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SENATE COMMITTEE REPORT

FURTHER

4/22/89

DATE TURNED INTO OFFICE

5/5/89

Mr. President:

Finance

Committee considered

SB 164

additional penalties for violation of commercial fishing laws and forfeiture of limited entry permits and to transfer of limited entry permits to avoid forfeiture; efd

and recommended

- replace with _____ CS _____) same title
- or adopt _____ CS SB 164 (RS)) new title
- attached amendment(s) and technical title change (HB only)
- _____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

FISCAL NOTE(S) zero fiscal impact appropriation no FN
 new updated previous DFUC DELED
 same as previous fiscal note(s) published _____

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

1 rule 1 clause

[Signature]
[Signature]
[Signature]
[Signature]

Chair: signature and recommendation

Committee Backup attached

[Signature] **DO PASS**
 G-CHAIR

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: Penalties for Violation of
Commercial Fishery Laws
 Sponsor: Zharoff
 Requestor: _____
 Agency Affected: Fish and Game
 BRU: Commercial Fisheries
 Components: Commercial Fisheries
Special Projects

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL						
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Robert C. Clasby Phone: 465-4210
 Division: Commercial Fisheries Date: 2/13/89
 Approved by Commissioner: William H. Diller Date: 2/14/89
 Agency: Fish and Game

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

FISCAL NOTE

REQUEST:

Revision Date: 2/8/89 Agency Affected: Commerce & Econ. Dev.
 Title: An Act relating to additional penalties for violation of commercial fishing laws BR: Investments
 Sponsor: Zharoff Components: _____
 Requestor: Resources

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: - (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Martin J. Richard, Director Phone: 465-2510
 Division: Investments Date: 2/10/89

Approved by Commissioner: Larry Mercurieff Date: 2/10/89
 Agency: Department of Commerce & Economic Development

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Original sponsor: Zharoff

1 IN THE SENATE BY THE RESOURCES COMMITTEE
2 CS FOR SENATE BILL NO. 164 (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 and to transfer of limited
9 entry permits; and providing for an effective date."
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
11 * Section 1. AS 16.05.710(b) is amended to read:
12 (b) Upon a first conviction of a person for a violation of
13 AS 11.46.120 - 11.46.130 in which the property is commercial fishing
14 gear as defined in AS 16.43.990, the court shall, in addition to the
15 penalty imposed by law, suspend all [ORDER A SUSPENSION] of the per-
16 son's commercial fishing privileges for one year. Upon a second or
17 subsequent conviction, the court shall, in addition to the penalty
18 imposed by law, suspend all [ORDER A SUSPENSION] of the person's
19 commercial fishing privileges for two years.
20 * Sec. 2. AS 16.05.710(c) is amended to read:
21 (c) If proceedings in which a limited entry permit may be sus-
22 pending under this section are pending against a person, the permit may
23 not be permanently transferred, except upon the order of the court in
24 which the proceedings are pending, and a permanent transfer of the
25 permit, except upon the order of the court, is void. During the
26 period for which a person's limited entry permit or a person's privi-
27 lege to obtain a limited entry permit is suspended under [(a) OF] this
28 section, a permit card may not be issued to the person and the per-
29 son's permit may not be transferred or sold.

1 * Sec. 3. AS 16.05.710(d) is repealed and reenacted to read:

2 (d) In this section

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

5 (2) "commercial fishing privilege" means the privilege of
6 participating in an activity for which a commercial fishing license is
7 required and the privilege of obtaining and holding a commercial
8 fishing license;

9 (3) "commercial fishing statute or regulation" means a
10 statute or regulation that regulates the conduct of a person engaged
11 in commercial fishing activities by establishing requirements relat-
12 ing to fishing licenses and permits; catch records and reports; size,
13 nature, or use of fishing vessels, sites, and gear; time, place, or
14 manner of taking fishery resources; possession, transportation, sale,
15 barter, or waste of fishery resources; or other aspects of commercial
16 fishing;

17 (4) "limited entry permit" means an entry permit or an
18 interim-use permit issued under AS 16.43.

19 * Sec. 4. AS 16.10.337 is amended by adding a new subsection to read:

20 (e) The department may not sell an entry permit under this
21 section to a person whose privilege to obtain or hold an entry permit
22 is suspended under AS 16.05.710.

23 * Sec. 5. AS 16.43.140 is amended by adding a new subsection to read:

24 (d) A person may not hold an interim-use or entry permit issued
25 or transferred under this chapter or transferred under AS 16.10.337 or
26 AS 44.81.250 or 44.81.252, if the person is subject to a current order
27 under AS 16.05.710 suspending the person's privilege to obtain or hold
28 an interim-use or entry permit.

29 * Sec. 6. 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 the entry permit may be suspended under AS 16.05.710
3 are pending against the permit holder at the time of transfer unless
4 the transfer of the entry permit is ordered by the court in which the
5 proceedings are pending.

6 * Sec. 7. The provisions of this Act are applicable to cases involving
7 a commercial fishing violation or theft of commercial fishing gear that
8 occurs on or after the effective date of this Act.

9 * Sec. 8. This Act takes effect immediately under AS 01.10.070(c).