

CS FOR HOUSE BILL NO. 458(FSH)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE SPECIAL COMMITTEE ON FISHERIES

Offered: 4/6/04

Referred: Resources, Finance

Sponsor(s): REPRESENTATIVES MOSES BY REQUEST, Wolf

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to short-term commercial fishing crewmember licenses; and providing
2 for an effective date."

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

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

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

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

14 (h) A [FOR A CREWMEMBER FISHING LICENSE ISSUED FOR

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

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

13 (j) Notwithstanding (g) and (h) of this section, a resident or nonresident
 14 engaged in commercial fishing who does not hold an entry permit or an interim-use
 15 permit may obtain

16 (1) a one-day crewmember fishing license for a fee of \$30; or

17 (2) a three-day crewmember fishing license for a fee of \$50.

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

19 (a) The department may

20 (1) make loans

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

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

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

31 (B) to an individual for the repair, restoration, or upgrading of

1 existing vessels and gear, for the purchase of entry permits and gear, and for
 2 the construction and purchase of vessels, if the individual has been a state
 3 resident for a continuous period of two years immediately preceding the date
 4 of application for a loan under AS 16.10.300 - 16.10.370, and either

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

8 (ii) is economically dependent on commercial fishing
 9 for a livelihood and for whom commercial fishing has been a traditional
 10 way of life in Alaska;

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

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

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

20 (iii) qualify as transferees for quota shares under
 21 applicable law; and

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

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

30 (i) has had **an annual** [A] crewmember or commercial
 31 fishing license under AS 16.05.480 or a permit under AS 16.43 for the

1 year immediately preceding the date of application and any other two
 2 of the past five years, and has actively participated in the fishery during
 3 those periods;

4 (ii) because of lack of training or lack of employment
 5 opportunities in the area of residence, does not have occupational
 6 opportunities available other than commercial fishing; or

7 (iii) is economically dependent on commercial fishing
 8 for a livelihood and for whom commercial fishing has been a traditional
 9 way of life in Alaska;

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

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

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

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

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

23 (7) allow an assumption of a loan if

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

27 (B) approval of the assumption would be consistent with the
 28 purposes of AS 16.10.300; an applicant for a loan assumption may not be
 29 disqualified because the applicant does not meet the loan eligibility
 30 requirements of (1) of this subsection;

31 (8) prequalify loan applicants for a limited entry permit loan or a quota

1 shares loan and charge a fee not to exceed \$200 for prequalification;

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

3 (10) refinance a debt obligation incurred by a borrower or borrowers
4 under this section if the borrower or borrowers otherwise qualify for a loan under
5 AS 16.10.300 - 16.10.370;

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

11 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
12 read:

13 TEMPORARY SURCHARGE ON ISSUANCE OF SHORT-TERM COMMERCIAL
14 FISHING CREWMEMBER LICENSES. The Department of Fish and Game may collect an
15 additional administrative fee of \$3 for each one-day or three-day crewmember fishing license
16 issued under AS 16.05.480(j), added by sec. 3 of this Act, through December 31, 2004.

17 * **Sec. 6.** This Act takes effect July 1, 2004.