

AMENDMENT

OFFERED IN THE SENATE
TO: CSHB 117(RES)

BY SENATOR WIELECHOWSKI

1 Page 1, line 1, following "Act":

2 Insert "**relating to electronic monitoring of fishing vessels using trawl gear;**"

3

4 Page 1, line 6:

5 Delete "sec. 2"

6 Insert "sec. 4"

7

8 Page 2, following line 1:

9 Insert new bill sections to read:

10 **"* Sec. 2.** AS 16.05.050(a) is amended to read:

11 (a) The commissioner has, but not by way of limitation, the following powers
12 and duties:

13 (1) through the appropriate state agency and under the provisions of
14 AS 36.30 (State Procurement Code), to acquire by gift, purchase, or lease, or other
15 lawful means, land, buildings, water, rights-of-way, or other necessary or proper real
16 or personal property when the acquisition is in the interest of furthering an objective or
17 purpose of the department and the state;

18 (2) under the provisions of AS 36.30, to design and construct
19 hatcheries, pipelines, rearing ponds, fishways, and other projects beneficial for the fish
20 and game resources of the state;

21 (3) to accept money from any person under conditions requiring the
22 use of the money for specific purposes in the furtherance of the protection,
23 rehabilitation, propagation, preservation, or investigation of the fish and game

1 resources of the state or in settlement of claims for damages to fish or game resources;

2 (4) to collect, classify, and disseminate statistics, data and information
3 that, in the commissioner's discretion, will tend to promote the purposes of this title
4 except AS 16.51 and AS 16.52;

5 (5) to take, capture, propagate, transport, buy, sell, or exchange fish or
6 game or eggs for propagating, scientific, public safety, or stocking purposes;

7 (6) under the provisions of AS 36.30, to provide public facilities where
8 necessary or proper to facilitate the taking of fish or game, and to enter into
9 cooperative agreements with any person to effect them;

10 (7) to exercise administrative, budgeting, and fiscal powers;

11 (8) under the provisions of AS 36.30, to construct, operate, supervise,
12 and maintain vessels used by the department;

13 (9) to authorize the holder of an interim-use permit under AS 16.43 to
14 engage on an experimental basis in commercial taking of a fishery resource with
15 vessel, gear, and techniques not presently qualifying for licensing under this chapter in
16 conformity with standards established by the Alaska Commercial Fisheries Entry
17 Commission;

18 (10) not later than January 31 of each year, to provide to the
19 commissioner of revenue the names of those fish and shellfish species that the
20 commissioner of fish and game designates as developing commercial fish species for
21 that calendar year; a fish or shellfish species is a developing commercial fish species
22 if, within a specified geographical region,

23 (A) the optimum yield from the harvest of the species has not
24 been reached;

25 (B) a substantial portion of the allowable harvest of the species
26 has been allocated to fishing vessels of a foreign nation; or

27 (C) a commercial harvest of the fish species has recently
28 developed;

29 (11) to initiate or conduct research necessary or advisable to carry out
30 the purposes of this title except AS 16.51 and AS 16.52;

31 (12) to enter into cooperative agreements with agencies of the federal

1 government, educational institutions, or other agencies or organizations, when in the
2 public interest, to carry out the purposes of this title except AS 16.51 and AS 16.52;

3 (13) to implement an on-board observer program authorized by the
4 Board of Fisheries under AS 16.05.251(a)(13); implementation

5 (A) must be as unintrusive to vessel operations as practicable;

6 and

7 (B) must make scheduling and scope of observers' activities as
8 predictable as practicable;

9 (14) to sell fish caught during commercial fisheries test fishing
10 operations;

11 (15) to establish and charge fees equal to the cost of services provided
12 by the department, including provision of public shooting ranges, broodstock and eggs
13 for private nonprofit hatcheries, department publications, and other direct services, and
14 reasonable fees for the use of state facilities managed by the department; fees
15 established under this paragraph for tours of hatchery facilities, commercial use of
16 sport fishing access sites, and for operation of state hatchery facilities by private
17 aquaculture associations are not subject to the cost limit under AS 37.10.050(a);

18 (16) to permit and regulate aquatic farming in the state in a manner
19 that ensures the protection of the state's fish and game resources and improves the
20 economy, health, and well-being of the citizens of the state;

21 (17) to operate state housing and facilities for employees, contractors,
22 and others in support of the department's responsibilities and to charge rent that is
23 consistent with applicable collective bargaining agreements, or, if no collective
24 bargaining agreement is applicable, competitive with market conditions; rent received
25 from tenants shall be deposited in the general fund;

26 (18) to petition the Alaska Commercial Fisheries Entry Commission,
27 unless the Board of Fisheries disapproves the petition under AS 16.05.251(g), to
28 establish a moratorium on new entrants into commercial fisheries

29 (A) that have experienced recent increases in fishing effort that
30 are beyond a low, sporadic level of effort;

31 (B) that have achieved a level of harvest that may be

1 approaching or exceeding the maximum sustainable level for the fishery; and

2 (C) for which there is insufficient biological and resource
3 management information necessary to promote the conservation and sustained
4 yield management of the fishery;

5 (19) to promote fishing, hunting, and trapping and preserve the
6 heritage of fishing, hunting, and trapping in the state;

7 **(20) to require a vessel registered under AS 16.05.475 to**
8 **participate in an electronic monitoring program for a state commercial trawl**
9 **fishery; however, before implementing an electronic monitoring program in a**
10 **trawl fishery, the commissioner shall determine in writing that**

11 **(A) vessels active in the fishery already have electronic**
12 **monitoring systems onboard because the vessels also participate in a**
13 **federal fishery managed under 50 C.F.R. Part 679 in the Bering Sea,**
14 **Aleutian Islands, or the Gulf of Alaska that requires electronic**
15 **monitoring;**

16 **(B) implementation of an electronic monitoring program in**
17 **the fishery will not require a vessel owner to purchase or install electronic**
18 **monitoring equipment beyond what is already required for the vessel to**
19 **participate in the federally managed fishery; and**

20 **(C) electronic monitoring**

21 **(i) is a practical tool for data gathering or**
22 **enforcement in that fishery;**

23 **(ii) will not unduly disrupt the fishery;**

24 **(iii) can be conducted at a reasonable cost; and**

25 **(iv) can be coordinated with electronic monitoring**
26 **programs of the federal National Marine Fisheries Service and**
27 **other state and federal agencies.**

28 * **Sec. 3.** AS 16.05.050 is amended by adding a new subsection to read:

29 (c) The commissioner may not levy an assessment or other charge on participating
30 commercial fishers to fund the costs of implementing or operating an electronic monitoring
31 program in a fishery under (a)(20) of this section."

1
2 Renumber the following bill sections accordingly.

3
4 Page 3, following line 4:

5 Insert a new bill section to read:

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

8 TRANSITION: REGULATIONS. The Department of Fish and Game may adopt
9 regulations necessary to implement the changes made by secs. 2 and 3 of this Act. The
10 regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the
11 effective date of the law implemented by the regulation."

12
13 Renumber the following bill section accordingly.

14
15 Page 3, line 5:

16 Delete "This Act takes"

17 Insert "Sections 1 and 4 - 7 of this Act take"

18
19 Page 3, following line 5:

20 Insert a new bill section to read:

21 **"* Sec. 9.** Except as provided in sec. 8 of this Act, this Act takes effect January 1, 2027."