

1 IN THE SENATE

BY BINKLEY, HENSLEY

2 SENATE BILL NO. 323

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act authorizing the Board of Fisheries to estab-
7 lish noncommercial fishing seasons and areas for
8 children and elderly persons; and providing for an
9 effective date."

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

11 * Section 1. AS 16.05.251(a) is amended to read:

12 (a) The Board of Fisheries may adopt regulations it considers
13 advisable in accordance with the Administrative Procedure Act (AS 44.-
14 62) for

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

18 (2) establishing open and closed seasons and areas for the
19 taking of fish; if consistent with resource conservation goals and
20 necessary to assist children and elderly persons to participate in
21 sport, personal use, and subsistence fishing, the board may adopt
22 regulations establishing restricted seasons and areas for persons 12
23 years of age and younger and 65 years of age and older;

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

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

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

1 (6) classifying as commercial fish, sport fish, personal
2 use fish, subsistence fish, or predators or other categories essential
3 for regulatory purposes;

4 (7) watershed and habitat improvement, and management,
5 conservation, protection, use, disposal, propagation, and stocking of
6 fish;

7 (8) investigating and determining the extent and effect of
8 disease, predation, and competition among fish in the state, exercis-
9 ing control measures considered necessary to the resources of the
10 state;

11 (9) prohibiting and regulating the live capture, posses-
12 sion, transport, or release of native or exotic fish or their eggs;

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

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

20 (12) regulating commercial, sport, subsistence, and personal
21 use fishing as needed for the conservation, development, and utiliza-
22 tion of fisheries;

23 (13) requiring, in a fishery, observers on board fishing
24 vessels, as defined in AS 16.05.475(d), that are registered under the
25 laws of the state, as defined in AS 16.05.475(c), after making a
26 written determination that an on-board observer program

27 (A) is the only practical data-gathering or enforce-
28 ment mechanism for that fishery;

29 (B) will not unduly disrupt the fishery;

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

2 (D) can be coordinated with observer programs of other
3 agencies, including the National Marine Fisheries Service, North
4 Pacific Fishery Management Council, and the International Pacific
5 Halibut Commission;

6 (14) establishing nonexclusive, exclusive, and superexclu-
7 sive registration and use areas for regulating commercial fishing.

8 * Sac. 2. This Act takes effect immediately under AS 01.10.070(c).