

ALASKA STATE LEGISLATURE
SENATE RESOURCES STANDING COMMITTEE

February 20, 2019

3:30 p.m.

MEMBERS PRESENT

Senator Chris Birch, Chair
Senator Cathy Giessel
Senator Lora Reinbold
Senator Click Bishop
Senator Scott Kawasaki
Senator Jesse Kiehl

MEMBERS ABSENT

Senator John Coghill, Vice Chair

COMMITTEE CALENDAR

SENATE BILL NO. 43

"An Act extending the termination date of the Big Game Commercial Services Board; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 43

SHORT TITLE: EXTEND BIG GAME COMMERCIAL SERVICES BOARD

SPONSOR(S): SENATOR(S) WILSON

02/04/19	(S)	READ THE FIRST TIME - REFERRALS
02/04/19	(S)	RES, FIN
02/20/19	(S)	RES AT 3:30 PM BUTROVICH 205

WITNESS REGISTER

SENATOR DAVID WILSON
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of SB 43, provided an overview of the bill.

KRIS CURTIS, State Legislative Auditor
Division of Legislative Audit

Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented audit recommendations in support of SB 43.

SARA CHAMBERS, Division Director
Division of Corporations, Business and Professional Licensing
Department of Commerce, Community, and Professional Licensing
Juneau, Alaska

POSITION STATEMENT: Addressed questions regarding SB 43.

JASON BUNCH, Appointee
Big Game Commercial Services Board
Kodiak, Alaska

POSITION STATEMENT: Answered questions regarding the board's licensing process in reference to SB 43.

SAM ROHRER, President
Alaska Professional Hunters Association
Kodiak, Alaska

POSITION STATEMENT: Testified in support of SB 43.

MARK RICHARDS, Executive Director
Resident Hunters of Alaska
Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition of SB 43.

ACTION NARRATIVE

[3:30:15 PM](#)

CHAIR CHRIS BIRCH called the Senate Resources Standing Committee meeting to order at 3:30 p.m. Present at the call to order were Senators Kiehl, Reinbold, Giessel, Kawasaki, and Chair Birch.

SB 43-EXTEND BIG GAME COMMERCIAL SERVICES BOARD

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CHAIR BIRCH announced the consideration of Senate Bill 43 (SB 43).

[3:31:08 PM](#)

SENATOR DAVID WILSON, Alaska State Legislature, Juneau, Alaska, sponsor of SB 43, detailed that SB 43 extends the termination of the Big Game Commercial Services Board (BGCSB) six years, until June 30, 2025. The board consists of two licensed registered-

guide outfitters, two transporters, two private landholders, two members of the public, and one member of the Board of Game.

SENATOR WILSON explained that Legislative Audit conducted a review of the board and recommended a six-year extension, which is two years less than the eight-year [maximum.] Kris Curtis from Legislative Audit will review the audit's three recommendations and responses to the recommendations.

He summarized that BGCSB plays an important role in managing activities of commercial game hunters in the interest of the state's wildlife resources which are very valuable to Alaska.

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SENATOR BISHOP joined the committee meeting.

[3:33:51 PM](#)

KRIS CURTIS, State Legislative Auditor, Division of Legislative Audit, Alaska State Legislature, Juneau, Alaska, explained that the Division of Legislative Audit, "Legislative Audit" or "division," conducted an audit of the BGCSB. The audit report was dated September 2018.

She explained that the sunset audit's purpose is to determine whether a board should be extended and whether it is serving the public interest. The audit concluded that the board is serving the public interest by conducting its meetings in accordance with statutes by amending regulations to improve the occupations under its purview, and by supporting changes made by the Department of Law to improve the timeliness of the investigative process.

She added that the board worked to eliminate an over \$1 million deficit that Legislative Audit reported in its 2015 sunset audit. The audit also concluded that board licenses were not consistently supported by adequate documentation, a high number of investigations had unjustified periods of inactivity, and three board positions were vacant for an extended period. Legislative Audit is recommending a six-year extension for the BGCSB.

She detailed that there is a schedule of licensing activity on page 8 of the audit. As of May 2018, there was a total of 1,219 active licenses; this represents a 20-percent decrease compared to the prior 2015 sunset audit. According to the board chair, the decrease is due in part to guides retiring and decreased interest in the profession.

MS. CURTIS detailed that the board chair reported that there were fewer transporters because many changed operating as air taxis to avoid the license transporter reporting requirements and related fees. As of April 2015, there were 151 licensed transporters and there were 90 as of May 2018; this represents a 40 percent decrease in the number of licensed transporters.

She explained that the board's schedule of revenues and expenditures is on page 10. The board had a surplus of just over \$132,000 at the end of FY18, which is fairly significant compared to the \$1 million deficit three years prior.

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She detailed the Legislative Audit board improvement recommendations, listed on pages 14-16 in the audit, as follows:

1. The director for the Division of Corporations, Business and Professional Licensing (DCPL), should improve management procedures to ensure required documentation is obtained, reviewed, and retained to support licensure:
 - a. Legislative Audit tested 25 new licenses issued and errors were found in 14 of them:
 - i. Errors are listed on page 14.
 - ii. The more serious of the errors were missing background checks and a lack of adequate investigatory review.
 - iii. In total, the error rate was 56 percent.
 - iv. According to DCPL management there was turnover in the staff that supported the boarded and contributed to the errors.
 - v. The audit also identified a lack of adequate supervisory review.
2. The DCPL chief investigator should increase oversight to improve the timeliness of the investigations:
 - a. Legislative Audit tested 22 investigations that had been open for 180 days during the division's audit period:
 - i. The division found unjustified periods of inactivity in 20 of the 22 cases.
 - ii. According to DCPL's chief investigator, the periods of inactivity were due in part to:
 1. Lack of adequate resources to address the high case load;
 2. Supervisors were not adequately monitoring cases.

3. The Office of the Governor and the director of Boards and Commissions should work with the board to identify the potential applicants in a timely manner:
 - a. During a three-year period, Legislative Audit found the following:
 - i. A license transporter board position and a private landholder board position were vacant for over six months due to an inability to identify interested applicants.
 - ii. One Board of Game position was vacant for eight months because the Office of the Governor, Boards and Commissions' staff were not notified of a vacancy.
 - iii. According to Boards and Commissions' staff, the two licensed transporter board positions and the two private landholder board positions are difficult to fill due to a limited pool of qualified candidates.
 - iv. Private land that is effected by guide hunting activities and transportation services is often owned by large private landholders which limits the pool of qualified candidates.
 - v. The number of licensed transporters decreased by 40 percent over a 3-year period which further limits the pool of potential applicants.

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MS. CURTIS detailed responses to recommendations, noted on pages 25-29, as follows:

- The commissioner of Commerce, Community and Economic Development (DCCED) agrees with recommendations number-one and number-two:
 - o DCCED has stated that they have taken steps to resolve the recommendations.
- The Office of the Governor agrees to work with the board to fill vacant seats in a timely manner.
- The chair of the BGCSB agrees that the board should work with the Office of the Governor to fill vacancies as quickly as possible and added that all the board's seats were filled at the time of his response.

SENATOR GIESSEL noted Legislative Audit's recommendation-one on page 14 regarding the examination of board applications. She asked who does the application examinations at the Division of Corporations, Business and Professional Licensing (DCBPL).

MS. CURTIS answered that licensing examiners employed by DCBPL review applications.

SENATOR GIESSEL asked how many licensing examiners does DCBPL have.

MS. CURTIS suggested that Senator Giessel direct her answer to DCBPL.

SENATOR GIESSEL addressed Legislative Audit's recommendation-two regarding investigations not being timely and noted that she has seen a lot of audits with the same deficiency on other boards. She asked if "not being timely" is a common finding in audit investigations.

MS. CURTIS answered that the finding is common, maybe not to the extent of what was noted for the BGCSB, which was 20 out of 22 cases, a "super high" percentage. Legislative Audit noted that there were 250 cases opened during the period and 150 cases were opened for over 180 days. The BGCSB differs from other boards because more of their cases are taking a longer time to complete.

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SENATOR GIESSEL opined that serving on the BGCSB is more complicated than other professional licensing boards. She noted that BGCSB interfaces with the Alaska Wildlife Troopers on cases that involve guides, an adjudication process that can get complicated.

MS. CURTIS replied that Senator Giessel is correct. She added that there can be delays on behalf of wildlife troopers.

SENATOR REINBOLD addressed opposition to extending the board's term to six years. She referenced a complainant who filed a complaint against a guide in August 2018 and has not heard back from the board's investigator or the trooper involved in the case.

MS. CURTIS replied that she was not sure about the case that Senator Reinbold addressed. Legislative Audit reviewed 22 cases during its audit that was filed in August 2018. The division did note significant problem with delays. She said there are a lot of reasons for delays, but the division's issue with the board includes unjustified periods of inactivity during investigations. However, the division cannot tell if the delay

was due to documentation or a systematic problem with the investigative process.

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SENATOR REINBOLD commented that based on the board's systemic problems, waiting six years is a long time before another audit.

MS. CURTIS explained that the division's audit is not an exact science. The division often sees issues with the investigatory process. BGCSB has made changes in their documentation process. The division did an audit three years ago due to the board's million-dollar deficit, but the division determined that the board was serving the public's interest. Legislative Audit felt that six years was an adequate extension, a determination that is a policy decision.

SENATOR GIESSEL asked Ms. Curtis if the issue is with DCBPL and not directly with the board itself.

MS. CURTIS replied that the issue Senator Giessel noted is a point highlighted to her during legislative hearings, an issue she agreed with; however, Legislative Audit does not absolve the board from their responsibility knowing how things progress. BGCSB cannot be involved in the investigations because they need to be outside of the process. The board cannot ask detailed questions because they must function in a semi-judicial capacity. The board's audit is the only legislative oversight process for the Legislature, so Legislative Audit brings the issues up even though the issues may not be solely on the lap of the board, the issues may rest with the division as well.

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SENATOR KIEHL noted a public comment on the board that addressed the saturation of guides on state lands. He asked if the board has statutory authority to address the number of guides on state lands as the law is currently written.

SENATOR WILSON opined that he does not see the number of guides on state lands as being an issue for the board because the number of guides should decline due to the decline of transporters.

MS. CURTIS noted that she had posed the same question to the auditors as to what degree the issue was when the audit occurred and what role the Department of Natural Resources (DNR) plays in the permits. She suggested that the division be asked the question. She said her understanding is the board has statutory

limitations on issuing licenses and whether there needs to be a statutory change for the board to do any type of limitation on the number of licenses.

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SENATOR BISHOP commented that the committee was drifting away from addressing extending the board's sunset versus a guide concession bill or changing licensure.

SENATOR REINBOLD asked if Ms. Curtis was comfortable with a six-year extension versus a shorter time period. She opined that the issues brought up about the board were germane to the bill.

MS. CURTIS answered that she is comfortable with her six-year-extension recommendation. She said the decision is a policymakers' decision and noted that her extension recommendations have been changed in the past. The issue with the licenses and the investigations are focused on the division. Some of the issues brought up in the letters were not considered as part of the audit. She opined that Legislative Audit may have had a different recommendation if the issues were brought up at the time of the audit.

SENATOR WILSON suggested that the committee should hear from the Division of Corporations, Business and Professional Licensing to provide more insight about the complications from licensing issues.

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SARA CHAMBERS, Division Director, Division of Corporations, Business and Professional Licensing, Department of Commerce, Community, and Professional Licensing, Juneau, Alaska, explained that the division provides the administrative staffing and investigative support for all 43 of its licensing programs and 21 boards.

She said she agreed with Ms. Curtis and noted the division's appreciation in the audit process. The division is involved in at least one board audit every year and opined that something is always learned from the findings. She said the division agrees with the audit's findings regarding items within the purview of the division rather than the board.

She noted that the licensing deficiencies are a new finding. The scope of the audit was from July 1, 2015 to May 31, 2018. There was significant turnover in licensing examiners as well as the supervisor for the audit. Three or four examiners were

involved in the audit process, adding that the process did not have redundancies. The audit was highly complex with multiple agencies both on the licensing and investigation sides. Licensing does more than issuing a license, there is also involvement in guide-use areas, and over a dozen very-involved exams that must be maintained and issued. Maintaining consistency can be a challenge when trying to get the attention of a board member who is out in the field.

MS. CHAMBERS said the division recognized in 2017 through the audit process when seven sunset audits were occurring that the division needs more supervisory support. The division needs to have some level of redundancy to be able to provide quality control and not live on a hand-to-mouth stance where the division is "eking by." The division has worked on adding supervisors with the hope that the positions can be kept filled. The new supervisor has "dug deep" to find better ways to train and provide institutional knowledge. She opined that the division is heading in a great direction "licensing wise."

She said the story for licensing is very similar to the division's investigations. The division has a new chief investigator and two new senior investigators to provide more quality assurance that did not exist at the beginning of the board's audit. The division has heard the message from Legislative Audit that the division needs to also hold its auditors accountable for the paperwork and making sure that the record reflects what is happening in the life of the program.

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She said the program is complex from an investigative standpoint that involves multiple agencies working together. The division relies a lot on wildlife troopers, DNR, and other agencies to provide information. She opined that the licensee-base guards their ability to hunt and guide, something that has been passed down generationally, something that is a matter of great skill and great pride. The licensee-base will fight an investigation tooth-and-nail, resulting in investigations that drag on with board decisions that are appealed in order to maintain licenses. The division provides due process, but the result takes a lot of time that creates massive caseloads.

She explained that the division has added administrative processes to help reduce costs when warranted, but the intent is also to lean on law enforcement agencies and not do double the work. The division is not out investigating the same facts that the wildlife troopers are investigating. When a wildlife-trooper

conviction occurs, pulling a license is easy. The division is trying to find synergies with other state agencies to keep cost down, noting that the board had accrued a million-dollar deficit, primarily due to investigative costs; however, the deficit was turned around through multiple means.

SENATOR REINBOLD remarked that she will be a "no vote" on SB 43. She said she has read letters from constituents regarding the board and opined that there are systemic problems with the licensing process and refusal to revoke licenses.

CHAIR BIRCH asked Senator Reinbold if she has a question.

SENATOR REINBOLD asked if Ms. Chambers supports extending the boards sunset for six years.

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MS. CHAMBERS answered that she does not have a "particular" number of years in her mind that is reasonable. Too short of a turnaround does not allow enough time to reassess and is also an additional expense to the state through the audit process that maybe could be better served in a different way. Regardless of what the number is, whether it is one year or eight years, the division will continue to work with Legislative Audit and takes the noted concerns seriously. The boards need to be educated as to their responsibilities and be good listeners of public's concerns. BGCSB takes very seriously public concerns. She summarized that the division takes very seriously factual matters that are substantiated versus opinions or expectations that are not in line with statute.

SENATOR KAWASAKI called attention to the "eight duties of the board" and asked what the actual functions of the board are and what does the division do for the board. He inquired if the board or division prepares and grades qualification exams.

MS. CHAMBERS answered that registered guides develop the exams. The division prepares the exam paperwork for someone to take the exam. The division grades the written exam but registered and master guides perform the evaluations for the practical exam.

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SENATOR KAWASAKI asked Ms. Chambers to confirm that exams are written by guides in consultation with the board and administered through the division.

MS. CHAMBERS answered yes.

SENATOR KAWASAKI addressed the board's fourth-listed duty and asked if the duty is something that the board does.

MS. CHAMBERS explained that the board can delegate certain tasks to staff, each board is different regarding what statute allows. The division can process licenses if they meet the board's criteria which are established in statute and regulation.

SENATOR KAWASAKI addressed the board's fifth-listed duty regarding disciplinary sanctions on licensees and asked if that is specifically what the board does.

MS. CHAMBERS answered yes; the duty is specifically reserved for the board.

SENATOR KAWASAKI asked Ms. Chamber to address the board's sixth through eighth listed duties.

MS. CHAMBERS answered that disseminating information regarding exams is something that the division does administratively. Adopting regulations is exclusively reserved to the board. Board meetings is at the call of the chair which usually happens twice, usually through teleconference, but the board has been holding two in-person meetings a year.

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SENATOR KAWASAKI opined that 90 percent of boards meet the statutory requirements set forth in statute. He said he would continuously address every board extension as to whether the board is necessary, or could the division internally perform the duties. He asked Ms. Chambers to confirm that the division specifically deals with things and the board deals with things that are necessary in its function.

MS. CHAMBERS answered that each board is different depending on how the law is written, there is not a template for all boards. If there is a board, there are certain duties like regulations and discipline that are exclusively reserved for the boards. Whether the division could perform those duties, the division has 22 professions that do not have boards and whether the division could perform all the "board duties" without a board would be a matter for deep discussion. The division has no guides on its staff, no knowledge of being out in the field and what it takes. If the division did not have the boards, the division would have to contract for experienced-based

information for assistance in crafting regulations and how to discipline.

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CHAIR BIRCH opened public testimony.

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JASON BUNCH, Board Appointee, Big Game Commercial Services Board, Kodiak, Alaska, outlined what the board was currently working on. He said he was open to questions to address comments that have been made during the committee meeting.

SENATOR GIESSEL asked Mr. Bunch to explain the examination process for someone applying for a guide license and what do they have to do to demonstrate their qualifications.

MR. BUNCH answered that there are different licenses reviewed by the board. Some applicants need to address their time in the field, time with clients, testament to certain skills and knowledge, or address time in certain guide-use areas or game management units.

SENATOR GIESSEL specified that she was interested in reviewing the process that a guide would have to go through to qualify to be licensed.

MR. BUNCH asked if Senator Giessel was speaking directly to the testing that is done in partnership with the division and the guide board itself.

SENATOR GIESSEL answered yes. She specified that the process she was inquiring about involves a written exam that takes a couple of hours.

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MR. BUNCH detailed the guide licensing process as follows:

- Application:
 - Many stipulations must be met:
 - Time in the field,
 - Good reviews by clients as an assistant guide.
- Attend board meeting to:
 - Take 150 question test that covers:
 - Statutes and regulations,
 - Pertinent information regarding hunting,
 - Safety,
 - Environmentally safe practices,

- Ethics:
 - Spatial distance of guiding,
 - Spatial distance between hunters.
- Oral boards:
 - Two oral boards.
 - Three registered guide outfitters proctor each oral board.
 - First oral board is trophy judging with questions on:
 - What a legal sheep is;
 - What is considered a mature adult boar, a bear;
 - Score responsibly a sheep, goat, or brown bear skulls; caribou rack or moose antlers;
 - Intent is to prove what is considered a trophy by various standards throughout the world.
 - Provide video of applicant:
 - Skinning or caping an animal for preservation for taxidermy.
- Game Management Unit Test:
 - Questions specific to a management unit include:
 - Location of the nearest medical facility,
 - Air taxi services within the region,
 - Village locations.

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SENATOR GIESSEL asked what accounts for the length of investigations and backlog that the board is facing.

MR. BUNCH explained the investigative process as follows:

- The investigative process does not start with the board.
- The investigative process often starts with the Alaska Wildlife Troopers:
 - Troopers notify division that an investigation is starting.
 - Division does not start their investigation until the troopers have conducted their case to its entirety:
 - Troopers can take up to two years to complete their case.
- Division's investigator opens a case after troopers have carried their case to its entirety:
 - Changes made by the division on case management should reduce backlogs considerably.

- Reviewing board member receives findings from the division:
 - Registered guide outfitter reviews case findings.
 - Two registered guide outfitters are on the board.
 - Cases may be held when the registered guide outfitters are in the field:
 - Guides spend five to six months in the field.
 - Guide outfitters are the subject-matter experts and it's important that the first reviews go to them so that they can look at the case in common sense fashion and make a recommendation based on guidelines and procedures set by the division and the investigators.
- The BGCSB reviews the case information after the guide outfitter board member's review:
 - Recommendations by the reviewing board member are reviewed and a decision is made.

MR. BUNCH summarized that the case investigation process can become backlogged rather quickly, but steps have been made to reduce the case backlog.

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SENATOR KAWASAKI asked if the board would ever sanction a guide before receiving the information; for example, a criminal case from the wildlife troopers.

MR. BUNCH answered no; the board will not review cases until the cases are reviewed in its entirety.

SENATOR KAWASAKI addressed the guide licensing process regarding the oral boards and asked if the three people proctoring the oral boards are board members.

MR. BUNCH answered no. He noted that only the two guide seats are available for the proctor in addition to proctors who are registered guide outfitter in good standing.

SENATOR KAWASAKI asked if the video portion of the guide licensing process is reviewed directly by the board or something that is administratively done by the division.

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MR. BUNCH answered that the entire licensing process starting with the oral boards and ending in the video is done by a three-registered-guide panel. The registered guides must be in good standing.

SENATOR KAWASAKI asked Mr. Bunch to verify that the three-registered-guide panel does not necessarily have to be composed of board members, but the panel can be composed of three-registered guides in good standing.

MR. BUNCH answered correct.

He added that he had information to provide the committee members regarding the current status of BGCSB.

SENATOR GIESSEL stated that she would like to hear from Mr. Bunch because he is a board member for BGCSB.

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MR. BUNCH said he was appointed to the vacant registered guide seat the previous year and would speak to the board's actions within the last 10 months as follows:

- BGCSB is an important entity to Alaska's big game guide industry.
- The board is the only venue for which licensees can communicate with DCCED and its investigative arm.
- The board is responsible for:
 - Testing, certification, and licensing of assistant and registered guides;
 - Issuing transporter licenses;
 - Reviewing and or adopting regulations for which the licensees operate within;
 - Establishing and upholding ethics regulations;
 - Establishing and upholding contract requirements;
 - Regulating disseminated information;
 - Imposing appropriate disciplinary sanctions according to statutes and regulations.
- The board finished a complete update to its registered guide outfitter exam to ensure the board is using up-to-date information.
- The board has put into place a consistent review process and a means to track inconsistencies in testing:
 - Testing information is a constant change that if gone unattended will quickly be outdated and lose its effectiveness.
- Licensing of guides and transporters is ongoing and important to the provision of big game services in Alaska.
- License applications are in constant review by the board:

- o When questions need answered, the application will go before the board for further evaluation, resulting in the division's staff to be cleared.
- The board establishes and recommends updates to regulations for which licensees are held accountable:
 - o The board is reviewing many regulations that are difficult to interpret by licensees and law enforcement.
 - o The board is working with the divisions, Department of Law, land managers, state law enforcement, and licensees to either propose cleaner language or simply draft position statements outlining the intended meaning of those regulations.
- The board has a very good relationship with state law enforcement and the state law enforcement realizes that the board is up to date and very consistent with its fine structures.
- The board is regarded by the division and its investigators as thorough and consistent, an important attribute during investigative and appeals processes.
- The board is working hard to find efficiencies in all of its responsibilities.

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CHAIR BIRCH commended Mr. Bunch for his positive report as well as the board for eliminating its million dollars in debt.

SENATOR GIESSEL asked Mr. Bunch how many states license guides in the manner he detailed.

MR. BUNCH answered that Alaska is the "gold standard" for testing registered guides in the United States.

SENATOR BISHOP asked Ms. Curtis to verify that there are 145 open cases and inquired if the amount was the total number of cases before the board.

MS. CURTIS addressed page 9, second paragraph in Legislative Audit's report and detailed that that 233 cases were "open" or "opened" from July 2015 through May 2018.

SENATOR BISHOP asked if 145 cases were within the 180-day period.

MS. CURTIS answered yes. She specified that 233 cases were "open" or "opened" and 145 cases out of the 233 cases were open for over 180 days.

SENATOR BISHOP commented that the number of cases that Ms. Curtis detailed are a lot of cases. He suggested that the guides need to look at tightening the ethics portion of their training.

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SENATOR GIESSEL referenced Mr. Bunch's testimony regarding the investigative process. She asked Ms. Curtis if the audit had taken into consideration the fact that the board opens a case when the wildlife troopers opens a case, but the board must wait for the wildlife troopers and the division to complete their investigations.

MS. CURTIS noted that Mr. Bunch described a "specific mode," but there is more than one way to open a case and disclosed that complaints are also made directly to the division. Legislative Audit interviewed wildlife troopers, board members, and investigators. Legislative Audit is familiar with how the cases also work. Legislative Audit did note that there was a change, but the change was not quite how Mr. Bunch described.

She detailed that the Alaska Department of Law changed how they processed cases, noted on page 9 in the audit. The department changed the process where now when a criminal case is finished, a consent agreement for the licensing portion can be presented at the same time during the board's review that results in making the disciplinary process faster, which is separate from the investigative process. She reiterated that the issue may be about documentation.

She disclosed that there is interaction between an investigator and a wildlife trooper, but the audit could not tell what degree the investigator reaches out to the trooper or vice versa. She said there are all types of ways where efficiencies can be gained through the investigative process. Better documentation would help provide an audit with more information to nail down exactly what the cause of the issue is.

She summarized that there is a systematic problem with documentation and how long it takes for a large bulk of cases to move through the process.

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SENATOR REINBOLD addressed page 11 in the audit report and asked Ms. Curtis to review the numbers for "resident" versus "nonresident." She asked if the prices are virtually double between the two license categories.

MS. CURTIS replied that the licensing prices appears to be what Senator Reinbold pointed out. The reason for the pricing difference should be directed to the division.

[4:29:22 PM](#)

SAM ROHRER, President, Alaska Professional Hunters Association (APHA), Kodiak, Alaska, testified in support of SB 43. He said APHA recommends that the sunset for the BGCSB be extended for the amount recommended by the audit for the following reasons:

- The board is critical to the long-term viability of the guide industry.
- Having well qualified hunting guides is in the best interest of the state, public, and the commercial game industry.
- The board maintains the guide testing standards to ensure that only qualified applicants are receiving licenses.
- The board ensures that Alaska continues to have the most stringent hunting guide qualifications in North America.
- The guiding industry offers one of the very few professional licenses that does not require formal education but instead is acquired through an apprenticeship process.
- The guide apprenticeship process makes the industry particularly attractive to rural Alaskans.
- The board provides the only interface between the Division of Occupational Licensing and the guide industry.
- The board provides the public an opportunity to influence the regulations that control the industry.

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SENATOR GIESSEL asked Mr. Rohrer to elaborate on his comment that the public could participate in the board's committees.

MR. ROHRER answered that the board uses a subcommittee process for complicated issues that might arise where the public can participate. Subcommittee issues include supervision and ethical requirements.

SENATOR BISHOP noted that there are 233 guides under investigation and asked if APHA is bothered by the number of guides being investigated. He said growing up he thought highly of guides and the number under investigation troubles him.

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MR. ROHRER concurred with Senator Bishop on his high regard for guides. He said part of the backlog on guide investigations is due to a wide array of investigatory topics that get thrown together with criminal cases, such as investigations for misstated applications. APHA is frustrated with how slowly the investigations move, but the law says people must be provided with due process. APHA believes that guides should be held accountable for their actions. APHA hopes that investigations move as swiftly as possible, but guides should be treated fairly. APHA looks to leadership from the division to address the case backlog.

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SENATOR BISHOP said everyone wants a zero-investigation backlog and asked what Mr. Rohrer felt about a three-year sunset extension to address the investigation backlog.

MR. ROHRER replied that the solution is not a three-year extension. He remarked that the solution was for the state to have a concession program and deny access to certain guides that are not allowed on federal land as well. He opined that a state-concession program would reduce criminal investigations by 75 percent and complaints would be reduced drastically.

SENATOR REINBOLD remarked that a two to three-year sunset extension would be appropriate for the board because 233 cases are open. She opined that the committee should talk to the Department of Public Safety regarding the case backlog as well.

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MARK RICHARDS, Executive Director, Resident Hunters of Alaska (RHAK), Fairbanks, Alaska, testified in opposition to SB 43. He opined that the board has the power but refuses to limit non-resident hunters and enforce revocation of big game guide licenses. He noted that RHAK submitted a letter to the committee that detailed their recommendations for a guide concession program as well as license revocations for guides who have been convicted in criminal court.

He asserted that the board does not have the income to address the number of real complaints and to enforce their regulations. The reason the board will not revoke certain licenses is due to concerns that the board will incur court costs from appeals that could run well beyond the tens of thousand of dollars.

He summarized that RHAK believes BGCSB has too many problems and can only support a two-year extension with the hope that the

Division of Corporations, Business and Professional Licensing can address the big game licensing problems.

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SENATOR GIESSEL asked Mr. Richards if a license is a property right.

MR. RICHARDS answered that a guide license is a professional license and said he does not know if the license is a property right. He asserted that only the board that regulates the said profession can revoke or suspend a license.

SENATOR GIESSEL pointed out that BGCSB was over \$1 million in debt just a few years ago. She asked Mr. Richards if he knew why the debt accrued.

MR. RICHARDS answered no, but it might be attributed to investigative costs after the board was allowed to sunset then came back in 2005.

SENATOR GIESSEL offered her belief that a lot of the debt was due to an adjudication for a guide that took his case all the way to the Alaska Supreme Court, after having been disciplined by a court. The previous litigious action speaks to the board's fiscal prudence in terms of risk in taking up property rights.

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SENATOR REINBOLD emphasized that there was due process in the case that RHAK referenced.

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CHAIR BIRCH closed public testimony.

[4:49:01 PM](#)

CHAIR BIRCH held SB 43 in committee.

[4:49:18 PM](#)

There being no further business to come before the committee, Chair Bishop adjourned the Senate Resources Standing Committee meeting at 4:49 p.m.