

**ALASKA STATE LEGISLATURE
HOUSE RESOURCES STANDING COMMITTEE**

January 18, 2008

1:04 p.m.

MEMBERS PRESENT

Representative Craig Johnson, Co-Chair
Representative Anna Fairclough
Representative Bob Roses
Representative Paul Seaton
Representative Peggy Wilson
Representative Bryce Edgmon
Representative David Guttenberg
Representative Scott Kawasaki

MEMBERS ABSENT

Representative Carl Gatto, Co-Chair

COMMITTEE CALENDAR

HOUSE BILL NO. 267

"An Act relating to authorizing the state to join with other states entering into the Wildlife Violator Compact and authorizing the compact to supersede existing statutes by approving standards, rules, or other action under the terms of the compact; and directing the initiation of civil actions to revoke appropriate licenses in this state based on a resident licensee's violation of or failure to comply with the terms of a wildlife resource citation issued in another state that is a party to the compact."

- HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 267

SHORT TITLE: WILDLIFE VIOLATOR COMPACT

SPONSOR(s): REPRESENTATIVE(s) JOHNSON

01/04/08	(H)	PREFILE RELEASED 1/4/08
01/15/08	(H)	READ THE FIRST TIME - REFERRALS
01/15/08	(H)	RES, FIN
01/18/08	(H)	RES AT 1:00 PM BARNES 124

WITNESS REGISTER

JEANNE OSTNES, Staff
to Representative Craig Johnson
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented the sponsor statement on behalf of Representative Johnson for HB 267.

AL CAIN, Criminal Justice Planner
Statewide Law Enforcement Specialist
Division of Sport Fish
Alaska Department of Fish & Game (ADF&G)
Anchorage, Alaska

POSITION STATEMENT: Supported HB 267 and provided a presentation on the benefits the state of Alaska would receive from joining the Wildlife Violator Compact.

BURKE WALDRON, Captain
Central Office
Division of Alaska Wildlife Troopers
Department of Public Safety
Anchorage, Alaska

POSITION STATEMENT: Supported HB 267, answered questions, and provided information regarding the bill.

KEVIN SAXBY, Senior Assistant Attorney General
Natural Resources Section
Civil Division (Anchorage)
Department of Law
Anchorage, Alaska

POSITION STATEMENT: Answered questions on HB 267.

ROBERT FITHIAN, Executive Director
Alaska Professional Hunters Association (APHA)
Lower Tonsina, Alaska

POSITION STATEMENT: Supported HB 267.

ACTION NARRATIVE

CO-CHAIR CRAIG JOHNSON called the House Resources Standing Committee meeting to order at [1:04:00 PM](#). Representatives Johnson, Seaton, Roses, Guttenberg, Kawasaki, Fairclough, and Wilson were present at the call to order. Representative Edgmon arrived as the meeting was in progress.

HB 267-WILDLIFE VIOLATOR COMPACT

1:04:14 PM

CO-CHAIR JOHNSON announced that the only order of business would be HOUSE BILL NO. 267, "An Act relating to authorizing the state to join with other states entering into the Wildlife Violator Compact and authorizing the compact to supersede existing statutes by approving standards, rules, or other action under the terms of the compact; and directing the initiation of civil actions to revoke appropriate licenses in this state based on a resident licensee's violation of or failure to comply with the terms of a wildlife resource citation issued in another state that is a party to the compact."

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JEANNE OSTNES, Staff to Representative Craig Johnson, Alaska State Legislature, presented the sponsor statement for HB 267 on behalf of Representative Johnson. She said HB 267 allows the state of Alaska to partner with 26 other states in the Wildlife Violator Compact. Ohio will become part of the compact later this month. The compact is a reciprocal arrangement that allows Alaska to work with all of the compact members. A violator who loses his or her license in Alaska will also lose his or her license in the 26 other states. For example, a person losing his or her license in Missouri will not be able to hunt or fish in Alaska. She directed attention to the map in the committee's packets depicting the compact member states.

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AL CAIN, Criminal Justice Planner, Statewide Law Enforcement Specialist, Division of Sport Fish, Alaska Department of Fish & Game (ADF&G), stated that he had a 25-year career with the Division of Alaska Wildlife Troopers, Department of Public Safety (DPS), before joining ADF&G five years ago. "... I'm very, very excited at this moment," he said. "I've been working for about 10 years to arrive at this particular moment in history, and this is quite an opportunity."

MR. CAIN related the history of the Wildlife Violator Compact [slide 2 of his PowerPoint presentation]. The compact is patterned after the driver's license compact which all other states have entered into, he explained. If a person's driver's license is revoked in one state in the United States, that person cannot go to another state and get a driver's license. The compact started in 1985 between Nevada and Colorado. In

1989, the three states of Nevada, Colorado, and Oregon passed legislation and the program began in those states in 1991. Immediately afterward, many states recognized that this would be a very valuable tool to deter serious wildlife violators everywhere in the nation.

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MR. CAIN reviewed several cases of poachers caught and convicted of illegally killing game animals in Missouri, Wyoming, Idaho, Colorado, Arizona, and Alaska [slides 3-9]. In the Alaska example, a case on which he worked, a group of poachers from Alabama killed 11 illegal caribou and entirely wasted the meat of 9. The problem, he said, is that poachers like these can immediately move to another state. For instance, despite being jailed and fined in Alaska, the Alabama poachers were able to return to their state and obtain licenses for the fall Alabama hunting season. The biggest reason for the compact is to stop the inter-state travel of serious poachers, he said. Had Alaska been a member of the compact, the hunting licenses of these caribou poachers would have been revoked in the 26 compact member states instead of only in Alaska.

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MR. CAIN explained that the compact's foundation has tremendous value for three reasons [slide 10]. First and foremost, it prevents poachers revoked in one member state from hunting or fishing, depending on which activity was violated, in any of the other member states. Second, the compact provides for the issuance of citations to nonresidents versus having to arrest them. He said this is a big issue in Alaska and many other states because in order to prevent a violator from fleeing across state lines to avoid the consequences of the citation, the wildlife authorities must stop their field patrol, place the violator under arrest, and immediately take the violator before a magistrate. Third, the compact provides a tremendous deterrent for serious fish and wildlife crimes. People who know that Alaska is a member of the compact would think twice before coming up to illegally harvest game for selling the parts or conducting other illegal activities, he said.

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MR. CAIN discussed the current provisions of the Wildlife Violator Compact [slides 11-12]: 1) Anyone revoked in one compact state can be revoked in all other compact states if the

conviction is a basis for revocation in that state. 2) Each state will treat the conviction as if it occurred in their state. 3) A violator of a compact state is treated as a resident if he violates in any other compact state. 4) If a violator fails to appear and take care of the citation, then the state issuing the citation may notify the violator's home state. 5) The home state then notifies the violator that his or her license will be suspended until the terms of the citation are complied with.

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REPRESENTATIVE SEATON referred to the first compact provision and inquired who makes the determination as to whether the violation that occurred in one state is bad enough to revoke the license in Alaska.

MR. CAIN responded that language in the bill under the Compact Administrator Procedures [page 7, line 29, to page 8, line 30], provides for an administrator to be selected from the Department of Public Safety (DPS). He assumed this administrator would be someone of command level, probably a lieutenant or above. A DPS clerk would receive downloads of the most recent revocation information to give to the compact administrator. The administrator would consult with the director's staff in the Division of Alaska Wildlife Troopers to determine whether to revoke an Alaska resident's license based on revocation issued outside the state.

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REPRESENTATIVE SEATON understood that the administrative procedure to determine revocation in Alaska, presuming the revocation happened in another state, would be conducted by [the DPS] administrator and not through the courts.

MR. CAIN answered correct. Based on the authority in the compact, he explained, when someone is revoked in another state, Alaska can simply administratively adopt and accept that revocation based on the screening of the compact administrator. For example, if an Alaska resident committed a violation in Wyoming for which he or she was convicted after returning to Alaska, Wyoming would send that conviction information to Alaska and Alaska would then notify the violator and that is when a court hearing would be involved. So, the court hearing is in the violator's home state, he said. In further response to Representative Seaton, Mr. Cain confirmed that if a violation by

an Alaska resident occurs in another compact state, the judicial procedure for license revocation would occur in Alaska because it is the violator's home state.

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REPRESENTATIVE SEATON inquired whether the part of HB 267 that is currently being discussed is the portion in the title on page 1, line 2, that authorizes the compact to supersede existing statutes.

MR. CAIN replied that the authorization for due process and court proceedings in the home state is located in Section 2 of the bill, page 10, line 19, where the penalty provisions in Title 16 are amended, thus giving Alaska, as the home state, the authority to revoke a license based on a conviction in another state. The person must actually be convicted in another state of something revocable, he said. Then that state would notify Alaska and Alaska could take action as the home state. Section 1 of the Wildlife Violator Compact itself gives Alaska the authority to adopt the revocation of a Nevada resident who is convicted of a violation and revoked in Nevada.

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REPRESENTATIVE SEATON requested further explanation of the bill title language [page 1, line 2,] which reads, "authorizing the compact to supersede existing statutes...." He wanted to know how far the bill goes in putting this compact above existing State of Alaska statutes.

MR. CAIN directed attention to page 3, line 23, subsection (e) of the bill which reads: "Allow the home state to recognize and treat convictions recorded for its residents which occurred in another party state as if they had occurred in the home state." Mr. Cain understood that the only superseding that HB 267 provides is when someone is convicted in another state it gives Alaska the authority to adopt that revocation. Then, according to Section 2 of the bill, if an Alaska resident is convicted in another compact state, then Alaska could act upon that conviction as if it happened in Alaska and revoke the license. Screening by the 26 other compact states would subsequently pick up that revocation.

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REPRESENTATIVE SEATON understood, then, that the superseding being talked about is basically the extension of the jurisdictional boundary.

MR. CAIN responded yes, a jurisdiction increase is a good way of putting it. It allows for Alaska to adopt convictions and impose revocations based on violations in any of the compact states.

[1:24:19 PM](#)

MR. CAIN continued his discussion of the compact provisions [slides 11-12]: 6) If the violator refuses to comply with the terms of the citation, the revocation information is entered into Utah's database. 7) Each compact state receives information downloads at a minimum of once a month. Each state enters and controls its own information, he said, and each state can access the information on all of the revokees in the database and sort by violation if the state so wishes. 8) A state can view only those violations that are revocable in that state. In other words, he clarified, revocations in a state that has lower standards than Alaska for the triggering of a revocation could be screened out and only those violations that fit Alaska's criteria for revocation would be seen.

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MR. CAIN outlined the technical aspects of the compact [slides 13-14]. All of the violator data is stored in a mainframe computer hosted by the Utah Department of Public Safety, he said. Access to that mainframe is granted to compact administrators and the law enforcement personnel in member states, which in Alaska would be the Department of Public Safety (DPS). The administrators decide how often to receive those downloads for information screening. Downloads of violator information could be incorporated into drawing permits, he said. For instance, ADF&G could receive the lists just prior to finalizing drawing hunt information or registration hunt information to prevent revokees from receiving a license.

MR. CAIN noted that as of 2004 approximately 4,000 names were on the compact database [slide 15]. Nearly 10,000 individuals have been revoked through the compact as of June 2005, he said, and about 50 percent are revoked due to big game violations. Ohio just joined the compact, bringing the number of compact states to 26. He said it takes an average of three minutes to do a data entry.

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MR. CAIN relayed that in 2003 there was a high of 1,873 people added to the database [slide 16]. The number added in 2004 went down a little [to 1,724]. He hopes this is an indicator that people are paying attention to the compact and making it more effective. He quickly displayed slide 17 depicting a graph of the total number of revocations in the compact states from 1994-2004 [over 500 in 1999, over 4,000 in 2004]. He noted that slide 18 depicts a pie chart of the percent of revocations between the member states in 2004 [Colorado had the most at 21 percent].

MR. CAIN pointed out that big game violations [slide 19] are by far the most common type of violation [46 percent], with fish transportation and possession the second most common type [16 percent]. He noted that slide 20 depicts the number of violators by age group for the year 2003 [ages 19-22 had the highest number of violators, ages 57 and over had the fewest number of violators].

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MR. CAIN said there is an annual compact meeting that each member state's administrator is expected to attend and that it is an excellent information-sharing platform [slide 21]. Criminal activity is seriously curtailed when law enforcement agencies begin to communicate effectively, he emphasized. Reaching beyond state lines is a very effective way to keep violators on their toes because the violators are very mobile and move around.

MR. CAIN noted that slides 22 and 23 are out of date. He named some of the member states: Florida, Illinois, Kansas, Mississippi, New York, Ohio who will be joining next month, and Tennessee. [The other member states are: Arizona, California, Colorado, Georgia, Idaho, Indiana, Iowa, Maryland, Michigan, Minnesota, Missouri, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming.] He said Ms. Ostnes has provided a map to the committee which depicts the 15 states in the process of joining the compact. Three of those 15 states have already passed legislation, he said, and 12 states, including Alaska, are in the process of passing legislation. There are 26 states that are currently members of the compact and 9 have said no to joining.

[1:31:09 PM](#)

MR. CAIN recapped the reasons why Alaska should join the Wildlife Violator Compact [slide 24]. The compact would greatly increase deterrence of serious fish and wildlife crimes in Alaska by individuals who hunt [or fish] in other states. It increases the compliance of nonresidents who would choose to leave the state and not take care of citations that had been received because the violator could be revoked until he or she took care of it. The overall goal is to protect the valuable fish and game resources throughout the entire United States.

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REPRESENTATIVE SEATON referred to the pie chart depicting the types of violations [slide 19] and noted that 5 percent of license suspensions came from trespassing violations. He understood that trespassing is a category that in Alaska would not generally result in revocation of a license.

MR. CAIN responded that the state of Alaska does not, at this time, have the ability to revoke a hunting or fishing license for criminal trespass, a Title 11 criminal jurisdiction, unless the person committed a game or fisheries violation while he or she was in the act of trespassing. That would be screened out and not be a revocable offense in the state of Alaska, he said.

[1:33:08 PM](#)

REPRESENTATIVE SEATON inquired whether someone having a right-of-way violation from crossing Native land could have his or her hunting or fishing license revoked in another state.

MR. CAIN said his understanding of the compact language is that unless it is revocable in Alaska, it would not be considered revocable by other states. Alaska would not report violations that are nonrevocable in this state.

[1:34:11 PM](#)

REPRESENTATIVE WILSON surmised that if violations are tapering off in the compact states, Alaska is probably seeing more violations because it is not in the compact and violators are smart enough to go to a noncompact state.

MR. CAIN replied that he does not have with him the statistics for the conviction pattern for the Department of Public Safety.

He said he feels very strongly that serious wildlife poachers know exactly which states belong to this compact and which ones do not. Right now those poachers would feel very free to come to Alaska, he opined, because today if a violator's license is revoked in Alaska it will have no bearing in any of the other compact states. That information is well known in poaching circles, he said, and this would be a tremendous deterrent.

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REPRESENTATIVE WILSON assumed that the fiscal note is zero because the annual compact meeting is held in conjunction with another meeting that the Alaska administrator would have been going to anyway.

CO-CHAIR JOHNSON responded correct.

BURKE WALDRON, Captain, Central Office, Division of Alaska Wildlife Troopers, Department of Public Safety, stated that the annual compact meeting is part of a conference to which Alaska usually sends a representative, thus there is no fiscal note.

[1:37:04 PM](#)

REPRESENTATIVE ROSES surmised from the zero fiscal note that there is no cost to download the data from the Utah system.

MS. OSTNES replied no [cost].

CAPTAIN WALDRON answered correct, no cost.

REPRESENTATIVE ROSES asked whether the data will be maintained for free and the information provided to Alaska for free for as many times as Alaska requests it.

CAPTAIN WALDRON said that is correct at this time.

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REPRESENTATIVE ROSES stated that he is supportive of the concept, but that he hopes it does not give the impression that this stops poachers. People violating laws as flagrantly as the poachers shown in the presentation are not going to buy a license in the first place. This only stops those that buy licenses or the people caught in the act of doing something illegal.

CAPTAIN WALDRON said that is correct, but that the compact is a multi-faceted tool. While it will be a marginal deterrent on the hardest core violators that do not buy licenses, the compact would provide Alaska a tool on how the violators that are caught are treated.

CO-CHAIR JOHNSON remarked that if laws could be written that everyone obeyed "we could be out of a job very quickly."

1:39:03 PM

REPRESENTATIVE SEATON inquired how the compact would work with commercial fishing violations that have very high fines versus sport fishing violations.

MR. CAIN responded that the compact rarely deals with commercial fishing, but that it can be used as a tool in this regard. For example, he said, if a person was convicted of very serious commercial fishing offenses in Alaska and his or her entry permit was revoked or suspended, that would be listed on the compact's website, and the other states would pick that up. If that person were to appear in Florida or California, he or she would be disallowed from purchasing a commercial fishing license of a similar type. He said that in his discussions with administrators from other states this is not done very often. Alaska has a very small number of revocations in the commercial fishing industry because the very, very high fines for commercial fishing violations are used as the primary deterrent. Occasionally fishing privileges are revoked and thus the compact could encompass that, but it deals much more often with hunting and sport fishing, he said.

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REPRESENTATIVE SEATON referred to page 2 in HB 267, [line 19, subsection] (g), which provides that a person who is cited for a wildlife violation in a state other than the person's home state must post a collateral or a bond or could be arrested. He then referred to page 3 of the bill, line 16, [subsection (c)] which provides that the compact would allow a violator to accept a wildlife citation and then proceed on the person's way. He asked whether this restricts the Department of Public Safety's ability to make a high dollar fine or to arrest or detain the violator.

MR. CAIN understood the wildlife troopers would still have the option in very high gravity situations to arrest the person and

require the posting of a bond or bail in order to be released. He said he does not view this as tying the troopers' hands and requiring the release of violators.

KEVIN SAXBY, Senior Assistant Attorney General, Natural Resources Section, Civil Division (Anchorage), Department of Law, stated that he has been working with the Alaska Board of Game for about 16 years. He specified:

If folks look ... under the procedures for the issuing state under part A ... it says the wildlife officer may not require the person to post collateral to secure that person's appearance subject to the exceptions set forth ... down there in B if the officer receives the person's personal recognizance that the person will comply with the terms of the citation. And then B just sets forth two criteria ... that must be met in order for personal recognizance to be allowed. So, I think that it probably is the case that in most cases we could not require a person to post a bond if they are a ... resident of a party state.

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REPRESENTATIVE SEATON supported the compact idea, but said he would like to look into this in more detail because commercial fishing violations could be problematic if the posting of a bond cannot be required.

CO-CHAIR JOHNSON agreed with Representative Seaton's concern about being forced to let someone go. He said the House Finance Committee will look at this as well.

MR. CAIN addressed Representative Seaton's concern. He said that, normally, in serious commercial fishing cases the Department of Public Safety releases the skipper, but the vessel, all the fishing gear, and the catch are placed under seizure and this is usually what compels the skipper to take care of the citation. In the few occasions where the skipper was arrested, it was for other criminal violations other than just the fishing violation.

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REPRESENTATIVE GUTTENBERG inquired whether Mr. Saxby was involved in the drafting of HB 267.

MR. SAXBY answered he was not.

REPRESENTATIVE GUTTENBERG said it concerns him that the language of the compact appears to be boilerplate and does not conform to Alaska's drafting procedures, and that Alaska's statutes may not have definitions for some of the terms that are used. He said he supports what is being done, but that it needs to be tightened to be consistent with statute.

CO-CHAIR JOHNSON reported that HB 267 was drafted by Legislative Legal and Research Services.

MS. OSTNES explained it is boilerplate because all the states have the same language, minus Section 2 which deals with state procedure for Alaska. Once it becomes statute, those definitions become the definition for Alaska's statutes.

[1:50:34 PM](#)

REPRESENTATIVE GUTTENBERG responded that this does not explain it and raises more questions for him.

REPRESENTATIVE FAIRCLOUGH said her understanding of agreements across borders is that the home state that originally initiated this has contractual language that is offered to other states. Alaska accepts the language and has its recourse in Section 2 that says it will be measured against Alaska law before someone is actually prohibited from hunting in the state. She understood that Alaska must accept the language of the compact itself and that Alaska does not have to define it because Alaska goes into the definitions in its own judicial process as each violator is taken to task under Alaska's regime.

[1:52:12 PM](#)

REPRESENTATIVE KAWASAKI noted that problems with the due process clause have come up with regard to a bill that is currently being worked on that deals with convictions in other states and whether people convicted in other states can receive a Permanent Fund Dividend. He asked Mr. Saxby to address how the compact changes this situation with due process.

MR. SAXBY stated that Representative Fairclough is correct. Section 2 of the bill [page 10, line 19,] requires that a hearing with full due process be held before any revocation can occur in Alaska based on revocations in other states.

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REPRESENTATIVE KAWASAKI inquired whether there should be a fiscal note.

CO-CHAIR JOHNSON replied that it is not this committee's duty to prepare fiscal notes and that every department has been asked to respond but no responses have been received. There is a House Finance Committee referral in which that can be dealt with.

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REPRESENTATIVE KAWASAKI inquired whether the database is available to states that are not admitted into the compact.

MS. OSTNES answered no.

CAPTAIN WALDRON stated that the database is not available to Alaska at this time.

REPRESENTATIVE KAWASAKI asked whether there is a way without joining another compact that Alaska could just administratively revoke a person who is a wildlife violator in another state.

CO-CHAIR JOHNSON said it would be an option if Alaska had that information.

REPRESENTATIVE KAWASAKI asked if there was any other way to get that information outside of this wildlife compact.

CO-CHAIR JOHNSON replied not without a fiscal note.

REPRESENTATIVE GUTTENBERG said that according to this bill a fiscal note is not needed.

1:55:23 PM

REPRESENTATIVE WILSON related an incident where a fish tender from Seattle hired people from her district and then did not pay them. The tender went back to Seattle, changed to a different limited liability corporation (LLC), and then came back to Alaska under a different name and there was nothing that could be done. Would this compact work in an instance like that, she inquired.

CO-CHAIR JOHNSON answered that the compact would have applied had the tender violated a game law for which it was cited, but the compact would have no relation to a labor law violation.

MR. CAIN agreed with Co-Chair Johnson.

1:58:00 PM

CAPTAIN WALDRON stated that the Department of Public Safety and the Division of Alaska Wildlife Troopers fully support HB 267. It will be an outstanding tool to put in the toolboxes of all of the state's wildlife enforcement troopers, he said. The bill would have been helpful this past year when a serious multi-state poacher from Oregon, a compact state, took two illegal Dall sheep, a caribou, and possibly a moose. Alaska had a \$10,000 arrest warrant for this individual, he said, but there were no teeth to Alaska's laws to enforce that.

CAPTAIN WALDRON told about a nonresident assistant guide who was committing serious violations under the tutelage of a resident big game guide. Because that assistant guide was from Georgia, troopers were forced to arrest him before he fled the state and there would be no means to prosecute him in the future if he chose not to return to Alaska. However, this man's boss did not get arrested because there was no flight risk.

CAPTAIN WALDRON explained that arresting someone in the field is a huge, time consuming ordeal for wildlife troopers. It typically involves flying the violator from the field to a local magistrate. This is often on weekends or late at night and requires calling the magistrate at their home to schedule an emergency hearing for arraignment. Many of these cases involve honest citizens who have made an honest mistake and they suffer more serious consequences than a resident counterpart would. With this compact, wildlife troopers could instead issue a summons to appear in court in Alaska in the future and the violator could return home. If the violator chose not to return in the future, then his or her license could be revoked in 26 states through a due process hearing. This is a huge deterrent for most people, he said.

2:01:36 PM

CAPTAIN WALDRON responded to Representative Seaton's earlier question as to whether Alaska's arrest authority would be diminished or taken away. He directed attention to the compact's Administrator's Manual located under the sixth tab in

the committee packet. He cited Section III Procedural Matters, II. Release on Personal Recognizance, B. Types of Violations Not Covered, item 4, which states, "Any violation that the issuing officer deems serious enough to arrest a resident violator."

CAPTAIN WALDRON referred to Representative Wilson's comment about the number of violators going down because of poachers knowing where they can and cannot go. He said he has personally received calls from out-of-state people asking whether Alaska is a member of the Wildlife Violator Compact.

2:03:54 PM

CO-CHAIR JOHNSON requested Captain Waldron to relay the story about a person in Wasilla.

CAPTAIN WALDRON noted that this was the person responsible for the two Dall sheep, a caribou, and possibly a moose that he had mentioned earlier. This violator fled to Washington, he said, and the investigative unit of the Alaska Wildlife Troopers flew to the violator's out-of-state residence to serve a search warrant to gain the evidence to convict him in Alaska. During that search warrant, drugs, a stolen automobile, and other felonious activity were discovered, resulting in the violator being arrested by the state of Washington on drug and wildlife charges. This individual was bailed out of Washington and then came to Alaska where he figured he would be in less trouble than he was in his home state of Washington. This person was just arrested a few weeks ago in Alaska, said Captain Waldron, but this person was still eligible to get an Alaska hunting license if he had so chosen. If Alaska had been a member of the compact, this individual would have been revoked because of failing to appear.

2:06:03 PM

REPRESENTATIVE KAWASAKI inquired whether wildlife violations would be available online through the Alaska Public Safety Information Network (APSIN).

CAPTAIN WALDRON replied that this information would not be available through APSIN. Sometimes wildlife troopers check out over 100 people a day in the field, he said. The name of each person would have to be written down and then troopers would have to contact the licensing agency in each individual person's home state to determine whether that person was eligible for a license in that state. In further response to Representative

Kawasaki, Captain Waldron explained that under current law in Alaska, a person who is not eligible for a license in another state is not eligible in Alaska. In some ways that is a small part of the compact, he said, but the data is not readily available to Alaska in the manner being asked about, troopers would have to follow up with a telephone call to each person's state.

2:07:18 PM

REPRESENTATIVE KAWASAKI inquired whether there is any screening process when a nonresident applies for a hunting license. In response to Co-Chair Johnson, Representative Kawasaki said he provided his driver's license and social security numbers when he applied for a hunting license.

CO-CHAIR JOHNSON said he thought the answer is no.

CAPTAIN WALDRON responded that the answer is no, there is no national database that keeps track of sportfishing and hunting licenses other than the Wildlife Violator Compact.

2:07:56 PM

REPRESENTATIVE WILSON asked whether officials in other states can be contacted on weekends.

CAPTAIN WALDRON answered no. Additionally, troopers must deal with the large difference in time zones and officials are not available after regular hours in those time zones.

2:08:35 PM

REPRESENTATIVE SEATON said it seems that under the provisions of the bill a nonresident person could only be detained if his or her violation is of a magnitude that would be considered an arrestable offense for a resident. He inquired whether it is the bill that is being passed or the guidelines that are being passed because the bill would allow a violator to accept a citation and go on his or her way without delay.

CAPTAIN WALDRON clarified that there is a difference between detaining and arresting. Arresting is taking someone to jail and bringing that person before a court officer. Detaining can be as simple as talking to a person long enough to obtain the information to fill out a citation. Under the compact, he explained, residents and nonresidents are treated the same -

troopers can arrest a resident or nonresident if he or she refuses to agree to the terms of the citation or if the violation is severe enough to warrant arrest. Additionally, he said, the compact differentiates between posting collateral as provided on page 2 of the bill, [lines 19-25]....

[2:13:18 PM](#)

REPRESENTATIVE SEATON returned to the standpoint of fisheries violations. He said it is very unclear to him regarding the provision that Alaska could detain or require the posting of bond or confiscate the catch of a nonresident when the bill provides that the violator may continue immediately on his or her way if he or she agrees to comply with the terms of the citation. Our state is unique with the commercial fisheries and the way those laws are enforced, he stated, and this must be clarified in the bill.

MR. SAXBY explained that when he was previously talking about the collateral or the bond requirement, he was not intending to suggest in any way that the power to arrest had been affected by this. Those are two different things, he said. If the troopers decide not to arrest someone, then that is when this language kicks in about not being able to require the person to post collateral. In his opinion, he said, the troopers would still have all the powers to arrest that they would have had without this compact.

[2:15:20 PM](#)

REPRESENTATIVE SEATON inquired whether the following language would be enough clarification to get beyond the commercial fishing problem that has been identified: on page 3 of the bill, subsection (c), after line 19, insert, "however nothing in this paragraph prevents the state from requiring bonds, confiscation of equipment, or similar restraints as deemed necessary in commercial fishing cases."

MR. SAXBY pointed out that when a vessel is seized, or the contents of a vessel are seized, the action is brought against the vessel itself. The vessel is actually treated like a person as the complaint is essentially filed against the vessel or the catch. It is not necessarily a worry that the vessel could not be reached, he said, because that is not the same as requiring a person to post collateral in order for the person to leave the state. But, he said, some clarifying language like that might be worth looking into.

CO-CHAIR JOHNSON stated that there is one cleanup amendment that will need to be done and that he has no problem with also making Representative Seaton's clarification.

[2:16:57 PM](#)

REPRESENTATIVE EDGMON asked whether it is Co-Chair Johnson's intent to move HB 267 out today.

CO-CHAIR JOHNSON said it is his intent.

REPRESENTATIVE EDGMON asked why the hurry.

CO-CHAIR JOHNSON said it is a 90 day session and he wants to move the bill quickly. But, he continued, he would not force it on the committee if something comes up that cannot be fixed today.

REPRESENTATIVE EDGMON stated that it is a good bill he will probably support along the way, but that he would like to learn more because the questions being asked about the implications have not been answered.

CO-CHAIR JOHNSON said he would like to get the bill to the House Finance Committee before that committee gets even busier with the budget issue.

[2:18:27 PM](#)

REPRESENTATIVE KAWASAKI shared Representative Edgmon's concerns. He expressed his surprise at seeing no referral to the House Judiciary Standing Committee since most of the questions have been legal in nature, yet there is a House Finance Committee referral with two zero fiscal notes.

CO-CHAIR JOHNSON said his concern about the bill going to the House Judiciary Standing Committee is picking up that fiscal note and having to go through a third committee. He said he will not force the bill on the committee and will entertain suggestions from committee members.

CO-CHAIR JOHNSON opened the hearing to public testimony.

[2:19:54 PM](#)

ROBERT FITHIAN, Executive Director, Alaska Professional Hunters Association (APHA), supported HB 267, and the continued formation of this compact group. He said the Alaska Professional Hunters Association has a similar policy regarding its membership. Every applicant for membership as a professional guide must sign a statement that says he or she has no pending hunting or guiding charges or convictions in Alaska, any other state, or any other country. He noted that his organization has had difficulty finding historical data to support membership statements by applicants. He requested that two concerns be addressed, one relating to the protection of innocent parties and one relating to federal law. He provided an example of an innocent party where the hunter's bullet travels through one animal and strikes a second animal. In Alaska, if that hunter follows the letter of the law and turns the second animal in, that is considered an act of guilt and more times than not the hunter is cited. Once the hunter leaves the state, he said, it is much easier to plead guilty and pay the fine than to come back to Alaska and prove innocence. He explained that a federal issue that continuously pops up within the professional guide industry is that federal hunting, fishing, and guiding violations do not always show up in the state records. Oftentimes in Alaska, people with federal convictions are able to get their professional guide license because the information was not intercepted through the application process.

CO-CHAIR JOHNSON said he shares these same concerns. After ascertaining that no one else wished to testify, he left the public testimony open to allow additional testimony at a later time or date. He returned to further committee discussion of the bill.

[2:24:42 PM](#)

REPRESENTATIVE SEATON moved Conceptual Amendment 1 as follows:

Page 3, line 19 insert:

"However, nothing in this paragraph prevents the state from requiring bonds, confiscation of equipment or similar restraints as determined necessary in commercial fishing cases."

CO-CHAIR JOHNSON objected for purposes of discussion.

[2:25:32 PM](#)

REPRESENTATIVE GUTTENBERG asked what happens if the committee amends the compact and it is inconsistent with the larger issue of the compact.

CO-CHAIR JOHNSON responded that it is not the compact that is being amended. He said he agrees with the conceptual amendment as clarifying language, but it is unnecessary because the state is not giving up the right to do this in the first place.

MR. CAIN said this same concept also applies to very serious hunting violations. More research is needed for clarification on how other states apply this and how the manual applies, he advised. He assumed the troopers would still have the authority to seize a four-wheeler or other equipment used in a serious wanton waste case.

[2:26:57 PM](#)

REPRESENTATIVE EDGMON inquired whether "in Alaska" needs to be put at the end of the statement.

REPRESENTATIVE SEATON said his intent is that it is for violations in the state of Alaska and Legislative Legal and Research Services would put that in there if it is necessary. He said he does not oppose expanding this to the hunting arena.

CO-CHAIR JOHNSON said the comment was from ADF&G so he is unsure what Legislative Legal and Research Services would have to say about it.

REPRESENTATIVE SEATON understood that Legislative Legal and Research Services is saying that Alaska cannot force someone to post collateral unless it is the type of situation in which a resident would be arrested. If it is a nonresident commercial fisherman, he said he has some disagreement with treating the vessel as a person because the catch is owned by the permit holder not the vessel.

[2:29:42 PM](#)

CO-CHAIR JOHNSON said that is discussion for another bill at another time and that he thinks this amendment solves the immediate problem for this bill.

REPRESENTATIVE SEATON agreed.

CO-CHAIR JOHNSON removed his objection to Conceptual Amendment 1. There being no further objection, Conceptual Amendment 1 was passed.

[2:30:06 PM](#)

CO-CHAIR JOHNSON moved Amendment 2 as follows:

Page 1, line 5:
Delete "**resident**"

Page 10, line 22:
Delete "who is a resident"

REPRESENTATIVE FAIRCLOUGH objected.

REPRESENTATIVE EDGMON objected.

REPRESENTATIVE ROSES objected.

[2:30:40 PM](#)

CO-CHAIR JOHNSON explained that the residency requirement for a fish and game license is 12 months. Thus, there is a limbo period for a resident that could be a potential problem and this is why the word resident needs to be removed from the language.

REPRESENTATIVE FAIRCLOUGH removed her objection.

[2:32:15 PM](#)

REPRESENTATIVE ROSES said he had interpreted page 1, line 5, differently, and thought it was referring to when a person applied for a resident's license in another state, not in the state of Alaska.

CO-CHAIR JOHNSON responded that a person may not be an Alaska resident because he or she has not lived here 12 months and this leaves a window where the person may have a nonresident license but is planning on staying in Alaska. By taking out the word resident, it makes it be a violator from any place.

[2:33:07 PM](#)

REPRESENTATIVE SEATON understood that someone with a revocation in another state cannot get a resident or a nonresident license in Alaska.

CO-CHAIR JOHNSON said that if HB 267 is enacted, a person would not be allowed to do that. Amendment 2 is for resolving that 12 month time period during which someone who has moved to Alaska is still considered a nonresident for purposes of purchasing a hunting and fishing license. He said that if the person violates during this time period and the word resident is left in here, there is a potential loophole because the person was not a resident and Alaska might not be able to revoke his or her license in the other states. This is at the request of the Department of Law, he said.

[2:34:36 PM](#)

REPRESENTATIVE FAIRCLOUGH again removed her objection to Amendment 2.

[The objections of Representatives Edgmon and Roses were considered as being removed]. There being no further objections, Amendment 2 was passed.

[2:34:56 PM](#)

REPRESENTATIVE FAIRCLOUGH noted that this is similar to an LLC in that Alaska does not have the ability to change the compact language. There is an existing system that Alaska can become a member of that could help increase the protection of wildlife in Alaska, and wildlife is defined inside the compact and inside Alaska state statute. The committee is passing a bill that brings Alaska into a partnership that the compact has already outlined, she explained. Alaska is protected inside of that compact outline inside of the statute. She pointed out that Article IX, page 9, line 31, of the bill provides that every compact member must agree to any change, thus the compact cannot be changed without Alaska's agreement. Representative Fairclough said she believes the reason why the bill is not going to the House Judiciary Standing Committee is because this is like joining an already existing LLC. This is saying that Alaska accepts the rules, but is retaining its own sovereignty as a state. In every case, a violator would be judged inside of Alaska's court system and judicial law. She said she is ready to advance the bill forward but, like the chair, does not want others to feel uncomfortable.

CO-CHAIR JOHNSON said he is not opposed to moving the bill forward because the questions can be answered, but that he will not force it.

2:37:39 PM

REPRESENTATIVE SEATON recognized the load on the House Finance Committee with the 90 day session and suggested that the best place for making changes is in the House Resources Standing Committee.

CO-CHAIR JOHNSON agreed. He said he will not move the bill today, but that he would like to advance it at the committee's next meeting. He reiterated Mr. Cain's statement of having waited 10 years for this to be done and related that it is supported by the Board of Game and the Board of Fisheries and other user groups.

2:39:57 PM

REPRESENTATIVE FAIRCLOUGH said it would be helpful to her to hear of the actual experiences from other states in the compact.

CO-CHAIR JOHNSON said he will make some phone calls.

REPRESENTATIVE GUTTENBERG said he would also like to hear from other states about their experiences.

CO-CHAIR JOHNSON said he is open to suggestion as to which state he should contact.

REPRESENTATIVE ROSES supported the concept of the bill, but said he had concern over the legal aspects and states rights.

CO-CHAIR JOHNSON said he will line up the appropriate people to testify and answer questions. He requested committee members to get their questions to him as soon as possible.

2:42:14 PM

REPRESENTATIVE FAIRCLOUGH requested that the protection of innocent parties be addressed. She said she thought it would be difficult to address the concern about the federal level since this is not something already merged within the compact and she did not know if there is a centralized spot at a federal level that could be brought into the compact.

CO-CHAIR JOHNSON said he did not know if the state could assist the Alaska Professional Hunters Association in dealing with its trouble regarding federal offenses, but chances are that those

violators would have state records that could be discovered through compact membership.

REPRESENTATIVE FAIRCLOUGH said she wanted it known that the person's concern had been heard, but that she did not know how it could be addressed inside the law when it would take a federal move to be able to get it incorporated.

[2:43:47 PM](#)

REPRESENTATIVE SEATON inquired what the process would be for violations of state regulations on federal lands.

CAPTAIN WALDRON explained that federal lands are joint state and federal jurisdiction, so it depends on which agency prosecutes the violator as to whether it is a state violation or federal violation or both. The federal government is less anxious to join the compact, he said, because when the federal government revokes a license it is revoked in all 50 states regardless of whether there is or is not a compact. The issue is getting that data to the 50 states - it is not entered into any state database, such as APSIN, and it is not entered into the National Crime Information Center (NCIC). The convictions and license revocations may be there on a federal level but that information is not known by the Division of Wildlife Troopers.

[2:46:02 PM](#)

REPRESENTATIVE SEATON inquired whether there is a federal hunting or fishing license since it is the state hunting license that would be revoked.

CAPTAIN WALDRON said that is correct. The federal government does not issue any kind of hunting or fishing or commercial fishing licenses in Alaska.

[2:46:39 PM](#)

REPRESENTATIVE SEATON commented that maybe the issue is academic regarding a guiding license as far as this bill is concerned. He surmised that military personnel need a state license to hunt or fish on military reservations.

CAPTAIN WALDRON responded that people would be hunting or fishing on state licenses. He said most, but not all, of the Department of Defense wildlife enforcement officers have limited state commissions to enforce state laws on the military bases.

2:47:24 PM

REPRESENTATIVE SEATON asked whether HB 267 deals with both the suspension and revocation of licenses.

CAPTAIN WALDRON replied that the bill only addresses revocations.

REPRESENTATIVE SEATON inquired what the proportionality is between the numbers of state licenses that are suspended versus revoked.

CAPTAIN WALDRON answered that in every case in which he has been involved and in every case he is aware of, a person's hunting privileges have never been suspended, they have always been revoked.

[HB 267 was held over.]

ADJOURNMENT

There being no further business before the committee, the House Resources Standing Committee meeting was adjourned at 2:48 p.m.