

HOUSE FINANCE COMMITTEE  
February 10, 2005  
1:35 p.m.

CALL TO ORDER

Co-Chair Meyer called the House Finance Committee meeting to order at [1:35:13 PM](#).

MEMBERS PRESENT

Representative Kevin Meyer, Co-Chair  
Representative Bill Stoltze, Vice-Chair  
Representative Richard Foster  
Representative Mike Hawker  
Representative Jim Holm  
Representative Reggie Joule  
Representative Mike Kelly  
Representative Carl Moses  
Representative Bruce Weyhrauch

MEMBERS ABSENT

Representative Mike Chenault, Co-Chair  
Representative Eric Croft

ALSO PRESENT

Representative Ralph Samuels; Matt Robus, Director, Division of Wildlife Conservation, Department of Fish and Game; Rick Urion, Director, Division of Occupational Licensing, Department of Commerce, Community, and Economic Development; Paul Johnson, Guide, Elfin Cove; Sally Saddler, Legislative Liaison, Department of Commerce, Community, and Economic Development

PRESENT VIA TELECONFERENCE

Major Howard Starbard, Administrative Commander, Alaska State Troopers

SUMMARY

HB 76 "An Act relating to the Big Game Commercial Services Board and to the regulation of big game hunting services and transportation services; and providing for an effective date."

CSHB 76 (FIN) was REPORTED out of Committee with a "do pass" recommendation and with zero note #1 by the Department of Fish and Game, and zero note #2 by the Department of Public Safety, and with a new zero note by the Department of Natural Resources,

and a new fiscal impact note by the Department of Commerce, Community, and Economic Development.

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#hb76

HOUSE BILL NO. 76

"An Act relating to the Big Game Commercial Services Board and to the regulation of big game hunting services and transportation services; and providing for an effective date."

[House Bill 76 was previously heard on February 9, 2005.]

Representative Kelly MOVED to ADOPT conceptual Amendment 1, on page 7, line 30: add "or" back in. He noted that the deletion of "or" was a drafting error. There being NO OBJECTION, Amendment 1 was adopted. [Later consultation with the drafting attorney determined that this technical amendment was not necessary.]

Vice-Chair Stoltze referred to yesterday's discussion about the amount of the fine threshold on page 4, line 23. He requested an opinion from the sponsor about raising the threshold from \$1,000 to \$2,000.

REPRESENTATIVE RALPH SAMUELS, sponsor, deferred to Maj. Howard Starbard from the Alaska State Troopers.

MAJOR HOWARD STARBARD, ADMINISTRATIVE COMMANDER, ALASKA STATE TROOPERS, replied that he forwarded the suggestion to change the amount to \$2,000 to the head of the investigative unit, as well as to others in wildlife enforcement. He reported no objections to the change, and said that it might alleviate unintended consequences regarding misdemeanors, and in federal situations.

Vice-Chair Stoltze asked if \$2,000 would be a more appropriate fine level. Major Starbard agreed that it would, but said it is up to the legislature to set limits for guides who have committed crimes.

Vice-Chair Stoltze MOVED to ADOPT Amendment 2, on page 4, line 23: replace "\$1,000" with "\$2,000". Co-Chair Meyer OBJECTED for discussion purposes.

Representative Samuels related that he had no problem with the amendment. Co-Chair Meyer WITHDREW his OBJECTION.

There being NO OBJECTION, Amendment 2 was adopted.

Representative Kelly asked for an explanation behind the addition of the words "or federal" on page 4, line 18. Representative Samuels replied that a violation on federal

land should receive the same punishment as someone on state land. Representative Kelly said he would agree to that if the sponsor wants it in the bill.

Representative Joule MOVED to ADOPT conceptual Amendment 3, which would amend Section 3, Sec. 08.54.591(b), page 2 line 4-12 as follows:

Line 4, subsection (b) delete "seven" and replace with "nine"

Line 9, subsection (4) delete "one member" and add "two members"

Line 12, subsection (5) delete "one public member" and add "two members"

Representative Weyrauch OBJECTED for discussion purposes.

Representative Joule explained that the makeup of the Big Game Commercial Services Board would increase to nine members by adding an additional private landholder and another public member. He opined that it would be worth the extra cost to have these additional members on the board.

Representative Samuels agreed. He explained that the inherent tension in the industry is between the transporters and the guide, which is why the numbers were made equal. He suggested that Amendment 3 would help by avoiding the appearance of a "good-old boys' club". Representative Weyrauch WITHDREW his OBJECTION.

Representative Kelly OBJECTED to Amendment 3. He voiced a concern about the additional expense of adding more members to the equation. He speculated that it would be harder to get anything done with such a large group.

Vice-Chair Stoltze also OBJECTED. He argued for having eight rather than seven members on the board, as a compromise.

A roll call vote was taken on the motion to ADOPT Amendment 3.

IN FAVOR: Foster, Hawker, Joule, Moses, Weyrauch, Meyer  
OPPOSED: Holm, Kelly, Stoltze

Representatives Croft and Chenault were absent from the vote.

The MOTION PASSED (6-3).

Representative Joule MOVED to ADOPT Amendment 4, on page 20, line 1: after the words "enforcement agencies", add "and political subdivisions". Co-Chair Meyer OBJECTED for discussion purposes.

Representative Joule explained that Amendment 4 is about accessing aggregate game management information. He referred to the Northwest Arctic Borough as an example of an area that has requested information on the harvests of certain drainages.

Representative Samuels replied that as long as the information is in aggregate form and does not interfere with someone's business, he is in agreement.

Representative Weyhrauch voiced an opinion about political subdivisions obtaining business records. In response, Representative Joule gave examples of what can happen to a particular drainage when there is a lack of information to hunters.

Representative Weyhrauch asked if any political subdivision would be in a better position to manage game resources than the Department of Fish and Game. Representative Joule responded that his borough is charged with land use management.

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Vice-Chair Stoltze agreed it would be acceptable for the Mat-Su's game advisory board to have the information, but expressed concern if the Mat-Su Borough would have game advisory input. Representative Joule said he was thinking about municipalities receiving this public information, as well. He suggested that Representative Stoltze make a friendly amendment adding advisory councils.

Vice-Chair Stoltze requested an opinion from the sponsor and from the Department of Fish and Game.

Representative Kelly pointed out that on page 20, lines 5 & 6, " aggregated data compiled from hunt records and activity reports may be included in reports by the department", seem to address this issue. Representative Joule agreed, but maintained that it is not being done in practice.

Representative Holm suggested that "must be included" replace "may be included".

MATT ROBUS, DIRECTOR, DIVISION OF WILDLIFE CONSERVATION, DEPARTMENT OF FISH AND GAME, explained that there are two different groups of information being referred to. He related that he could speak about information collected by his department; however, HB 76 deals primarily with the new Big Game Commercial Services Board and the Department of Commerce, Community and Economic Development. The Department of Fish and Game collects harvest information through hunting reports and obtains data about non-resident and resident hunters, commercial guide services, and

transportation services. This information is available upon request, but it falls short of determining how many commercial operations are in an area because that is not under the department's jurisdiction.

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Representative Joule emphasized that commercial activity information, which comes from another department, is being sought.

Vice-Chair Stoltze suggested changing the word "may" to "shall" on page 20, line 5. Representative Joule agreed as long as "shall" refers to commercial activities.

Representative Joule WITHDREW Amendment 4.

RICK URION, DIRECTOR, DIVISION OF OCCUPATIONAL LICENSING, DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT, asked if his department is being asked to extrapolate information from hunting records and distribute it.

Representative Joule noted that the suggested language would be: "Aggregated data from hunt records and commercial activity reports shall ..." Mr. Urion recommended that hunting records go to the Department of Fish and Game because they are the people who use that information and because those records have nothing to do with licensing at all. He noted that now the reports are collected and nothing is done with them. He emphasized that going through these records would cost money, time, and would be a massive undertaking.

Vice-Chair Stoltze asked Mr. Robus if this is data that his department would like to collect and use. Mr. Robus implied that, though the information would be useful, cost is a big concern.

Vice-Chair Stoltze expressed interest in a manageable and affordable board, and wondered who would bear the cost of compiling the data. Mr. Urion opined that the cost does not belong to the board, but rather to the state.

Representative Holm recalled that there is an extra \$216 thousand in the licensing budget, which could go toward additional personnel to provide the information that Representative Joule is requesting. He wondered what would be lost if this information is not compiled. Mr. Urion replied that his department is not authorized to hire anyone without legislative approval. He explained that the extra money is carried forward and spent in other places.

In response to Representative Holm's question about harvest information, Mr. Robus replied that the Board of Game is always trying to manage populations in a sustainable way.

Harvests may be cut off so populations are not being pressed too hard. Guided-hunter-on-the-ground information is most useful for solving conflicts between user groups. Biological management is often used, but without the use of the information being referred to, it is hard to involve all groups without conflict.

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Representative Joule related that he wanted to have this discussion because it is important to people, and use of this information could solve user conflicts. He said he understands the constraints related to the costs, but he voiced a hope that the board could find a way to get the information. He emphasized that the State Troopers are not able to manage the enforcement of wildlife regulations. Representative Joule WITHDREW Amendment 4.

Representative Weyhrauch MOVED to ADOPT conceptual Amendment 4A: on page 20, Section 31, add subsection c, "Forms, records, and reports required under this chapter may be disseminated, received, and stored electronically."

Co-Chair Meyer OBJECTED for discussion purposes. Representative Samuels agreed with the amendment. Co-Chair Meyer WITHDREW his OBJECTION.

There being NO OBJECTION, Amendment 4A was ADOPTED.

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Representative Weyhrauch MOVED to ADOPT conceptual Amendment 5: on page 2, lines 13-15, delete "The Department of Fish and Game, Department of Natural Resources, Department of Law, and Department of Public Safety" and add "state agencies".

Co-Chair Meyer OBJECTED for discussion purposes. The sponsor agreed that Amendment 5 makes sense. Co-Chair Meyer WITHDREW his OBJECTION.

There being NO OBJECTION, Amendment 5 was ADOPTED.

Representative Weyhrauch pointed out that there are numerous references to federal agencies throughout the bill. He voiced a concern, given what happens on the national level with people who are opposed to hunting and trapping, that federal law should not dictate how Alaska deals with hunting and transporting issues. He described conditions on the North Slope regarding the inability to possess firearms there. In response to a question from Co-Chair Meyer, Representative Weyhrauch replied that he did not wish to make a conceptual amendment based on these concerns at this time.

Representative Samuels spoke about keeping penalties equal for crimes committed on either federal or state land.

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Representative Weyhrauch referenced Section 19, page 12, and asked what standard is used to judge if someone has acted unethically. Representative Samuels replied that there are no standards yet, but the board would set them. Representative Weyhrauch inquired if the intent of the bill is that the board would not sanction someone who has acted unethically. Representative Samuels said yes.

Representative Kelly pointed out that the reference to entering on federal land is on page 14, line 13, "knowingly enter or remain on private, state, or federal land". He asked Representative Weyhrauch for his thoughts on that issue. Representative Weyhrauch noted that he hunts on federal land without asking for permission.

PAUL JOHNSON, GUIDE, ELFIN COVE, in response to a request from Representative Samuels, spoke about dealing with federal permits for 20 years. He explained that special contracts are needed, and 3 percent of gross receipts is paid to the federal government. He called it an essential part of the bill.

Co-Chair Meyer pointed out that extending the board would change the fiscal note. Mr. Urion agreed. Representative Foster suggested that the new fiscal note from Occupational Licensing should reflect a change from \$16 thousand to \$18 thousand.

In response to a question by Co-Chair Meyer, Mr. Urion stated that the amount of \$77 thousand has already been included in the operating costs of the budget, and the fiscal note only reflects new costs of HB 76.

Representative Holm asked if the out-years would reflect spending \$77 thousand, plus the \$18 thousand. Mr. Urion replied that \$77 thousand is already reflected in the budget.

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SALLY SADDLER, LEGISLATIVE LIAISON, DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT explained that subsequent budgets would show both \$77.6 thousand for licensing of guides, plus \$18 thousand for travel for the board [This amount was later corrected to \$20 thousand, see below.]. Representative Holm asked if the fiscal note should reflect out-years. Ms. Saddler said she would check on that.

Co-Chair Meyer suggested that the new number should be \$20 thousand because it is \$1,000 per meeting and two new members were added. Ms. Saddler agreed.

Vice-Chair Stoltze clarified that \$77.6 is budgeted for the board in the Division of Occupational Licensing right now.

Co-Chair Meyer suggested that the committee move the bill out with the understanding that there will be a new fiscal note.

Representative Foster MOVED to report CS HB 76 (FIN) out of Committee with individual recommendations and the accompanying fiscal notes. There being NO OBJECTION, it was so ordered.

CSHB 76 (FIN) was REPORTED out of Committee with a "do pass" recommendation and with zero note #1 by the Department of Fish and Game, and zero note #2 by the Department of Public Safety, and with a new zero note by the Department of Natural Resources, and a new fiscal impact note by the Department of Commerce and Economic Development.

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ADJOURNMENT

The meeting was adjourned at 2:40 PM