

**ALASKA STATE LEGISLATURE  
HOUSE RESOURCES STANDING COMMITTEE**

April 26, 2024

2:01 p.m.

**MEMBERS PRESENT**

Representative Tom McKay, Chair  
Representative George Rauscher, Vice Chair  
Representative Thomas Baker  
Representative Kevin McCabe  
Representative Dan Saddler  
Representative Donna Mears  
Representative Maxine Dibert

**MEMBERS ABSENT**

Representative Stanley Wright  
Representative Jennie Armstrong

**COMMITTEE CALENDAR**

HOUSE BILL NO. 396

"An Act establishing a big game guide concession area permit program on land in the state; relating to the duties of the Big Game Commercial Services Board, the Board of Game, the Department of Fish and Game, and the Department of Natural Resources; requiring the Board of Game to establish an initial big game guide concession area; and providing for an effective date."

- MOVED CSHB 396 (RES) OUT OF COMMITTEE

HOUSE JOINT RESOLUTION NO. 22

Proposing an amendment to the Constitution of the State of Alaska relating to subsistence use of replenishable natural resources by state residents; and providing for an effective date for the amendment.

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 396

SHORT TITLE: DNR BIG GAME GUIDE PERMIT PROGRAM

SPONSOR(S): RESOURCES

04/10/24 (H) READ THE FIRST TIME - REFERRALS

04/10/24 (H) RES, FIN  
 04/17/24 (H) RES AT 1:00 PM BARNES 124  
 04/17/24 (H) Heard & Held  
 04/17/24 (H) MINUTE (RES)  
 04/24/24 (H) RES AT 1:00 PM BARNES 124  
 04/24/24 (H) Heard & Held  
 04/24/24 (H) MINUTE (RES)  
 04/26/24 (H) RES AT 1:00 PM BARNES 124

BILL: HJR 22

SHORT TITLE: RESIDENT SUBSISTENCE USE OF FISH/GAME  
 SPONSOR(S): BAKER

02/20/24 (H) READ THE FIRST TIME - REFERRALS  
 02/20/24 (H) RES, JUD  
 03/13/24 (H) RES AT 1:00 PM BARNES 124  
 03/13/24 (H) Heard & Held  
 03/13/24 (H) MINUTE (RES)  
 03/20/24 (H) RES AT 1:00 PM BARNES 124  
 03/20/24 (H) Heard & Held  
 03/20/24 (H) MINUTE (RES)  
 03/27/24 (H) RES AT 1:00 PM BARNES 124  
 03/27/24 (H) Heard & Held  
 03/27/24 (H) MINUTE (RES)  
 04/17/24 (H) RES AT 1:00 PM BARNES 124  
 04/17/24 (H) <Bill Hearing Canceled>  
 04/26/24 (H) RES AT 1:00 PM BARNES 124

**WITNESS REGISTER**

AZABEL ORDAZ, Staff  
 Representative Thomas McKay  
 Alaska State Legislature  
 Juneau, Alaska

**POSITION STATEMENT:** Explained Amendment 2 to HB 396 to committee members.

CHRISTY COLLES, Director  
 Division of Mining, Land, & Water  
 Department of Natural Resources  
 Anchorage, Alaska

**POSITION STATEMENT:** Answered committee member's questions on Amendment 2 and 3 to HB 396.

STEVE ST. CLAIR, Staff  
 Representative Thomas Baker  
 Alaska State Legislature

Juneau, Alaska

**POSITION STATEMENT:** Gave a summary of changes for the Committee Substitute to HJR 22, on behalf of Representative Baker, prime sponsor.

JOE FELKL, Legislative Liaison  
Alaska Department of Fish & Game  
Juneau, Alaska

**POSITION STATEMENT:** Answered committee questions on HJR 22.

#### **ACTION NARRATIVE**

[2:01:21 PM](#)

CHAIR MCKAY called the House Resources Standing Committee meeting to order at 2:01 p.m. Representatives Mears, McCabe, Baker, and McKay were present at the call to order. Representatives Saddler, Dibert, and Rauscher arrived as the meeting was in progress.

#### **HB 396-DNR BIG GAME GUIDE PERMIT PROGRAM**

[2:01:53 PM](#)

CHAIR MCKAY announced that the first order of business would be HOUSE BILL NO. 396 "An Act establishing a big game guide concession area permit program on land in the state; relating to the duties of the Big Game Commercial Services Board, the Board of Game, the Department of Fish and Game, and the Department of Natural Resources; requiring the Board of Game to establish an initial big game guide concession area; and providing for an effective date."

[2:02:47 PM](#)

The committee took an at-ease from 2:02 p.m. to 2:04 p.m.

[2:04:58 PM](#)

REPRESENTATIVE BAKER moved to adopt Amendment 1 to HB 396, labeled 33-LS1546\A.2, Bullard, 4/18/24, which read as follows:

Page 4, line 6:  
Delete "what was"

Page 5, line 4, following "process.":

Insert "The department shall establish permit standards and scoring criteria, but may not provide that a permit be issued based on the highest bid amount."

Page 5, line 5, following "time":

Insert "for state land issued under this subsection"

Page 6, lines 24 - 25:

Delete all material.

Page 6, line 26:

Delete "(B)"

Page 7, lines 1 - 2:

Delete all material.

Page 7, line 3:

Delete "(B)"

CHAIR MCKAY objected for the purpose of discussion.

[2:05:08 PM](#)

REPRESENTATIVE BAKER explained Amendment 1 to the committee, stating that it would ensure big game guide concession areas are based off current guide use area boundaries, prevent big game guide concession permits from going to the highest bidder, and assert protections for assistant guides. He expounded that preventing highest bidders from buying permits would prevent out-of-state firms from cutting out local guides, and that limiting assistant guides works against the way guiding is taught and makes it more difficult for guiding clients with physical disabilities.

[2:06:40 PM](#)

CHAIR MCKAY removed his objection. There being no further objection, Amendment 1 was adopted.

[2:07:23 PM](#)

CHAIR MCKAY moved to adopt Amendment 2 to HB 396, labeled 33-LS1546\A.4, Bullard, 4/14/24, which read as follows:

Page 4, line 9:

Delete "AS 38.05.022(i)"  
Insert "AS 38.05.022(j)"

Page 4, line 13:

Delete "AS 38.05.022(i)"  
Insert "AS 38.05.022(j)"

Page 6, following line 17:

Insert a new subsection to read:

"(i) In issuing a full big game guide concession area permit or limited big game guide concession area permit under this section, the commissioner, in consultation with the Big Game Commercial Services Board established under AS 08.54.591, the Board of Game, the Department of Fish and Game, and affected Alaska Native corporations, if any, shall consider each applicant's professional history and reputation, in addition to other applicable criteria in the process required by (c) of this section."

Reletter the following subsection accordingly.

Page 8, line 3:

Delete "AS 38.05.022(i)"  
Insert "AS 38.05.022(j)"

Page 8, line 6:

Delete "AS 38.05.022(i)"  
Insert "AS 38.05.022(j)"

REPRESENTATIVE SADDLER objected for the purpose of discussion.

[2:07:30 PM](#)

CHAIR MCKAY explained that Amendment 2 was drafted to specify Alaskan Native representation when issuing either a full or limited big game guide concession area permit and invited Azabel Ordaz to further explain Amendment 2.

[2:08:02 PM](#)

AZABEL ORDAZ, Staff, Representative Thomas McKay, Alaska State Legislature, explained that Amendment 2 relettered multiple sections to ensure definitions are at the end of subsections and summarized that the amendment works toward the program's purpose of stewardship, community engagement, and social license and gives affected Alaska Native corporations the opportunity to

provide input on guide applicants' histories. She added that the amendment is supported by the Alaska Federation of Natives (AFN).

[2:09:44 PM](#)

REPRESENTATIVE SADDLER asked how consultation would take place as it is required under the proposed amendment.

[2:09:56 PM](#)

CHAIR MCKAY directed the question to Christy Colles.

[2:10:17 PM](#)

CHRISTY COLLES, Director, Division of Mining, Land, & Water, Department of Natural Resources (DNR), offered her understanding that the Department would share the received applications with the required Alaska Native corporations and consult on who would be the appropriate guide to select. She said that Amendment 2 is concerning to DNR because it gives preference to Alaska Native corporations in determining who may hold a big game guide concession area permit. She stated that DNR does not support the amendment as written but supports continuing the conversation on consultation with stakeholders.

[2:11:15 PM](#)

CHAIR MCKAY [moved to withdraw] Amendment 2. [There being no objection, Amendment 2 was withdrawn.]

[2:11:41 PM](#)

REPRESENTATIVE MEARS moved to adopt Amendment 3 to HB 396, labeled 33-LS1546\A.1, Bullard, 4/18/24, which read as follows:

Page 5, line 26:  
Delete ";"  
Insert "."

Page 5, lines 27 - 28:  
Delete all material.

CHAIR MCKAY objected for the purpose of discussion.

[2:11:54 PM](#)

REPRESENTATIVE MEARS explained that Amendment 3 would remove language that reduces fees based on a concession permit holder's promotion and adherence to the provisions under HB 396. She appreciated the idea of rewarding good behavior but claimed "good guy discounts" were not appropriate as they are not done elsewhere.

[2:12:56 PM](#)

The committee took an at-ease from 2:12 p.m. to 2:13 p.m.

CHAIR MCKAY removed his objection.

The committee took an at-ease from 2:13 p.m. to 2:13 p.m.

[2:13:46 PM](#)

MS. COLLES supported Amendment 3 and said it would be difficult to manage the discounts or rewards for "good behavior" as defined under HB 396.

[2:14:48 PM](#)

REPRESENTATIVE announced that there being no further objection, Amendment 3 was adopted.

[2:15:07 PM](#)

REPRESENTATIVE MCCABE moved to report HB 396, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 396 (RES) was reported out of the House Resources Standing Committee.

[2:15:50 PM](#)

The committee took an at-ease from 2:15 p.m. to 2:19 p.m.

**HJR 22-RESIDENT SUBSISTENCE USE OF FISH/GAME**

[2:19:05 PM](#)

CHAIR MCKAY announced that the final order of business would be HOUSE JOINT RESOLUTION NO. 22 "Proposing an amendment to the Constitution of the State of Alaska relating to subsistence use of replenishable natural resources by state residents; and providing for an effective date for the amendment."

CHAIR MCKAY added that the committee would be reviewing an upcoming Committee Substitute for HJR 22, labeled 33-LS1321\R, Bullard, 4/18/24, [adopted by the committee on 5/3/24.]

[2:20:11 PM](#)

REPRESENTATIVE BAKER, as prime sponsor of HJR 22, said that his office has been doing outreach with stakeholders and groups and working with different entities to make sure everything is okay.

[2:20:59 PM](#)

STEVE ST. CLAIR, Staff, Representative Thomas Baker, Alaska State Legislature, on behalf of Representative Baker, prime sponsor, read the summary of changes for the upcoming Committee Substitute for HJR 22 which read as follows [original punctuation provided]:

This committee substitute makes two language changes, deletes a small portion, and inserts language from Alaska National Interests Conservation Act (ANILCA) sec. 801.

Page 1, Line 8 The word "may" was replaced with "shall" to strengthen the language and make it required and not optional.

Page 1, Line 9 For clarity the word "rural" was inserted after the word "among". This identifies the major focus of the legislation, rural residents.

Page 1, Line 11 Changing "or" to "and" clarifies the criteria for the application of this legislation.

Page 1, Line 11 This change was to clarify the legislature's responsibility. After the word "resources" and the next three lines were deleted and "The legislature shall limit other beneficial uses of replenishable resources to protect subsistence use of the resource" was added.

Page 1, Line 13 To ensure this legislation is in line with ANILCA, a portion of Sec. 801 was inserted "Providing the rural residents of the State, Alaska Native and Non-Alaska Native alike, the opportunity to harvest replenishable resources in the State's public domain, where Alaska Natives have traditionally

harvested renewable resources for subsistence use, is essential to the physical, economic, and traditional existence of the State's rural residents, the social existence of the State's non-Alaska Native rural residents, and the cultural existence of the State's Alaska Native rural residence."

[2:22:56 PM](#)

REPRESENTATIVE RAUSCHER asked where the information relating to the Alaska Department of Fish & Game's (ADF&G) regulatory changes would go if HJR 22 were to pass.

[2:23:54 PM](#)

JOE FELKL, Legislative Liaison, Alaska Department of Fish & Game, in response to Representative Rauscher, admitted that he would not be able to answer his question at this time.

[2:24:37 PM](#)

REPRESENTATIVE RAUSCHER restated his question and asked where a hunter or angler could access information related to any changes in the [Federal Subsistence Management Regulations for the Harvest of Wildlife on Federal Public Lands in Alaska] or Alaska Hunting Regulations books if HJR 22 were to pass.

[2:24:54 PM](#)

MR. FELKL attested that there would need to be additional statutory changes to clarify that question.

[2:25:06 PM](#)

REPRESENTATIVE BAKER, in response to Representative Rauscher, clarified that this resolution would amend the constitution of the State of Alaska, which would lay the groundwork for any proposed statutory change Representative Rauscher is referring to.

[2:25:54 PM](#)

REPRESENTATIVE SADDLER asked what the state's current statutory ability to manage subsistence use resources is.

[2:26:20 PM](#)

MR. FELKL replied that there is currently statutory authority providing for a subsistence priority that separates subsistence and non-subsistence use areas of harvest.

[2:26:48 PM](#)

REPRESENTATIVE SADDLER pronounced he wouldn't vote on HJR 22 until he hears back from ADF&G.

[2:27:07 PM](#)

CHAIR MCKAY said his office is waiting for further input from stakeholders and is not trying to rush this legislation through at the end of session.

[2:27:38 PM](#)

REPRESENTATIVE SADDLER asked for a definition of replenishable natural resources.

[2:27:52 PM](#)

MR. FELKL replied he would include that answer in ADF&G's written response to the current committee meeting.

[2:28:01 PM](#)

REPRESENTATIVE BAKER remarked that the term "replenishable resources" refers to fish and game.

[2:28:46 PM](#)

CHAIR MCKAY announced that HJR 22 was held over.

[2:28:59 PM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House Resources Standing Committee meeting was adjourned at 2:29 p.m.