	37.6	6.8	15.2	5.8
1978	129,705	16.5	17.0	41.0	7.7	14.3	3.4
1984	211,009	14.5	19.1	43.1	6.2	13.7	3.5

Source: Alaska Division of Elections.

Party Identification and Third-Party Voting

Voter registration by party is another indicator of the level of party competition in the states. Ideally, it would measure the extent to which each of the parties can claim a consistent following of voters. In reality, this is not the case. A growing number of voters have weak or no party identifications—increasingly identifying themselves as independents—and many states, like Alaska, do not require registration by party.

A majority of voters statewide, and in every region but one (northwest), register as "nonpartisans" (Table 12). From the 1970s to the 1980s, Democratic registration declined and Republican registration rose, each by about 5 percent. The Democrats suffered especially sharp declines in the urban southcentral region and the rural or "bush" northwest and central regions. These bush regions also experienced unusual increases in nonpartisan registration. Anchorage showed a significant gain in Republican registration, while its Democratic and nonpartisan lists showed losses.

About ten thousand Alaskans registered under "third party" labels and a variety of other group and individual designations in 1984. The single largest group of these voters, about three thousand, identified themselves as Libertarians. The Libertarian party appeal has been strong among Alaska voters compared to those in other states.

Table 12

Party Registration, Statewide and Regions, 1974, 1984

	1974 Percentages				1984 Percentages			
	Dem.	Rep.	N-P	Other	Dem.	Rep.	N-P	Other
Statewide	29.0	15.6	53.7	1.7	23.6	20.0	53.2	3.3
Regions								
Southeast	29.6	13.2	56.0	1.2	25.0	14.6	57.6	2.8
Southcentral	30.0	15.5	52.6	1.8	20.9	19.9	55.4	3.8
Anchorage	26.5	17.6	54.2	1.7	22.7	23.4	50.9	3.0
Central	38.4	13.3	46.4	1.9	31.9	12.7	52.5	2.9
Fairbanks	24.4	14.9	58.6	2.1	21.5	19.7	54.6	4.2
Northwest	46.5	13.5	38.7	1.4	37.8	12.3	46.4	3.5

\*N-P = Nonpartisan.

Source: Alaska Division of Elections.

In recent years, Alaska voters have been attracted to third-party and independent candidates in presidential elections more than voters in the United States generally (Table 13). In the 1968 election, George Wallace's 13.5 percent of the national vote signaled his powerful appeal, and he ran nearly as well in Alaska, winning just over 12 percent of the vote. (In the Mountain States, Wallace won an average of 8.6 percent of the vote.) In the 1970s and 1980s, American Independent and Libertarian candidates, and Independent John

Anderson, have done better in Alaska than nationally. The best Alaska showing by any third-party or independent candidate for governor was made by Libertarian Dick Randolph in 1982, when he won 15 percent of the statewide vote.

In Alaska, as is generally true elsewhere, third-party, independent, and write-in campaigns are improbable ventures, given election laws, realities of campaign financing, and voter habits, among other factors. But such campaigns have not been altogether quixotic in Alaska, given the state's relatively fluid, independent electorate.

Table 13

Third-Party and Independent Voting in Alaska  
Presidential and Gubernatorial Elections

Year	Candidate/Party*	Presidential Elections		Gubernatorial Elections	
		% AK Vote	% U.S. Vote	Candidate/Party*	% AK Vote
1968	Wallace, AI	12.1	13.5		
1970				Anderson, API	1.5
1972	Shmitz, AI	7.3	1.4		
1974				Vogler, AIP	5.0
1976	MacBride, L	5.3	0.0		
1978				Kelly, AKP	12.3
1980	Clark, L	11.7	1.2		
	Anderson, IA	7.0	6.6		
1982				Vogler, AIP	1.7
				Randolph, L	14.9
1984	Bergland, L	3.1	NA		

\*AI = American Independent; L = Libertarian; IA = Independents for Anderson; AIP = Alaskan Independence Party; AKP = Alaskans for Kelly and Poland.

Source: Alaska Division of Elections, U.S. Bureau of the Census.

Election Outcomes

This final part focuses on election outcomes. We look first at party control of state government, including effects on state legislative elections of "coattails," incumbency, and reapportionment. We then turn to interactions of parties, candidates, and issues in the case of the 1982 race for governor.

Party Control in the States

Increasingly common in the states has been the situation of one of the major parties occupying the governor's office while the other controls one or both houses of the state legislature.<sup>19</sup> Such divided control has, in fact, become the most common pattern.

Ticket-splitting, a key manifestation of party disintegration, may be a major cause of divided party government in the states.<sup>20</sup> Voters do not look for "responsible parties" or "party governments"; they look instead to individual candidates and issues that have themselves become detached from organized party bases.

An important force behind ticket-splitting is the electoral power of incumbency. In all of the states, it is increasingly difficult to dislodge incumbents from state legislative offices. Since the mid-1960s, about 90 percent of incumbent state legislators seeking re-election have been re-elected.<sup>21</sup> Voters are increasingly inclined to vote for the more familiar candidate, usually the incumbent, regardless of party.<sup>22</sup>

Institutional obstacles, weak parties, independent or nonpartisan voters, power of incumbency, and ticket-splitting have had strong disintegrative effects on electoral politics; they have produced

<sup>19</sup>Jewell and Olson, *American Political Parties and Elections*, p. 232.

<sup>20</sup>*Ibid.*, p. 237.

<sup>21</sup>Bibby, "Parties in State Politics," pp. 150-152.

<sup>22</sup>Jewell and Olson, *American State Political Parties and Elections*, p. 214.

divided governments not only in the states but also at all levels in the American political system.

#### Party Control in Alaska

These disintegrative forces emerged in Alaska's electoral politics roughly during the same period that they appeared most clearly on the national scene—the late 1960s and the 1970s. In Alaska, their appearance was probably accelerated by the petroleum boom of the 1970s and 1980s, which brought increased growth, diversity, and conflict to Alaska political life.

During the post-World War II period, states outside the South experienced divided party control of the governor's office and the lower house of the legislature about half the time.<sup>23</sup> Since 1959, Alaska has experienced such a division nearly 60 percent of the time. If state senates are included in the calculation, divided party control has occurred about 70 percent of the time both in Alaska and nationally (Table 14).

The most striking thing about Alaska's record of party control since statehood has been its complete change from the 1960s to the 1970s and 1980s. During the first decade of statehood, Alaska's Democratic leaders had been the most prominent leaders of the statehood movement during the 1950s. Democrats controlled the governor's office and both houses of the legislature most of the time.<sup>24</sup> Then, from 1969 through 1986, there were no instances of "unified"

<sup>23</sup>*Ibid.*, pp. 232-233.

<sup>24</sup>Except for two U.S. House terms at the end of the 1960s, Democrats controlled Alaska's three seats in the U.S. Congress as well.

Table 14

#### Divided Control of Alaska State Government, 1959-1986

	Total Years	Unified	Divided
1959-1968	10	8	2
1969-1986	18	0	18
Total Years	28	8	20
Percentages	100%	29%	71%

Table 15

#### Average Net Gains and Losses of Alaska Legislative Seats by Winning Party in Presidential and Gubernatorial Elections, 1960-1984

	Average Net Change in Senate	Average Net Change in House
1960-1984		
Presidential Elections	0.7	4.7
Gubernatorial Elections	2.0	2.0
1960-1972		
Presidential Elections	1.3	7.0
Gubernatorial Elections	4.7	8.3
1974-1984		
Presidential Elections	0	1.7
Gubernatorial Elections	-0.7	-4.3

party control of state government at all. Governors elected under one party's banner invariably confronted a legislative leadership from the other party.

This dramatic reversal in the pattern of control went further than the change from unified to divided party control of state government. In the early 1980s, the legislative parties split further into cross-party *coalitions* that formed in both the house and the senate. This occurred largely as a result of regional and interfactional conflict over the division of the petroleum-revenue spoils.<sup>25</sup>

Neither presidential nor gubernatorial coattails have been long enough to produce legislative majorities that might organize unified party governments. Table 15 shows the average number of state legislative seats picked up by the winning parties in presidential and gubernatorial elections since statehood. Over the whole period, the winning presidential party has averaged less than one additional seat in Alaska's senate (out of an average of twelve up for election) and slightly less than five additional seats (out of forty) in Alaska's house. The winning gubernatorial party has done little better, picking up an average of two seats each in the senate and house.

<sup>25</sup>See Thomas A. Morehouse, ed., *Alaska Resources Development: Issues of the 1980s* (Boulder: Westview Press, 1984), pp. 176 ff.

The direction of change in this already-slight coattail effect is negative. During the most recent ten-year period, winning presidential parties have gained no seats in the state senate and less than two seats in the state house. And winning gubernatorial parties have actually lost ground in both senate and house. National, statewide, and local elections in Alaska—as elsewhere—are increasingly separate and insulated from one another as voters shed party loyalties and routinely split their tickets.

Incumbency is an additional factor that reinforces ticket-splitting in Alaska as it does elsewhere. Table 16 shows the differences in party turnover of state legislative seats with and without incumbents running for re-election. When incumbents run in either house or senate races, they lose their seats to the opposition party candidate only about one-fifth of the time. But when senate and house incumbents do not run, their parties' new candidates lose to the opposition party candidates nearly one-third of the time.<sup>26</sup>

Legislative incumbents who are vulnerable tend to be from the largest and fastest-growing urban areas, where voters tend to be less familiar with public officials. This is clearly the case in Alaska, where incumbent losses are disproportionately concentrated in Anchorage and Fairbanks. These two cities account for about two-thirds of incumbent losses, but only about half of the contested legislative seats over the statehood period.

<sup>26</sup>These figures do not include the first two legislative elections, when "incumbency" was still very fluid, or five elections immediately after redistricting and reapportionments, when incumbents and specific seats were recombined.

	House			Senate		
	Total Seats	Turn-overs	Percent	Total Seats	Turn-overs	Percent
Incumbents Running	192	41	21%	50	11	22%
Incumbents Not Running	87	27	31%	22	7	32%

	House, %		Senate, %	
Total Period	49		32	
1962-70		52		36
1972-84		46		27
Reapportioned	51		38	
Non Reapportioned	46		23	

First-term office holders have been somewhat more numerous in Alaska's legislature than in legislatures elsewhere. In the states generally, about one-third of the members of each new legislature in recent decades have been first-termers—just over one-third in state houses and just under one-third in state senates.<sup>27</sup> In Alaska, as shown in Table 17, there has been more turnover in the house—an average of about one-half of each Alaska house has consisted of newly elected members, while the Alaska senate has experienced about the same amount of turnover as has occurred nationally. Table 17 also shows that turnover rates have slowed in the Alaska legislature from the 1960s to the '70s and '80s.

Reapportionment can be a threat to incumbency rule in Alaska's legislature, especially in the senate. Table 17 shows that in Alaska's six reapportioned legislatures through 1984, an average of 38 percent, or eight of the state senators, were first-termers as opposed to 23 percent, or five, in nonreapportioned legislatures. It does not appear, however, that the reapportionment power of the governor has had much partisan effect on this pattern. If governors have tried to improve the electoral opportunities of their party's legislative candidates through any form of gerrymandering, this is not apparent in election results. The five legislatures reapportioned by Democratic governors lost eleven Democratic house seats and six Democratic senate seats. The one legislature reapportioned by a Republican governor made small Republican gains—five house seats and one senate seat.

The higher turnover in reapportioned legislatures may be attributable simply to the fact that reapportionment creates new districts

<sup>27</sup>Jewell and Olson, *American State Political Parties and Elections*, p. 229; Bibby, "Parties in State Politics," p. 156.

and constituencies. Thus, incumbent legislators will be more vulnerable to electoral challenges and, as a result, more likely to be defeated or less likely to seek re-election in the first place.

### The 1982 General Election

Alaska's 1982 election represents an especially valuable case for examining relationships between candidates, issues, and regional voting patterns. There was a vigorous three-way race for governor. There were also several controversial ballot measures, or "propositions," and some of them were strongly divisive regionally. Further, candidates chose to or were forced to take stands, particularly on these regionally sensitive issues. These conditions make it possible to trace some of the effects of candidate-issue interactions and determine how they helped shape electoral outcomes in Alaska's regions.

In the race for governor, Democrat William Sheffield was elected with a 47 percent plurality over Republican Tom Fink (38 percent) and Libertarian Dick Randolph (15 percent). Voters also cast ballots on eight propositions, four of which are of interest here: (1) a constitutional amendment limiting increases in state appropriations, (2) an initiative claiming state ownership of most federal lands in Alaska ("tundra rebellion"), (3) an initiative abolishing special subsistence hunting and fishing preferences for rural Alaskans, and (4) a measure authorizing the legislature to spend money to move the state capital from Juneau to a new site at Willow, north of Anchorage. The statewide vote on these propositions was as follows:

	For, %	Against, %
Appropriations Limit	61	39
Tundra Rebellion	73	27
Subsistence Repeal	42	58
Capital Move	47	53

In the election campaign, the two major party candidates took strong, conflicting positions on two of these propositions. Democrat Sheffield opposed the subsistence preference repeal and the capital move, and Republican Fink favored them. Both of these propositions reinforced another political division in Alaska, that between urban and rural regions, or primarily between Anchorage and the rest of the state. The proposition to repeal subsistence preference represented a direct threat to the interests of Native Alaskans, who are the

majority population in the "bush"—the northwest region and the central region outside Fairbanks. The proposition to move the capital was the current version of a measure that has appeared on the ballot in various forms six times since statehood. In 1982, as in all previous elections in which it has appeared, the capital move proposal reflected economic, political, and social cleavages between the Anchorage area and much of the remainder of Alaska.

In part because of these cleavages and the candidates' positions on the issues, Fink was widely perceived as the candidate from Anchorage. Sheffield was widely, but perhaps more vaguely, perceived as the candidate from Alaska outside of Anchorage and its immediate southcentral region. (Both Sheffield and Fink were long-time Anchorage residents.)

The following figures show how voting in the state's twenty-seven election districts on the four propositions related to voting for governor. The districts are identified by region. In all cases, the figures relate district votes *against* the proposition to district and regional votes *for* Sheffield: Sheffield took positions against the capital move and against repeal of subsistence preference, and negative votes on the other two propositions can, with some license, be characterized as more "liberal" and, thus, closer to Sheffield's perceived orientation than to Fink's "conservative" image. There are very high correlations between the proposition votes and the Sheffield vote.<sup>28</sup> In two cases—capital move and subsistence preference—not only is the *statistical relationship* strong between the pro-Sheffield and anti-proposition vote, but the apparent *electoral effect* was also substantial.

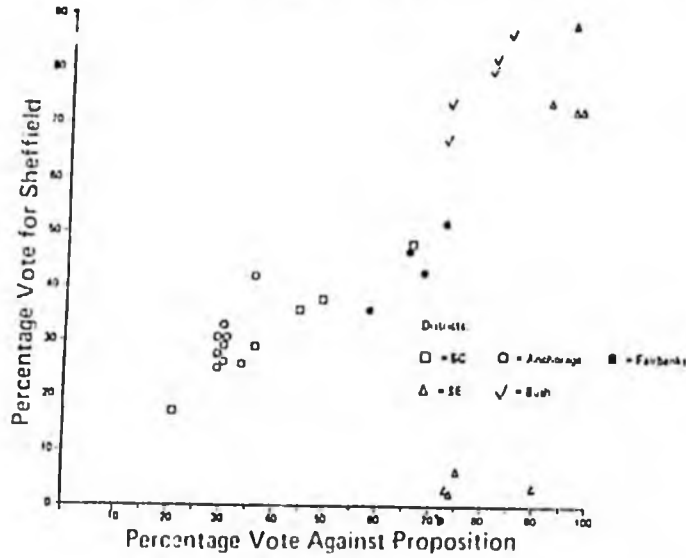
Figures 1 and 2 show that voting against these measures by southeast and "bush" voters most clearly differentiated them from voters elsewhere in the state. (Fairbanks voters also voted heavily against the capital move.) These same southeastern and bush districts also gave Sheffield his heaviest majorities. The significance of these issues for voters of these regions, and the stands on them by the two candidates, probably were major factors in increasing 1982 registered voter turnout in the southeast and northwest regions by more than 15 percentage points over the average of the previous four elections (see Table 5, above).<sup>29</sup>

<sup>28</sup>Correlation coefficients, or "r" values, are capital move, 0.93; subsistence preference, 0.88; tundra rebellion, 0.86; and appropriation limit, 0.94. (N = 27 election districts.)

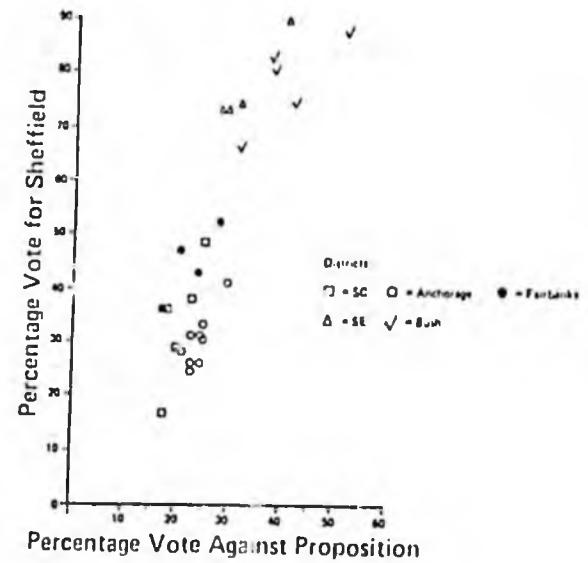
<sup>29</sup>Table 5 shows that registered voter turnout in these two regions settled back to previous levels in the 1984 election. Although turnout increased in all regions

(Continued on page 34)

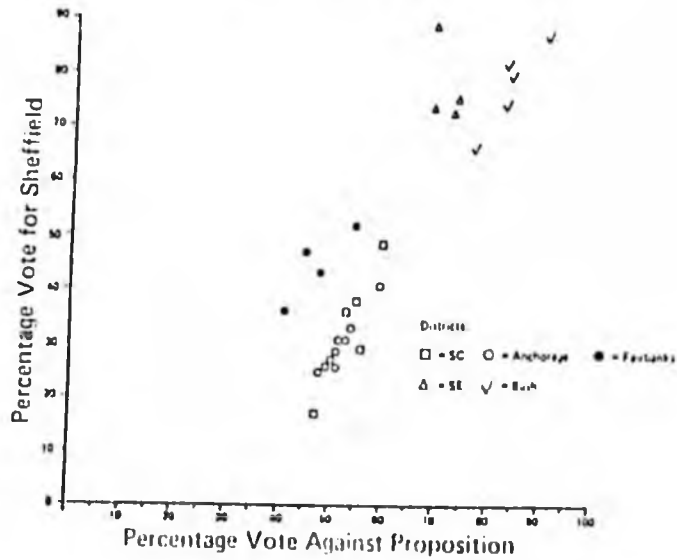
**Figure 1**  
**Relationship Between Sheffield Vote and Capital Move Vote, 1982 Election**



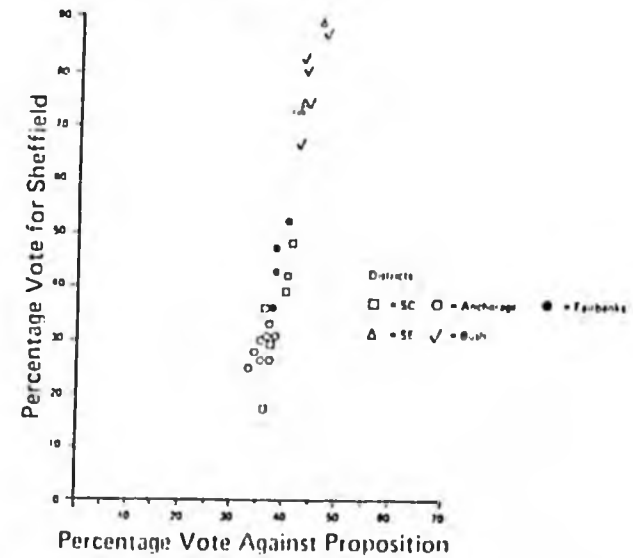
**Figure 3**  
**Relationship Between Sheffield Vote and Tundra Rebellion Vote, 1982 Election**



**Figure 2**  
**Relationship Between Sheffield Vote and Subsistence Preference Repeal Vote, 1982 Election**



**Figure 4**  
**Relationship Between Sheffield Vote and Appropriation Limit Vote, 1982 Election**



The strong regional differences on the capital move and subsistence preference issues were to be expected. These issues represented direct threats to southeastern and bush interests, respectively. The regional vote on these issues was also strongly related to the vote for governor, to the extent of directly reinforcing the vote for Sheffield. Since the two major candidates explicitly differentiated themselves on these issues, it appears that the strong votes against the propositions actually increased Sheffield's expected majorities in the southeast and bush regions.

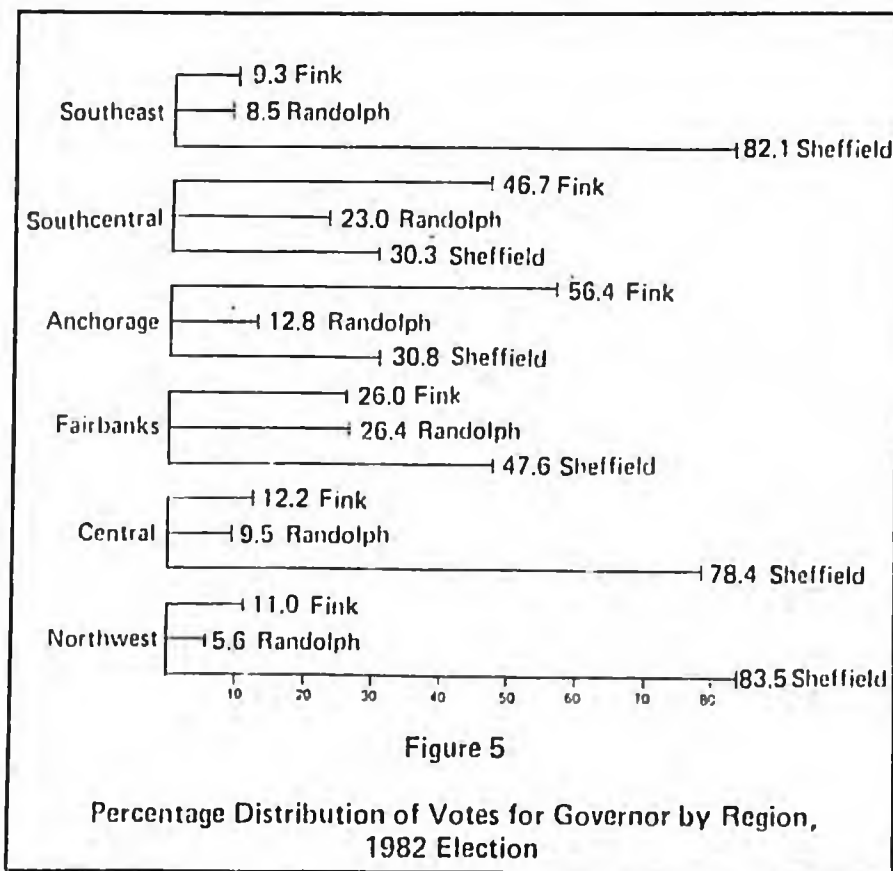
Although much smaller in magnitude, there were also "expected" regional differences in voting on the tundra rebellion and appropriation limit propositions (Figures 3 and 4). The strongholds of the pro-tundra rebellion and pro-appropriation limit votes were southcentral, Anchorage, and Fairbanks. While the southeast and bush regions also supported the rebellion and the limit, neither voted quite as strongly for these propositions as did the other regions. In contrast to the capital move and subsistence preference cases, most voters in all regions voted for the rebellion and appropriations limit issues. There were smaller differences on these two issues between districts going to Sheffield and those going to either of the other two gubernatorial candidates.

Thus, the ballot issues on which the two major candidates most clearly differentiated themselves—capital move and subsistence—appear to have worked more strongly for Sheffield in the threatened southeast and bush regions than they worked against him in the regions that went to Fink (southcentral and Anchorage). Voting on two other propositions (tundra rebellion and appropriation limit), although highly correlated with the gubernatorial vote and reflecting "expected" regional differences in political or ideological orientations, had little or no apparent electoral effect.

Libertarian candidate Randolph's role in this electoral interplay was that of "spoiler," insofar as Republican Fink's candidacy was concerned. Randolph and Fink tended to appeal to the same side of the political spectrum. Thus, Randolph probably took more votes away from Fink than from Sheffield. If so, Randolph hurt Fink in every region, particularly in southcentral and Anchorage, where Fink had to win by huge margins in order to overcome Sheffield's overwhelming support in Southeast and the bush (Figure 5). Randolph also edged Fink in Fairbanks, Randolph's hometown. In order to win

the election, Fink would have needed less than two-thirds of Randolph's 29,000 votes. If Randolph had not run, Fink would likely have won the votes—particularly in Anchorage, Southcentral, and Fairbanks—necessary to edge Sheffield statewide. In any case, the combination of the Randolph vote and the regionally divisive capital move and subsistence preference issues appear sufficient to account for Sheffield's victory.

Only once before Sheffield's 1982 victory has a candidate won a statewide election while losing in both Anchorage and Southcentral regions. This happened in 1960, when Democrat Ralph Rivers was re-elected to his second term in the U.S. House over Republican Ron Rettig. After the mid-1960s, it became increasingly difficult for candidates to win statewide if they lost by a significant margin in Anchorage alone. Thus, Sheffield's statewide electoral majority in 1982 was built on a winning regional voting pattern that is unlikely to appear soon again in Alaska's elections.



<sup>29</sup> (Continued from page 31)

in 1982, the extent of the increase in the more transient and growing Southcentral, Anchorage, and Fairbanks regions is probably overstated because of unpurged and inflated registration lists for these places in previous years.