

Original sponsor: Rules Committee by request  
of the Governor

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 128

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 for  
12 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 HIS  
20 AUTHORIZED DEPUTY SHALL ISSUE THE APPROPRIATE LICENSES AND TAGS.]

21 (c) As used in this section, "excusable neglect" does not include  
22 unfamiliarity with or ignorance of applicable laws and regulations. In  
23 order to show excusable neglect, a person must have demonstrated, before  
24 the registration deadline, an intent to harvest fish or game. [THE FEE  
25 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 AS 16.05.450(b) is repealed and re-enacted to read: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 the  
24 state, shall retain the sum of 15 [FIVE] per cent of the fee for the  
25 issuance of a license. An agent [A DEPUTY] shall transmit monthly to  
26 the commissioner all fees collected by him, less the authorized commis-  
27 sion, together with a full accounting of the fees. The commissioner  
28 shall make monthly remittances of the fees collected to the proper  
29 state official. The commissioner is not liable for defalcation or

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

4 \* Sec. 6. AS 16.05 is amended by adding a new section to read:

5 Sec. 16.05.475. REGISTRATION OF FISHING VESSELS. (a) It is un-  
6 lawful for any person to employ a fishing vessel in the water of Alaska  
7 unless it is registered under the laws of the state. Vessels registered  
8 under the laws of another state, and persons residing in another state,  
9 are not excused from this provision.

10 (b) The term "employ", as used in this section, shall be defined  
11 by the Board of Fisheries through the adoption of regulations under the  
12 Administrative Procedure Act (AS 44.62). The definition may include any  
13 activities involving the use or navigation of fishing vessels.

14 (c) The term "registered under the laws of the state", as used in  
15 this section, shall be defined by the Board of Fisheries through the  
16 adoption of regulations under the Administrative Procedure Act (AS 44.-  
17 62). The definition may include any existing requirements regarding  
18 registration, licenses, permits, and similar matters imposed by law or  
19 regulation together with modifications of them and with any additional  
20 requirements the board finds necessary to maximize the authority of the  
21 state to apply and enforce fisheries regulations under the Fishery Con-  
22 servation and Management Act of 1976 (P.L. 94-265, 90 Stat. 331, 16  
23 U.S.C. 1801 et seq.).

24 (d) The term "fishing vessel", as used in this section, means any  
25 vessel, boat, ship, or other craft which is used for, equipped to be  
26 used for, or of a type which is normally used for

- 27 (1) fishing, or  
28 (2) aiding or assisting one or more vessels at sea in the  
29 performance of any activity relating to fishing, including, but not

1 limited to, preparation, supply, storage, refrigeration, transportation,  
2 or processing.

3 \* Sec. 7. AS 16.05.480 is amended to read:

4 Sec. 16.05.480. CREWMEMBER [COMMERCIAL] FISHING LICENSE. (a) A  
5 commercial fisherman who does not hold a permit issued under ch. 43 of  
6 this title [PERSON ENCADED IN COMMERCIAL FISHING] shall obtain a crew-  
7 member [COMMERCIAL] fishing license. The fee for the license is \$10 for  
8 residents, and \$30 for nonresidents. All crewmember [COMMERCIAL] fish-  
9 ing licenses are nontransferable and shall be retained in the possession  
10 of the licensee, readily accessible for inspection at all times.

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

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

20 \* Sec. 8. AS 16.05.520 is amended to read:

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

1 or lost, the person owning or operating the vessel shall immediately  
2 apply for and may obtain a duplicate upon furnishing the Commercial  
3 Fisheries Entry Commission [DEPARTMENT OF REVENUE] with the pertinent  
4 facts and a payment of \$2.

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

8 \* Sec. 9. AS 16.05.530 is amended to read:

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

21 \* Sec. 10. AS 16.05.680 is amended to read:

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

24 (1) to have in his employ, in the harvesting, transporting  
25 or purchasing of fish, a fisherman who neither is [NOT] licensed under  
26 sec. 480 of this chapter nor is the holder of a permit issued under ch.  
27 43 of this title,

28 (2) to purchase fish from a fisherman who neither is the  
29 holder of a permit, issued under ch. 43 of this title, nor is exempt

1     under sec. 660 of this chapter [NOT SO LICENSED, IF THE FISHERMAN IS  
2 NOT EXEMPT UNDER SEC. 660 OF THIS CHAPTER FROM THE LICENSE REQUIREMENT  
3 OF SEC. 480 OF THIS CHAPTER WITHOUT REGARD TO THE EMPLOYMENT OR PUR-  
4 CHASE], or

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

8 \* Sec. 11. AS 16.05.940(2) is amended to read:

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

22 \* Sec. 12. AS 16.10.310(a)(1)(A) is amended to read:

23             (A) individual commercial fishermen who have been state  
24 residents for a continuous period of five years and have had a  
25 crewmember or commercial fishing license under AS 16.05.480 or a  
26 permit under ch. 43 of this title for three years, for the repair,  
27 restoration or upgrading of existing vessels and gear, [AND] for  
28 the purchase of entry permits and gear, and for the construction  
29 and purchase of vessels; and

1 \* Sec. 13. AS 16.43.100(a) is amended by adding a new paragraph to read:

2 (14) administer the issuance of commercial fishing vessel  
3 licenses under AS 16.05.490.

4 \* Sec. 14. AS 16.43.160 is amended to read:

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

13 (b) Annual fees established under this section shall be no less  
14 than \$10 and no more than \$750 [\$100] and shall reasonably reflect the  
15 different rates of economic return for different fisheries.

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

21 \* Sec. 15. AS 23.35.060 is amended to read:

22 Sec. 23.35.060. CREATION AND ADMINISTRATION OF FISHERMEN'S FUND.  
23 There is created a fund, designated as the "Fishermen's Fund." The  
24 Department of Revenue is the custodian of the fund and the Department of  
25 Labor shall administer it. The fund shall be composed of 60 per cent of  
26 the money derived by the state from each crewmember fishing license  
27 issued under AS 16.05.480, an equal amount of the money derived by the  
28 state from each commercial fisherman who is issued a permit under AS  
29 16.43 [ALL COMMERCIAL FISHERMEN'S LICENSES, INCLUDING CLAM DIGGERS'

1 LICENSES], and money appropriated to carry out the purpose of secs. 10 -  
2 150 of this chapter.

3 \* Sec. 16. AS 23.35.150(4) is amended to read:

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

10 \* Sec. 17. AS 44.25.020(2) is amended to read:

11 (2) collect, account for, have custody of, invest, and  
12 manage all state funds and all revenues of the state except revenues  
13 incidental to a program of licensing and regulation carried on by  
14 another state department, except that the Department of Revenue shall  
15 issue fish and game licenses other than vessel licenses under AS 16.05.-  
16 490 - 16.05.530, collect fish and game license revenues, other than  
17 revenues from vessel licenses under AS 16.05.490 - 16.05.530, and do all  
18 other acts incidental to the performance of these functions;

19 \* Sec. 18. AS 16.05.450(c), 16.05.490(b), (c), (d), and (e), 16.05.500,  
20 16.05.540 - 16.05.650, and 16.05.670 are repealed.

21 \* Sec. 19. This Act takes effect January 1, 1978.