

CS FOR HOUSE BILL NO. 38(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered: 4/13/15

Referred: Finance

Sponsor(s): REPRESENTATIVES SEATON, Kreiss-Tomkins, Josephson, Muñoz, Tarr

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the response to, and control of, aquatic invasive species and**
2 **establishing the aquatic invasive species response fund."**

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

4 *** Section 1.** AS 16.05 is amended by adding a new section to read:

5 **Sec. 16.05.093. Response to, and control of, aquatic invasive species.** (a)
6 Consistent with applicable state and federal law, the department may use chemical,
7 biological, mechanical, or physical methods, singly or in combination, to control the
8 occurrence of or eradicate an aquatic invasive species.

9 (b) In responding under (a) of this section to the occurrence of an aquatic
10 invasive species, the department may apply for suspension of, or emergency,
11 quarantine, public health, crisis, or other exemptions to, applicable environmental laws
12 and regulations.

13 (c) Response to, and management of, an aquatic invasive species under (a) of
14 this section shall be given priority over activities regulated by the department in the

1 area where an incipient population of an aquatic invasive species is being targeted.
2 The commissioner or an authorized designee may summarily open or close a season or
3 area under AS 16.05.060 to aid in responding to the occurrence of an aquatic invasive
4 species under this section.

5 (d) Each state department, agency, or other entity shall cooperate with the
6 department response to the occurrence of an aquatic invasive species when the
7 department has jurisdiction, and the department shall cooperate with another state
8 department, agency, or entity responding to the occurrence of an aquatic invasive
9 species when the department, agency, or other entity has jurisdiction.

10 (e) The Department of Natural Resources and the department shall include in
11 all relevant leases and permits a provision that the state and the officers and employees
12 of the state shall be held harmless for an act under (a) of this section that affects
13 private property of the lessee or permittee.

14 (f) In responding under (a) of this section to the occurrence of freshwater
15 aquatic invasive species, the department shall respond in a manner determined to
16 cause the least harm to noninvasive fish populations that are used for recreational,
17 personal use, commercial, or subsistence purposes.

18 (g) In responding under (a) of this section to the occurrence of an incipient
19 population of an aquatic invasive species, the department shall provide reasonable
20 notice to affected property owners and shall consider the potential effects of its
21 response measures on private property while selecting the most effective methods to
22 eradicate or control the aquatic invasive species.

23 (h) The aquatic invasive species response fund is established in the general
24 fund. The fund consists of appropriations made to the fund. The purpose of the fund is
25 to pay for responses to aquatic invasive species carried out under (a) of this section.
26 Money appropriated to the fund may be spent for responses made to control the
27 occurrence of or to eradicate an aquatic invasive species under (a) of this section
28 without further appropriation. Money appropriated to the fund does not lapse.

29 (i) In this section, "aquatic invasive species" means northern pike, didemnum
30 tunicate, European green crab, spartina, crayfish, or another organism introduced to a
31 marine or freshwater ecosystem to which it is not native and whose introduction

1 causes, or is likely to cause, economic or environmental harm or harm to human
2 health.