

**SENATE CS FOR CS FOR HOUSE BILL NO. 309(RES)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered: 5/8/04

Referred: Rules

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 this Act does not apply to the culture of ornamental fish on private property in small artificial  
7 ponds that have no direct access to the public waters of the state and do not cause significant  
8 harm to the continued perpetuation of native, wild, or hatchery stocks of fish.

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

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

15 (1) a fisherman who catches and releases a fish into the water from

1 which the fish was taken; or

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

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

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

7 (d) In addition to the penalty imposed under (c) of this section, a person who  
8 is convicted of violating this section may be ordered by the court to pay restitution to  
9 the state to cover the costs of damages to fishery resources of the state and of  
10 removing the introduced fish species from the water of the state.

11 (e) In this section,

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

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

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

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