



LAWS OF ALASKA

2003

Source

SCS CSHB 118(L&C)

Chapter No.

AN ACT

Relating to the transportation and sale of certain commercially caught fish by an agent of a commercial fishing permit holder and to the sale of fish; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

AN ACT

1 Relating to the transportation and sale of certain commercially caught fish by an agent of a
2 commercial fishing permit holder and to the sale of fish; and providing for an effective date.

3

4 * **Section 1.** AS 16.05 is amended by adding a new section to read:

5 **Sec. 16.05.671. Transportation and sale of certain fish by an agent of the**
6 **fisherman who caught the fish.** (a) A person may transport and sell commercially
7 taken fish as the agent of the commercial fisherman who caught the fish if the person
8 holds a fish transporter permit issued by the commissioner under this section.

9 (b) The commissioner may issue a fish transporter permit to a natural person.
10 A fish transporter permit authorizes the permittee to transport and sell commercially
11 taken fish as the agent of the commercial fisherman who caught the fish. A fish
12 transporter may not buy or process fish received for transport unless the fish
13 transporter also holds the appropriate licenses, permits, and other authorizations

1 required to buy or process fish.

2 (c) A person who applies for a fish transporter permit under this section shall
3 provide the person's social security number to the department. Upon request of the
4 child support enforcement agency created in AS 25.27.010, or a child support agency
5 of another state, the department shall provide a social security number provided by an
6 applicant for a fish transporter permit under this section to that agency for child
7 support purposes authorized under law.

8 (d) A commercial fisherman may authorize a fish transporter to transport and
9 sell fish on behalf of the fisherman as the agent of the fisherman. The fish transporter
10 shall complete a fish ticket in accordance with procedures prescribed by the
11 department for each fisherman who transfers fish to the fish transporter. The fish
12 ticket must accompany the fish transferred to the fish transporter while the fish are in
13 possession of the fish transporter. The fish transporter shall present the fish ticket for
14 inspection upon request by a peace officer or representative of the commissioner. The
15 fish transporter shall present the fish ticket to the buyer of the fish at the time of sale.
16 The buyer of the fish shall complete the fish ticket by inserting the buyer's information
17 as required by the department, including the weight or count of fish purchased. The
18 buyer shall return a copy of the fish ticket to the commercial fisherman on whose
19 behalf the fish are sold.

20 (e) A commercial fisherman who transfers fish to a fish transporter to
21 transport and sell fish on behalf of the fisherman shall provide the fish transporter with
22 all required information that the fisherman would have to provide to the buyer of the
23 fish if the fisherman were to personally sell the fish to the buyer. The fish transporter
24 who sells fish as the agent of a commercial fisherman shall provide all information to
25 the buyer of the fish that the commercial fisherman would have to provide to the buyer
26 if the fisherman were to personally sell the fish.

27 (f) A commercial fisherman may also hold a fish transporter permit. A
28 commercial fisherman who holds a fish transporter permit may simultaneously
29 transport or sell fish that the fisherman caught as well as fish caught by other
30 commercial fishermen. A commercial fisherman who is simultaneously operating as a
31 fish transporter shall physically possess

(1) the fish ticket completed under (d) of this section for the fish being transported or sold on behalf of another fisherman; and

(2) other documentation that may be prescribed by the commissioner by regulation.

(g) The commissioner may adopt regulations the commissioner considers necessary to implement this section. The regulations may not conflict with regulations or management plans adopted by the Board of Fisheries. The regulations may include

(1) criteria for determining areas or fisheries for which transporter permits may not be issued because

(A) fish transporter operations may alter harvest rates for the area or fishery to the extent that conservation of the resource is jeopardized, may significantly impair the ability of the department to accurately determine catch or effort levels, or may interfere with fishery management, allocation, or enforcement matters;

(B) a fishery is managed through allocations of the harvest to individuals, such as trip limits or quota shares; or

(C) combining of catches by multiple fishermen on a vessel may impair the ability of the department to accurately determine the incidental catch by each fisherman;

(2) requirements for timely and accurate reporting and record keeping;

or

(3) procedures to maintain quality of harvested resources.

(h) Fish transferred to the possession of a fish transporter under the authority of this section are property of the fisherman who caught the fish until the fish are sold to a buyer by the fish transporter on behalf of the fisherman.

(i) In this section, "fish" means fish legally harvested and retained in salmon, herring, or Pacific cod fisheries.

* **Sec. 2.** AS 16.05.675(a) is amended to read:

(a) A person who does not hold a limited entry permit or interim-use permit issued under AS 16.43 **or a fish transporter permit issued under AS 16.05.671** may not deliver or land fish in the state unless the person

(1) holds a valid federal permit to operate commercial fishing gear in the fishery conservation zone; and

(2) has been issued a landing permit by the Alaska Commercial Fisheries Entry Commission.

* Sec. 3. AS 16.05.680 is amended to read:

Sec. 16.05.680. Unlawful practices. (a) It is unlawful for a person, or an agent or representative of the person,

(1) to employ, in the harvesting, transporting, or purchasing of fish, a fisherman who neither is licensed under AS 16.05.480 nor is the holder of a permit issued under AS 16.43; [,]

(2) to purchase fish from a person [FISHERMAN] who [NEITHER]
is **not**

(A) the holder of a limited entry, interim-use, or landing permit issued under AS 16.43;

(B) a fish transporter who is selling the fish as the agent of the holder of a limited entry, interim-use, or landing permit issued under AS 16.43; or

(C) [, NOR IS] exempt under AS 16.05.660; [,] or

(3) to purchase fish from an association other than one to which a permit has been issued under AS 16.05.662.

(b) A person may not sell salmon that was not harvested under the authority of the entry permit, interim-use permit, or landing permit under which the salmon is sold.

For purposes of this subsection, salmon sold by a fish transporter on behalf of the commercial fisherman who harvested the salmon is salmon harvested under the authority of the limited entry, interim-use, or landing permit under which the salmon is sold.

* Sec. 4. AS 16.05.940 is amended by adding a new paragraph to read:

(37) "fish transporter" means a natural person who holds a fish transporter permit issued under AS 16.05.671.

* **Sec. 5.** AS 16.10.265(a) is amended to read:

(a) An individual may not, while acting as a fish processor or primary fish

buyer, or as an agent, director, officer, member, or employee of a fish processor, of a primary fish buyer, or of a cooperative corporation organized under AS 10.15, intentionally or knowingly make an original purchase of fish from a seller who [, IN VIOLATION OF AS 16.43,] does not hold

(1) a landing permit, an entry permit, or an interim-use permit; or
(2) a fish transporter permit under AS 16.05.671.

* **Sec. 6.** AS 16.10.267(b) is amended to read:

(b) If requested by the purchaser of the fish or by a peace officer, the fisherman **or fish transporter** shall present for inspection the identification card, entry permit, interim-use permit, **fish transporter permit**, or other document required to be in the fisherman's **or the fish transporter's** possession under (a) **or (e)** of this section.

* Sec. 7. AS 16.10.267(c) is amended to read:

(c) Examples of a suitable identification card required under (a)(2) **and** (e)(2) of this section are a motor vehicle operator's license issued under AS 28.15.111 and an identification card issued under AS 18.65.310.

* **Sec. 8.** AS 16.10.267 is amended by adding a new subsection to read:

(e) When a fish transporter sells fish as the agent of the commercial fisherman who caught the fish, the fish transporter shall possess

(1) a fish transporter permit and the fish ticket completed by the fish transporter under AS 16.05.671(d); and

(2) an identification card that has been issued to the fish transporter by a state or federal agency or other organization designated by the Department of Public Safety and that bears a photograph of the fish transporter.

* **Sec. 9.** AS 25.27.244(s)(2)(A) is amended by adding a new sub-subparagraph to read:

(xvii) fish transporter permit under AS 16.05.671;

* **Sec. 10.** This Act takes effect immediately under AS 01.10.070(c).