

CS FOR HOUSE BILL NO. 309(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered: 4/8/04

Referred: Judiciary

Sponsor(s): REPRESENTATIVES WOLF, Rokeberg, Gara, Samuels

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to nonindigenous fish."**

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

3 *** Section 1.** AS 16.35 is amended by adding a new section to read:

4 **Sec. 16.35.210. Nonindigenous fish.** (a) A person may not knowingly
5 transport, possess, import, export, or release into the water of the state live
6 nonindigenous fish or live fertilized eggs of nonindigenous fish, unless the person
7 holds a permit issued by the commissioner or the commissioner's designee to
8 transport, possess, import, export, or release the fish or live fish eggs. This subsection
9 does not apply to

10 (1) a fisherman who catches and releases a fish into the water from
11 which the fish was taken;

12 (2) ornamental fish; or

13 (3) generally accepted conduct in relation to permitted commercial
14 fishing.

15 (b) A person may not knowingly rear live ornamental fish in, or release live

1 ornamental fish into, the water of the state or release fish wastes or wastewater from
2 ornamental fish tanks or other containment systems directly into the water of the state.

3 (c) A person who violates this section is guilty of a class C felony and is
4 punishable as authorized in AS 12.55 except that a fine of not less than \$1,500 shall be
5 imposed.

6 (d) In this section,

7 (1) "knowingly" has the meaning given in AS 11.81.900;

8 (2) "nonindigenous fish" means a species of fish that is not native to
9 the body of water in which the fish is released or is intended to be released;

10 (3) "ornamental fish" means an aquatic finfish, commonly referred to
11 as tropical fish, aquarium fish, or goldfish, an aquatic invertebrate, or an amphibian
12 that is imported, cultured, or sold in the state customarily for viewing in an aquarium
13 or for raising in an artificial containment system and that is not customarily used for
14 sport fishing in the state or used for human consumption;

15 (4) "water of the state" means any water of the state forming a river,
16 stream, lake, pond, slough, creek, bay, sound, estuary, inlet, strait, passage, canal, sea,
17 or ocean, or any other body of water or waterway within the territorial limits of the
18 state.