

SENATE BILL NO. 209

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/26/24

Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to electronic monitoring of fishing vessels; and providing for an**
2 **effective date."**

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

4 *** Section 1.** AS 16.05.050(a) is amended to read:

5 (a) The commissioner has, but not by way of limitation, the following powers
6 and duties:

7 (1) through the appropriate state agency and under the provisions of
8 AS 36.30 (State Procurement Code), to acquire by gift, purchase, or lease, or other
9 lawful means, land, buildings, water, rights-of-way, or other necessary or proper real
10 or personal property when the acquisition is in the interest of furthering an objective or
11 purpose of the department and the state;

12 (2) under the provisions of AS 36.30, to design and construct
13 hatcheries, pipelines, rearing ponds, fishways, and other projects beneficial for the fish
14 and game resources of the state;

1 (3) to accept money from any person under conditions requiring the
2 use of the money for specific purposes in the furtherance of the protection,
3 rehabilitation, propagation, preservation, or investigation of the fish and game
4 resources of the state or in settlement of claims for damages to fish or game resources;

5 (4) to collect, classify, and disseminate statistics, data and information
6 that, in the commissioner's discretion, will tend to promote the purposes of this title
7 except AS 16.51 and AS 16.52;

8 (5) to take, capture, propagate, transport, buy, sell, or exchange fish or
9 game or eggs for propagating, scientific, public safety, or stocking purposes;

10 (6) under the provisions of AS 36.30, to provide public facilities where
11 necessary or proper to facilitate the taking of fish or game, and to enter into
12 cooperative agreements with any person to effect them;

13 (7) to exercise administrative, budgeting, and fiscal powers;

14 (8) under the provisions of AS 36.30, to construct, operate, supervise,
15 and maintain vessels used by the department;

16 (9) to authorize the holder of an interim-use permit under AS 16.43 to
17 engage on an experimental basis in commercial taking of a fishery resource with
18 vessel, gear, and techniques not presently qualifying for licensing under this chapter in
19 conformity with standards established by the Alaska Commercial Fisheries Entry
20 Commission;

21 (10) not later than January 31 of each year, to provide to the
22 commissioner of revenue the names of those fish and shellfish species that the
23 commissioner of fish and game designates as developing commercial fish species for
24 that calendar year; a fish or shellfish species is a developing commercial fish species
25 if, within a specified geographical region,

26 (A) the optimum yield from the harvest of the species has not
27 been reached;

28 (B) a substantial portion of the allowable harvest of the species
29 has been allocated to fishing vessels of a foreign nation; or

30 (C) a commercial harvest of the fish species has recently
31 developed;

1 (11) to initiate or conduct research necessary or advisable to carry out
2 the purposes of this title except AS 16.51 and AS 16.52;

3 (12) to enter into cooperative agreements with agencies of the federal
4 government, educational institutions, or other agencies or organizations, when in the
5 public interest, to carry out the purposes of this title except AS 16.51 and AS 16.52;

6 (13) to implement **electronic monitoring and** [AN] on-board observer
7 **programs** [PROGRAM] authorized by the Board of Fisheries under
8 AS 16.05.251(a)(13); implementation **of an on-board observer program**

9 (A) must be as unintrusive to vessel operations as practicable;
10 and

11 (B) must make scheduling and scope of observers' activities as
12 predictable as practicable;

13 (14) to sell fish caught during commercial fisheries test fishing
14 operations;

15 (15) to establish and charge fees equal to the cost of services provided
16 by the department, including provision of public shooting ranges, broodstock and eggs
17 for private nonprofit hatcheries, department publications, and other direct services, and
18 reasonable fees for the use of state facilities managed by the department; fees
19 established under this paragraph for tours of hatchery facilities, commercial use of
20 sport fishing access sites, and for operation of state hatchery facilities by private
21 aquaculture associations are not subject to the cost limit under AS 37.10.050(a);

22 (16) to permit and regulate aquatic farming in the state in a manner
23 that ensures the protection of the state's fish and game resources and improves the
24 economy, health, and well-being of the citizens of the state;

25 (17) to operate state housing and facilities for employees, contractors,
26 and others in support of the department's responsibilities and to charge rent that is
27 consistent with applicable collective bargaining agreements, or, if no collective
28 bargaining agreement is applicable, competitive with market conditions; rent received
29 from tenants shall be deposited in the general fund;

30 (18) to petition the Alaska Commercial Fisheries Entry Commission,
31 unless the Board of Fisheries disapproves the petition under AS 16.05.251(g), to

1 establish a moratorium on new entrants into commercial fisheries

2 (A) that have experienced recent increases in fishing effort that
3 are beyond a low, sporadic level of effort;

4 (B) that have achieved a level of harvest that may be
5 approaching or exceeding the maximum sustainable level for the fishery; and

6 (C) for which there is insufficient biological and resource
7 management information necessary to promote the conservation and sustained
8 yield management of the fishery;

9 (19) to promote fishing, hunting, and trapping and preserve the
10 heritage of fishing, hunting, and trapping in the state.

11 * **Sec. 2.** AS 16.05.251(a) is amended to read:

12 (a) The Board of Fisheries may adopt regulations it considers advisable in
13 accordance with AS 44.62 (Administrative Procedure Act) for

14 (1) setting apart fish reserve areas, refuges, and sanctuaries in the
15 waters of the state over which it has jurisdiction, subject to the approval of the
16 legislature;

17 (2) establishing open and closed seasons and areas for the taking of
18 fish; if consistent with resource conservation and development goals, the board may
19 adopt regulations establishing restricted seasons and areas necessary for

20 (A) persons 60 years of age and older to participate in sport,
21 personal use, or subsistence fishing; or

22 (B) residents under 18 years of age and nonresidents under 16
23 years of age to participate in sport fishing;

24 (3) setting quotas, bag limits, harvest levels, and sex and size
25 limitations on the taking of fish;

26 (4) establishing the means and methods employed in the pursuit,
27 capture, and transport of fish;

28 (5) establishing marking and identification requirements for means
29 used in pursuit, capture, and transport of fish;

30 (6) classifying as commercial fish, sport fish, guided sport fish,
31 personal use fish, subsistence fish, or predators or other categories essential for

1 regulatory purposes;

2 (7) watershed and habitat improvement, and management,
3 conservation, protection, use, disposal, propagation, and stocking of fish;

4 (8) investigating and determining the extent and effect of disease,
5 predation, and competition among fish in the state, exercising control measures
6 considered necessary to the resources of the state;

7 (9) prohibiting and regulating the live capture, possession, transport, or
8 release of native or exotic fish or their eggs;

9 (10) establishing seasons, areas, quotas, and methods of harvest for
10 aquatic plants;

11 (11) establishing the times and dates during which the issuance of
12 fishing licenses, permits, and registrations and the transfer of permits and registrations
13 between registration areas is allowed; however, this paragraph does not apply to
14 permits issued or transferred under AS 16.43;

15 (12) regulating commercial, sport, guided sport, subsistence, and
16 personal use fishing as needed for the conservation, development, and utilization of
17 fisheries;

18 (13) requiring, in a fishery, **electronic monitoring and** observers on
19 board fishing vessels, as defined in AS 16.05.475(d), that are registered under the laws
20 of the state, as defined in AS 16.05.475(c); **prior to requiring onboard observers,**
21 **the board shall make** [, AFTER MAKING] a written determination that an onboard
22 observer program

23 (A) is the only practical data-gathering or enforcement
24 mechanism for that fishery;

25 (B) will not unduly disrupt the fishery;

26 (C) can be conducted at a reasonable cost; and

27 (D) can be coordinated with observer programs of other
28 agencies, including the National Marine Fisheries Service, North Pacific
29 Fishery Management Council, and the International Pacific Halibut
30 Commission;

31 (14) establishing nonexclusive, exclusive, and superexclusive

1 registration and use areas for regulating commercial fishing;

2 (15) regulating resident or nonresident sport fishermen as needed for
3 the conservation, development, and utilization of fishery resources;

4 (16) requiring unlicensed fishing vessels present in or transiting the
5 waters of the state to report to the department the quantity, species, and origin of fish
6 on board; in this paragraph, "unlicensed fishing vessel" means a fishing vessel that is
7 not licensed under AS 16.05.490 - 16.05.530;

8 (17) promoting fishing and preserving the heritage of fishing in the
9 state.

10 * **Sec. 3.** AS 16.05.940 is amended by adding a new paragraph to read:

11 (39) "electronic monitoring" means the collection and tracking of data
12 on board fishing vessels by means of a system comprised of software and electronic
13 components, including video recorders.

14 * **Sec. 4.** The uncoded law of the State of Alaska is amended by adding a new section to
15 read:

16 TRANSITION: REGULATIONS. The Board of Fisheries and the Department of Fish
17 and Game may proceed to adopt regulations necessary to implement the changes made by this
18 Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not
19 before the effective date of the law implemented by the regulations.

20 * **Sec. 5.** Section 4 of this Act takes effect immediately under AS 01.10.070(c).

21 * **Sec. 6.** Except as provided in sec. 5 of this Act, this Act takes effect January 1, 2025.