

HOUSE BILL NO. 130

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES WEYHRAUCH, Harris

Introduced: 2/26/03

Referred: House Special Committee on Fisheries, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the award of damages, costs, and attorney fees in an action against a**
2 **seafood processor under certain state laws that prohibit unfair trade practices,**
3 **monopolies, and restraints of trade; stating legislative intent regarding the**
4 **appropriation and use of money obtained by the state from the operation of this Act;**
5 **amending Rules 54, 58, and 82, Alaska Rules of Civil Procedure; and providing for an**
6 **effective date."**

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

8 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
9 to read:

10 LEGISLATIVE INTENT. It is the intent of the legislature that the money obtained
11 from the operation of the provisions of this Act be appropriated to the Alaska Seafood
12 Marketing Institute to market wild salmon of the state.

13 * **Sec. 2.** AS 45.50 is amended by adding a new section to read:

1 **Sec. 45.50.539. Portion paid to state.** Notwithstanding any other provision
 2 of AS 45.50.471 - 45.50.561, if a person receives an award of damages, costs, or
 3 attorney fees under AS 45.50.471 - 45.50.561 against a seafood processor, the court
 4 shall require that 15 percent or \$40,000,000, whichever is less, of the award be
 5 deposited into the general fund of the state. In this section, "seafood processor" means
 6 a person required to be licensed under AS 43.75.011.

7 * **Sec. 3.** AS 45.50.576 is amended by adding a new subsection to read:

8 (c) Notwithstanding any other provision of this section, if a person receives an
 9 award of damages, costs, or attorney fees under AS 45.50.562 - 45.50.596 against a
 10 seafood processor, the court shall require that 15 percent or \$40,000,000, whichever is
 11 less, of the award be deposited into the general fund of the state. In this section,
 12 "seafood processor" means a person required to be licensed under AS 43.75.011.

13 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
 14 read:

15 INDIRECT COURT RULE CHANGES. AS 45.50.539, enacted by sec. 2 of this Act,
 16 and AS 45.50.576(c), enacted by sec. 3 of this Act, have the effect of amending

17 (1) Rule 54, Alaska Rules of Civil Procedure, by requiring the court to require
 18 that a certain amount of an award of costs be paid to the state and deposited into the general
 19 fund;

20 (2) Rule 58, Alaska Rules of Civil Procedure, by requiring the court to require
 21 that a certain amount of an award of an award of damages be paid to the state and deposited
 22 into the general fund;

23 (3) Rule 82, Alaska Rules of Civil Procedure, by requiring the court to require
 24 that a certain amount of an award of attorney fees be paid to the state and deposited into the
 25 general fund.

26 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
 27 read:

28 APPLICABILITY. This Act applies to an action under AS 45.50.471 - 45.50.561 or
 29 AS 45.50.562 - 45.50.596 filed

30 (1) on or after the effective date of this Act; or

31 (2) before the effective date of this Act, if a final judgment has not been

1 entered in the action before the effective date of this Act.

2 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
3 read:

4 **RETROACTIVITY.** To the extent permitted by the state and federal constitutions,
5 this Act is retroactive to January 1, 2003.

6 * **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to
7 read:

8 **CONDITIONAL EFFECT.** This Act takes effect only if sec. 4 of this Act receives the
9 two-thirds majority vote of each house required by art. IV, sec. 15, Constitution of the State of
10 Alaska.

11 * **Sec. 8.** This Act takes effect immediately under AS 01.10.070(c).