



unapologetically **FOR ALASKAN RESIDENTS**

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April 8, 2019

To: Senate Finance Committee

Re: CS for SB 43 – Extend Big Game Commercial Services Board

Dear Chair Stedman, Chair Von Imhof, and Senate Finance Committee members,

We have not yet seen the CS for this bill, but if the Finance Committee intends to make changes to Title 8 statutes governing aspects of the Big Game Commercial Services Board authority to discipline guides, we'd like to bring up some of the other aspects of Title 8 you may not be aware of.

Over the years the guide industry has lobbied successfully to create a monopoly in terms of who can provide services for pay to hunters. One example, we have a member who is in his 70s and sought to hire someone to help pack his moose out of camp, but was informed by Wildlife Troopers that under the current Title 8 statutes—AS 08.54.720(a)(11) packing is considered an outfitting "service"—only a licensed guide—"outfitter" can hire someone to pack out game meat. Why would we prevent a resident hunter older in age from hiring someone to help pack out 700 lbs of moose meat? Why should only a guide—"outfitter" be allowed to hire someone to do that?

When "outfitter" was attached to "guide" it was yet another successful tactic to prevent any person or business entity who isn't a licensed big game guide—"outfitter" from providing outfitting services to big game hunters in the field. Only a natural born person with a guide—"outfitter" license can rent tents, rafts, camping gear to hunters **if** that rental occurs "in the field." A person or a business without a guide-outfitter license can only rent such equipment from a city or town, recognized maintained airport, somewhere not "in the field." So for example, an air taxi business that bases 80 miles south of Deadhorse during the fall to fly out hunters can't rent equipment to hunters without traveling the 80 miles to Deadhorse with the equipment in the back of their truck to "legally" rent it from a city or town or recognized maintained airport (Deadhorse).

The entire notion in Title 8 statutes of forcing FAA regulated Part 135 air taxis to become a state-licensed "transporter" if they want to advertise to hunting clients or charge higher fees to transport hunters does not in any way conform to the free-market system and would likely be seen as unconstitutional because of the 1st amendment right to commercial free

speech. The state should never be involved in telling a business where they can advertise, or what type of clients they can go after. The number of licensed transporters has declined by 40 percent because air taxis realized there was no sense in paying higher fees to cover the board's debt that had nothing to do with their industry. They can fly hunters all day long without a transporter license, and with today's internet and social media they don't need to advertise that they fly hunters. This is going to lead to evermore difficulty in finding "transporters" who want to serve on the board. The entire transporter aspect within the purview of BGCSB authority needs to be reviewed in terms of transportation of hunters.

Which brings up another point: a transporter license is not a private property right. There is no test to become an air taxi "transporter." It is not a "professional license." No extra safety standards beyond meeting FAA Part 135 standards is applied. The same could be said for a "master guide-outfitter" license. No extra testing beyond a registered guide license, only years as a guide with recommendations from clients.

We believe these are some of the issues within title 8 statutes that should be seriously looked at by the legislature.

Above all, however, we hope the Committee isn't missing the one salient overriding fact that has prevented this board from receiving a full extension since coming out of sunset in 2005. It wasn't just the board's debt, but also the continued high number of complaints and violations and the backlog of investigative cases and timeliness of investigations that is in every single audit report: *"The audit concluded DCBPL needs to improve its ability to investigate cases timely. A review of board investigative activity found 233 cases were open or opened between July 2015 and May 2018, and 80 remained open as of May 2018. During this time, there were 145 cases open for over 180 days. Of the 145 cases, auditors reviewed a random sample of 22 cases and found 20 cases had unjustified periods of inactivity ranging from two to 18 months."*

That is from the 2018 audit and note that this same audit also states that "the prior recommendation [from the 2015 audit] to improve timeliness of investigations was not resolved." This same fact is in all the other previous audits. It isn't a solution to say that the board will now track cases of unjustified inactivity; nor it is a solution to tweak Title 8 statutes to make it harder for bad-apple guides to stay in business after violations. There needs to be proof the board can resolve the investigative backlog issues.

Regarding the debt issue, the reported sharp decline in transporters and guides, in part because of higher licensing fees, is going to lead to less revenues down the line even at the higher license prices. The Board will be in debt in 2019 again due to the biennial nature of licensing.

Some would argue that audits cost money and if we extend the BGCSB six years we will save money because we won't have to audit them again until their next sunset. We can't let this board continue to not resolve investigative issues and timeliness; they should prove after a two-year extension they are finally making progress on that front.

Again, we can only support a two-year extension of the BGCSB, in the hopes that a short extension will require them to finally find solutions to these matters.

Sincerely,
Mark Richards
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