

SENATE BILL NO. 3

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY SENATORS DUNCAN, Zharoff, Hoffman, Taylor, Halford, Lincoln, Pearce, Donley, Salo, Leman

REPRESENTATIVES Ivan, Grussendorf, Kubina, Robinson, Williams

Introduced: 1/16/95

Referred: RES, JUD

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to an antitrust exemption for persons engaged in the fishing
2 industry."

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

4 * **Section 1.** AS 45.50.572(c) is repealed and reenacted to read:

5 (c) AS 45.50.562 - 45.50.596 do not forbid persons engaged in the fishing
6 industry as fishermen who catch, collect, or cultivate aquatic products from acting
7 together in associations for the purpose of collectively catching, producing, preparing
8 for market, processing, handling, and marketing their product. Associations may have
9 marketing agencies in common and may make contracts and agreements necessary to
10 achieve the purposes of this subsection. In this subsection, "association" means an
11 association, corporate or otherwise, with or without capital stock, that

12 (1) is operated for the mutual benefit of its members;

13 (2) does not deal in the aquatic products of nonmembers to an amount
14 greater in value than the association handles for its members; and

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(3) either

(A) does not allow a member of the association more than one vote because of the amount of stock or membership capital the member may own in the association; or

(B) does not pay dividends on stock or membership capital in excess of eight percent a year.

* **Sec. 2.** AS 45.50.572 is amended by adding a new subsection to read:

(j) AS 45.50.562 - 45.50.596 do not forbid persons engaged in the fishing industry as fishermen, including fishermen acting through associations allowed under (c) of this section, from collectively agreeing with fish processors, including fish processors acting through associations of processors, on the (1) price paid to the fishermen for aquatic products; and (2) minimum price that fish processors will accept for the sale of processed aquatic products. Nothing in this subsection allows fish processors to agree among themselves on the price paid to fishermen or the minimum price that fish processors will accept for the sale of processed aquatic products if fishermen did not participate in the making of the agreement and are not a party to the agreement.