

Original sponsor: The Rules Committee by  
request of the Governor

Offered: 3/3/77  
Referred: Finance

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 78

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the disposal of surplus fish."

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

8 \* Section 1. AS 16.40 is amended by adding a new section to read:

9 ARTICLE 2. SURPLUS FISH.

10 Sec. 16.40.100. DISPOSAL OF SURPLUS FISH. (a) Fish produced by  
11 an aquaculture facility operated by the state or the federal government  
12 and returning to the vicinity of the facility may be declared surplus by  
13 the commissioner and disposed of in accordance with the procedures set  
14 out in this section if the commissioner determines that:

15 (1) the fish cannot be harvested through a conventional  
16 fishery using all vessels and fishermen lawfully qualified to partici-  
17 pate in it without unacceptable consequences, such as the possibility of  
18 property damage from congestion or the inability to properly control the  
19 harvest level;

20 (2) the fish are reasonably segregated from wild fish so that  
21 any incidental catch of wild fish will be limited and sustained yield  
22 management of wild stocks will not be prejudiced; and

23 (3) harvesting the fish will not preclude satisfying the  
24 operating requirements of the aquaculture facility.

25 (b) Disposal of surplus fish among commercial fishermen shall be  
26 accomplished through one of the following methods:

27 (1) a lottery whereby a workable number of vessels are im-  
28 partially selected from among those currently qualified under applicable  
29 laws and regulations to engage in commercial fishing in the area where

1 the fish are to be harvested; or

2 (2) if a lottery is impractical, a bidding system whereby the  
3 most favorable bid is selected from those submitted after an invitation  
4 to bid is advertised in a newspaper of general circulation, with the  
5 proceeds from the sale deposited in the general fund; bids may be sub-  
6 mitted only by those currently qualified under applicable laws and  
7 regulations to engage in commercial fishing in the area where the fish  
8 are to be harvested.

9 (c) Allocation of surplus fish among sport fishermen or subsis-  
10 tence fishermen, which results in the restriction of the number of par-  
11 ticipants, shall be carried out through a lottery, permit system, or  
12 other impartial method.

13 (d) Allocation of stocks of surplus fish among commercial, sport,  
14 and subsistence fishermen may be based on existing, anticipated, or  
15 desired use patterns, modified by considerations of practicality.

16 (e) The Board of Fisheries may, in conjunction with the harvest of  
17 surplus fish under this section, impose such terms and conditions as it  
18 considers necessary upon the vessels and participants. The Board of  
19 Fisheries may also establish the necessary procedures to carry out this  
20 section. Any person who violates a term, condition, or procedure  
21 authorized by this subsection is guilty of a misdemeanor and upon con-  
22 viction is punishable by a fine of not more than \$10,000, or by im-  
23 prisonment for not more than six months, or by both.

24 (f) Before conducting a surplus fishery, the commissioner shall  
25 obtain the advice of members of the Board of Fisheries if practicable  
26 within the time available to act.

27 (g) Declaration of a surplus fishery by the commissioner shall be  
28 accompanied by a public announcement. After the announcement, the  
29 commissioner may conduct the fishery in accordance with this section

1 notwithstanding regulations of the Board of Fisheries governing con-  
2 ventional fisheries.

3 (h) In carrying out (b) of this section, the Board of Fisheries  
4 may restrict participants to particular gear types if necessary to  
5 implement the purposes of this section.

6 (i) When conditions render impractical the harvesting of surplus  
7 fish through a public fishery, the fish may be harvested by the depart-  
8 ment and distributed to the public or to a charitable organization in a  
9 manner determined by the commissioner.

10 (j) Surplus fish harvested under this section and sold for human  
11 consumption shall be of comparable quality to fish harvested by commer-  
12 cial fisheries in the area, and shall be sold at prices commensurate  
13 with the current market.

14 (k) As used in this section,

15 (1) "aquaculture facility" means any facility which results  
16 in the production of fish by artificial propagation, including hatcher-  
17 ies, gravel incubators, spawning channels, and saltwater pens;

18 (2) "commissioner" means the commissioner of fish and game.

19 \* Sec. 2. AS 16.05.680(3) is amended to read:

20 (3) to purchase fish from an association which is not exempt  
21 under sec. 662 of this chapter or AS 16.10.450.