



RESIDENT HUNTERS OF ALASKA

unapologetically **FOR ALASKAN RESIDENTS**

Working hard to ensure our wildlife is managed sustainably with an emphasis on protecting and enhancing resident hunting opportunities!

www.residenthuntersofalaska.org

April 21, 2025

To: Senate Finance Committee

Re: SB 97 -- Big Game Permit Program (Guide Concession Pilot Program)

Senator Hoffman, Senator Olson, and members of the Senate Finance Committee,

The Guide Concession Pilot Program, that is currently SB 97, passed the legislature last session as part of a slew of amendments to SB 189, which was legislation to extend the termination date of the Alaska Commission on Aging. There was no funding for the guide concession program included and the way that legislation passed did not conform to the single-subject rule.

Subsequently, the legislature was sued for violating the single-subject rule and legislators have been told that the guide concession pilot program bill from the previous session (now SB 97) needs to pass exactly as written the previous session and without any amendments, to moot the lawsuit over the single subject rule.

There are many problems with SB 97 that legislators did not delve into last session, and for this current legislation to have must-pass priority, including the half-million-dollar fiscal note and without any debate or amendments, simply to resolve the lawsuit is not the way the system is supposed to work.

We have detailed issues with this bill in our comments to Senate Resources here:

https://www.akleg.gov/basis/get_documents.asp?session=34&docid=2843

I also penned an op-ed about how this bill is being pushed through that is included below.

The fiscal note for this legislation is just the tip of the iceberg regarding the true costs down the line. One of the amendments we seek is to make the guide industry, which has long advocated for and supported this legislation – pay the state back for the implementation and cost of this program. The state cannot afford the creation of a new bureaucracy within the Department of Natural Resources to implement and administer this program, nor the costs to the Department of Fish & Game and the Board of Game that come with this program.

Another important issue is the transferability language within this bill that the Alaska Supreme Court made clear in their Owsichuk decision was unconstitutional. A concession permit cannot be held as a private property right to be sold. Yet that is exactly what the transferability language within this bill would allow.

This bill would allow guides to hold six different guide use areas, to include 3 state concessions and 3 federal concessions. Currently, the law allows guides to operate in 3 guide use areas, plus one more if it is within an Intensive Management predation control area.

Another big flaw of this legislation is that it would be done piecemeal, exacerbating the very same problems this legislation seeks to address – “too many guides” on state lands – in other areas. If we create a guide concession program in only one of the known problem areas, all the guides in that area who don’t win that concession will move on to other areas, creating more crowding and conflicts.

The issues this bill seeks to address can, and should be, addressed by the Big Game Commercial Services Board that regulates the number of guides in the field, and/or the Board of Game that regulates the number of hunters in the field.

We oppose SB 97 as drafted and hope legislators will take the time to fully vet and discuss what this bill would really do and how much it would really cost.

Sincerely,

Mark Richards

Executive Director Resident Hunters of Alaska

Anchorage Daily News

Opinion: Big-game guiding bill in the Alaska Legislature had problems last year — and has problems now

By Mark Richards

Published: March 27, 2025

In the previous 2024 legislative session, there were identical Senate and House bills (SB 253/HB 396) to create a big game guide concession pilot program on state lands that would have a startup cost of a half-million dollars. The organization I represent – Resident Hunters of Alaska (RHAK) – opposed the bills, for reasons I’ll explain later.

The ostensible rationale of these bills was that there were no limits on the number of hunting guides who could operate on state lands, and this was causing all kinds of problems, from conflicts in the field to overharvests of our wildlife, and that an exclusive guide concession program in certain areas would fix the problems because fewer guides would then be allowed to operate in those areas.

The Senate version (SB 253) of the guide concession program bill was heard in the Senate Resources Committee last session but never moved out of committee. The House version (HB 396) was heard in House Resources and passed out of that committee awaiting a hearing in House Finance. It was clear that House Finance, with our continuing budget crisis, was not going

to pass the bill with a \$500K fiscal note, and while the bill was scheduled for a hearing, it was never heard in House Finance.

In the final hours of the 2024 legislative session, HB 396 – along with other bills that had not passed – was inserted into Senator Kawasaki's bill (SB 189) to Extend the Alaska Commission on Aging. Legislators well understood that attaching all these other bills to Senator Kawasaki's bill to Extend the Alaska Commission on Aging did not comply with the "single subject" rule, which was specifically written to prevent these kinds of shenanigans.

Senator Kawasaki knew too that his bill – with all the other bills within – did not comply with the single subject rule, but he wanted his bill to pass and voted for it along with most legislators. So, SB 189 to extend the Commission on Aging, along with the guide concession program bill and others within, passed the legislature and was sent to the Governor for his signature. You can read the final bill here: <https://legiscan.com/AK/bill/SB189/2023>

SB 189 was not signed by the Governor because he was advised that the way it passed was not legal. However, everything within the final bill – including a guide concession pilot program – did become law, though the guide concession program was not funded.

Subsequently, former Representative David Eastman sued the legislature over the single subject rule violation and that case is currently awaiting judgment.
(<https://www.adn.com/politics/alaska-legislature/2024/11/22/wasilla-lawmaker-challenges-child-care-tax-credit-and-other-policies-over-alleged-rule-violation/>)

Fast forward to the current 2025 legislative session. Legislators were told that to resolve and moot the Eastman lawsuit, everything within SB 189 that violated the single subject rule – including the guide concession program – had to be re-submitted exactly as written the previous session and pass this session.

The current guide concession program bill is SB 97, sponsored by the Senate Resources Committee. We recommended amendments to the bill last session, and this session as well. If this was going to pass, at least make it so the state was paid back by the guide industry, along with some other needed fixes. Some of those amendments were offered in the Senate Resources committee and had majority support, but the legislative attorney told the committee that any amendments to the bill would not moot the Eastman challenge. The bill needed to pass exactly as written, including with any appropriations.

So, no amendments were made, and SB 97 passed out of Senate Resources and will now go to Senate Finance, where members of the that committee won't question the half-million-dollar fiscal note as they would have under normal circumstances. They will vote to spend money we don't have and pass the bill and move it out of committee because they've been told that's the only way to stifle the Eastman lawsuit. The final bill will pass both houses for the same reason.

The situation we are in now is one in which legislators knowingly violated the law the previous session, were called on it by a former legislator they don't particularly like, and now, in order to fix their mistake, are going to double down on it so that former legislator doesn't make them look bad. That isn't the way bills are supposed to become law. You aren't supposed to violate the law and then fix that mistake by doing an end-around the process.

The main reason we oppose a guide concession program is because the problem was never "too many guides." *The problem is too many nonresident hunters who are required to hire a guide being given unlimited hunting opportunity by the Board of Game!* Limit the number of nonresident sheep hunters, for example, that take 60-90 percent of the sheep harvest in some areas, and you thereby limit the number of guides they are required to hire. But the Board of Game refuses to limit nonresident sheep hunters, saying they only support a costly guide concession program as a solution.

The Blg Game Commercial Services Board is the body that regulates the guide industry and has been saying for nearly 20 years that there are too many guides. They have the duty and authority to limit guides yet have done nothing to check their own. They also only support a guide concession program as a fix.

Read our letter of opposition to a guide concession program here:

https://www.akleg.gov/basis/get_documents.asp?session=34&docid=2843

Either board could fix the known problems using their authority, without such a high cost to the state. The reason they have refused to do so for so long is because a guide concession program is the guide industry's preferred solution. Unlike other states, in Alaska, we don't look at things from the point of view of what's best for resident hunters and our wildlife; we look at it from the point of view of what's best for the guide industry.

Mark Richards is the Executive Director for Resident Hunters of Alaska (RHAK).
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