

CS FOR HOUSE BILL NO. 130(FSH)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE SPECIAL COMMITTEE ON FISHERIES

Offered: 4/8/03

Referred: Judiciary, Finance

Sponsor(s): REPRESENTATIVES WEYHRAUCH, Harris

A BILL

FOR AN ACT ENTITLED

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

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

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

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

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

13 **Sec. 45.50.539. Portion paid to state.** Notwithstanding any other provision

1 of AS 45.50.471 - 45.50.561, if a person receives an award of damages under
 2 AS 45.50.471 - 45.50.561 against a seafood processor, the court shall require that 15
 3 percent or \$40,000,000, whichever is less, of the amount of the award that exceeds
 4 actual damages be deposited into the general fund of the state. In this section,

5 (1) "damages" does not include costs or attorney fees;

6 (2) "seafood processor" means a person required to be licensed under
 7 AS 43.75.011.

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

9 (c) Notwithstanding any other provision of this section, if a person receives an
 10 award of damages under AS 45.50.562 - 45.50.596 the court shall require that 15
 11 percent or \$40,000,000, whichever is less, of the amount of the award that exceeds
 12 actual damages be deposited into the general fund of the state. In this section,

13 (1) "damages" does not include costs or attorney fees;

14 (2) "seafood processor" means a person required to be licensed under
 15 AS 43.75.011.

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

18 **INDIRECT COURT RULE CHANGES.** AS 45.50.539, enacted by sec. 2 of
 19 this Act, and AS 45.50.576(c), enacted by sec. 3 of this Act, have the effect of amending Rule
 20 58, Alaska Rules of Civil Procedure, by requiring the court to require that a certain amount of
 21 an award of damages be paid to the state and deposited into the general fund.

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

24 **APPLICABILITY.** This Act applies to an action under AS 45.50.471 - 45.50.561 or
 25 AS 45.50.562 - 45.50.596 filed

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

27 (2) before the effective date of this Act, if a final judgment has not been
 28 entered in the action before the effective date of this Act.

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

31 **CONDITIONAL EFFECT.** This Act takes effect only if sec. 4 of this Act receives the

1 two-thirds majority vote of each house required by art. IV, sec. 15, Constitution of the State of
2 Alaska.

3 * **Sec. 7.** This Act takes effect immediately under AS 01.10.070(c).