

CS FOR HOUSE BILL NO. 309(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/22/04

Referred: Rules

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 release, or transport, possess, import, or export for the purpose of release, into the
6 water of the state live nonindigenous fish or live fertilized eggs of nonindigenous fish,
7 unless permitted by AS 16.05 - 16.40 or by a regulation adopted under AS 16.05 -
8 16.40. This subsection does not apply to

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

11 (2) generally accepted conduct in relation to permitted salt water
12 commercial or sport fishing.

13 (b) A person may not knowingly rear live ornamental fish in, or release live
14 ornamental fish into, the water of the state.

15 (c) A person who violates this section is guilty of a class A misdemeanor and

1 is punishable as authorized in AS 12.55 except that a fine of not less than \$5,000 shall
2 be imposed.

3 (d) In this section,

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

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

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

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