

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.

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N           Sec. 2.   POWER OF BOARD OF FISH AND GAME TO LIMIT  
E           FISHING. a.   The board may establish, for each salmon regis-  
W           tration area or district in the state, an optimum number for  
            the total run of salmon found within the registration area  
            or district.

            b.   Whenever the board determines that the yearly run  
            of salmon in any one registration area or district will be  
            substantially less than the optimum run, and that under  
            anticipated fishing conditions Alaska residents licensed  
            for the area or district will not catch sufficient fish to  
            sustain them for the year, the board may, with the consent  
            of the local advisory board or boards, promulgate regulations  
            temporarily closing the area or district to fishing by all  
            non-residents of Alaska.

            c.   All regulations closing the area or district to  
            non-residents of Alaska shall be promulgated in accordance  
            with the Administrative Procedure Act. All hearings held on  
            regulations closing an area or district shall be held in the  
M           area or district that will be affected. Nothing contained  
            herein shall limit the power of the commissioner, when cir-  
A           cumstances so require and the conditions of this section are  
            otherwise met, to summarily prohibit non-residents from  
T           fishing in the area or district by means of emergency orders  
            which shall have the force of law after field announcement  
T           by the commissioner or his authorized designee.

            d.   If, at any time after the board has closed an area  
E           or district to non-resident fishermen, the board determines  
            that (1) the run is larger than anticipated, such that the  
R           closure is no longer necessary to accomplish the purpose of

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

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

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

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