

1 IN THE BY THE RESOURCES COMMITTEE  
BY REQUEST OF THE GOVERNOR

2 COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 132

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act prohibiting the operating of fish  
7 traps within the State of Alaska; amending  
8 Chapter 17, SLA 1959; prescribing penalties;  
9 and providing an effective date."

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

11 Section 1. It shall be unlawful to operate fish traps,  
12 including but not limited to floating, pile-driven or hand-driven  
13 fish traps, in the State of Alaska on or over any of its lands,  
14 tidelands, submerged lands, or waters; provided nothing in this  
15 section shall prevent the operation of small hand-driven fish  
16 traps of the type ordinarily used on rivers of Alaska which are  
17 otherwise legally operated in or above the mouth of any stream or  
18 river in Alaska; nor shall this Act be construed so as to violate  
19 Sec. 4 of Public Law 85-508, 72 Stat. 339, which constitutes a  
20 compact between the United States and Alaska, pursuant to which  
21 the State disclaims all right and title to any lands or other  
22 property (including fishing rights), the right or title to which  
23 may be held by any Indians, Eskimos, or Aleuts (hereinafter  
24 called Natives) or is held by the United States in trust for said  
25 Natives.

26 Sec. 2. Section 1 of Chapter 17, SLA 1959, is hereby amended  
27 to read as follows:

28 Section 1. It shall be unlawful to erect, moor, or  
29 maintain fish traps, including but not limited to floating,

1 pile-driven or hand-driven fish traps, on or over any lands  
2 [OR] , tidelands, submerged lands or waters owned or here-  
3 after acquired by the State of Alaska. Nothing in this  
4 section shall prevent the maintenance, use or operation of  
5 small, hand-driven fish traps of the type ordinarily used  
6 on rivers of Alaska which are otherwise legally maintained  
7 and operated in or above the mouth of any stream or river  
8 in Alaska.

9 Sec. 3. Sec. 2 of Chapter 17, SLA 1959, is hereby repealed.

10 Sec. 4. Sec. 3 of Chapter 17, SLA 1959, is hereby amended  
11 to read as follows:

12 Sec. 3. A violation of this Act shall be a misdemeanor  
13 and shall be punishable by imprisonment not to exceed one  
14 year [SIX MONTHS] or by fine not to exceed \$5,000.00  
15 [\$1,000.00] or by both such imprisonment and fine [FINE AND  
16 IMPRISONMENT].

17 Sec. 5. A violation of this Act shall be a misdemeanor and  
18 shall be punishable by imprisonment not to exceed one year, or  
19 by a fine not to exceed \$5,000.00, or by both such imprisonment  
20 and fine.

21 Sec. 6. This Act shall take effect immediately upon its  
22 passage and approval or upon its becoming law without such  
23 approval.