

CS FOR HOUSE BILL NO. 365(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 4/6/12
Referred: Rules

Sponsor(s): HOUSE RESOURCES COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the rapid response to, and control of, aquatic invasive species."**

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

3 *** Section 1.** AS 16.05 is amended by adding a new section to read:

4 **Sec. 16.05.093. Rapid response to, and control of, aquatic invasive species.**

5 (a) The department shall, in cooperation with the Department of Environmental
6 Conservation, the Department of Natural Resources, and other state, federal, public,
7 and private entities, establish a rapid response and management plan for addressing
8 occurrences of aquatic invasive species. The plan must

9 (1) identify and assess potential responses to the occurrence of an
10 aquatic invasive species that can be carried out quickly; and

11 (2) provide procedures, consistent with applicable state and federal
12 law, for the expedited eradication or control of an aquatic invasive species.

13 (b) Consistent with applicable state and federal law, under the rapid response
14 and management plan established under (a) of this section, the department may use
15 chemical, biological, mechanical, or physical methods, singly or in combination, to

1 control the occurrence of or eradicate an aquatic invasive species.

2 (c) In responding under (b) of this section to the occurrence of an aquatic
3 invasive species, the department may apply for suspension of, or emergency,
4 quarantine, public health, crisis, or other exemptions to, applicable environmental laws
5 and regulations.

6 (d) Rapid response to, and management of, an aquatic invasive species under
7 (b) of this section shall be given priority over activities regulated by the department in
8 that limited or isolated geographic area. The commissioner or an authorized designee
9 may summarily open or close a season or area under AS 16.05.060 to aid in
10 responding to the occurrence of an aquatic invasive species under this section.

11 (e) Each state department, agency, and institution shall cooperate with the
12 department in responding under (b) of this section to the occurrence of an aquatic
13 invasive species.

14 (f) The Department of Natural Resources and the department shall include in
15 mariculture leases and permits a provision that the department shall be held harmless
16 for an act under (b) of this section that affects private property of the lessee or
17 permittee.

18 (g) In responding under (b) of this section to the occurrence of freshwater
19 aquatic invasive species, the department shall respond in a manner determined to
20 cause the least harm to noninvasive fish populations that are used for recreational,
21 personal use, commercial, or subsistence purposes.

22 (h) In this section, "aquatic invasive species" means an organism introduced to
23 a marine or freshwater ecosystem to which it is not native and whose introduction
24 causes, or is likely to cause, economic or environmental harm or harm to human
25 health.