

HOUSE BILL NO. 38

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES SEATON, Kreiss-Tomkins, Josephson

Introduced: 1/21/15

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the rapid response to, and control of, aquatic invasive species and
2 establishing the aquatic invasive species response fund."

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

4 * **Section 1.** AS 16.05 is amended by adding a new section to read:

5 **Sec. 16.05.093. Rapid response to, and control of, aquatic invasive species.**

6 (a) The department shall, in cooperation with the Department of Environmental
7 Conservation, the Department of Natural Resources, and other state, federal, public,
8 and private entities, establish a rapid response and management plan for addressing
9 incipient populations of aquatic invasive species. The plan must

10 (1) identify and assess potential responses to the occurrence of an
11 aquatic invasive species that can be carried out quickly; and

12 (2) provide procedures, consistent with applicable state and federal
13 law, for the expedited eradication or control of an aquatic invasive species.

14 (b) Consistent with applicable state and federal law, under the rapid response

1 and management plan established under (a) of this section, the department may use
2 chemical, biological, mechanical, or physical methods, singly or in combination, to
3 control the occurrence of or eradicate an aquatic invasive species.

4 (c) In responding under (b) of this section to the occurrence of an aquatic
5 invasive species, the department may apply for suspension of, or emergency,
6 quarantine, public health, crisis, or other exemptions to, applicable environmental laws
7 and regulations.

8 (d) Rapid response to, and management of, an aquatic invasive species under
9 (b) of this section shall be given priority over activities regulated by the department in
10 the area where an incipient population of an invasive species is being targeted. The
11 commissioner or an authorized designee may summarily open or close a season or area
12 under AS 16.05.060 to aid in responding to the occurrence of an aquatic invasive
13 species under this section.

14 (e) Each state department, agency, and institution shall cooperate with the
15 department in responding under (b) of this section to the occurrence of an aquatic
16 invasive species.

17 (f) The Department of Natural Resources and the department shall include in
18 all relevant leases and permits a provision that the state and the officers and employees
19 of the state shall be held harmless for an act under (b) of this section that affects
20 private property of the lessee or permittee.

21 (g) In responding under (b) of this section to the occurrence of freshwater
22 aquatic invasive species, the department shall respond in a manner determined to
23 cause the least harm to noninvasive fish populations that are used for recreational,
24 personal use, commercial, or subsistence purposes.

25 (h) In responding under (b) of this section to the occurrence of an incipient
26 population of an aquatic invasive species, the department shall provide reasonable
27 notice to affected property owners and shall consider the potential effects of its
28 response measures on private property while selecting the most effective methods to
29 eradicate or control the aquatic invasive species.

30 (i) The aquatic invasive species response fund is
31 established in the general fund. The fund consists of appropriations

1 made to the fund. The purpose of the fund is to pay for responses to
2 aquatic invasive species carried out under (b) of this section. Money
3 appropriated to the fund may be spent for responses made to control the
4 occurrence of or to eradicate an aquatic invasive species under (b) of
5 this section without further appropriation. Money appropriated to the
6 fund does not lapse.

7 (j) In this section, "aquatic invasive species" means northern pike, didemnum
8 tunicate, European green crab, spartina, crayfish, or another organism introduced to a
9 marine or freshwater ecosystem to which it is not native and whose introduction
10 causes, or is likely to cause, economic or environmental harm or harm to human
11 health.