

**CS FOR HOUSE BILL NO. 309(JUD) am**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Amended: 4/27/04

Offered: 4/22/04

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

**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.** The uncodified law of the State of Alaska is amended by adding a new section  
4 to read:

5 LEGISLATIVE INTENT. It is the intent of the Alaska State Legislature that

6 (1) this Act does not apply to generally accepted practices associated with the  
7 culture of ornamental fish on private property in small artificial ponds that have no direct  
8 access to the public waters of the state; and

9 (2) the state enforce this Act with due regard for private property.

10 \* **Sec. 2.** AS 16.35 is amended by adding a new section to read:

11 **Sec. 16.35.210. Nonindigenous fish.** (a) A person may not knowingly  
12 release, or transport, possess, import, or export for the purpose of release, into the  
13 water of the state live nonindigenous fish or live fertilized eggs of nonindigenous fish,  
14 unless permitted by AS 16.05 - 16.40 or by a regulation adopted under AS 16.05 -  
15 16.40. This subsection does not apply to

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

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

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

7 (c) A person who violates this section is guilty of a class A misdemeanor.

8 (d) In this section,

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

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

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

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