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IN THE

BY THE RESOURCES COMMITTEE  
BY REQUEST OF THE GOVERNOR

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 132

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIRST LEGISLATURE - FIRST SESSION

A BILL

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

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

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

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

Section 1. It shall be unlawful to erect, moor, or 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 Sec. 2 of Chapter 17, SLA 1959, is hereby repealed.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.

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