

Introduced: 2/5/81
Referred: Resources

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 124

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the purchase of raw fish; and
7 providing for an effective date."

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

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

10 Sec. 16.10.275. REGULATIONS. The commissioner may adopt regu-
11 lations to carry out the provisions of AS 16.10.270 -- 16.10.296.

12 * Sec. 2. AS 16.10.290(b) is amended to read:

13 (b) The amount of the bond shall be \$10,000. Instead [IN LIEU]
14 of the surety bond the fish processor or primary fish buyer may file
15 with the commissioner a cash deposit [OR OTHER NEGOTIABLE SECURITY
16 ACCEPTABLE TO THE COMMISSIONER IN THE AMOUNT SPECIFIED FOR THE BOND].
17 If no claim is asserted under this section within two years from the
18 date the bond or [,] cash deposit [OR OTHER SECURITY] is filed, the
19 term of the bond or [,] cash deposit [OR OTHER SECURITY] shall be two
20 years; if a claim has been asserted within two years, the term of the
21 bond or [,] cash deposit [OR OTHER SECURITY] shall be for five years.

22 * Sec. 3. AS 16.10.290(e) is amended to read:

23 (e) The commissioner may accept the assignment of a claim held by
24 a person against a fish processor or primary fish buyer under this
25 section and may bring suit upon the bond or [,] cash deposit [OR OTHER
26 SECURITY] on behalf of the assignor in the superior court of the judi-
27 cial district in which the work is done or in any judicial district in
28 which jurisdiction may be obtained. This action may [SHALL] not be
29 construed to limit the right of a person having a claim under AS 16.-

1 10.270 -- 16.10.296 against a fish processor or primary fish buyer to
2 bring suit upon the bond or [,] cash deposit [OR OTHER SECURITY] in his
3 own right, in which case a copy of the complaint shall be served by
4 registered or certified mail upon the commissioner at the time suit is
5 filed. The commissioner shall maintain a record, available for public
6 inspection, of all suits commenced under this subsection. The service
7 shall constitute service on the surety, and the commissioner shall
8 transmit the complaint or copy of it to the surety within 72 hours
9 after it has been received.

10 * Sec. 4. AS 16.10.292 is amended by adding a new subsection to read:

11 (b) The commissioner may, after investigation, grant a waiver
12 from the bonding requirement of AS 16.10.290 -- 16.10.296 for those
13 operations that do not purchase fish or hire employees.

14 * Sec. 5. AS 16.10.294(a) is amended to read:

15 (a) If a final judgment impairs the liability of the surety upon
16 the bond or depletes the cash deposits [OR OTHER SECURITY] so that
17 there is not in effect the bond, undertaking, or cash deposit [OR OTHER
18 SECURITY] in the full amount prescribed in AS 16.10.290, the license of
19 the fish processor or primary fish buyer shall be suspended until the
20 liability in the required amount, unimpaired by unsatisfied judgment
21 claims, has been furnished.

22 * Sec. 6. AS 16.10 is amended by adding a new section to read:

23 Sec. 16.10.295. PENALTY. A person who fails to obtain the bond
24 required by AS 16.10.290 -- 16.10.296 is guilty of a class A misde-
25 meanor. Each day a violation occurs constitutes a separate offense.

26 * Sec. 7. AS 16.10.290(c) is repealed.

27 * Sec. 8. Sections 1, 6, 8, and 9 of this Act take effect immediately in
28 accordance with AS 01.10.070(c).

29 * Sec. 9. Sections 2 - 5 and 7 of this Act take effect December 31,

1 1981.

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