

Introduced: 2/15/82
Referred: Resources and
Finance

1 IN THE SENATE

BY MULCAHY

2 SENATE BILL NO. 755

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the licensing of commercial
7 fishing; and providing for an effective date."

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

9 * Section 1. AS 16.05.450(a) is amended to read:

10 (a) The commissioner of revenue or his authorized agent shall
11 issue a crewmember fishing license under AS 16.05.485 [AS 16.05.480] to
12 each qualified person who files a written application at a place in the
13 state designated by the commissioner, containing the reasonable informa-
14 tion required by the commissioner together with the required fee. The
15 application shall be simple in form and shall be executed by the appli-
16 cant under the penalty of perjury.

17 * Sec. 2. AS 16.05.460 is amended to read:

18 Sec. 16.05.460. COMMISSIONER OF REVENUE MAY APPOINT AGENTS. The
19 commissioner of revenue may appoint qualified persons as his agents to
20 receive applications, issue licenses, and collect license fees under
21 AS 16.05.440 - 16.05.485 [AS 16.05.440 - 16.05.480], and to assist in
22 the completion of annual application or renewal forms for interim-use
23 permits and entry permits issued under AS 16.43.

24 * Sec. 3. AS 16.05.470 is amended to read:

25 Sec. 16.05.470. AGENTS FEE FOR ISSUANCE OF LICENSES AND ASSISTANCE
26 [INTERIM-USE OR ENTRY PERMITS]. (a) A person appointed and authorized
27 by the commissioner of revenue to sell licenses under AS 16.05.440 -
28 16.05.485 [AS 16.05.440 - 16.05.480], except salaried employees of the
29 state, shall retain the sum of 15 percent of the fee for the issuance of

1 a license. An agent shall transmit monthly to the commissioner all
2 license fees collected by him, less the authorized commission, together
3 with a full accounting of the fees. The commissioner shall make monthly
4 remittances of the fees collected to the proper state official. The
5 commissioner [IS NOT LIABLE FOR DEFALCATION OR FAILURE TO ACCOUNT FOR
6 THE FEES COLLECTED BY AN AGENT, BUT HE] shall require a bond in the sum
7 he considers adequate, conditioned upon the faithful accounting of money
8 collected.

9 (b) A person appointed by the commissioner of revenue under AS 16.-
10 05.460 to issue licenses under AS 16.05.440 - 16.05.485 [AS 16.05.440 -
11 16.05.480], except salaried employees of the state, shall retain the sum
12 of 15 percent of the interim-use or entry permit fee for assisting in
13 completion of the annual application or renewal form for the interim-use
14 or entry permit. An agent shall transmit promptly to the Commercial
15 Fisheries Entry Commission all application or renewal forms and fees
16 collected by him, less the authorized commission, together with a full
17 accounting of the fees. The commissioner [AND THE COMMERCIAL FISHERIES
18 ENTRY COMMISSION ARE NOT LIABLE FOR DEFALCATION OR FAILURE TO ACCOUNT
19 FOR THE FEES COLLECTED BY AN AGENT, BUT THE COMMISSIONER] shall require
20 a bond in the sum he considers adequate, conditioned upon the faithful
21 accounting of money collected.

22 * Sec. 4. AS 16.05.480 is repealed and reenacted to read:

23 Sec. 16.05.480. COMMERCIAL FISHING LICENSE. (a) A person engaged
24 in commercial fishing shall obtain a commercial fishing license. The
25 annual fee for the license is \$15 for a resident who is subject to a
26 maximum annual fee of \$15 for an entry permit or interim-use permit
27 under AS 16.43.160(c) or who is eligible for a \$15 crewmember fishing
28 license under AS 16.05.485(a). The annual fee for a commercial fishing
29 license for all other residents is \$30. The annual fee for a commercial

1 fishing license for a nonresident is \$90.

2 (b) A commercial fishing license is included in and need not be
3 issued separately from a crewmember fishing license issued under AS 16.-
4 05.485 and an entry permit or interim-use permit issued, renewed, or
5 transferred under AS 16.43. The fee for a commercial fishing license
6 is included in the fee for a crewmember fishing license issued under
7 AS 16.05.485 and the first fee paid during a calendar year for an entry
8 permit or interim-use permit issued or renewed under AS 16.43.

9 * Sec. 5. AS 16.05 is amended by adding a new section to read:

10 Sec. 16.05.485. CREWMEMBER FISHING LICENSE. (a) A person engaged
11 in commercial fishing who does not hold a valid entry permit or interim-
12 use permit issued, renewed, or transferred under AS 16.43 shall obtain a
13 crewmember fishing license. The annual crewmember fishing license fee
14 for a nonresident is \$90. The annual crewmember fishing license fee is
15 \$15 for a resident who has a net family income falling within the Federal
16 Community Services Administration poverty guidelines, adjusted by the
17 Department of Revenue to reflect appropriate cost-of-living differen-
18 tials. The annual crewmember fishing license fee for all other residents
19 is \$30.

20 (b) A crewmember fishing license is nontransferable and shall be
21 retained in the possession of the licensee, readily accessible for
22 inspection at all times.

23 (c) A person applying for a resident crewmember fishing license
24 under this section shall provide the proof of residence that the Depart-
25 ment of Revenue requires by regulation.

26 (d) If a valid crewmember fishing license issued under this section
27 is lost or destroyed, the person to whom the license was issued may,
28 upon payment of a \$2 fee, obtain a duplicate license. A person who
29 recovers an original license for which a duplicate has been issued shall

1 immediately surrender the duplicate to the Department of Revenue.

2 * Sec. 6. AS 16.05.680(1) is amended to read:

3 (1) to employ a person [HAVE IN HIS EMPLOY,] in the harvest-
4 ing, transporting or purchasing of fish unless the person [, A FISHERMAN
5 WHO NEITHER] is a licensee [LICENSED] under AS 16.05.485 or [AS 16.05.-
6 480 NOR] is the holder of a permit issued under AS 16.43,

7 * Sec. 7. AS 16.05.710 is repealed and reenacted to read:

8 Sec. 16.05.710. LICENSE FORFEITURE. (a) Upon a first or second
9 conviction of a person for a violation of AS 16.05.440 - 16.05.720 or a
10 federal or state law or regulation for the protection of the commercial
11 fish of the state, the court may, in addition to the penalty imposed by
12 law, order

13 (1) a forfeiture of a crewmember fishing license, interim-use
14 permit, or entry permit held by the person;

15 (2) a loss of eligibility to hold a crewmember fishing
16 license, interim-use permit, or entry permit for a period of not more
17 than one year; and

18 (3) a suspension of fishing rights under a crewmember fishing
19 license, interim-use permit, or entry permit for a period of not more
20 than one year.

21 (b) Upon a third conviction, the court may, in addition to the
22 penalty imposed by law, order

23 (1) a forfeiture of the crewmember fishing license, interim-
24 use permit, or entry permit held by the person;

25 (2) a loss of eligibility to hold a crewmember fishing
26 license, interim-use permit, or entry permit for a period of not more
27 than three years; and

28 (3) a suspension of fishing rights under a crewmember fishing
29 license, interim-use permit, or entry permit for a period of not more

1 than three years.

2 * Sec. 8. AS 16.10.310(a)(1)(A) is amended to read:

3 (A) individual commercial fishermen who have been state
4 residents for a continuous period of five years immediately preced-
5 ing the date of application for a loan under AS 16.10.300 - 16.10.-
6 370 and have had a crewmember [OR COMMERCIAL] fishing license under
7 AS 16.05.485 [AS 16.05.480] or a permit under AS 16.43 for any one
8 of the past five years, and who actively participated in the fishery
9 during that period, for the repair, restoration or upgrading of
10 existing vessels and gear, for the purchase of entry permits and
11 gear, and for the construction and purchase of vessels; and

12 * Sec. 9. AS 16.10.310(a)(1)(C) is amended to read:

13 (C) corporations, partnerships, or joint ventures, 100
14 percent of which are owned by individual commercial fishermen who
15 have been state residents for a continuous period of five years
16 immediately preceding the date of application for a loan under
17 AS 16.10.300 - 16.10.370 and have had a crewmember [OR COMMERCIAL]
18 fishing license under AS 16.05.485 [AS 16.05.480] or a permit under
19 AS 16.43 for any one of the past five years, and who actively
20 participated in the fishery during that period, for the repair,
21 restoration or upgrading of existing vessels and gear, for the
22 purchase of gear, and for the construction and purchase of vessels;

23 * Sec. 10. AS 16.43.160(a) is amended to read:

24 (a) The commission shall establish annual fees for the issuance
25 and annual renewal of entry permits or interim-use permits. [THE AMOUNT
26 PAID BY A PERMIT HOLDER UNDER THE PROVISIONS OF AS 16.05.480 SHALL BE
27 CREDITED BY THE COMMISSION TOWARD PAYMENT OF THE FEE CHARGED UNDER THIS
28 SECTION. NO MORE THAN ONE CREDIT MAY BE OBTAINED ANNUALLY BY A PERSON.]

29 * Sec. 11. AS 16.43.160(b) is amended to read:

1 (b) Except as provided in (c) of this section, annual [ANNUAL]
2 fees established under this section shall be not [NO] less than \$30 nor
3 [\$10 AND NO] more than \$750 and shall reasonably reflect the different
4 rates of economic return for different fisheries. The amount of a fee
5 for a nonresident shall be three times the amount of a fee for a resi-
6 dent. The commission may charge interest at a rate not more than the
7 rate provided by AS 45.45.010(a) on a fee not paid during the calendar
8 year in which it was due.

9 * Sec. 12. AS 23.35.060 is amended to read:

10 Sec. 23.35.060. CREATION AND ADMINISTRATION OF FISHERMEN'S FUND.
11 There is created a fund, designated as the "fishermen's fund." The
12 Department of Revenue is the custodian of the fund and the Department of
13 Labor shall administer it. The fund shall be composed of 60 percent of
14 the money derived by the state from all commercial fishing [FISHERMEN'S]
15 licenses required under AS 16.05.480 and money appropriated to carry out
16 the purpose of AS 23.35.010 - 23.35.150.

17 * Sec. 13. AS 23.35.150(4) is amended to read:

18 (4) "fisherman" means a person who is licensed by the state
19 to engage in commercial fishing under AS 16.05.485 [AS 16.05.480] or who
20 is the holder of a permit issued under AS 16.43 and who, at the time
21 injury is sustained or illness is contracted, is actually so engaged or
22 is occupied in Alaska in preparing or dismantling boats or gear used in
23 commercial fishing;

24 * Sec. 14. AS 43.20.172(a) is amended to read:

25 (a) In order to facilitate the administration of this chapter,
26 every processor or fish buyer shall furnish to the department by Janu-
27 ary 31 of each year a list of all persons from whom newly harvested fish
28 or fish products taken in Alaskan waters were purchased during the
29 preceding calendar year, regardless of the place where payment was made.

1 The list shall include the total of purchase prices paid to each seller,
2 his name and address, his social security number, and the [HIS ALASKA
3 COMMERCIAL FISHING LICENSE] number of his valid entry permit or interim-
4 use permit issued, renewed, or transferred under AS 16.43.

5 * Sec. 15. AS 43.75.017(1) is amended to read:

6 (1) the vessel is operated as a commercial fishing vessel
7 by a person holding [UNDER] a valid entry permit or interim-use permit
8 issued, renewed, or transferred under AS 16.43 [COMMERCIAL FISHING
9 LICENSE];

10 * Sec. 16. AS 44.81.210(a)(20) is amended to read:

11 (20) make loans to individual commercial fishermen for limited
12 entry permits; a loan under this paragraph may be made only to an indivi-
13 dual commercial fisherman who has been a state resident for a continuous
14 period of five years immediately preceding the date of application for
15 the loan and who has had a crewmember [OR COMMERCIAL] fishing license
16 under AS 16.05.485 [AS 16.05.480] or a permit under AS 16.43 for any one
17 of the past five years, and who has actively participated in the fishery
18 during that period; loans made under this paragraph are subject to the
19 provisions of AS 44.81.230;

20 * Sec. 17. This Act takes effect January 1, 1983.
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