

ALASKA STATE LEGISLATURE
SENATE RULES STANDING COMMITTEE

April 7, 2008

8:39 a.m.

MEMBERS PRESENT

Senator Gary Stevens, Chair
Senator Lyda Green, Vice Chair
Senator Johnny Ellis
Senator John Cowdery
Senator Gene Therriault

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 165

"An Act relating to providing field accommodations for big game hunters."

MOVED SCS HB 165(RLS) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 165

SHORT TITLE: BIG GAME GUIDES AND TRANSPORTERS

SPONSOR(S): REPRESENTATIVE(S) LEDOUX

02/28/07	(H)	READ THE FIRST TIME - REFERRALS
02/28/07	(H)	RES
03/12/07	(H)	RES AT 1:00 PM BARNES 124
03/12/07	(H)	Heard & Held
03/12/07	(H)	MINUTE(RES)
03/19/07	(H)	RES AT 1:00 PM BARNES 124
03/19/07	(H)	Moved Out of Committee
03/19/07	(H)	MINUTE(RES)
03/21/07	(H)	RES RPT 8DP 1NR
03/21/07	(H)	DP: WILSON, ROSES, GUTTENBERG, EDGMON, KOHRING, SEATON, GATTO, JOHNSON
03/21/07	(H)	NR: KAWASAKI
05/01/07	(H)	RETURNED TO RLS COMMITTEE
05/05/07	(H)	TRANSMITTED TO (S)
05/05/07	(H)	VERSION: HB 165
05/07/07	(S)	READ THE FIRST TIME - REFERRALS
05/07/07	(S)	RES, JUD

05/09/07 (S) RES AT 4:00 PM BUTROVICH 205
 05/09/07 (S) Heard & Held
 05/09/07 (S) MINUTE(RES)
 02/18/08 (S) RES AT 3:30 PM BUTROVICH 205
 02/18/08 (S) Moved HB 165 Out of Committee
 02/18/08 (S) MINUTE(RES)
 02/19/08 (S) RES RPT 7DP
 02/19/08 (S) DP: HUGGINS, GREEN, MCGUIRE, STEVENS,
 WIELECHOWSKI, WAGONER, STEDMAN
 03/03/08 (S) JUD AT 1:30 PM BELTZ 211
 03/03/08 (S) Scheduled But Not Heard
 03/10/08 (S) JUD AT 1:30 PM BELTZ 211
 03/10/08 (S) Heard & Held
 03/10/08 (S) MINUTE(JUD)
 03/12/08 (S) JUD AT 1:30 PM BELTZ 211
 03/12/08 (S) Moved HB 165 Out of Committee
 03/12/08 (S) MINUTE(JUD)
 03/14/08 (S) JUD RPT 3DP 1NR
 03/14/08 (S) DP: FRENCH, WIELECHOWSKI, MCGUIRE
 03/14/08 (S) NR: THERRIAULT

WITNESS REGISTER

REPRESENTATIVE GABRIELLE LEDOUX
 Alaska State Capitol
 Juneau, AK

POSITION STATEMENT: Prime sponsor of HB 165.

DOUG LETCH
 Staff to Senator Stevens
 Alaska State Capitol
 Juneau, AK

POSITION STATEMENT: Explained SCS HB 165(RLS), version M.

RICHARD ROHRER
 Kodiak, AK

POSITION STATEMENT: Supported HB 165.

PAUL JOHNSON
 Big Game Commercial Services Board
 Anchorage, AK

POSITION STATEMENT: Supported HB 165.

JOE KLUTSCH
 Alaska Professional Hunters Association
 No address provided

POSITION STATEMENT: Supported HB 165.

ACTION NARRATIVE

CHAIR GARY STEVENS called the Senate Rules Standing Committee meeting to order at [9:02:58 AM](#). Present at the call to order were Senators Ellis, Green, Cowdery, Therriault and Stevens.

HB 165-BIG GAME GUIDES AND TRANSPORTERS

[9:03:28 AM](#)

CHAIR GARY STEVENS announced HB 165 to be up for consideration.

REPRESENTATIVE GABRIELLE LEDOUX, prime sponsor of HB 165, said that they are probably all familiar with the bill, but the guide's association wanted one other change.

SENATOR GREEN moved to adopt SCS HB 165(RLS) version M for discussion purposes. There were no objections and it was so ordered.

[9:04:16 AM](#)

DOUG LETCH, staff to Senator Stevens, explained that the Senate CS adds some policing powers to the Big Game Commercial Services Guide Board and is a recommendation from the board members themselves who are looking for a way to strengthen their enforcement powers.

He explained that guides want to be able to suspend a license in certain situations such as if the public is at risk due to the licensee's behavior or poor business practices. All other boards have this enforcement ability. Currently, the Big Game Commercial Services Board can only suspend a license for a maximum of 30 days and he has been told the District Attorney's office is often reluctant to expend its limited resources for a punishment that lasts only 30 days. It just isn't practical to stake out a trooper in some remote area of Alaska to catch a perpetrator.

He said the guiding and transport industry is not unlike most industries where most operators are law-abiding citizens, but they have occasional law breakers; anecdotal evidence indicates one guide had his license suspended and was still taking reservations for upcoming guiding events. The clients arrived, but were stuck because the guy couldn't legally do that.

MR. LETCH said this board is the only one that requires a hearing to take place before a license can be suspended and that hearings cost up to \$30,000. All other boards allow for suspension of a license while the hearing is offered as well as an appeal.

MR. LETCH said the Big Game Commercial Services Board is self-supported by the industry and they believe allowing license suspension without a hearing will save money for the guides and transporters as well as for the state. HB 165 provides for requesting a hearing before the board and an appeal and the matter could still be taken to court if needed. He summarized that Version M would allow the guiding industry to regulate itself without imposing unnecessary and costly processes on the folks involved.

[9:07:49 AM](#)

SENATOR GREEN asked if everything he said can be done by removing "after a hearing" on page 1, line 6.

MR. LETCH replied yes; that language means that the board wants the opportunity to suspend a license before a hearing, which is a power all other boards have.

CHAIR STEVENS said that would also kick in the right for the individual to request a hearing within seven days.

[9:09:37 AM](#)

RICHARD ROHRER, Kodiak member of the Big Game Commercial Services Board, supported HB 165. He said it's been frustrating at the last several meetings to find out they could only take a license for 30 days in a severe situation or for safety issues. That doesn't even take a guide's license for the whole season and there is no economic hardship to deter further actions by him.

[9:10:36 AM](#)

CHAIR STEVENS asked Mr. Johnson to describe the process the board goes through for someone who is misbehaving.

PAUL JOHNSON, Big Game Commercial Services Board member, explained that some guide who is misbehaving has to go to a hearing first instead of before the board and all other boards have licensees go before the professional board first. Then if they don't like what the board decides, they can have a hearing. If they didn't like what the hearing officer said, they can still go to court.

CHAIR STEVENS said disciplinary action isn't taken lightly by the board and if they suspend a license it's pretty serious and not just a political move.

[9:12:24 AM](#)

MR. JOHNSON responded that was correct and that licenses aren't taken lightly. Hearings cost \$30,000 each and they have 60 caseloads in front of them right now.

SENATOR GREEN said some of the testifiers have mentioned something about 30 days and asked where that is changed.

MR. JOHNSON replied under the repealer in Section 08.54.710 (i) on page 2, line 14, the department can suspend for only 30 days. He explained that that section doesn't work because no district attorney would pull a license for 30 days saying it's a waste of time and energy. The Big Game Commercial Services Board is the only board that disciplines in this manner. He said they just went through a case where the board couldn't suspend a guide's license and he went out and sold \$500,000 more in hunts. The guy disappeared and they can't do anything about getting the money back either.

MR. JOHNSON said the board is highly professional and does not take these things lightly. They should be allowed to do their functions. One bad apple is tainting the other apples.

[9:16:42 AM](#)

JOE KLUTSCH, Alaska Professional Hunters Association, supported HB 165 for the reasons Mr. Rohrer and Mr. Johnson already articulated. He said some individuals have committed serious violations and this board has not had the ability to take their license for even 30 days. These people flaunt it and continue going out in the next hunting season after they are busted. A number of people need their licenses revoked and this measure does not take their right of appeal away.

SENATOR GREEN moved to report SCS HB 165(RLS) from committee with individual recommendations and attached fiscal note(s). There were no objections and it was so ordered.

[9:19:14 AM](#)

SENATOR GREEN moved to introduce a senate concurrent resolution to go with the title change. There were no objections and it was so ordered.

There being no further business to come before the committee,
Chair Stevens adjourned the meeting at [9:20:01 AM](#).