

HB

309

Alaska State Legislature

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Representative Kelly Wolf *House District 33*

Sponsor Statement HB 309

Transportation of nonindigenous predatory game fish has become a problem in some parts of Alaska. Currently it is a misdemeanor to transport live game fish in Alaska. By passing this bill Alaska will be able to send a message that bucket biology will not be tolerated in Alaska by unauthorized individuals who for their own desires wish to alter the ecosystems in Alaska.

When a person or group makes their mind up to take management of Alaska's fishery resources in to there own hand's. They put at risk the local economy's and place the burden of the expense of controlling the spread of these nonindigenous predatory fish which costs Alaska hundreds of thousands or even millions dollars for there self interests.

CS FOR HOUSE BILL NO. 309()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES WOLF, Rokeberg, Gara

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to nonindigenous fish."**

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

3 *** Section 1. AS 16.35 is amended by adding a new section to read:**

4 **Sec. 16.35.210. Nonindigenous fish.** (a) A person may not knowingly
5 transport, possess, import, export, or release into the water of the state live
6 nonindigenous fish or live fertilized eggs of nonindigenous fish, unless the person
7 holds a permit issued by the commissioner or the commissioner's designee to
8 transport, possess, import, export, or release the fish or live fish eggs. This subsection
9 does not apply to

10 (1) a fisherman who catches and releases a fish into the water from
11 which the fish was taken;

12 (2) ornamental fish; or

13 (3) generally accepted conduct in relation to permitted commercial
14 fishing.

15 (b) A person may not knowingly rear live ornamental fish in, or release live

1 ornamental fish into, the water of the state or release fish wastes or wastewater from
2 ornamental fish tanks or other containment systems directly into the water of the state.

3 (c) A person who violates this section is guilty of a class C felony and is
4 punishable as authorized in AS 12.55 except that a fine of not less than \$1,500 shall be
5 imposed.

6 (d) In this section,

7 (1) "knowingly" has the meaning given in AS 11.81.900;

8 (2) "nonindigenous fish" means a species of fish that is not native to
9 the body of water in which the fish is released or is intended to be released;

10 (3) "ornamental fish" means an aquatic finfish, commonly referred to
11 as tropical fish, aquarium fish, or goldfish, an aquatic invertebrate, or an amphibian
12 that is imported, cultured, or sold in the state customarily for viewing in an aquarium
13 or for raising in an artificial containment system and that is not customarily used for
14 sport fishing in the state or used for human consumption;

15 (4) "water of the state" means any water of the state forming a river,
16 stream, lake, pond, slough, creek, bay, sound, estuary, inlet, strait, passage, canal, sea,
17 or ocean, or any other body of water or waterway within the territorial limits of the
18 state.

CS FOR HOUSE BILL NO. 309(FSH)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE SPECIAL COMMITTEE ON FISHERIES

Offered:

Referred:

Sponsor(s): REPRESENTATIVES WOLF, Rokeberg, Gara

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to nonindigenous fish."**

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

3 *** Section 1.** AS 16.35 is amended by adding a new section to read:

4 **Sec. 16.35.210. Nonindigenous fish.** (a) A person may not knowingly
5 transport, possess, import, export, or release into the water of the state live
6 nonindigenous fish or live fertilized eggs of nonindigenous fish, unless the person
7 holds a permit issued by the commissioner or the commissioner's designee to
8 transport, possess, import, export, or release the fish or live fish eggs. This subsection
9 does not apply to

10 (1) a fisherman who catches and releases a fish into the water from
11 which the fish was taken;

12 (2) ornamental fish; or

13 (3) generally accepted conduct in relation to permitted commercial
14 saltwater fishing.

15 (b) A person may not knowingly rear live ornamental fish in, or release live

1 ornamental fish into, the water of the state or release fish wastes or wastewater from
2 ornamental fish tanks or other containment systems directly into the water of the state.

3 (c) A person who violates this section is guilty of a class C felony and is
4 punishable as authorized in AS 12.55 except that a fine of not less than \$1,500 shall be
5 imposed.

6 (d) In this section,

7 (1) "knowingly" has the meaning given in AS 11.81.900;

8 (2) "nonindigenous fish" means a species of fish that is not native to
9 the body of water in which the fish is released or is intended to be released;

10 (3) "ornamental fish" means an aquatic finfish, commonly referred to
11 as tropical fish, aquarium fish, or goldfish, an aquatic invertebrate, or an amphibian
12 that is imported, cultured, or sold in the state customarily for viewing in an aquarium
13 or for raising in an artificial containment system and that is not customarily used for
14 sport fishing in the state or used for human consumption;

15 (4) "water of the state" means any water of the state forming a river,
16 stream, lake, pond, slough, creek, bay, sound, estuary, inlet, strait, passage, canal, sea,
17 or ocean, or any other body of water or waterway within the territorial limits of the
18 state.

23-LS1097S
Utermohle
3/12/04

CS FOR HOUSE BILL NO. 309()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES WOLF, Rokeberg, Gara

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to nonindigenous fish."**

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

3 *** Section 1. AS 16.35 is amended by adding a new section to read:**

4 **Sec. 16.35.210. Nonindigenous fish. (a)** A person may not knowingly
5 transport, possess, import, export, or release into the water of the state live
6 nonindigenous fish or live fertilized eggs of nonindigenous fish, unless the person
7 holds a permit issued by the commissioner or the commissioner's designee to
8 transport, possess, import, export, or release the fish or live fish eggs. This subsection
9 does not apply to

10 (1) a fisherman who catches and releases a fish into the water from
11 which the fish was taken; or

12 (2) ornamental fish.

13 (b) A person may not knowingly rear live ornamental fish in, or release live
14 ornamental fish into, the water of the state or release fish wastes or wastewater from
15 ornamental fish tanks or other containment systems directly into the water of the state.

1 (c) A person who violates this section is guilty of a class C felony.

2 (d) In this section,

3 (1) "knowingly" has the meaning given in AS 11.81.900;

4 (2) "nonindigenous fish" means a species of fish that is not native to
5 the body of water in which the fish is released or is intended to be released;

6 (3) "ornamental fish" means an aquatic finfish, commonly referred to
7 as tropical fish, aquarium fish, or goldfish, an aquatic invertebrate, or an amphibian
8 that is imported, cultured, or sold in the state customarily for viewing in an aquarium
9 or for raising in an artificial containment system and that is not customarily used for
10 sport fishing in the state or used for human consumption;

11 (4) "water of the state" means any water of the state forming a river,
12 stream, lake, pond, slough, creek, bay, sound, estuary, inlet, strait, passage, canal, sea,
13 or ocean, or any other body of water or waterway within the territorial limits of the
14 state.

23-LS1097\Q
Utermohle
5/16/03

CS FOR HOUSE BILL NO. 309(FSH)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE SPECIAL COMMITTEE ON FISHERIES

Offered:
Referred:

Sponsor(s): REPRESENTATIVES WOLF, Rokeberg, Gara

A BILL

FOR AN ACT ENTITLED

1 **"An Act prohibiting the release of nonindigenous predatory game fish into public**
2 **water."**

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

4 *** Section 1.** AS 16.35 is amended by adding a new section to read:

5 **Sec. 16.35.210. Release of nonindigenous predatory game fish.** (a) Unless
6 the person possesses a permit issued by the department to transport and release live
7 nonindigenous predatory game fish into a body of fresh public water, a person may not
8 knowingly release, or knowingly transport for release, live nonindigenous predatory
9 game fish into a body of fresh public water. This section does not apply to a
10 fisherman who catches and releases a fish into the water from which the fish was
11 taken. In this subsection,

12 (1) "knowingly" has the meaning given in AS 11.81.900;

13 (2) "predatory game fish" has the meaning adopted by the Board of
14 Fisheries by regulation;

1

(3) "public water" has the meaning given in AS 38.05.965.

2

(b) A person who violates this section is guilty of a class C felony.

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB309CS-DPS-ABWE-3-19-04
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title Act Relating to Non-indigenous Fish Release RDU Alaska State Troopers
 Component Alaska Bureau of Wildlife Enforcement
 Sponsor Rep. Wolf
 Requester (H) Fisheries Component No. 2746

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 Section 1 amends AS 16.35 by adding a new section that makes it illegal to transport, possess, import, export, or release into the water of the state live non-indigenous fish or live fertilized eggs of non-indigenous fish, unless the person holds a permit issued by the commissioner or the commissioner's designee to transport, possess, import, export, or release the fish or live eggs. This section does not apply to catch and release situations or ornamental fish. It does, however, make it illegal to rear live ornamental fish in or release them into the water of the state or to dump ornamental fish wastewater directly into the water of the state.

The bill provides a definition of non-indigenous fish, ornamental fish, and water of the state. Violations of this statute would be a class C felony.

It is not anticipated that the provisions of this bill will have a fiscal impact on the Alaska State Troopers.

Prepared by: Lt. Al Storey Phone 269-4532
 Division: Alaska State Troopers Date/Time 3/19/04 10:29 AM
 Approved by: Commissioner William Tandeske Date 3/19/2004
 Agency: Department of Public Safety

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 309
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Fish and Game
 Title Prohibiting the release of BRU _____
nonindigenous fish Component _____
 Sponsor Representative Wolf Component No. _____
 Requester House Fisheries _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type—Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2003) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Gordy Williams, Legislative Liaison Phone 465-6143
 Division: Commissioner's Office Date/Time 5/15/03 8:30 p.m.
 Approved by: Gordy Williams, Legislative Liaison Date 5/15/2003
 Agency: Commissioner's Office