

HOUSE BILL NO. 118

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVE SEATON BY REQUEST OF THE JOINT LEGISLATIVE SALMON INDUSTRY
TASK FORCE**

Introduced: 2/21/03

Referred: House Special Committee on Fisheries, Resources

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the transportation and sale of certain commercially caught fish by**
2 **an agent of a commercial fishing permit holder and to the sale of fish; and providing for**
3 **an effective date."**

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

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

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

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

1 required to buy or process fish.

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

14 (d) A commercial fisherman who transfers fish to a fish transporter to
15 transport and sell fish on behalf of the fisherman shall provide the fish transporter in
16 writing with all information that the fisherman would have to provide to the buyer of
17 the fish if the fisherman were to personally sell the fish to the buyer. The fish
18 transporter who sells fish as the agent of a commercial fisherman shall provide all
19 information to the buyer of the fish that the commercial fisherman would have to
20 provide to the buyer if the fisherman were to personally sell the fish.

21 (e) A commercial fisherman may also hold a fish transporter permit. A
22 commercial fisherman who holds a fish transporter permit may simultaneously
23 transport or sell fish that the fisherman caught as well as fish caught by other
24 commercial fishermen. A commercial fisherman who is simultaneously operating as a
25 fish transporter shall physically possess

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

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

30 (f) The commissioner may adopt regulations the commissioner considers
31 necessary to implement this section. The regulations may not conflict with regulations

1 or management plans adopted by the Board of Fisheries. The regulations may include

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

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

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

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

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

15 or

16 (3) procedures to maintain quality of harvested resources.

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

20 (h) In this section, "fish" means salmon, herring, or Pacific cod.

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

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

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

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

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

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

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

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

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

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

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

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

14 (b) A person may not sell salmon that was not harvested under the authority of
 15 the entry permit, interim-use permit, or landing permit under which the salmon is sold.
 16 **For purposes of this subsection, salmon sold by a fish transporter on behalf of the**
 17 **commercial fisherman who harvested the salmon is salmon harvested under the**
 18 **authority of the limited entry, interim-use, or landing permit under which the**
 19 **salmon is sold.**

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

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

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

24 (a) An individual may not, while acting as a fish processor or primary fish
 25 buyer, or as an agent, director, officer, member, or employee of a fish processor, of a
 26 primary fish buyer, or of a cooperative corporation organized under AS 10.15,
 27 intentionally or knowingly make an original purchase of fish from a seller who [, IN
 28 VIOLATION OF AS 16.43,] does not hold

29 (1) a landing permit, an entry permit, or an interim-use permit; **or**

30 (2) **a fish transporter permit under AS 16.05.671.**

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

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

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

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

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

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

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

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

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