

Offered: 3/31/89
Referred: Judiciary

6-0861H

Original sponsors: Foster, Jacko,
Goll, et al.

1 IN THE HOUSE BY THE RESOURCES COMMITTEE
2 CS FOR HOUSE BILL NO. 201 (Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to additional penalties for viola-
7 tion of commercial fishing laws and for theft of
8 commercial fishing gear."

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

10 * Section 1. AS 16.05.710(a) is repealed and reenacted to read:

11 (a) Upon a person's first or second conviction for violating a
12 federal or state commercial fishing law, the court may, in addition to
13 other penalties imposed by law, suspend any or all of the person's
14 commercial fishing privileges and licenses for a period of not more
15 than one year. Upon the person's third or subsequent conviction for
16 violating a federal or state commercial fishing law, the court shall,
17 in addition to other penalties imposed by law, suspend any or all of
18 the person's commercial fishing privileges and licenses for a period
19 of not more than three years.

20 * Sec. 2. AS 16.05.710(b) is amended to read:

21 (b) Upon a first conviction of a person for a violation of
22 AS 11.46.120 - 11.46.130 in which the property is commercial fishing
23 gear as defined in AS 16.43.990, the court shall, in addition to the
24 penalty imposed by law, suspend any or all [ORDER A SUSPENSION] of the
25 person's commercial fishing privileges and licenses for one year.
26 Upon a second or subsequent conviction, the court shall, in addition
27 to the penalty imposed by law, suspend any or all [ORDER A SUSPENSION]
28 of the person's commercial fishing privileges and licenses for two
29 years.

1 * Sec. 3. AS 16.05.710(c) is amended to read:

2 (c) If proceedings in which commercial fishing privileges or
3 licenses may be suspended under this section are pending against a
4 limited entry permit holder, the permit holder's limited entry permit
5 may not be permanently transferred, unless allowed by order of the
6 court in which the proceedings are pending, and a permanent transfer
7 of the permit, unless allowed by order of the court, is void. During
8 the period for which a limited entry permit or the permit holder's
9 right to obtain a limited entry permit or to engage in an activity for
10 which a limited entry permit is required is suspended under [(a) OF]
11 this section, a permit card may not be issued to the permit holder and
12 the permit holder's permit may not be transferred or sold.

13 * Sec. 4. AS 16.05.710(d) is repealed and reenacted to read:

14 (d) In this section

15 (1) "commercial fishing license" means a limited entry
16 permit or a crew member license;

17 (2) "commercial fishing privilege" means the privilege of
18 participating in an activity for which a commercial fishing license is
19 required and the privilege of obtaining a commercial fishing license;

20 (3) "commercial fishing law" means a statute or regulation
21 that regulates the conduct of a person engaged in commercial fishing
22 activities by establishing requirements relating to fishing licenses
23 and permits; catch records and reports; size, nature, or use of fish-
24 ing vessels, sites, and gear; time, place, or manner of taking fishery
25 resources; possession, transportation, sale, barter, or waste of
26 fishery resources; or other aspects of commercial fishing;

27 (4) "limited entry permit" means an entry permit or an
28 interim use permit issued under AS 16.43.

29 * Sec. 5. AS 16.43.170 is amended by adding a new subsection to read:

1 (f) The permanent transfer of an entry permit is void if pro-
2 ceedings in which commercial fishing privileges and licenses may be
3 suspended under AS 16.05.710 are pending against the permit holder at
4 the time of transfer unless the transfer of the entry permit is al-
5 lowed by order of the court in which the proceedings are pending.