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Bullard  
3/20/13

**CS FOR HOUSE BILL NO. 158( )**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-EIGHTH LEGISLATURE - FIRST SESSION**

**BY**

**Offered:**

**Referred:**

**Sponsor(s): REPRESENTATIVES COSTELLO, Austerman, Feige, Herron, Millett**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act authorizing the commissioner of natural resources to implement concession**  
2 **programs on state land; providing for the implementation of concession programs for**  
3 **big game guides and persons who provide transportation services and accommodations**  
4 **to big game hunters; and providing for an effective date."**

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

6 **\* Section 1.** AS 38.05.020(b) is amended to read:

7 (b) The commissioner may

8 (1) establish reasonable procedures and adopt reasonable regulations  
9 necessary to carry out this chapter and, whenever necessary, issue directives or orders  
10 to the director to carry out specific functions and duties; regulations adopted by the  
11 commissioner shall be adopted under AS 44.62 (Administrative Procedure Act);  
12 orders by the commissioner classifying land, issued after January 3, 1959, are not  
13 required to be adopted under AS 44.62 (Administrative Procedure Act);

14 (2) enter into agreements considered necessary to carry out the

1 purposes of this chapter, including agreements with federal and state agencies;

2 (3) review any order or action of the director;

3 (4) exercise the powers and do the acts necessary to carry out the  
4 provisions and objectives of this chapter;

5 (5) notwithstanding the provisions of any other section of this chapter,  
6 grant an extension of the time within which payments due on any exploration license,  
7 lease, or sale of state land, minerals, or materials may be made, including payment of  
8 rental and royalties, on a finding that compliance with the requirements is or was  
9 prevented by reason of war, riots, or acts of God;

10 (6) classify tracts for agricultural uses;

11 (7) after consulting with the Board of Agriculture and Conservation  
12 (AS 03.09.010), waive, postpone, or otherwise modify the development requirements  
13 of a contract for the sale of agricultural land if

14 (A) the land is inaccessible by road; or

15 (B) transportation, marketing, and development costs render  
16 the required development uneconomic;

17 (8) reconvey or relinquish land or an interest in land to the federal  
18 government if

19 (A) the land is described in an amended application for an  
20 allotment under 43 U.S.C. 1617; and

21 (B) the reconveyance or relinquishment is

22 (i) for the purposes provided in 43 U.S.C. 1617; and

23 (ii) in the best interests of the state;

24 (9) lead and coordinate all matters relating to the state's review and  
25 authorization of resource development projects;

26 (10) exercise the powers and do the acts necessary to carry out the  
27 provisions and objectives of AS 43.90 that relate to this chapter;

28 **(11) implement commercial concession programs on state land.**

29 \* **Sec. 2.** AS 38.05 is amended by adding new sections to read:

30 **Sec. 38.05.022. Big game guide commercial concession program. (a)**

31 Subject to (b) of this section, the commissioner may implement a big game guide

concession program or otherwise limit the number of individuals authorized to conduct big game commercial guiding on land in the state.

(b) Notwithstanding the commissioner's authority to implement a big game guide concession program under (a) of this section, the commissioner of fish and game shall

(1) determine, based on management objectives and historical data, the number and type of concessions that may be provided in each game management unit under a big game guide concession program implemented under this section; and

(2) review the effects of a big game guide concession program on the state's game resources every five years, beginning January 1 of the year that a program is implemented under (a) of this section.

(c) A big game guide may not hold more than three concession permits at a time under the big game guide concession program established under this section. However, if a big game guide holds a comparable concession permit or comparable concession permits issued by the United States Department of the Interior, Bureau of Land Management, to conduct big game commercial guiding on federal land within the state, the number of concession permits available to the big game guide under this section shall be reduced by the number of federal concession permits held by the big game guide.

(d) In this section,

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

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

**Sec. 38.05.023. Big game transporter concession program.** (a) The commissioner may implement a concession program or otherwise limit the number of individuals who provide transportation services to big game hunters in the field.

(b) In implementing this section, the commissioner may gather relevant information from other state agencies, transporters licensed under AS 08.54, and other persons who provide transportation services to big game hunters.

(c) In this section, "state agency" means a department, office, agency, public

1 corporation, board, commission, authority, or other organizational unit of the  
2 executive branch.

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

5 **CONDITIONAL EFFECT.** (a) AS 38.05.023(a), enacted by sec. 2 of this Act, takes  
6 effect only if the commissioner of natural resources implements a big game guide commercial  
7 concession program under AS 38.05.022, enacted by sec. 2 of this Act.

8 (b) The commissioner of natural resources shall notify the revisor of statutes of the  
9 date of implementation of a big game guide commercial concession program under  
10 AS 38.05.022, enacted by sec. 2 of this Act.

11 \* **Sec. 4.** If AS 38.05.023(a), enacted by sec. 2 of this Act, takes effect under sec. 3 of this  
12 Act, it takes effect one year after the date that the commissioner of natural resources  
13 implements a big game guide commercial concession program under AS 38.05.022, enacted  
14 by sec. 2 of this Act.