

# LEGAL SERVICES

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## MEMORANDUM

March 11, 2013

**SUBJECT:** Location in statute of proposed bill  
(CSHB 110( ) (Work Order No. 28-LS0360\N))

**TO:** Representative Paul Seaton  
Attn: Louie Flora

**FROM:** Alpheus Bullard   
Legislative Counsel

This memorandum accompanies the committee substitute Louie requested.

This committee substitute moves the statutory prohibition on the use of barbed hooks from AS 16.10 (Fisheries and Fishing Regulations) to AS 16.05 (Fish and Game Code and Definitions).

Louie asked that the penalties for a violation of the section's prohibition on the use of barbed hooks track those provided for the use of more than one hook in waters designated as single-hook waters (see 5 AAC 75.023). The prohibition against the use of more than one hook in single-hook waters is a regulation adopted by the Board of Fisheries under AS 16.05.251. To ensure that the same statutory sanctions that apply to violations of the single-hook regulation adopted by the board apply to this bill's barbed hook prohibition, I moved the bill's contents to AS 16.05.<sup>1</sup>

The related amendments you requested will be forthcoming, and will be drafted to the version of the bill that is enclosed.

If you have questions, please do not hesitate to contact me.

TLAB:ljw  
13-155.ljw

Enclosure

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<sup>1</sup> See AS 16.05.410 (Revocation of license) and AS 16.05.925 (Penalty for violations).

28-LS0360\N  
Bullard  
3/11/13

**CS FOR HOUSE BILL NO. 110( )**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-EIGHTH LEGISLATURE - FIRST SESSION**

**BY**

**Offered:**  
**Referred:**

**Sponsor(s): REPRESENTATIVES SEATON, Gara**

**A BILL**  
**FOR AN ACT ENTITLED**

**"An Act prohibiting the use of barbed hooks in certain freshwater areas."**

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

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

**Sec. 16.05.422. Prohibition on the use of barbed hooks.** (a) A person may not use a barbed hook when participating in a freshwater fishery for a species that may not be retained under a regulation adopted by the Board of Fisheries.

(b) A person may not use a barbed hook when participating in a freshwater fishery in which more than one species is present if there is a significant probability of catching a species that may not be retained under a regulation adopted by the Board of Fisheries.

(c) Whether there is a significant probability of catching a species that may not be retained may be determined by the Board of Fisheries or by emergency order issued by the commissioner under AS 16.05.060.