

SCOMM

131:18

23-LS1097\S
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.

AS 2) conceptual amendments.

Amend 1) after line ^(p. 1) 12.

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

Amend 2) p. 2, ^{line 1.} after class C felony,

"and must pay a fine of
at least \$1,500"

Doug Vincent -
Lang.

S. Fish Division

HS FSH

- 1S adopted.

- DNL (ADFG) 50-50K
- Rhotinore

- Oat: Aub,

(exclude "Commercial")

Amend: ^{primary recipient} ^{commercial} ^{fish} ⁱⁿ ^{the} ^{water}

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

- Object
Salt water (if doesn't
affect
com. fish,
by Rep.)

[ADOPTED]

267-2339

GARRA: Amended

P. 2 line 1, after C felony

"ed must pay a fine
of at least \$1500."

(unless minimum is
provided elsewhere w/
class C)

adopted

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 2005	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 2005 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

(7)

FURTHER REFERRALS: Resources

HB 309

PROHIBIT RELEASE OF PREDATORY FISH

Recommends it be replaced with ☐ HCS or ☐ CS for _____ (_____)
 For Senate Bills with new title: ☐ Technical Title ☐ New Title: HCR_____ ☐ Same Title ☐ New Title

- List of
Abbrev
for
Depts.:*
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
HSS
LEG
LAW
LWF
MVA
DNR
DPS
REV
DOT
UA

[illegible][illegible]

Signing with recommendations		Printed Last Name	DP	DNP	NR	AM
NR TOY		Oga			✓	
U. J. J.		Gare	✓			
John J. Mon		Guttenberg			✓	
Peggy Wilson		Wilson	✓			
Chair: Paul R. Seaton		SEATON	✓			
Chair:						

23-LS1097\S
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 2005	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 2005 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
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CAPITAL EXPENDITURES						
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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
 Division: Commissioner's Office
 Approved by: Gordy Williams, Legislative Liaison
 Agency: Commissioner's Office

Phone 465-6143
 Date/Time 5/15/03 8:30 p.m.
 Date 5/15/2003

Alaska State Legislature

Session:
State Capitol Building, Room 418
Juneau, Alaska 99801-1182
Phone: (907) 465-2993
Fax: (907) 465-3835
Toll Free: 1-800-463-2693



Interim:
145 Main Street Loop Road
Suite 221
Kenai, AK 99611
Phone: (907) 283-2690
Fax: (907) 283-2763

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.

23-LS1097I
Utermohle
5/9/03

CS FOR HOUSE BILL NO. 309()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVES WOLF, Rokeberg, Gara

A BILL

FOR AN ACT ENTITLED

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

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. Release of nonindigenous predatory fish.** (a) Unless the
5 person possesses a permit issued by the department to transport and release live
6 nonindigenous predatory fish into a body of fresh public water, a person may not
7 knowingly release, or knowingly transport for release, live nonindigenous predatory
8 fish into a body of fresh public water. This section does not apply to a fisherman who
9 catches and releases a fish into the water from which the fish was taken. In this
10 subsection, "public water" has the meaning given in AS 38.05.965.

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

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.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

May 13, 2003

SUBJECT: Sectional Summary, CSHB 309(), draft version I, an Act prohibiting the release of nonindigenous predatory fish into public water (Work Order No. 23-LS1097\I)

TO: Representative Kelly Wolf
Attn: Neal DuPerron

FROM: George Utermohle *GU*
Legislative Counsel

You have requested a sectional summary of CSHB 309(), draft version I, an Act prohibiting the release of nonindigenous predatory fish into public water.

As a preliminary matter, note that a sectional summary of a bill is not an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Section 1 of the bill adds a new section to AS 16.35 to prohibit the knowing release, or the transport for release, of a live nonindigenous predatory fish into a body of fresh public water, unless the person has a permit to transport and release the fish from the Department of Fish and Game. This provision does not apply to a fisherman who catches and releases a fish into the water from which the fish was taken. The term "public water" is defined. A person who violates this section is guilty of a class C felony.

GU:med
03-526.med

Sec. 38.05.965. Definitions.

In this chapter, unless the context otherwise requires,

(17) "public water" means navigable water and all other water, whether inland or coastal, fresh or salt, that is reasonably suitable for public use and utility, habitat for fish and wildlife in which there is a public interest, or migration and spawning of fish in which there is a public interest;

Chapter 41 Transportation, Possession and Release of Live Fish; Aquatic Farming

Article 1 Scope of Regulations

Section

1. Application of this chapter.

5 AAC 41.001. Application of this chapter

The provisions of this chapter govern the transportation, possession, or release of live fish transplanted for or cultivated for human consumption or sport fishing purposes, or as part of an aquaculture program for scientific, educational, or propagative purposes, and the transportation and possession of shellfish or aquatic plants for commercial purposes in conjunction with an aquatic farming operation. Unless specifically provided, the provisions of this chapter do not apply to the cultivation of ornamental fish. Additionally, the provisions of this chapter do not apply to the transportation, possession, or release of fish taken for commercial fishing, sport, or subsistence purposes.

Article 2 Permit System Established

5 AAC 41.005. Permit required

(a) No person may transport, possess, export from the state, or release into the waters of the state, any live fish unless the person holds a fish transport permit issued by the commissioner or his authorized designee, and the person is in compliance with all conditions of the permit and the provisions of this chapter. A fish transport permit will be issued for a fixed term subject to the provisions of (c) of this section.

(b) A fish transport permit authorizes only that operation specified in the permit. Any change of species, brood stock, or location requires a new permit. Any other change requires an amendment to the permit.

(c) The commissioner shall suspend the permit, or particular provisions of the permit including amendments, if he finds

(1) on the basis of new information or changed circumstances, that the permitted activity will adversely affect the continued health and perpetuation of native, wild, or hatchery stocks of fish; or

(2) the permittee has failed to comply with permit terms or the provisions of this chapter.

(d) Notwithstanding the expiration, termination or suspension of a fish transport permit, each permittee is responsible for the obligations arising under the terms and conditions of the permit, and under the provisions of this chapter.

New draft
from Rex - this
is ADF & G's
language, Wolf
is happy w/ it

HOUSE BILL NO. 309

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES WOLF, Rokeberg, Gara

Introduced: 5/8/03

Referred: House Special Committee on Fisheries, Resources

A BILL

FOR AN ACT ENTITLED

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

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. Release of nonindigenous predatory fish.** (a) A person may
5 not knowingly transport or release live nonindigenous predatory fish into a body of
6 fresh public water if that species of fish is not indigenous to that body of fresh water,
7 unless the person possesses a permit issued by the department to transport and release
8 the fish. This section does not apply to a fisherman who catches and releases a fish
9 into the water from which the fish was taken. In this subsection, "public water" has
10 the meaning given in AS 38.05.965.

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

DRAFT

HOUSE BILL NO. 309

DRAFT

A BILL

FOR AN ACT ENTITLED

"An act prohibiting the release of nonindigenous fish into public water."

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

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

Sec. 16.35.210. Release of nonindigenous fish.

(a) A person may not knowingly transport, possess, import to the state, export from the state, or release into the waters of Alaska any live nonindigenous fish or fertilized nonindigenous fish eggs unless the person possesses a permit issued by the Commissioner of the Alaska Department of Fish and Game or his authorized designee to transport and release nonindigenous fish or live fish eggs, and the person is in compliance with all conditions of the permit.

(b) Ornamental fish not raised for human consumption or for sport fishing purposes may be imported into the state, but may not be reared in or released into the waters of Alaska. Fish wastes and wastewater from ornamental fish tanks or other containment systems may not be released directly into the waters of Alaska.

(c) This section does not apply to a fisherman who catches and releases a fish back into the water from which the fish was taken.

(d) In this section, fish has the meaning defined in AS 16.05.940 (12)

(e) "waters of Alaska" means the internal waters of the state including rivers, streams, lakes and ponds, the tidal zone of the state from mean higher high water to mean lower low water, and those waters extending three miles seaward as defined in 5 AAC 39.975 (13).

(f) "nonindigenous" means any species of fish, including its eggs, or other life stages, which is not native to the body of water which it was released into, or intended to be released into.

(g) "Ornamental fish" means fish or amphibians commonly known as "tropical fish," "aquarium fish", or "goldfish" that are imported, cultured, or sold in the state customarily for viewing in aquaria or for raising in artificial systems, and not customarily used for sport fishing or human consumption purposes.

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