

**ALASKA STATE LEGISLATURE**  
**HOUSE COMMUNITY AND REGIONAL AFFAIRS STANDING COMMITTEE**

January 25, 2018

8:11 a.m.

**MEMBERS PRESENT**

Representative Zach Fansler, Co-Chair  
Representative Justin Parish, Co-Chair  
Representative Harriet Drummond  
Representative George Rauscher  
Representative Dan Saddler  
Representative Jonathan Kreiss-Tomkins (alternate)

**MEMBERS ABSENT**

Representative David Talerico  
Representative DeLena Johnson (alternate)

**COMMITTEE CALENDAR**

HOUSE BILL NO. 267

"An Act requiring the release of certain records relating to big game hunters, guided hunts, and guided sport fishing activities to municipalities for verification of taxes payable; and providing for an effective date."

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 267

SHORT TITLE: RELEASE HUNTING/FISHING RECORDS TO MUNI

SPONSOR(S): REPRESENTATIVE(S) EDGMON

01/12/18	(H)	PREFILE RELEASED 1/12/18
01/16/18	(H)	READ THE FIRST TIME - REFERRALS
01/16/18	(H)	CRA, RES
01/25/18	(H)	CRA AT 8:00 AM BARNES 124

**WITNESS REGISTER**

TIM CLARK, Staff  
Representative Bryce Edgmon  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented HB 267 on behalf of Representative Edgmon, prime sponsor.

ALPHEUS BULLARD, Legislative Legal Counsel  
Legislative Legal and Research Services  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Offered information during the hearing on HB 267.

TOM BROOKOVER, Director  
Division of Sport Fish  
Alaska Department of Fish & Game (ADF&G)  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HB 267.

NATHAN HILL, Manager  
Lake and Peninsula Borough  
King Salmon, Alaska

**POSITION STATEMENT:** Testified in support of HB 267.

SUSAN EDWARDS, Finance Officer  
Lake and Peninsula Borough  
King Salmon, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HB 267.

JON ERICKSON, Manager  
City and Borough of Yakutat  
Yakutat, Alaska

**POSITION STATEMENT:** Testified during the hearing on HB 267.

SARA CHAMBERS, Operations Manager  
Division of Corporations, Business, and Professional Licensing (DCBPL)  
Department of Commerce, Community & Economic Development (DCCED)  
Juneau, Alaska

**POSITION STATEMENT:** Testified and responded to questions during the hearing on HB 267.

LYLE BECKER, Board Member  
Alaska Professional Hunters Association (APHA)  
Anchorage, Alaska

**POSITION STATEMENT:** Testified on behalf of APHA during the hearing on HB 267.

## **ACTION NARRATIVE**

[8:11:04 AM](#)

**CO-CHAIR ZACH FANSLER** called the House Community and Regional Affairs Standing Committee meeting to order at 8:11 a.m. Representatives Kreiss-Tomkins, Saddler, Parish, and Fansler were present at the call to order. Representatives Drummond and Rauscher arrived as the meeting was in progress.

### **HB 267-RELEASE HUNTING/FISHING RECORDS TO MUNI**

[8:12:19 AM](#)

CO-CHAIR FANSLER announced that the only order of business would be HOUSE BILL NO. 267, "An Act requiring the release of certain records relating to big game hunters, guided hunts, and guided sport fishing activities to municipalities for verification of taxes payable; and providing for an effective date."

[8:13:30 AM](#)

TIM CLARK, Staff, Representative Bryce Edgmon, Alaska State Legislature, presented HB 267 on behalf of Representative Edgmon, prime sponsor. He paraphrased the sponsor statement, which read as follows [original punctuation provided]:

For boroughs and other municipalities that bring in revenues through levies on fish and game guiding, HB 267 will provide a tool to help confirm that activities within their jurisdictions subject to taxation are being accurately reported to them. The bill would allow municipalities access to certain records collected by the state that relate to big game hunters, guided hunts, and guided sport fishing for the purpose of verifying taxes payable. All such information would remain confidential.

The access that HB 267 permits municipalities is modeled after long-existing provisions in AS 16.05.815(a)(4) and AS 43.75.133, both of which allow local governments to review certain records, reports, and returns to verify payment of local commercial fishing taxes.

With state-government cutbacks resulting in greater responsibilities and costs being borne by local

governments, all necessary resources should be made available to our municipalities to ensure they are receiving the revenues due to them according to their local ordinances.

8:15:07 AM

REPRESENTATIVE SADDLER asked how reductions in state agency budgets have affected local municipalities' ability to collect local taxes.

MR. CLARK answered, "It's not so much that actions by the state have impeded their ability to collect taxes; it's more that, given the state's fiscal challenges, there have been ... greater costs shifted to local governments." By providing a means for municipalities "to track down and collect those delinquent taxes," the state can help municipalities "make up for other areas where revenues that may have flowed from the state now don't flow."

REPRESENTATIVE SADDLER asked for clarification that there is no direct link between state reductions having affected the ability of local governments to perform, but that [HB 267] addresses situations wherein local municipalities have not been collecting local taxes and are looking "everywhere they can for money to cushion, including collecting their own taxes."

MR. CLARK answered that's correct.

REPRESENTATIVE SADDLER opined, "That's reasonable."

8:16:58 AM

REPRESENTATIVE KREISS-TOMKINS observed that in the committee packet there is a document from the Lake Peninsula Borough indicating that the borough would benefit under HB 267. He asked if there was a list of all the local governments in Alaska that "have such revenue measures" and would benefit under HB 267.

MR. CLARK answered that is a work in progress. He said both the Department of Commerce, Community & Economic Development (DCCED) and the Alaska Department of Fish & Game (ADF&G) would be affected by HB 267. He noted that Representative Edgmon's office has been working toward tracking down municipalities [that would benefit under HB 267] and, thus far, the office thinks the Borough of Yakutat, the Kodiak Island Borough, the

Aleutians East Borough, and the Borough of Sitka may benefit. He added that that information has not yet been substantiated.

[8:18:41 AM](#)

REPRESENTATIVE SADDLER asked how much money would be "picked up" under HB 267.

MR. CLARK answered that upcoming testimony from an officer of the Lake and Peninsula Borough would include an estimate. He offered his understanding that \$50,000-\$100,000 might be "forgone revenue." He added that the access provided under HB 267 would not recover all of that, but hopefully it would recover a significant portion.

[8:20:25 AM](#)

CO-CHAIR PARISH moved to adopt Amendment 1, labeled 30-LS0808\D.1, Bullard, 1/16/18, which read as follows:

Page 1, lines 5 - 13:

Delete all material and insert:

**"\* Section 1.** AS 08.54.760(b) is repealed and reenacted to read:

(b) Except as otherwise provided in this subsection, hunt records received under this section and activity reports received under AS 08.54.650 are confidential and not subject to inspection or copying under AS 40.25.110 - 40.25.125. Aggregated data compiled from hunt records and activity reports may be included in reports by the department. The department shall make hunt records and activity reports available (1) if requested, to state agencies, federal law enforcement agencies, and other law enforcement agencies; and (2) to a municipality that levies a tax on those activities, if the municipality

(A) requests the records for the purpose of verifying taxes payable; and

(B) agrees to maintain the confidentiality of the records."

Page 4, line 1:

Delete "amended"

Insert "repealed and reenacted"

[8:20:31 AM](#)

REPRESENTATIVE SADDLER objected for the purpose of discussion.

[8:20:49 AM](#)

MR. CLARK spoke to Amendment 1. He said it would make changes to Section 1 of HB 267 by providing confidentiality for hunting records in the same manner as the state agency itself maintains that confidentiality. In response to Co-Chair Parish, Mr. Clark spoke to the fiscal impact of Amendment 1. He said the fiscal note from DCCED is approximately \$88,000 in the first year and \$76,000 in outgoing years, annually. He offered his understanding that DCCED's fiscal note was based on the assumption that confidentiality would not be maintained, in which case the department would have to "go through thousands of redactions of certain portions of reports every year," which would be time-consuming. Amendment 1 would ensure confidentiality would be maintained "just as their own agency maintains it"; therefore, costs should be significantly reduced.

[8:23:34 AM](#)

REPRESENTATIVE KREISS-TOMKINS asked if there is anything analogous in state law such that confidential or privileged state information is shared with agents of local governments.

MR. CLARK answered that there are long-standing statutes that provide municipalities access to commercial fishing records and reports, and even tax returns, for the purpose of verifying tax payable to a municipality.

REPRESENTATIVE KREISS-TOMKINS asked if there has ever been a problem with that information being leaked.

MR. CLARK answered not to his knowledge, but deferred to the Tax Division to provide a definitive answer. He noted that under Title 11, two areas in statute outline the legal consequences to a public servant who breaches confidentiality, and those consequences are serious; it is a Class A Misdemeanor. He stated for the record that [the bill sponsor] feels that local municipal officials should be afforded "the same assumption of professionalism and integrity that state employees enjoy."

[8:25:51 AM](#)

REPRESENTATIVE SADDLER referred to "state agencies", "federal law enforcement agencies", and "other law enforcement agencies", [as shown on page 1, lines 7-8, of HB 267], and he asked for

confirmation that "that includes state law enforcement agencies."

MR. CLARK offered his understanding that is the case.

REPRESENTATIVE SADDLER remarked that the term "state agencies" is a broad one. He asked, "Can I properly interpret that to mean just agencies related to hunting, fishing, and guiding activities?"

MR. CLARK deferred to DCCED. He added, "From what I do know about it, it's often used to inform the annual reports that people in one division or another might be compiling, in which case what would be divulged from the information they've provided would be in a more general content, as opposed to specific."

[8:27:45 AM](#)

REPRESENTATIVE DRUMMOND indicated she is from a municipality where the following records are open for anyone to see: the property owner; the location of the property; how much is owed on the property in taxes; whether those taxes have been payed; and "who doesn't have hunting or fishing fees within the municipality." She stated her understanding that according to the municipal code from the Lake and Peninsula Borough [included in the committee packet], bed taxes are being collected "per guest" of each [hunting and fishing] guide. She said she does not understand why that information needs to be kept confidential.

MR. CLARK responded that within the aforementioned code, the borough has a permit fee in addition to the bed tax. The permit fee applies to the activity of hunting and fishing. He stated, "The reason bed taxes appear there is because there's a differentiation between how a guiding outfit would be charged." He explained that a lodge is considered more analogous to a hotel, because the amenities offered are similar. Conversely, when guests stay in tents or more primitive accommodations, "they" are not liable for bed taxes; "so, they have their charge - the hunting and fishing guiding tax - at a slightly higher level." He offered his understanding that the bed tax for the first scenario is "one dollar per person per day"; whereas, the [tax on the guiding fee] is \$3 per day when there is no bed tax involved.

MR. CLARK noted that the financial officer from the Lake and Peninsula Borough was available for testimony and could clarify information for Representative Drummond.

CO-CHAIR FANSLER asked Representative Drummond if she was maintaining an objection [to Amendment 1] until further information was provided.

REPRESENTATIVE DRUMMOND answered in the affirmative.

[8:32:03 AM](#)

CO-CHAIR PARISH offered his understanding that one reason for keeping people's hunting and fishing records confidential is because the locations for hunting and fishing can be "a little bit of a trade secret." Further, he maintained, "It's useful to maintain confidentiality where ... possible, just for the sake of safeguarding people's privacy." He added, "It is in line with currently existing law."

REPRESENTATIVE DRUMMOND responded, "If that's the case, then I'll remove my objection."

[8:33:23 AM](#)

The committee took an at-ease from 8:33 a.m. to 8:34 a.m.

[8:34:47 AM](#)

CO-CHAIR PARISH said under current law the records must be kept confidential by the department, which requires additional staff "to redact approximately 4,000 records per year." He explained that Amendment 1 would shift the onus of maintaining confidentiality to the municipalities and make the agreement to protect that confidentiality a prerequisite to receiving the records. He echoed the previous comment by Mr. Clark that the state should afford municipalities every confidence it does its state officials. He added, "I believe that people all throughout the state are serving in government because they feel like it's the right thing to do."

[8:36:27 AM](#)

REPRESENTATIVE SADDLER said he would like to know what penalties would be applied to a local municipal official, who might violate confidentiality provisions, in order to ensure the same safeguards and protections are in place.

MR. CLARK said legal counsel has assured him that would be the case.

[8:38:01 AM](#)

ALPHEUS BULLARD, Legislative Legal Counsel, Legislative Legal and Research Services, Alaska State Legislature, cited relevant statute that applies to public servants: AS 11.56.850, regarding official misconduct; and AS 11.56.860, regarding misuse of confidential information. He said "public servants" include employees of local government.

[8:38:32 AM](#)

REPRESENTATIVE RAUSCHER asked if the intent of the committee is to "pass or fail ... Amendment [1] today."

CO-CHAIR FANSLER said the intention is to take action on Amendment 1 today to be able to take up other amendments on Saturday. He noted that Amendment 1 was proffered by the prime sponsor in order "to clean up the fiscal note" and address any concerns regarding confidentiality.

REPRESENTATIVE RAUSCHER remarked on the quantity of information in the committee packet and asked, "Do we need all this just to figure out whether it's a dollar or three dollars?" He suggested that if the answer is no, then everything could be included in "one column." He said, "It seems like it would cost a fortune to deliver this kind of paperwork to a municipality."

[8:40:42 AM](#)

MR. CLARK answered that in fact, the opposite is true: It is much less a burden for the state agency to deliver that digitized data than it would be for the agency to be required "to manually redact a great amount of data included in the report." He stated, "The assurance of confidentiality backed up by law ... is a significant cost savings factor." He said "we" have every confidence that municipalities will act with "professionalism and integrity and within the law."

[8:44:25 AM](#)

TOM BROOKOVER, Director, Division of Sport Fish, Alaska Department of Fish & Game (ADF&G), in response to Representative Rauscher's restated concern, related that currently sport

fishing business owners and guides are required by regulation to register with the department before conducting sport fishing or guide services. Guides are required by regulation to complete a log book, currently available in paper form and soon available electronically. He said the required information in the log book includes: Division of Motor Vehicle (DMV) boat registration or United States Coast Guard (USCG) documentation numbers for vessels used to provide guides services; locations where the guide services were provided; fishing effort, catch, and harvest by clients; license numbers of each client; names of clients that saltwater fish; and other information, primarily catch and harvest of fish species by client. Mr. Brookover said the paper forms are scanned, so all information ends up in electronic form in a database. He stated his assumption that it would be most efficient to provide the entire database for the records requested by municipalities; however, he said he also thinks there could be reports generated that would "filter the data, so to speak, to the information the municipality requires."

MR. BROOKOVER, in response to Representative Rauscher, clarified that he is certain the division could develop a reporting feature to accommodate a municipality that requested the information in one column. In response to follow-up questions, he said ADF&G has provided a fiscal note. He said there was speculation as to the number of municipalities that might make such a request; the fiscal note was determined based on three known municipalities, the total one-time start-up cost of approximately 9.1 thousand dollars, and a recurring annual cost of approximately \$2,000. The latter costs, he explained, would cover "less than a few days of work to compile the records" requested by the [municipalities]. If the number of municipalities increased from three to six, then the fiscal note would double.

[8:50:17 AM](#)

REPRESENTATIVE DRUMMOND noted she had gleaned from the Lake and Peninsula Borough municipal code that the borough already provides confidentiality in terms of "any records that it takes to comply with the requirements of the ordinance in collecting tax data." She directed attention to page 4 of the borough's information and read, "The information shall be kept confidential, except when its production is required in official borough, state, federal investigation law enforcement acts and in court proceedings. All associated data obtained from professional guides are confidential and shall be kept from

inspection of all persons except officers, agents, and employees of the borough." She offered her understanding that [the borough's municipal code] "provides the privacy needed." She noted that the borough may also publish statistics concerning "the information contained" if the publication is done in a manner where the information cannot be identified. Representative Drummond stated she is confident that Lake and Peninsula Borough already has the confidentiality measures in place, and she said she does not think "the date needs to be redacted as has been discussed here."

REPRESENTATIVE DRUMMOND stated her support of the amendment as a means to protect tax payers "in any borough or municipality that may not have a similar confidentiality agreement."

[8:52:02 AM](#)

REPRESENTATIVE SADDLER removed his objection to the motion to adopt Amendment 1.

[8:52:12 AM](#)

CO-CHAIR FANSLER announced that there being no further objection, Amendment 1 was adopted.

[8:52:58 AM](#)

NATHAN HILL, Manager, Lake and Peninsula Borough, stated that the borough supports HB 267. He relayed that both hunting and fishing professional guides are required to register with the borough and pay a fee per [client] per day for guiding within borough boundaries. Further, the borough imposes tax for "this and other commercial activities"; the tax applies "on all lands." He stated that without access to the reports, the borough has no way to independently verify that the activity has been reported correctly. He asked the committee to support passage of HB 267.

[8:54:36 AM](#)

REPRESENTATIVE SADDLER asked Mr. Hill for an estimate of the total fees typically brought in by the borough in a year and how HB 267 might change that number.

MR. HILL deferred to the borough's finance officer.

[8:55:06 AM](#)

SUSAN EDWARDS, Finance Officer, Lake and Peninsula Borough, said currently the borough collects approximately \$60,000 a year in guide taxes, and she estimated that with access to the database [proposed under HB 267], the borough's revenue would increase by about \$50,000 to \$100,000. She added, "That's based on ... statistical analysis of current guides' tax returns and reports by guides themselves of activity in the borough that they know is not being reported to us."

REPRESENTATIVE SADDLER asked if the borough would incur any additional costs in maintaining the confidentiality of records or "to do any redaction."

MR. HILL responded no.

MS. EDWARDS interjected that the borough has worked hard to develop relationships with all the professional guides it knows are operating in the borough. She said, "We understand that these records are viewed by them as proprietary information." She stated that since the reporting from guides has, to this point, been voluntary, it is vital that the borough can assure the guides that the information will remain strictly confidential [under the proposed legislation].

REPRESENTATIVE SADDLER asked, "Does maintaining that confidentiality cost you anything?"

MS. EDWARDS answered no. She noted that the borough is small; the entire department consists of two employees; everything is "kept behind lock and key." She stated, "We are bound by the strictures of borough code, and certainly the amendment to this bill, so confidentiality on our part is not going to add to our costs, and it's something ... we ... very much want to maintain and to assure our tax payers."

REPRESENTATIVE SADDLER explained he was concerned that the state may be pushing the cost to the municipality, and he said he is glad to hear that would not be the case.

[8:59:25 AM](#)

CO-CHAIR FANSLER opened public testimony on HB 267.

[8:59:54 AM](#)

JON ERICKSON, Manager, City and Borough of Yakutat, noted that Yakutat has the smallest population of any borough but is 6,000 square miles in size. Yakutat's sales tax is 5 percent, and its bed tax is 8 percent. He said the City and Borough of Yakutat must guard against missing out on revenue because of "people coming into the borough and not reporting the activity." He reported that last year the City and Borough of Yakutat got approximately \$37,000 in bed tax; it defines a bed as a stay overnight, so it does not have to be a fixed location. He said the borough runs 200 miles north and 150 miles south; much of the area in the north can be accessed by plane without officials ever knowing anyone is there.

MR. ERICKSON said he keeps many confidential records, such as personnel records and Health Insurance Portability and Accountability Act (HIPA) information, and he views the issue of confidentiality seriously. He indicated the only reason he would look at confidential records is if there is activity going on in the borough that someone has not reported. In that case, Mr. Erickson explained, he would try to find out why there was no report. He added, "But I'm not going to give this out to people and say, 'He's got this great, hot fishing spot.'"

MR. ERICKSON related that the City and Borough of Yakutat lost its Fish & Wildlife trooper and wrote out 150 fish and game tickets, but all the revenue from those tickets goes to ADF&G. He stated, "I am scrambling, as a borough manager, to do what I can to try and make ends meet, and this would be a great opportunity for me."

[9:03:27 AM](#)

MR. ERICKSON, in response to Co-Chair Fansler, explained that he sends his police force of four to enforce [fish and game] laws for the sake of the citizens of the City and Borough of Yakutat.

[9:04:06 AM](#)

REPRESENTATIVE SADDLER noted that Mr. Erickson had said reductions within ADF&G had resulted in there being no wildlife trooper in the City and Borough of Yakutat, but that issue is independent of whether the City and Borough of Yakutat collects local taxes.

MR. ERICKSON answered yes - "kind of." He explained:

I've been contacted ... by ... Fish & Wildlife troopers in Cordova, and they said, "John, you've got something going on 150 miles north of you, and they aren't registered." ... So, they're telling me this, but they're not officially telling me this .... So, would I be able to enforce the law and raise that \$36-\$37,000 to [\$76,000] - I'm hoping.

REPRESENTATIVE SADDLER responded, "Yeah, if 'John Law' is known to be in the area, people will A) probably follow the fishing regulations, and B) probably report ... their revenues. So, there's an indirect connection."

MR. ERICKSON indicated some "fishing losses" have "gone way down since we've done that." In response to Representative Saddler, he confirmed he thinks the bill would result in an increase [in tax revenue] to \$76,000. He said the City and Borough of Yakutat has the highest bed tax in the state and, with its sales tax, it currently makes \$13 for every \$100.

REPRESENTATIVE SADDLER summarized that Mr. Erickson was saying that the increase to \$76,000 would be on the bed tax; there would be "an indeterminate amount of increase" in the sales tax.

MR. ERICKSON answered, "That's my hope."

[9:06:02 AM](#)

REPRESENTATIVE DRUMMOND suggested the use of drones.

MR. ERICKSON expressed concern regarding privacy.

[9:06:54 AM](#)

SARA CHAMBERS, Operations Manager, Division of Corporations, Business, and Professional Licensing (DCBPL), Department of Commerce, Community & Economic Development (DCCED), stated that the division submitted a fiscal note, and she specified that it is DCBPL, not ADF&G, that manages the hunt records and transporter activity reports she said were circulated by Representative Rauscher. She continued as follows:

I wanted to be able to inform the committee - since we raised the confidentiality issue - that the records that were circulated earlier do ... contain quite a bit of commercial, proprietary information. And we also, for many years, have maintained those in a

searchable database that is given access only to those who have been enumerated in the statute. So, if ... every municipality might request this information, given the amendment, it reduces our concerns about our need to maintain that confidentiality, and we would likely provide access to that database to an authorized employee of the municipality in question - the requesting municipality - which would then place the responsibility on them to mine the database of those thousands of records to identify which ... ones pertain to them. They would need to know the guide use areas that are in their municipality and could look for it that way or, if they knew specific individuals, they could look for it that way, as well. That would be [an] extremely low-cost alternative to the state but potentially have an impact on their staffing in doing that research.

MS. CHAMBERS, regarding Representative Rauscher's idea of creating a report upon demand by any municipality, said such a task would tax the division's workload and staffing levels. She emphasized that any cost that would be borne by her office would be paid for by professional guides and transporters - the division receives no general fund. She said this program has already been battling a significant deficit in the last couple years. She said the current deficit is half a million dollars, and she reiterated that the cost would not be borne by the state but "by the constituents who are license through this board."

[9:10:22 AM](#)

REPRESENTATIVE SADDLER asked Ms. Chambers if adoption of Amendment 1, which he said had a fiscal note of \$88,400, nullifies that cost to DCCED.

MS. CHAMBERS answered, "It does take care of much of our concern, ... with the assumption that we would hand off a user name and password to the municipalities and say, 'Go find the information in the database' and ... [there would be] no reporting impact on our staff."

[9:11:09 AM](#)

REPRESENTATIVE RAUSCHER indicated that he was planning to offer an amendment that would make municipalities cover the cost rather than hunters so that the onus would be on "those who are trying to profit from it" rather than "those that are just

trying to hunt out there in the wild." He said he appreciates Ms. Chambers having brought up the idea that there is a cost involved and the state should recover the cost from the municipality. He reiterated his desire to simplify the data.

[9:12:38 AM](#)

LYLE BECKER, Board Member, Alaska Professional Hunters Association (APHA), related that he has a small hunting outfit, and he indicated that the proposed legislation would affect him. He said he thinks [APHA] understands the problem [being addressed through HB 267], and that is that there are some guides that are not paying their borough taxes. He said APHA affirms that guides need to be paying their taxes. He indicated that part of the problem may be "being overlooked." He explained that currently there are a lot of guides that operate on state land that don't necessarily have any requirement to report back to their land manager. Further, there is currently no limit to the number of guides that can operate in those areas, which he surmised may be adding to the general confusion and "borough chaos."

MR. BECKER expressed concern that [HB 267] would add undue financial burden to the Big Game Commercial Services Board, and the guides would ultimately have to shoulder that burden. He said there have been significant fee increases in the last few years; "additional fees have been added to individual guides." He said there is a payoff structure that is supposed to "go down in time," but indicated that in the meantime there is additional staff time that is adding to the burden.

MR. BECKER highlighted another concern is regarding privacy. He stated, "We don't want folks within the borough knowing specific places where we harvest animals." He relayed that the information submitted to the Big Game Commercial Services Board is intended to help wildlife managers manage the game resource, and "we're a little concerned about clerks getting ahold of that - especially people who live ... in the area," because that may compromise trade secrets.

MR. BECKER stated a third concern is regarding jurisdiction of the borough as it relates to hunting records. He explained that hunting records state that [guides] have operated in certain areas; however, in many of the areas, half falls within the borough and half does not. He offered his understanding that [under HB 267], hunt records from 20 years ago could be pulled, and confusion could ensue when trying to determine how much time

was actually spent in the borough and how much outside the borough. He concluded, "So, just in some way, we're thinking this might not be the most workable or best proposal to arrive at with the goal we'd like, which is collecting ... taxes from those guides that need to be paying them; and we think that something related to something that addresses the issue of unlimited guides on state land would be better suited."

[9:20:10 AM](#)

CO-CHAIR FANSLER, after ascertaining that there was no one else who wished to testify, closed public testimony on HB 267.

[9:20:48 AM](#)

REPRESENTATIVE SADDLER, speaking to Mr. Becker's concern, asked if there is a better way to scope activities of guides so they are subject to and pay the taxes while operating within a municipality but do not have to be subject to taxes when operating outside of municipal boundaries.

MR. CLARK said a borough could contact the guiding outfit to find out if the hunting activity was within or without the borough, thus relying on "the honesty of the guide and nothing more." He offered his understanding that borough officials do not rely on more than that for their information. He added, "So, there would not be a situation where an outfitter would be charged a tax outside the jurisdiction of the municipality." In terms of Mr. Becker's remarks, he said he thinks the adoption of Amendment 1 should "all but eliminate any costs to the DCCED and, in turn, eliminate any costs to the Big Game Commercial Services Board." Regarding Mr. Becker's concerns about privacy and confidentiality, he said, "I think we've discussed that at great length today, and I believe the integrity and the professionalism of the borough officials, combined with the force of law, is something ... I would encourage him to have greater confidence in."

[9:23:53 AM](#)

CO-CHAIR FANSLER offered his understanding that Ms. Chambers had said that [municipal officials] would be given a password to log in "with the confidentiality aspects in there."

MR. CLARK responded, "Certainly that would be the most efficient and cost-effective way." He indicated that the prime sponsor's

intent is for "the legwork and the man hours" to be the responsibility of the municipalities rather than the state.

CO-CHAIR FANSLER said, "I share that concern." He added that he appreciates that the adopted Amendment 1 would, hopefully, alleviate "that undue burden upon the board that is trying to get its head above water."

[HB 267 was held over.]

[9:25:17 AM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House Community and Regional Affairs Standing Committee meeting was adjourned at 9:25 a.m.