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**SENATE CS FOR CS FOR HOUSE BILL NO. 118(L&C)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 4/16/03

Referred: Resources

Sponsor(s): REPRESENTATIVES SEATON BY REQUEST OF THE JOINT LEGISLATIVE SALMON INDUSTRY TASK FORCE, Cissna, Gara, Lynn

SENATORS Gary Stevens, Dyson, Taylor, Wagoner, Elton

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

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

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

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

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

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

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

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

21 or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (xvii) fish transporter permit under AS 16.05.671.

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