

HOUSE BILL NO. 458

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES MOSES BY REQUEST, Wolf

Introduced: 2/16/04

Referred: Labor and Commerce, House Special Committee on Fisheries, Resources

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to a one-day commercial fishing crewmember license."**

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

3 * **Section 1.** AS 16.05.480(g) is amended to read:

4 (g) A [FOR A CREWMEMBER FISHING LICENSE ISSUED FOR
5 CALENDAR YEAR 2002 AND FOLLOWING YEARS, A] resident engaged in
6 commercial fishing who is 11 years of age or older and who does not hold an entry
7 permit or an interim-use permit shall pay a [AN ANNUAL] fee of \$60 **for an annual**
8 **crewmember fishing license.** A [. FOR A CREWMEMBER FISHING LICENSE
9 ISSUED FOR CALENDAR YEAR 2002 AND FOLLOWING YEARS, A] resident
10 engaged in commercial fishing who is less than 11 years of age and who does not hold
11 an entry permit or an interim-use permit shall pay an annual fee of \$5.

12 * **Sec. 2.** AS 16.05.480(h) is amended to read:

13 (h) A [FOR A CREWMEMBER FISHING LICENSE ISSUED FOR
14 CALENDAR YEAR 2002 AND FOLLOWING YEARS, A] nonresident engaged in
15 commercial fishing who is 11 years of age or older and who does not hold an entry

1 permit or an interim-use permit shall pay a [AN ANNUAL] base fee of \$60 **for an**
 2 **annual crewmember fishing license**, plus an amount, established by the department
 3 by regulation, that is as close as is practicable to the maximum allowed by law. A
 4 [FOR A CREWMEMBER FISHING LICENSE ISSUED FOR CALENDAR YEAR
 5 2002 AND FOLLOWING YEARS, A] nonresident engaged in commercial fishing
 6 who is less than 11 years of age and who does not hold an entry permit or an interim-
 7 use permit shall pay an annual base fee of \$5 plus an amount, established by the
 8 department by regulation, that is as close as is practicable to the maximum allowed by
 9 law.

10 * **Sec. 3.** AS 16.05.480 is amended by adding a new subsection to read:

11 (j) Notwithstanding (g) and (h) of this section, a resident or nonresident
 12 engaged in commercial fishing who does not hold an entry permit or an interim-use
 13 permit may obtain a one-day crewmember fishing license for a fee of \$30.

14 * **Sec. 4.** AS 16.10.310(a) is amended to read:

15 (a) The department may

16 (1) make loans

17 (A) to individual commercial fishermen who have been state
 18 residents for a continuous period of two years immediately preceding the date
 19 of application for a loan under AS 16.10.300 - 16.10.370, who have had **an**
 20 **annual** [A] crewmember or commercial fishing license under AS 16.05.480 or
 21 a permit under AS 16.43 for the year immediately preceding the date of
 22 application and any other two of the past five years, and who actively
 23 participated in the fishery during those periods

24 (i) for the purchase of entry permits; or

25 (ii) to upgrade existing vessels and gear for the purpose
 26 of improving the quality of Alaska seafood products;

27 (B) to an individual for the repair, restoration, or upgrading of
 28 existing vessels and gear, for the purchase of entry permits and gear, and for
 29 the construction and purchase of vessels, if the individual has been a state
 30 resident for a continuous period of two years immediately preceding the date
 31 of application for a loan under AS 16.10.300 - 16.10.370, and either

1 (i) because of lack of training or lack of employment
2 opportunities in the area of residence, does not have occupational
3 opportunities available other than commercial fishing; or

4 (ii) is economically dependent on commercial fishing
5 for a livelihood and for whom commercial fishing has been a traditional
6 way of life in Alaska;

7 (C) for the purchase of quota shares for fisheries in or off the
8 state by individual commercial fishermen who

9 (i) have been state residents for a continuous period of
10 two years immediately preceding the date of application for a loan
11 under AS 16.10.300 - 16.10.370;

12 (ii) for any two of the past five years, possessed **an**
13 **annual** [A] crewmember or commercial fishing license under
14 AS 16.05.480 or a permit under AS 16.43 and actively participated in a
15 fishery for which the license or permit was issued;

16 (iii) qualify as transferees for quota shares under
17 applicable law; and

18 (iv) are not eligible for financing from other recognized
19 commercial lending institutions to purchase quota shares;

20 (D) to an individual commercial fisherman to satisfy past due
21 federal tax obligations, if the fisherman has been a state resident for a
22 continuous period of two years immediately preceding the date of application
23 for the loan, has filed past and current federal tax returns with the federal
24 government, has executed an agreement with the federal government for
25 repayment of past due federal tax obligations, and either

26 (i) has had **an annual** [A] crewmember or commercial
27 fishing license under AS 16.05.480 or a permit under AS 16.43 for the
28 year immediately preceding the date of application and any other two
29 of the past five years, and has actively participated in the fishery during
30 those periods;

31 (ii) because of lack of training or lack of employment

1 opportunities in the area of residence, does not have occupational
2 opportunities available other than commercial fishing; or

3 (iii) is economically dependent on commercial fishing
4 for a livelihood and for whom commercial fishing has been a traditional
5 way of life in Alaska;

6 (2) designate agents and delegate its powers to them as necessary;

7 (3) adopt regulations necessary to carry out the provisions of
8 AS 16.10.300 - 16.10.370, including regulations to establish reasonable fees for
9 services provided;

10 (4) establish amortization plans for repayment of loans, which may
11 include extensions for poor fishing seasons or for adverse market conditions for
12 Alaska products;

13 (5) enter into agreements with private lending institutions, other state
14 agencies, or agencies of the federal government to carry out the purposes of
15 AS 16.10.300 - 16.10.370;

16 (6) enter into agreements with other agencies or organizations to create
17 an outreach program to make loans under AS 16.10.300 - 16.10.370 in rural areas of
18 the state;

19 (7) allow an assumption of a loan if

20 (A) the applicant has been a state resident for a continuous
21 period of two years immediately preceding the date of the request for an
22 assumption; and

23 (B) approval of the assumption would be consistent with the
24 purposes of AS 16.10.300; an applicant for a loan assumption may not be
25 disqualified because the applicant does not meet the loan eligibility
26 requirements of (1) of this subsection;

27 (8) prequalify loan applicants for a limited entry permit loan or a quota
28 shares loan and charge a fee not to exceed \$200 for prequalification;

29 (9) charge and collect the fees established under this subsection;

30 (10) refinance a debt obligation incurred by a borrower or borrowers
31 under this section if the borrower or borrowers otherwise qualify for a loan under

1 AS 16.10.300 - 16.10.370;

2 (11) refinance debt obligations, not to exceed \$300,000, incurred by a
3 borrower or borrowers for the purchase of a commercial fishing vessel or gear if the
4 borrower or borrowers otherwise qualify for a loan under AS 16.10.300 - 16.10.370;
5 the department may collect a refinancing loan origination charge as provided by
6 regulation.

7 * **Sec. 5.** AS 23.35.150(3) is amended to read:

8 (3) "fisherman" means a person who is **the holder of an annual**
9 **license issued** [LICENSED] by the state to engage in commercial fishing under
10 AS 16.05.480 or who is the holder of a permit issued under AS 16.43 and who, at the
11 time injury is sustained or illness is contracted, is actually so engaged or is occupied in
12 Alaska in preparing or dismantling boats or gear used in commercial fishing;