

Introduced: 2/4/77  
Referred: Resources and Finance

1 IN THE SENATE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 CS SENATE BILL NO. 128 (Jim.)  
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 commercial fishing licensing; and  
7 providing for an effective date."

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

9 \* Section 1. AS 16.05.065 is amended to read:

10 Sec. 16.05.065. APPLICATION EXTENSION. (a) The commissioner  
11 shall extend the time and dates during which application may be made  
12 for fish or game [LICENSING OR] registration if he finds that

13 (1) the conservation and management of the fish or game  
14 resource will not be affected adversely; and

15 (2) the failure to timely apply is the result of excusable  
16 neglect.

17 (b) The fee for an extension granted under this section is \$45.  
18 [UPON THE GRANTING OF AN EXTENSION TO AN APPLICANT AND UPON THE APPLI-  
19 CANT'S COMPLIANCE WITH THIS CHAPTER, THE COMMISSIONER OF REVENUE OR  
20 HIS AUTHORIZED DEPUTY SHALL ISSUE THE APPROPRIATE LICENSES AND TAGS.]

21 (c) As used in this section, "excusable neglect" does not in-  
22 clude unfamiliarity with or ignorance of applicable laws and regula-  
23 tions. In order to show excusable neglect, a person must have demon-  
24 strated, before the registration deadline, an intent to harvest fish  
25 or game. [THE FEE FOR AN EXTENSION GRANTED UNDER THIS SECTION IS \$45.]

26 \* Sec. 2. AS 16.05.450(a) is amended to read:

27 ARTICLE 4. LICENSING OF COMMERCIAL FISHING CREW-

28 MEMBERS [FISHERMEN], AND VESSELS [AND GEAR].

29 (a) The commissioner of revenue or his authorized agent [DEPUTY]

1 shall issue a crewmember fishing license under sec. 480 of this chapter  
2 to each qualified person who files a written application at a place  
3 [PLACES] in the state designated by the commissioner, containing the  
4 reasonable information required by the commissioner together with the  
5 required fee. The application shall be simple in form and shall be  
6 executed by the applicant under the penalty of perjury.

7 \* Sec. 3. AS 16.05.450(b) is repealed and re-enacted to read:

8 (b) The Commercial Fisheries Entry Commission shall issue a  
9 vessel license under sec. 490 of this chapter to each qualified vessel  
10 for which a written application has been filed at a place in the state  
11 designated by the commission, containing the reasonable information  
12 required by the commission together with the required fee. The applica-  
13 tion shall be simple in form and shall be executed by the applicant  
14 under the penalty of perjury.

15 \* Sec. 4. AS 16.05.460 is amended to read:

16 Sec. 16.05.460. COMMISSIONER OF REVENUE MAY APPOINT AGENTS  
17 [DEPUTIES]. The commissioner of revenue may appoint qualified persons  
18 as his agents [DEPUTIES] to receive applications, issue licenses, and  
19 collect license fees under secs. 440 - 480 [720] of this chapter.

20 \* Sec. 5. AS 16.05.470 is amended to read:

21 Sec. 16.05.470. FEE FOR ISSUANCE OF LICENSES. A person appointed  
22 and authorized by the commissioner of revenue to sell licenses under  
23 secs. 440 - 480 [720] of this chapter, except salaried employees of  
24 the state, shall retain the sum of 10 [FIVE] per cent of the fee for  
25 the issuance of a license. An agent [A DEPUTY] shall transmit monthly  
26 to the commissioner all fees collected by him, less the authorized  
27 commission, together with a full accounting of the fees. The commis-  
28 sioner shall make monthly remittances of the fees collected to the  
29 proper state official. The commissioner is not liable for defalcation

1 or failure to account for the fees collected by an agent [A DEPUTY],  
2 but he shall require a bond in the sum he considers adequate, condi-  
3 tioned upon the faithful accounting of money collected.

4 \* Sec. 6. AS 16.05.480 is amended to read:

5 Sec. 16.05.480. CREWMEMBER [COMMERCIAL] FISHING LICENSE. (a) A  
6 commercial fisherman who does not hold a permit issued under AS 16.43 [A  
7 PERSON ENGAGED IN COMMERCIAL FISHING] shall obtain a crewmember [COM-  
8 MERCIAL] fishing license. The fee for the license is \$10 for residents,  
9 and \$30 for nonresidents. All crewmember [COMMERCIAL] fishing licenses  
10 are nontransferable and shall be retained in the possession of the  
11 licensee, readily accessible for inspection at all times.

12 (b) A person applying for a resident crewmember [COMMERCIAL]  
13 license under this section shall provide the proof of [HIS] residence  
14 which the department requires by regulation.

15 (c) The commissioner of revenue or his authorized agent may  
16 issue a duplicate crewmember fishing license as a replacement for a  
17 license issued under (a) of this section. A fee of \$2 shall be  
18 charged for each duplicate license and the duplicate may not be  
19 issued unless the commissioner or his agent is satisfied that the  
20 original has been lost or destroyed.

21 \* Sec. 7. AS 16.05.520 is amended to read:

22 Sec. 16.05.520. NUMBER PLATE. (a) The vessel license includes  
23 a permanent number plate. The number plate shall be accompanied by a  
24 tab affixed to it designating the year to be fished. A number plate  
25 is not transferable, and it shall be considered a permanent fixture  
26 upon the vessel upon which it is originally placed. It shall be  
27 securely fastened well forward on the port side in plain sight. On a  
28 vessel with a superstructure the plate shall be fastened on the port  
29 side of the superstructure. A number plate remains the property of the

1 state. If a permanent number plate is accidentally defaced, mutilated,  
2 destroyed, or lost, the person owning or operating the vessel shall  
3 immediately apply for and may obtain a duplicate upon furnishing the  
4 Commercial Fisheries Entry Commission [DEPARTMENT OF REVENUE] with the  
5 pertinent facts and a payment of \$2.

6 (b) If a vessel carrying a number plate is lost, destroyed, or  
7 sold, the owner shall immediately report the loss, destruction, or  
8 sale to the Commercial Fisheries Entry Commission [DEPARTMENT OF  
9 REVENUE].

10 \* Sec. 8. AS 16.05.530 is amended to read:

11 Sec. 16.05.530. ANNUAL RENEWAL OF VESSEL LICENSE. Upon annual  
12 payment of a license fee of \$20 [\$10 FOR A RESIDENT AND \$30 FOR A  
13 NONRESIDENT], and filing of the name and address of the owner or his  
14 authorized agent [AND OPERATOR] of the vessel, the name and number of  
15 the vessel, a description of the vessel [AND FISHING GEAR], vessel  
16 license number, if any, the area to be fished, and other reasonable  
17 information required by the Commercial Fisheries Entry Commission  
18 [DEPARTMENT OF REVENUE], the commission [DEPARTMENT OF REVENUE] shall  
19 issue a number plate and a vessel license. If the vessel has a number  
20 plate, the commission [DEPARTMENT OF REVENUE] shall issue a vessel  
21 license and tab designating the year. The tab shall be placed in the  
22 space provided on the permanent number plate.

23 \* Sec. 9. AS 16.05.680 is amended to read:

24 Sec. 16.05.680. UNLAWFUL PURCHASES. It is unlawful for a person,  
25 his agent, or his representative

26 (1) to have in his employ, in the harvesting, transporting  
27 or purchasing of fish, a fisherman who neither is [NOT] licensed under  
28 sec. 480 of this chapter nor is the holder of a permit issued under AS  
29 16.43,

1 (2) to purchase fish from a fisherman who neither is the  
2 holder of a permit, issued under AS 16.43, nor is exempt under sec.  
3 660 of this chapter [NOT SO LICENSED, IF THE FISHERMAN IS NOT EXEMPT  
4 UNDER SEC. 660 OF THIS CHAPTER FROM THE LICENSE REQUIREMENT OF SEC.  
5 480 OF THIS CHAPTER WITHOUT REGARD TO THE EMPLOYMENT OR PURCHASE], or

6 (3) to purchase fish from an association other than one to  
7 which a permit has been issued [WHICH IS NOT EXEMPT] under sec. 662 of  
8 this chapter.

9 \* Sec. 10. AS 16.05.940(2) is amended to read:

10 (2) "commercial fisherman" means an individual who fishes  
11 commercially for, takes, or attempts to take fish, shellfish, or other  
12 fishery resources of the state by any means, and includes every indi-  
13 vidual aboard a boat operated for fishing purposes who participates  
14 directly or indirectly in the taking of these raw fishery products,  
15 whether participation is on shares or as an employee or otherwise;  
16 however, this definition does not apply to anyone aboard a licensed  
17 vessel as a visitor or guest who does not directly or indirectly  
18 participate in the taking, [OR TO THE SPOUSE OF A COMMERCIAL FISHERMAN  
19 WHO DOES NOT RECEIVE INCOME SEPARATE AND DISTINCT FROM THAT OF THE  
20 COMMERCIAL FISHERMAN SPOUSE AS A RESULT OF THE SPOUSE'S PARTICIPATION];  
21 and the term "commercial fisherman" includes the crews of tenders or  
22 other floating craft used in transporting fish;

23 \* Sec. 11. AS 16.10.310(a)(1)(A) is amended to read:

24 (A) individual commercial fishermen who have been  
25 state residents for a continuous period of five years and have  
26 had a crewmember or commercial fishing license under AS 16.05.480  
27 or a permit under AS 16.43 for three years, for the repair,  
28 restoration or upgrading of existing vessels and gear, [AND] for  
29 the purchase of entry permits and gear, and for the construction

1 and purchase of vessels; and

2 \* Sec. 12. AS 16.43.100(a) is amended by adding a new paragraph to  
3 read:

4 (14) administer the issuance of commercial fishing vessel  
5 licenses under AS 16.05.490.

6 \* Sec. 13. AS 16.43.160 is amended to read:

7 Sec. 16.43.160. FEES. (a) The commission shall establish  
8 annual fees for the issuance and annual renewal of entry permits or  
9 interim-use permits [TO REFLECT THE COST OF ADMINISTERING THIS CHAPTER].  
10 Fees collected under this section shall be paid into the general fund,  
11 except for an amount equal to 60 per cent of the fee each permit  
12 holder would otherwise be obligated to pay for a crewmember license  
13 under sec. 480 of this chapter which shall be paid into the Fishermen's  
14 Fund under AS 23.35.060.

15 (b) Annual fees established under this section shall be not less  
16 than \$10 and no more than \$500 [\$100] and shall reasonably reflect the  
17 different rates of economic return for different fisheries.

18 (c) The resident holder of an entry permit or interim-use permit  
19 who has a net family income falling within the Federal Community  
20 Services [SOCIAL SECURITY] Administration poverty guidelines, adjusted  
21 by the commission to reflect appropriate cost-of-living differentials,  
22 is subject to a maximum annual fee of \$15 [\$5].

23 \* Sec. 14. AS 23.35.060 is amended to read:

24 Sec. 23.35.060. CREATION AND ADMINISTRATION OF FISHERMEN'S FUND.  
25 There is created a fund, designated as the "Fishermen's Fund." The  
26 Department of Revenue is the custodian of the fund and the Department  
27 of Labor shall administer it. The fund shall be composed of 60 per  
28 cent of the money derived by the state from each crewmember fishing  
29 license issued under AS 16.05.480, an amount of money equal to that

1 derived by the state from each commercial fisherman who is issued a  
2 permit under AS 16.43 [ALL COMMERCIAL FISHERMEN'S LICENSES, INCLUDING  
3 CLAM DIGGERS' LICENSES], and money appropriated to carry out the  
4 purpose of secs. 10 - 150 of this chapter.

5 \* Sec. 15. AS 23.35.150(4) is amended to read:

6 (4) "fisherman" means a person who is licensed by the state  
7 to engage in commercial fishing under AS 16.05.480 or who is the  
8 holder of a permit issued under AS 16.43 and who, at the time injury  
9 is sustained or illness is contracted, is actually so engaged or is  
10 occupied in Alaska in preparing or dismantling boats or gear used in  
11 commercial fishing;

12 \* Sec. 16. AS 44.25.020(2) is amended to read:

13 (2) collect, account for, have custody of, invest, and  
14 manage all state funds and all revenues of the state except revenues  
15 incidental to a program of licensing and regulation carried on by  
16 another state department, except that the Department of Revenue shall  
17 issue fish and game licenses other than vessel licenses under AS  
18 16.05.490 - 16.05.530, collect fish and game license revenues, other  
19 than revenues from vessel licenses under AS 16.05.490 - 16.05.530, and do  
20 all other acts incidental to the performance of these functions;

21 \* Sec. 17. AS 16.05.450(c); 16.05.490(b), (c), (d), and (e); 16.05.500;  
22 16.05.540 - 16.05.650; and 16.05.670 are repealed.

23 \* Sec. 18. This Act takes effect January 1, 1978.  
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