

**ALASKA STATE LEGISLATURE
SENATE RESOURCES STANDING COMMITTEE**

February 27, 2019

3:30 p.m.

MEMBERS PRESENT

Senator Chris Birch, Chair
Senator John Coghill, Vice Chair
Senator Cathy Giessel
Senator Lora Reinbold
Senator Click Bishop
Senator Jesse Kiehl

MEMBERS ABSENT

Senator Scott Kawasaki

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."

- MOVED SB 43 OUT OF COMMITTEE

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
02/20/19	(S)	Heard & Held
02/20/19	(S)	MINUTE(RES)
02/27/19	(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 final remarks on the bill.

MAJOR BERNARD CHASTAIN, Deputy Director
Alaska Wildlife Troopers
Alaska Department of Public Safety
Anchorage, Alaska

POSITION STATEMENT: Explained the court process for big game commercial license cases related to SB 43.

ACTION NARRATIVE

[3:30:12 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 Coghill, Kiehl, Giessel, Bishop, Reinbold, and Chair Birch.

SB 43-EXTEND BIG GAME COMMERCIAL SERVICES BOARD

[3:30:41 PM](#)

CHAIR BIRCH announced the consideration of Senate Bill 43 (SB 43). He said his intention is to move the bill on to the next committee of referral.

[3:31:25 PM](#)

SENATOR DAVID WILSON, Alaska State Legislature, Juneau, Alaska, sponsor of SB 43, summarized that SB 43 extends the termination date for the Big Game Commercial Game Services Board until June 2025. Additional emails have been received and his office looks forward to addressing issues that came up during public testimony. SB 43 strictly extends the board; however, ways to streamline the case process will occur later. He said he welcomed input on how to work on solutions for the problems that were mentioned during the previous hearing.

SENATOR REINBOLD said she decided not to offer an amendment to reduce the boards extension to either two or four years. She emphasized the 95 percent of cases are unnecessarily delayed and fixing the delays is important.

SENATOR GIESSEL addressed the concept of "delays" and noted a case where the first charging disposition occurred in September 2014, but the criminal court did not reach a disposition until June 2018. She pointed out that the division had said in an earlier hearing that the investigator for the board must open a case when the wildlife troopers open their case, so

automatically the case was delayed three years and nine months. She added that the noted case is currently in civil court and is still not done. She said the case is informative when considering the audit identified delays and acts as clear evidence of the factors that occur outside of the board. She pointed out that the board cannot act until the administrative law judge in civil court has made a ruling.

SENATOR GIESSEL asked that the committee hear from the Alaska Wildlife Troopers for information on what might delay the Big Game Commercial Game Services Board from acting on licenses for guides, transporters, or other individuals under their jurisdiction.

[3:35:37 PM](#)

MAJOR BERNARD CHASTAIN, Deputy Director, Alaska Wildlife Troopers, Alaska Department of Public Safety, Anchorage, Alaska, explained that there are two scenarios, one is criminal, and one is civil. The Alaska Wildlife Troopers operate in the criminal side in reference to Alaska Statutes (AS) Title 8 (08), "AS 08," which were created by the Legislature to deal with criminal offences that occur in the big game guiding industry.

He said after a case is charged under "AS 08," the criminal court process commences where sometimes delays occur based upon due process and things involved in the court process, but eventually the criminal court case ends up with a resolution.

He explained that after the criminal court process, the civil portion starts which is where the Department of Commerce and Economic Development (DCCED) starts their investigation that usually deals with licensing. Typically, courts try not to act on big game commercial licenses because when a court acts on a license, the board is bound by the court's action where judges often let the board, the appropriate licensing agency, take action on the license if criminal behavior occurred.

He noted that in the case that Senator Giessel referenced, the judge did decide to let the board act on the license and after the criminal resolution the investigator filed an accusation against the defendant that started a civil process and that case is currently awaiting a decision by the administrative law judge.

[3:38:13 PM](#)

SENATOR GIESSEL noted the criminal court levied a \$35,100 fine with 30 days of jail time for the case that she referenced.

MAJOR CHASTAIN concurred with Senator Giessel's observation of the criminal court's resolution and detailed specific fines, jail and probation time associated with the case. He said the Alaska Wildlife Troopers and DCCED both support suspension and revocation of the defendant's license based upon the egregious case.

SENATOR REINBOLD addressed the sunset audit that showed 145 cases had been open for 180 days. She pointed out that the audit found 20 out of 22 randomly sampled cases had "unjustified periods of inactivity." She asked if he believes the extension should be shortened.

MAJOR CHASTAIN clarified that he was strictly speaking about the enforcement side and the decision on extending the board's time period was up to the Legislature. He said the previously noted case is an example of cases that take several years to be completely resolved, which leads to frustration. He said the appearance is no action is being taken but in fact action is being taken as the wheels-of-justice moves slowly along.

[3:41:29 PM](#)

SENATOR COGHILL moved to report SB 43, [version 31-LS0442\A], from committee with individual recommendations and attached fiscal note.

[3:41:39 PM](#)

CHAIR BIRCH said there being no objection, the motion carried.

[3:41:45 PM](#)

At ease.

[3:43:33 PM](#)

CHAIR BIRCH called the committee back to order.

[3:43:42 PM](#)

There being no further business to come before the committee, Chair Birch adjourned the Senate Resources Standing Committee meeting at 3:43 p.m.