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Kane  
4/17/09

**HOUSE CS FOR CS FOR SENATE BILL NO. 177( )**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-SIXTH LEGISLATURE - FIRST SESSION**

**BY**

**Offered:**  
**Referred:**

**Sponsor(s): SENATOR MEYER**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to an exception for professional fishing guide services in the Kenai**  
2 **River Special Management Area; relating to the licensing and regulation of sport fishing**  
3 **operators and sport fishing guides and licensing and registration of sport fishing vessels;**  
4 **and providing for an effective date."**

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

6 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
7 to read:

8 PURPOSE. The purpose of sec. 2 of this Act is to allow employers of professional  
9 fishing guides in the Kenai River Special Management Area to hire a licensed guide who has  
10 not completed the course requirement listed in 11 AAC 20.885(c)(9) if the employer has lost  
11 the services of an employee because of unforeseen circumstances and is unable to hire an  
12 available replacement guide who has completed the course.

13 \* **Sec. 2.** AS 41.21.506(b) is amended to read:

14 (b) The commissioner shall adopt regulations under AS 44.62 (Administrative

1 Procedure Act) that are necessary to achieve the purposes of AS 41.21.500 - 41.21.514  
 2 and to implement the plan adopted under (a) of this section. The regulations must

3 (1) designate incompatible uses and prohibit or restrict them, and

4 (2) establish a registration, licensing, or comparable procedure for  
 5 professional fishing guides and such additional fishing guide controls as the  
 6 commissioner considers necessary; **notwithstanding the requirements established**  
 7 **by the commissioner to implement this paragraph, the commissioner shall**  
 8 **establish a procedure by which the holder of a valid sport fishing operator license**  
 9 **issued under AS 16.40.260 may petition for, and the director of the division of**  
 10 **parks, or the director's designee, shall expeditiously issue, a waiver to allow the**  
 11 **sport fishing operator license holder to use the services in the Kenai River Special**  
 12 **Management Area of a guide licensed under AS 16.40.270 who has not completed**  
 13 **the procedures and additional controls that are required by the department**  
 14 **under this paragraph; the waiver authorized in this paragraph applies only for**  
 15 **the duration of the sport fishing season during which the waiver application is**  
 16 **submitted and only if the sport fishing operator license holder**

17 **(A) employing the licensed guide has lost the services of a**  
 18 **licensed guide because of unforeseen circumstances; and**

19 **(B) is unable to hire as a replacement an available licensed**  
 20 **guide who has satisfied all the requirements of this paragraph, including**  
 21 **those required by regulation.**

22 \* **Sec. 3.** Section 8, ch. 70, SLA 2004, is amended to read:

23 Sec. 8. AS 16.05.340(a)(26); AS 16.40.260, 16.40.270, 16.40.280, 16.40.290,  
 24 16.40.299; AS 25.27.244(s)(2)(A)(xviii), and 25.27.244(s)(2)(A)(xix) are repealed  
 25 January 1, **2011** [2010].

26 \* **Sec. 4.** This Act takes effect immediately under AS 01.10.070(c).