

**ALASKA STATE LEGISLATURE
SENATE LABOR AND COMMERCE STANDING COMMITTEE**

January 22, 2024

1:33 p.m.

MEMBERS PRESENT

Senator Jesse Bjorkman, Chair
Senator Click Bishop, Vice Chair
Senator Elvi Gray-Jackson
Senator Kelly Merrick
Senator Forrest Dunbar

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 182

"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 182

SHORT TITLE: EXTEND BIG GAME COMM SERVICES BOARD

SPONSOR(S): LABOR & COMMERCE

01/16/24	(S)	READ THE FIRST TIME - REFERRALS
01/16/24	(S)	L&C, FIN
01/22/24	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)

WITNESS REGISTER

RAYMOND MATIASHOWSKI, Staff
Senator Jesse Bjorkman
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced SB 182 on behalf of the bill sponsor.

KRIS CURTIS, Legislative Auditor
Alaska Division of Legislative Audit

Legislative Affairs Agency
Juneau, Alaska

POSITION STATEMENT: Provided invited testimony on SB 182.

SYLVAN ROBB, Director
Division of Corporations, Business, and
Professional Licensing (DCBPL)
Department of Commerce, Community and
Economic Development (DCCED)
Juneau, Alaska

POSITION STATEMENT: Provided invited testimony on SB 182.

JASON BUNCH, Chair
Board of Game
Alaska Department of Fish and Game (ADF&G)
Kodiak, Alaska

POSITION STATEMENT: Provided invited testimony and answered questions on SB 182.

SAM ROHRER, President
Alaska Professional Hunter Association
Kodiak, Alaska

POSITION STATEMENT: Testified in support of SB 182.

ACTION NARRATIVE

[1:33:53 PM](#)

CHAIR JESSE BJORKMAN called the Senate Labor and Commerce Standing Committee meeting to order at 1:33 p.m. Present at the call to order were Senators Gray-Jackson, Merrick, Dunbar Bishop, and Chair Bjorkman. Senator Bishop joined the meeting thereafter.

SB 182-EXTEND BIG GAME COMM SERVICES BOARD

[1:34:41 PM](#)

CHAIR BJORKMAN announced the consideration of SENATE BILL NO. 182 "An Act extending the termination date of the Big Game Commercial Services Board; and providing for an effective date."

He invited his staff member, Raymond Matiashowski, to introduce the bill.

[1:35:04 PM](#)

SENATOR BISHOP joined the meeting.

[1:35:13 PM](#)

RAYMOND MATIASHOWSKI, Staff, Senator Bjorkman, Alaska State Legislature, Juneau, Alaska, introduced SB 182, reading from the following statement:

[Original punctuation provided.]

For the record, my name is Raymie Matiashowski, Staff to Senator Bjorkman, and I am here to present the bill before you, SB 182, an act to extend the Big Game Commercial Services Board. The purpose of this bill is to review the Legislative Audit of the Big Game Commercial Services Board, and to give the Legislature the opportunity to review the Board Actions.

The Big Game Commercial Services Board was created for the purpose of licensing and regulating the activities of providers of commercial services to big game hunters in the interest of the State's wildlife resources.

The audit in question found that the Board is operating in the public's interest, however there was occasional lack of adequate documentation for board licenses. The audit also questioned whether two private landholder board seats continue to be necessary for effective regulation.

Legislative Audit conducted the audit, and recommended extending the Board for six years, however, the issues brought up in the audit revolved around staffing and systemic issues, which are related to the operations of CBPL, not necessarily the Big Game Commercial Services Board. While we appreciate the recommendation of the audit, we felt that these issues were best addressed through this review process and the budgetary process rather than shortening the board extension and creating more work for Legislative Budget and Audit to review the Board in six rather than eight years.

[1:36:33 PM](#)

MR. MATIASHOWSKI continued:

[Original punctuation provided.]

I have with me Legislative Auditor Kris Curtis, to speak to the audit, Director Sylvan Robb from the

Division of Corporations, Business, and Professional Licensing, to speak to the points in the audit relating to CBPL, and how they are working to address those points, and Jason Bunch, Chair of the Big Game Commercial Services Board to speak to the work of the board to address the points put forth in the audit.

[1:37:32 PM](#)

KRIS CURTIS, Legislative Auditor, Division of Legislative Audit, Legislative Affairs Agency, Juneau, Alaska, explained that this is a sunset audit, meant to determine whether the board is serving the public's interest and if it should be extended. The division found that the board is serving the public's interest, conducting meetings effectively, supporting statutory changes when deemed necessary, and actively amending regulations. The division also discovered that board licenses are not consistently supported by appropriate documentation and the two private landholder board seats were either vacant or had extended absences during the audit period.

[1:38:24 PM](#)

MS. CURTIS said the division recommends that the board be extended six years, two years less than the eight-year maximum allowed according to statute. The board has had some issues. Ms. Curtis recommended in 2008 to extend the board by four years if they had a deficit of over \$1,000,000 and the board was extended only three years. Her last recommendation of eight years was bumped down by the legislature to a five year extension. The only issue found in the course of the audit was licensure documentation which falls to the division staff but is ultimately over seen by the board. She commented that the sunset process is a legislative oversight function.

[1:40:19 PM](#)

MS. CURTIS asserted two recommendations: that the DCBPL director improve oversight procedures to ensure the required licensure documentation is obtained and reviewed, and that the board consider whether the two private landholder board seats are necessary for effective regulation. One of the private landholder board seats was vacant for twelve months and had unexcused absences for seven months. The other seat had vacancies for 31 months.

[1:41:45 PM](#)

MS. CURTIS referred to the bill packet, pointing out that as of January 2023 the board had 1,438 active licenses. By February 2023, the board had climbed out of the deficit hole and now had

a surplus of over \$850,000. The board then eliminated the annual report filing and assistant guide license fees, effective for the December 2023 licensing cycle.

MS. CURTIS provided a synopsis of management's response to the audit. The commissioner of the Department of Commerce, Community and Economic Development agreed with the first recommendation regarding licensure and documentation. Regarding the first recommendation, the board did not believe that the finding acknowledged improvements the division has made over the last three years. Regarding the second recommendation, the chair did not believe that a change in board composition was necessary; he believes the governor should do a better job of communicating the opportunities to serve on the board.

[1:43:44 PM](#)

SENATOR DUNBAR commented that the chair said there was currently one private landholder seat vacant, and one filled with someone who is engaged and productive; it sounded like inconsistent data regarding seat absences. He asked how the statute regulation defines the term "private landowner" and whether an Alaska Native Corporation representative hold a seat.

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MS. CURTIS responded that, while the chair could provide a better answer, Native corporations are included in the definition. She asserted that the qualifying group for the private landholder designation is a small pool, which makes securing the seat challenging.

[1:44:55 PM](#)

SENATOR DUNBAR asserted that there must be additional requirements in statute for the seat because Alaska has a lot of landholders.

[1:45:10 PM](#)

MS. CURTIS asserted that the statute specifies a large private landholder.

[1:45:16 PM](#)

SENATOR DUNBAR opined that reducing the land size requirement would increase the pool size for the seat.

[1:45:24 PM](#)

MS. CURTIS replied that the board did not view the lack of participation from those two seats as a problem for regulation.

[1:46:00 PM](#)

CHAIR BJORKMAN asked what the Division of Corporations, Business and Professional Licensing could do to improve management of licensure procedures, filing of all required documentation, and ensuring review and retention of documents to support licensure.

[1:46:36 PM](#)

MS. CURTIS responded that checklists, supervisor review, good training, and good written procedures are the types of controls in place to combat turnover and ensure effective operations.

[1:47:05 PM](#)

CHAIR BJORKMAN how the number of staff assigned to a professional board is determined and how many staff the board has.

[1:47:20 PM](#)

MS. CURTIS answered that is a good question for the department but that typically staff might have multiple boards, depending on how complex the profession is.

[1:48:00 PM](#)

CHAIR BJORKMAN invited Sylvan Robb to put herself on the record and begin her testimony.

[1:48:13 PM](#)

SYLVAN ROBB, Director, Division of Corporations, Business, and Professional Licensing (DCBPL), Department of Commerce, Community and Economic Development (DCCED), Juneau, Alaska, reiterated that the department had no issue with the finding directed to the division. A substantial portion of the time covered by the audit was during the COVID-19 pandemic when the division struggled with high vacancy rates and turnover. Were the audit to be conducted thereafter, better results would be found. The staff working on the licensing program were hired during a time of crisis. The board is now able to provide more robust training. In the absence of occupational licensing examiners, supervisors have been stepping up to ensure that professionals are getting licenses. Those without a license cannot work so the division is licensing as quickly as possible.

[1:50:01 PM](#)

VICE-CHAIR BISHOP brought up the board chair's previous mention of enhancing communication regarding vacant positions. He asked whether any progress had been made in this regard and whether discussions had occurred with the Boards and Commissions office

about improving the methods of communicating open positions and advertising them effectively.

[1:50:42 PM](#)

MS. ROBB replied that the department is in frequent communication with Boards and Commissions. CBPL has 136 board members when all seats are filled and the Department of Congress has even more, so the department is constantly working on communication to ensure that there is awareness and insight regarding open seats. The department is working with board members to ensure good connections with those in the respective industries and to drum up interest in applying for open positions. She said good communication is an ongoing effort.

[1:51:39 PM](#)

CHAIR BJORKMAN asked if there were people who applied for positions on the board who were not appointed.

[1:51:46 PM](#)

MS. ROBB deferred to Boards and Commissions in the governor's office.

[1:51:56 PM](#)

CHAIR BJORKMAN asked if the board continues to build its positive cashflow.

[1:52:16 PM](#)

MS. ROBB replied that AS 08.01.065 requires that the division set licensing fees to be approximately equal to the cost of running the program. At one point the program was in a substantial deficit. At the time of the audit the board had about \$850,000. Professional licenses are good for two years so there is ample fluctuation from year to year. Each program generates the majority of revenue during renewal years. Since the department has had to raise fees before, they were conservative in their estimate of fee reductions, but they did reduce fees for certain positions. The department will take stock after a year of that fee position to see how the fee rates are affecting the program.

[1:54:09 PM](#)

SENATOR GRAY-JACKSON asked to hear more about the deficit.

[1:52:22 PM](#)

MS. ROBB replied that the deficit was before her time, but she would look into it and provide that information to the committee.

[1:55:00 PM](#)

JASON BUNCH, Chair, Board of Game, Alaska Department of Fish and Game (ADF&G), Kodiak, Alaska, confirmed that the committee has received his response to the audit and said he was available for questions.

[1:55:27 PM](#)

SENATOR GRAY-JACKSON asked how long he has been on the board.

[1:55:38 PM](#)

MR. BUNCH answered almost six years.

[1:56:15 PM](#)

SENATOR GRAY-JACKSON asked if Mr. Bunch knew the reason for the deficit.

[1:56:30 PM](#)

MR. BUNCH answered he did not know but speculated that the deficit occurred when the board sunset and oversight was lost. Today's decisions are discussed before action is taken.

[1:57:33 PM](#)

CHAIR BJORKMAN asked if the board has taken action to improve the processes of filing paperwork.

[1:57:55 PM](#)

MR. BUNCH said Big Game administrative responsibilities are fairly robust and administering licenses takes a lot of understanding. The board deals with natural resources and has its hand in a lot of different areas of the state. Consequently, it requires consistent administrative staff who can retain the knowledge and experience required to manage licensing. Retention has been difficult for the board to achieve. He suggested that the board had a high degree of turnover because of administrative burden and because the division was more of a steppingstone rather than a final destination for employees. The board has looked at that carefully and discussed it for the last three years. The board decided to recommend that the executive administrator position be exclusively designated for the Big Game Commercial Services Board, rather than shared with the Marine Pilot Board. Currently, the board has around \$800,000 and only needs \$600,000 to be self-sustaining. The board held onto licensee money to support a full time executive administrator and recommended that the position be a higher paid job for consistent leadership, which would alleviate some of the findings of the audit.

[2:01:24 PM](#)

CHAIR BJORKMAN asked how long the current examiner has worked with the board and the department.

[2:01:35 PM](#)

MR. BUNCH replied approximately two years. She added that the current executive administrator has worked with them for four years, initially as the licensing examiner before stepping up to be the administrator.

[2:02:28 PM](#)

At ease

[2:04:04 PM](#)

CHAIR BJORKMAN reconvened the meeting and opened public testimony on SB 182.

[2:05:01 PM](#)

SAM ROHRER, President, Alaska Professional Hunter Association (AHA), Kodiak, Alaska, testified in support of SB 182. He stated that he is the president of the AHA, which strongly supports SB 182. He said the Big Game Commercial Services Board is critical to the long-term viability of the guide industry in Alaska. The board serves the state's best interests by maintaining testing standards and providing oral testing for new guides. It ensures that only well-qualified applicants receive hunting guide licenses. Alaska continues to have the most stringent hunting guide qualifications in all of North America thanks to the board. Without the board, oral testing would not be possible and licensing standards would suffer. The guiding profession in Alaska is one of the few professional licenses not requiring a formal education. Instead, licenses are acquired through the apprenticeship process, making the license more enticing for individuals in rural areas. The Big Game Commercial Services Board provides the only interface between the Division of Occupational Licensing and the guiding profession. Without the board the profession has no meaningful input on the development of regulations that directly impact hunting guides. The public also has a vested interest in how guides are regulated. Without the board the public has very little opportunity to influence regulations that control the guiding industry.

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CHAIR BJORKMAN left public testimony on SB 182 open and set the bill aside.

2:08:22 PM

There being no further business to come before the committee, Chair Bjorkman adjourned the Senate Labor and Commerce Standing Committee meeting at 2:08 p.m.