

Offered: 5/8/89

6-0861M

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

1 IN THE HOUSE BY THE RULES COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 201 (Rules)

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; and providing for an effec-  
9 tive date."

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

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 AS 16.05.710(a) is repealed and reenacted to read:

12 (a) Upon the conviction of a person for a misdemeanor or felony  
13 violation of a commercial fishing law of this state, the court, in  
14 addition to other penalties imposed by law

15 (1) may suspend one or more of the person's commercial  
16 fishing privileges and licenses for a period of not more than one  
17 year, if the conviction is the person's first or second misdemeanor or  
18 felony conviction within a 10-year period for violating a commercial  
19 fishing law of this state or another jurisdiction; or

20 (2) shall suspend one or more of the person's commercial  
21 fishing privileges and licenses for a period of not more than three  
22 years, if the conviction is the person's third or subsequent misde-  
23 meanor or felony conviction within a 10-year period for violating a  
24 commercial fishing law of this state or another jurisdiction.

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

26 (b) Upon a first conviction of a person for a violation of  
27 AS 11.46.120 - 11.46.130 in which the property is commercial fishing  
28 gear as defined in AS 16.43.990, the court shall, in addition to the  
29 penalty imposed by law, suspend one or more [ORDER A SUSPENSION] of

1 the person's commercial fishing privileges and licenses for one year.  
2 Upon a second or subsequent conviction for a violation of AS 11.46.-  
3 120 - 11.46.130 or a similar law of another jurisdiction in which the  
4 property is commercial fishing gear as defined in AS 16.43.990, the  
5 court shall, in addition to the penalty imposed by law, suspend one or  
6 more [ORDER A SUSPENSION] of the person's commercial fishing privilege  
7 and licenses for two years.

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

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

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

21 (d) In this section  
22 (1) "commercial fishing license" means a limited entry  
23 permit or a crew member license;  
24 (2) "commercial fishing privilege" means the privilege of  
25 participating in an activity for which a commercial fishing license is  
26 required and the privilege of obtaining a commercial fishing license;  
27 (3) "commercial fishing law" means a statute or regulation  
28 that regulates the conduct of a person engaged in commercial fishing  
29 activities by establishing requirements relating to fishing licenses

1 and permits; catch records and reports; size, nature, or use of fish-  
2 ing vessels, sites, and gear; time, place, or manner of taking fishery  
3 resources; possession, transportation, sale, barter, or waste of  
4 fishery resources; or other aspects of commercial fishing;

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

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

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

13 \* Sec. 6. The provisions of this Act are applicable to cases involving  
14 a commercial fishing violation or theft of commercial fishing gear that  
15 occurs on or after the effective date of this Act.

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