

HB

263

<TARGET><BILL>HB 263</BILL><SUBJECT>HB
263</SUBJECT><COMM>HTRA30</COMM></TARGET>

Representative Gary Knopp

District 30



SESSION:

State Capitol, Room 424
Juneau, AK 99801 - 1183
Phone: 907-465-2693

INTERIM:

145 Main Street Loop, Room 221
Kenai, Alaska 99611
907-283-2690

Sponsor Statement

HB 263

“An act exempting certain water taxi operators from regulation as transportation services by the big game commercial services board and providing for an effective date”

AS 08.54.790 exempts certain air taxis' from having to obtain a transporter permit from Alaska Department of commerce, community, and economic development if; carrying big game hunters is only an incidental portion of their business; if they do not charge more than the usual tariff or charter rate and do not advertise transportation services or big game hunting services to the public.

HB 263 would add licensed water taxis', meeting the current stipulations of air taxis', to this exemption. According to big game commercial services, in the 2017 calendar year only nine transporter permits were issued statewide by DCCED. To operate as a water taxi, you must also comply with the United States Coast Guard and all other state licensing regulations.

This exemption would allow individuals to travel to the hunting grounds by their choice of water or air taxi. Currently water taxi operators incur additional burden and expense of obtaining another permit that is not required by the exempt air taxi operators. The inclusion of the water taxi operators levels the playing field for both means of transportation providing “incidental” services to hunters.

Fiscal Note

State of Alaska
2018 Legislative Session

Bill Version: HB 263
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB263-DFG-DWC-01-26-18
Title: TRANSPORTATION SERVICES FOR HUNTERS
Sponsor: KNOPP
Requester: House Transportation

Department: Department of Fish and Game
Appropriation: Wildlife Conservation
Allocation: Wildlife Conservation
OMB Component Number: 473

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2019 Appropriation Requested	Included in Governor's FY2019 Request	Out-Year Cost Estimates					
			FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2018) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2019) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed? n/a

Why this fiscal note differs from previous version/comments:

Initial version of fiscal note.

Prepared By:	Bruce Dale, Director	Phone:	(907)861-2101
Division:	Wildlife Conservation	Date:	01/26/2018 04:30 PM
Approved By:	Carol Petraborg, Director	Date:	01/26/18
Agency:	Division of Administrative Services		

FISCAL NOTE ANALYSIS

**STATE OF ALASKA
2018 LEGISLATIVE SESSION**

BILL NO. HB 263

Analysis

This bill exempts certain water taxi operators from regulation by the Big Game Commercial Services Board in the same way that air taxis are exempted as transportation services for big game hunters, their equipment, or big game animals harvested by hunters if this is an incidental segment of their business operation.

The Alaska Department of Fish and Game (ADF&G) does not regulate transportation services related to big game hunters, their equipment, or harvest. This function is performed by the Big Game Commercial Services Board in the Department of Commerce, Community, and Economic Development. Furthermore, ADF&G does not handle records of the activities of these operators or big game guides. Therefore, this legislation does not have an operational or fiscal impact on ADF&G.

Fiscal Note

State of Alaska
2018 Legislative Session

Bill Version: HB 263
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB263-DCCED-CBPL-01-30-18
Title: TRANSPORTATION SERVICES FOR HUNTERS
Sponsor: KNOPP
Requester: (H) TRANSPORTATION

Department: Department of Commerce, Community and
Economic Development
Appropriation: Corporations, Business and Professional
Licensing
Allocation: Corporations, Business and Professional
Licensing
OMB Component Number: 2360

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2019	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2019 Request	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
OPERATING EXPENDITURES	FY 2019	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2018) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2019) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version/comments:

Updated to correct the identifier.

Prepared By: <u>Janey McCullough, Director</u>	Phone: <u>(907)465-2538</u>
Division: <u>Corporations, Business and Professional Licensing</u>	Date: <u>01/30/2018</u>
Approved By: <u>Catherine Reardon, Director</u>	Date: <u>01/31/18</u>
Agency: <u>Division of Administrative Services, DCCED</u>	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2018 LEGISLATIVE SESSION

BILL NO. HB 263

Analysis

HB263 exempts water vessels and water taxis from the requirement to obtain a transporter license.

The bill amends AS 08.54.790(12) to include water "vessel" and "water taxi operator" as a form of transportation exempt from the definition of transportation services.

The Division of Corporations, Business, and Professional Licensing does not anticipate fiscal impact from this legislation.

Professional licensing programs within the Division of Corporations, Business and Professional Licensing are funded by Receipt Supported Services, fund source 1156 Rcpt Svcs (DGF). Licensing fees for each occupation are set per AS 08.01.065 so the total amount of revenue collected approximately equals the occupation's actual regulatory costs.

Alaska State Legislature

Dear Legislators;

re: HB 263

Please support HB 263.

This bill fixes an oversight when AS 08.54.790 (12) was enacted.

Water taxis were not included probably because there were few, if any, at the time these statutes were enacted.

Water taxis provide simple transportation, nothing else, same as air services, and should be included in this provision.

I'd like to thank Rep Knopp and the sponsors of this bill.

I urge your support of HB 263.

Respectfully,

Mako Haggerty
Mako's Water Taxi
Homer, Alaska



unapologetically **FOR ALASKAN RESIDENTS**

PO Box 60095, Fairbanks, Alaska 99706 (907) 371-7436
email info@residenthuntersofalaska.org web www.residenthuntersofalaska.org

January 27, 2018

To: Representative Gary Knopp

Re: HB 263 – Transportation Services for Hunters

Dear Representative Knopp,

Resident Hunters of Alaska (RHAK) is in full **support** of HB 263 as currently worded to create an exemption for water-taxi operators from the transporter licensing and regulations that fall under Title 8 of the Big Game Commercial Services Board (BGCSB) statutes. This would be the exact same exemption already provided to air-taxis who carry hunters as an incidental part of their business.

I have served for the last two years as a member of the Transporter sub-committee on the BGCSB, representing RHAK. There are some on the sub-committee, including myself, who question the overall transporter requirements for air-taxis and water-taxis.

The FAA licenses and regulates air-taxis, and the Coast Guard licenses and regulates water-taxis. A Part 135 air-taxi that operates under the current exemptions to provide transportation services to big game hunters without holding a transporter license is no more or less qualified, or less safe, than flying with an air-taxi that holds a transporter license. The same would be true for water-taxis with the same exemption.

Currently if you run a water-taxi business without holding a transporter license, if a customer shows up with a rifle and says he wants you to take him across the bay to hunt, that operator cannot legally take him, even if transporting hunters is an incidental part of the overall clientele. There is no valid reason for this requirement to hold a transporter license to accept customers (hunters) who are an incidental part of a transportation service.

RHAK wants all hunters to have access to the field, whether by air or water, by commercially licensed operators regulated by the FAA and Coast Guard. The state should not be involved in telling these operators that they need yet another license and more regulations to transport one certain class of clientele.

These onerous transporter requirements do not apply if an air or water-taxi is transporting fishermen, rafters, backpackers etc; it only applies to hunters. Why? What is the real reason for the transporter requirements under the authority of the board that licenses and regulates big game guides? Why is the state telling businesses regulated and licensed by the FAA and Coast Guard they can't advertise that they transport hunters unless they hold a transporter license? Why is the state telling any business how much they can charge customers in our free-market system?

Any concerns of hunter crowding, hunter conflicts afield, or conservation concerns for wildlife populations are the sole authority of the Board of Game to address.

Thank you,

Mark Richards – Executive Director Resident Hunters of Alaska

From: Dave Lyon
Sent: Friday, January 26, 2018 5:54 PM
To: Rep. Gary Knopp <Rep.Gary.Knopp@akleg.gov>
Subject: HB 263

Representative Knopp,

I am writing to voice my opposition to HB 263 regarding a relaxation of rules applying to water taxis as transporters.

As a water taxi operator on Kachemak Bay (and former licensed transporter) I see no reason for any change in regulation. Currently there are over a dozen water taxis operating on Kachemak Bay, but only a couple are licensed transporters. As a non-transporter, I have no problem referring clients to a licensed transporter when asked to provide that service. Licensed transporters provide valuable information to fish and game regarding hunter activity through their field hunt reports, are prohibited from actively assisting hunters in pursuit of game (i.e. suggesting areas to hunt based on recent sightings) and are legally held to a high standard of ethics being mandated to report any violations. HB 263 would effectively negate these requirements, and allow an unregulated uncontrolled approach to transporting hunters in Kachemak Bay state park.

In regards to this bill "leveling the playing field" I see it as doing anything but. The "playing field" is already level if you abide by current rules. Should I, or any other water taxi operator desire a transporter license we can simply purchase one. This bill would effectively reward those water taxis that have been caught in violation in the past, while penalizing those that have maintained transporter licenses here for years, through a loss of established clientele.

In addition, as a 15 year member of the Homer F&G Advisory Committee, I believe the black bear population in Kachemak Bay state park is in a state of concern. Hunters with their own boats regularly hunt here in the spring, and success has been steadily decreasing over the last several years. Over harvest threatens the stability of our bear population, and if not carefully managed we may soon see regulations akin to those imposed on Prince William Sound, which could limit opportunity for all Alaskans.

The department of fish and game will be doing extensive research on the black bear population in the area of Kachemak Bay State Park and Preserve in the coming season, and at very least I would urge you to hold off on any change to regulation until the study is concluded.

Should HB 263 pass I can assure you the BOG will see a number of proposals seeking to curtail black bear hunting in the park, anything from a reduction in bag limit to a registration hunt.

There are limited numbers of areas suitable for dropping off hunters in the park, and a significant amount of the south shore of Kachemak Bay is privately owned. The possibility of having over a dozen unregulated transporters operating in the bay will not benefit the resource or hunters in general, but only a small percentage of operators putting profit ahead of all else..

Dave Lyon

Owner/operator Ashore Water Taxi

From: Roark Brown
Sent: Monday, January 22, 2018 4:12 PM
To: Jayme Jones <Jayme.Jones@akleg.gov>
Subject: Re: HB 263

Jayme,

Thank you for your prompt response.

Who requested this bill? I think it is inaccurate to say that ADF&G only issued 9 transporter permits in 2017. First of all they are issued by the Big Game Commercial Services Board under DCCED, not ADF&G; second, they are biennial permits so they are only renewed every two years; and third, there are hundreds of transporters permits in use.

With regards to air taxis, you would be hard pressed to find a service that doesn't list hunting transport as a product, is that advertising? What constitutes "incidental"? Vague laws are not good laws. Adding more user groups to vague laws only compounds the problem.

As a water taxi operator I advertise hunting transport as a product, I pay a large license fee along with filing fees per State budgetary requirements, and attest that I have the skill set and insurance needed to perform the task. It is a small part of my business but not "incidental". Should I now have to compete with someone who is not licensed nor files any reports simply because they don't advertise a product? If it is so incidental to their business why do they bother with it? If it is not incidental why don't they get a permit and compete on level ground? What is the point of having some licensed operators that file reports and others that do not? If it doesn't matter then why not eliminate the transporters permit altogether? What is the financial hit to the state by no longer requiring some operators to be licensed? Shouldn't that require a fiscal note and a Finance referral?

I am a minimal regulation conservative that is in lockstep with many of Rep. Knopp's priorities but this is not a good bill. I would appreciate answers to the above questions. Thanks much!

Roark Brown