

Introduced: 3/15/77
Referred: Commerce

BY AKERS, RHODE, ANDERSON,
ELIASON, KELLY, MEEKINS,
NAKAK AND OSTERBACK

1 IN THE HOUSE

2 CS HOUSE BILL NO. 350

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to security for the collection of
7 wages."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 16.10 is amended by adding new sections to read:

10 Sec. 16.10.290. SECURITY FOR COLLECTION OF WAGES. (a) A fish
11 processor or buyer shall file with the commissioner of revenue a surety
12 bond running to the State of Alaska conditioned upon the promise to pay
13 (1) all persons furnishing labor in that business, including employee
14 benefits; and (2) independent fishermen for the value of the raw fishery
15 resource purchased from them. The surety or sureties shall be satis-
16 factory, in the determination of the commissioner of labor.

17 (b) The amount of the bond shall be \$10,000. In lieu of the
18 surety bond the fish processor or buyer may file with the commissioner a
19 cash deposit or other negotiable security acceptable to the commissioner
20 in the amount specified for the bond. If no claim is asserted under
21 this section within two years from the date the bond, cash deposit or
22 other security is filed, the term of the bond, cash deposit or other
23 security shall be two years; if a claim has been asserted within two
24 years, the term of the bond, cash deposit or other security shall be for
25 five years.

26 (c) A person applying for a license as a fish processor or buyer
27 who has less than \$10,000 in lienable property in the state, with proof
28 of the property satisfactorily made to the commissioner, shall file with
29 the application a bond or other security as specified in this section.

1 No bond is required if the processor or buyer has more than \$10,000 in
2 lienable property as specified in this subsection.

3 (d) The commissioner of labor may accept the assignment of a claim
4 held by a person against a fish processor or buyer under this section
5 and may bring suit upon the bond, cash deposit or other security on
6 behalf of the assignor in the superior court of the judicial district in
7 which the work is done or in any judicial district in which jurisdiction
8 may be obtained. This action shall not be construed to limit the right
9 of a person having a claim against a fish processor or buyer to bring
10 suit upon the bond, cash deposit or other security in his own right, in
11 which case a copy of the complaint shall be served by registered or
12 certified mail upon the commissioner at the time suit is filed. The
13 commissioner shall maintain a record, available for public inspection,
14 of all suits commenced under this subsection. The service shall consti-
15 tute service on the surety and the commissioner shall transmit the
16 complaint or a copy of it to the surety within 72 hours after it has
17 been received.

18 (e) If the surety on the bond desires to cancel the bond, he may
19 do so by giving the commissioner written notice of his intention to
20 cancel. The cancellation is effective 30 days after the notice is
21 delivered to the commissioner.

22 (f) If a judgment is entered against the cash deposit, the commis-
23 sioner, upon receipt of a certified copy of a final judgment, shall pay
24 the judgment from the amount of the deposit.

25 Sec. 16.10.292. FILING EVIDENCE OF COMPLIANCE. A fish processor
26 or buyer subject to secs. 290 - 296 of this chapter shall initially file
27 evidence of his compliance with the bonding requirements of secs. 290 -
28 296 of this chapter, in the form prescribed by the commissioner.

29 Sec. 16.10.294. SUSPENSION AND REVOCATION OF LICENSE. (a) If a