

CS FOR HOUSE BILL NO. 396(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered: 4/29/24

Referred: Finance

Sponsor(s): HOUSE RESOURCES COMMITTEE

A BILL

FOR AN ACT ENTITLED

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

6 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 *** Section 1.** AS 08.54.600(a) is amended to read:

8 (a) The board shall

9 (1) prepare and grade

10 (A) a qualification examination for a registered guide-outfitter
11 license that requires demonstration that the applicant is qualified generally to
12 provide guided and outfitted hunts and, in particular, possesses knowledge of
13 fishing, hunting, and guiding laws and regulations; and

1 (B) a certification examination for each game management unit
 2 in which the registered guide-outfitter intends to provide big game hunting
 3 services; the examination must require demonstration that the registered guide-
 4 outfitter is qualified to provide guided and outfitted hunts in the game
 5 management unit for which the registered guide-outfitter seeks to be certified
 6 and, in particular, must require demonstration that the registered guide-outfitter
 7 possesses knowledge of the terrain, transportation problems, game, and other
 8 characteristics of the game management unit;

9 (2) authorize the issuance of registered guide-outfitter, master guide-
 10 outfitter, class-A assistant guide, assistant guide, and transporter licenses after the
 11 applicant for the license satisfies the requirements for the license;

12 (3) impose appropriate disciplinary sanctions on a licensee under
 13 AS 08.54.600 - 08.54.790;

14 (4) require an applicant for issuance or renewal of any class of guide
 15 license or of a transporter license to state in a written and signed document whether
 16 the applicant's right to obtain, or exercise the privileges granted by, a hunting, guiding,
 17 outfitting, or transportation services license is revoked or suspended in this state or
 18 another state or in Canada;

19 (5) regularly disseminate information regarding examinations and
 20 other qualifications for all classes of guide licenses to residents of the rural areas of the
 21 state;

22 (6) adopt procedural and substantive regulations required by this
 23 chapter;

24 (7) provide for administration of examinations for registered guide-
 25 outfitters at least twice a year;

26 (8) meet at least twice annually;

27 **(9) coordinate and consult with the Board of Game and the**
 28 **Department of Natural Resources to fulfill the duties of each under AS 16.05.262**
 29 **and AS 38.05.022.**

30 * **Sec. 2.** AS 16.05 is amended by adding a new section to read:

31 **Sec. 16.05.262. Establishment of big game guide concession areas.** (a) The

1 Board of Game shall consider and approve or disapprove a proposal to establish a big
2 game guide concession area that would be administered by the Department of Natural
3 Resources under AS 38.05.022 in a single game management unit or subunit. The
4 board may only establish a big game guide concession area by approving a proposal
5 submitted under this section to do so. A big game guide may conduct a hunt in a
6 concession area established under this section only if the guide holds a big game guide
7 concession area permit issued under AS 38.05.022.

8 (b) A person may submit a proposal to the Board of Game for the
9 establishment of a big game guide concession area. After providing 15 days' public
10 notice, the board may consider the proposal at the board's next regular meeting in the
11 region where the big game guide concession area is proposed.

12 (c) After taking public comment, the Board of Game, in consultation with the
13 Department of Fish and Game, the Department of Natural Resources, and the Big
14 Game Commercial Services Board established under AS 08.54.591, may approve a
15 proposal to establish a big game guide concession area if the board determines that
16 establishing the area

17 (1) supports the conservation and management of the state's land and
18 big game resources;

19 (2) aids in the enforcement of state statutes and regulations relating to
20 guided hunts for big game; and

21 (3) is in the public interest.

22 (d) If the Board of Game approves the establishment of a big game guide
23 concession area under this section, the board shall determine the number of full big
24 game guide concession area permits and limited big game guide concession area
25 permits that the Department of Natural Resources shall make available under
26 AS 38.05.022. To determine the number of full big game guide concession area
27 permits and limited big game guide concession area permits that should be issued for a
28 big game guide concession area and the specific authorizations that should attach to
29 each concession permit authorized for the area, the Board of Game

30 (1) may establish advisory boards composed of representatives of the
31 state departments and boards listed in (c) of this section who are familiar with the area

1 and interested members of the public to assist the board in making the determination;

2 (2) may not

3 (A) combine more than three existing guide use areas into a
4 single big game guide concession area;

5 (B) establish more than one big game guide concession area in
6 a single guide use area.

7 (e) In this section,

8 (1) "full big game guide concession area permit" has the meaning
9 given in AS 38.05.022(i);

10 (2) "game management unit" has the meaning given in AS 08.54.790;

11 (3) "guide use area" has the meaning given in AS 08.54.750(g);

12 (4) "limited big game guide concession area permit" has the meaning
13 given in AS 38.05.022(i).

14 * **Sec. 3.** AS 38.05 is amended by adding a new section to read:

15 **Sec. 38.05.022. Big game guide concession area permit program.** (a) The
16 commissioner shall implement a big game guide concession area permit program to
17 limit the number of individuals authorized to conduct big game guiding on land in the
18 state where the Board of Game has approved the establishment of a big game guide
19 concession area under AS 16.05.262.

20 (b) The commissioner shall administer the big game guide concession area
21 permit program to

22 (1) encourage conservation of the state's land and wildlife resources;

23 (2) provide a superior hunting experience to individuals who retain big
24 game guiding services by limiting the number of guided hunts occurring in the same
25 area;

26 (3) reduce user conflicts between big game guides and between big
27 game guides and other users of land in the state;

28 (4) ensure a responsible, professional, and economically healthy big
29 game guide guiding industry in the state; and

30 (5) incentivize long-term planning and the conservation of natural
31 resources by big game guides.

1 (c) The department shall issue full big game guide concession area and limited
2 big game guide concession area permits for a big game guide concession area
3 established by the Board of Game under AS 16.05.262 in an open, public, and
4 competitive process. The department shall establish permit standards and scoring
5 criteria, but may not provide that a permit be issued based on the highest bid amount.
6 A big game guide may not hold more than three concession permits at a time for state
7 land issued under this subsection and is subject to the requirements of AS 08.54.750.
8 A concession permit issued under this subsection is valid for 10 years from the date
9 issued. A concession permit issued under this subsection may not be extended or
10 renewed without the same open and competitive process provided by the department
11 for the issuance of a concession permit under this subsection.

12 (d) The commissioner, in consultation with the Big Game Commercial
13 Services Board established under AS 08.54.591, the Board of Game, and the
14 Department of Fish and Game, shall adopt regulations necessary to establish and
15 administer the big game guide concession area permit program, including regulations
16 relating to

17 (1) the qualifications for a full big game guide concession area permit
18 or a limited big game guide concession area permit;

19 (2) the process for issuing full big game guide concession area permits
20 and limited big game guide concession area permits and the scope and authorizations
21 provided by each permit;

22 (3) the determination and collection of reasonable concession permit
23 fees; in determining reasonable concession permit fees, the commissioner shall
24 consider the following:

25 (A) fees paid by big game guides holding similar concession
26 permits in other jurisdictions;

27 (B) the number and type of concession permits issued for a big
28 game guide concession area.

29 (e) Subject to the approval of the commissioner, a big game guide who holds a
30 concession permit under this section may, during the term of the permit, transfer the
31 concession permit to another individual qualified under regulations adopted under this

1 section. In approving or disapproving the transfer of a permit, the commissioner shall
2 consider the circumstances of the proposed transfer and whether the transfer will
3 promote the principles listed in (b) of this section.

4 (f) The commissioner, in consultation with the Big Game Commercial
5 Services Board established under AS 08.54.591, the Board of Game, and the
6 Department of Fish and Game, may suspend or revoke a concession permit issued
7 under this section. If a permittee violates the terms of a concession permit issued under
8 this section, the commissioner may suspend or revoke the concession permit after
9 providing the permittee with written notice and an opportunity to be heard.

10 (g) The commissioner shall keep confidential information provided by the Big
11 Game Commercial Services Board under AS 08.54.680 or 08.54.760 and any
12 propriety information, confidential commercial information, or confidential financial
13 information used by the department in the course of approving or denying an
14 application for a big game guide concession area permit offered under this section.

15 (h) The commissioner is responsible for administration and enforcement of
16 this section and may delegate that authority as appropriate. The department may issue
17 a citation for a violation of this section or a regulation adopted under this section.

18 (i) In this section,

19 (1) "concession permit" means a permit granting a big game guide the
20 right to conduct commercial big game hunts on land within a geographic area defined
21 by the department;

22 (2) "full big game guide concession area permit" means a concession
23 permit made available by the department through a competitive process that limits the
24 number of clients that a permit holder may provide big game guided hunts to in the
25 area and limits the species the permit holder may provide guided hunts for in the
26 concession area;

27 (3) "limited big game guide concession area permit" means a
28 concession permit made available by the department through a random draw
29 application process that provides more restrictive limitations than a full big game
30 guide concession area permit on the number of clients that a permit holder may
31 provide big game guided hunts to in the area and limits the species the permit holder

1 may provide guided hunts for in the concession area.

2 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
3 read:

4 INITIAL BIG GAME GUIDE CONCESSION AREA AND PERMIT PROGRAM.

5 (a) Notwithstanding AS 16.05.262, added by sec. 2 of this Act, the Board of Game shall
6 establish the initial big game guide concession area under this section. In establishing the
7 initial concession area under this section, the Board of Game, after taking public comment
8 and in consultation with the Big Game Commercial Services Board established under
9 AS 08.54.591, the Department of Fish and Game, and the Department of Natural Resources,
10 shall identify and select a single game management unit or subunit that the Board of Game
11 determines would benefit most from the establishment of a big game guide concession area
12 permit program under AS 38.05.022, added by sec. 3 of this Act, in consideration of the
13 principles of AS 38.05.022(b), added by sec. 3 of this Act. The Board of Game shall
14 determine the number of full big game guide concession area permits and limited big game
15 guide concession area permits that the Department of Natural Resources shall make available
16 in the initial big game guide concession area established under this section and the specific
17 authorizations that should attach to each concession permit authorized under this subsection
18 for the area using the process provided in AS 16.05.262(d).

19 (b) Notwithstanding the requirement in AS 38.05.022(a) and (c) that the Board of
20 Game approve the establishment of the area under AS 16.05.262, the Department of Natural
21 Resources shall establish and administer a big game guide concession area permit program
22 under AS 38.05.022, added by sec. 3 of this Act, in the game management unit or subunit
23 selected by the Board of Game under (a) of this section.

24 (c) In this section,

25 (1) "concession permit" means a permit granting a big game guide the right to
26 conduct commercial big game hunts on land within the boundaries of the region selected by
27 the Board of Game under (a) of this section;

28 (2) "full big game guide concession area permit" has the meaning given in
29 AS 38.05.022(i);

30 (3) "game management unit" has the meaning given in AS 08.54.790;

31 (4) "limited big game guide concession area permit" has the meaning given in

1 AS 38.05.022(i).

2 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
3 read:

4 TRANSITION. Notwithstanding the effective date for AS 16.05.262 in sec. 6 of this
5 Act, the Board of Game may only accept and consider a proposal to establish a big game
6 guide concession area under AS 16.05.262, added by sec. 2 of this Act, if

7 (1) the Board of Game has established the concession area required under sec.
8 4 of this Act; and

9 (2) the Department of Natural Resources has implemented and administered a
10 big game guide concession area program in the concession area established under sec. 4 of
11 this Act for a period of at least three years, notwithstanding the requirement in
12 AS 38.05.022(a) and (c) that the Board of Game approve the establishment of the area under
13 AS 16.05.262.

14 * **Sec. 6.** This Act takes effect immediately under AS 01.10.070(c)