

**HOUSE BILL NO. 264**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVE CHENAULT**

**Introduced: 5/1/01**

**Referred: House Special Committee on Fisheries, Resources, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to commercial fisheries test fishing operations of the Department of**  
2 **Fish and Game."**

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

4 **\* Section 1.** AS 16.05.050(a) is amended to read:

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

7 (1) to assist the United States Fish and Wildlife Service in the  
8 enforcement of federal laws and regulations pertaining to fish and game;

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

14 (3) under the provisions of AS 36.30, to design and construct

1 hatcheries, pipelines, rearing ponds, fishways, and other projects beneficial for the fish  
2 and game resources of the state;

3 (4) to accept money from any person under conditions requiring the  
4 use of the money for specific purposes in the furtherance of the protection,  
5 rehabilitation, propagation, preservation, or investigation of the fish and game  
6 resources of the state or in settlement of claims for damages to fish or game resources;

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

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

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

15 (8) to exercise administrative, budgeting, and fiscal powers;

16 (9) under the provisions of AS 36.30, to construct, operate, supervise,  
17 and maintain vessels used by the department;

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

23 (11) not later than January 31 of each year, to provide to the  
24 commissioner of revenue the names of those fish and shellfish species that the  
25 commissioner of fish and game designates as developing commercial fish species for  
26 that calendar year; a fish or shellfish species is a developing commercial fish species  
27 if, within a specified geographical region,

28 (A) the optimum yield from the harvest of the species has not  
29 been reached;

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

1 (C) a commercial harvest of the fish species has recently  
2 developed;

3 (12) to initiate or conduct research necessary or advisable to carry out  
4 the purposes of this title except AS 16.51 and AS 16.52;

5 (13) to enter into cooperative agreements with agencies of the federal  
6 government, educational institutions, or other agencies or organizations, when in the  
7 public interest, to carry out the purposes of this title except AS 16.51 and AS 16.52;

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

10 (A) must be as unintrusive to vessel operations as practicable;  
11 and

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

14 (15) to sell fish caught during commercial fisheries test fishing  
15 operations; **under this paragraph, the commissioner may only**

16 **(A) retain fish that are killed during test fishing operations**  
17 **or that would not survive if returned to the water as the result of injuries**  
18 **received during test fishing operations; and**

19 **(B) sell fish that are retained by a specific test fishing**  
20 **operation as necessary to recover the costs of that test fishing operation**  
21 **and may not sell fish to generate revenue for the state in excess of the costs**  
22 **of the specific test fishing operation in which the fish were retained;**

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

30 (17) to permit and regulate aquatic farming in the state in a manner  
31 that ensures the protection of the state's fish and game resources and improves the

1 economy, health, and well-being of the citizens of the state;

2 (18) to operate state housing and facilities for employees, contractors,  
3 and others in support of the department's responsibilities and to charge rent that is  
4 consistent with applicable collective bargaining agreements, or, if no collective  
5 bargaining agreement is applicable, competitive with market conditions; rent received  
6 from tenants shall be deposited in the general fund;

7 (19) to petition the Alaska Commercial Fisheries Entry Commission,  
8 unless the Board of Fisheries disapproves the petition under AS 16.05.251(g), to  
9 establish a moratorium on new entrants into commercial fisheries

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

12 (B) that have achieved a level of harvest that may be  
13 approaching or exceeding the maximum sustainable level for the fishery; and

14 (C) for which there is insufficient biological and resource  
15 management information necessary to promote the conservation and sustained  
16 yield management of the fishery.