

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 143

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SECOND LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the fish and game
7 resources of Alaska; amending Ch. 94, SLA
8 1959; and providing for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 Section 1. Ch. 94, SLA 1959 is amended by adding a new
11 Article III A to read:

12 ARTICLE III A

13 EMERGENCY COMMERCIAL FISHING MEASURES

14 Section 1. STATEMENT OF PURPOSE. The legislature is
15 aware that in many areas of Alaska the entire economy and
16 very existence of communities depend upon the annual salmon
17 run. The legislature is also aware of the fact that in years
18 of poor salmon runs, competitive pressure has resulted in
19 Alaska resident fishermen not being able to make even a
20 minimum catch, such as is necessary for a basic standard of
21 living. Further, there is no alternative means of earning
22 a living for most residents of these areas. While the state
23 is forbidden from creating an economic advantage for its
24 residents under normal circumstances, it is both a practical
25 and moral responsibility of the state to provide for its
26 citizens in situations where economic competition will create
27 community destitution. Therefore, to provide for the welfare
28 of its people in extreme circumstances, the legislature
29 hereby adopts the following emergency measures.

1 N Sec. 2. POWER OF BOARD OF FISH AND GAME TO LIMIT
2 FISHING. a. The board may establish, for each salmon regis-
3 E tration area or district in the state, an optimum number for
4 the total run of salmon found within the registration area
5 W or district.
6 b. Whenever the board determines that the yearly run
7 of salmon in any one registration area or district will be
8 substantially less than the optimum run, and that under
9 anticipated fishing conditions Alaska residents licensed
10 for the area or district will not catch sufficient fish to
11 sustain them for the year, the board may, with the consent
12 of the local advisory board or boards, promulgate regulations
13 temporarily closing the area or district to fishing by all
14 non-residents of Alaska.
15 c. All regulations closing the area or district to
16 non-residents of Alaska shall be promulgated in accordance
17 with the Administrative Procedure Act. All hearings held on
18 regulations closing an area or district shall be held in the
19 M area or district that will be affected. Nothing contained
20 herein shall limit the power of the commissioner, when cir-
21 A cumstances so require and the conditions of this section are
22 otherwise met, to summarily prohibit non-residents from
23 T fishing in the area or district by means of emergency orders
24 which shall have the force of law after field announcement
25 T by the commissioner or his authorized designee.
26 d. If, at any time after the board has closed an area
27 E or district to non-resident fishermen, the board determines
28 that (1) the run is larger than anticipated, such that the
29 R closure is no longer necessary to accomplish the purpose of

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this section; or (2) that the total number of fish taken indicates that on an average basis, each resident fisherman licensed for the area or district has taken at least 1,000 fish, the board may rescind the prohibition, if the rescision would be commensurate with sound conservation policies.

e. Nothing in this section shall affect the powers of the board or department as otherwise expressed in this Act.

Sec. 3. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.