

Introduced: 1/18/83
Referred: Resources and
Finance

1 IN THE SENATE

BY MULCAHY

2

SENATE BILL NO. 52

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST 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 the commissioner's [HIS]
11 authorized agent shall issue a crewmember fishing license under
12 AS 16.05.485 [AS 16.05.480] to each qualified person who files a
13 written application at a place in the state designated by the commis-
14 sioner, containing the reasonable information required by the commis-
15 sioner together with the required fee. The application shall be
16 simple in form and shall be executed by the applicant under the pen-
17 alty of perjury.

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

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

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

26 Sec. 16.05.470. AGENTS FEE FOR ISSUANCE OF LICENSES AND ASSIS-
27 TANCE [INTERIM-USE OR ENTRY PERMITS]. (a) A person appointed and
28 authorized by the commissioner of revenue to sell licenses under
29 AS 16.05.440 - 16.05.485 [AS 16.05.440 - 16.05.480], except salaried

1 employees of the state, shall retain the sum of 15 percent of the fee
2 for the issuance of a license. An agent shall transmit monthly to the
3 commissioner all license fees collected by the agent [HIM], less the
4 authorized commission, together with a full accounting of the fees.
5 The commissioner shall make monthly remittances of the fees collected
6 to the proper state official. The commissioner [IS NOT LIABLE FOR
7 DEFALCATION OR FAILURE TO ACCOUNT FOR THE FEES COLLECTED BY AN AGENT,
8 BUT HE] shall require a bond in the sum the commissioner [HE] con-
9 siderers adequate, conditioned upon the faithful accounting of money
10 collected.

11 (b) A person appointed by the commissioner of revenue under
12 AS 16.05.460 to issue licenses under AS 16.05.440 - 16.05.485 [AS 16.-
13 05.440 - 16.05.480], except salaried employees of the state, shall
14 retain the sum of 15 percent of the interim-use or entry permit fee
15 for assisting in completion of the annual application or renewal form
16 for the interim-use or entry permit. An agent shall transmit promptly
17 to the Commercial Fisheries Entry Commission all application or re-
18 newal forms and fees collected by the agent [HIM], less the authorized
19 commission, together with a full accounting of the fees. The commis-
20 sioner [AND THE COMMERCIAL FISHERIES ENTRY COMMISSION ARE NOT LIABLE
21 FOR DEFALCATION OR FAILURE TO ACCOUNT FOR THE FEES COLLECTED BY AN
22 AGENT, BUT THE COMMISSIONER] shall require a bond in the sum the
23 commissioner [HE] considers adequate, conditioned upon the faithful
24 accounting of money collected.

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

26 Sec. 16.05.480. COMMERCIAL FISHING LICENSE. (a) A person
27 engaged in commercial fishing shall obtain a commercial fishing
28 license. The annual fee for the license is \$15 for a resident who is
29 subject to a maximum annual fee of \$15 for an entry permit or interim-

1 use permit under AS 16.43.160(c) or who is eligible for a \$15 crew-
2 member fishing license under AS 16.05.485(a). The annual fee for a
3 commercial fishing license for all other residents is \$30. The annual
4 fee for a commercial fishing license for a nonresident is \$90.

5 (b) A commercial fishing license is included in and need not be
6 issued separately from a crewmember fishing license issued under
7 AS 16.05.485 and an entry permit or interim-use permit issued, re-
8 newed, or transferred under AS 16.43. The fee for a commercial
9 fishing license is included in the fee for a crewmember fishing li-
10 cense issued under AS 16.05.485 and the first fee paid during a calen-
11 dar year for an entry permit or interim-use permit issued or renewed
12 under AS 16.43.

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

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

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

27 (c) A person applying for a resident crewmember fishing license
28 under this section shall provide the proof of residence that the
29 Department of Revenue requires by regulation.

1 (d) If a valid crewmember fishing license issued under this
2 section is lost or destroyed, the person to whom the license was
3 issued may, upon payment of a \$2 fee, obtain a duplicate license. A
4 person who recovers an original license for which a duplicate has been
5 issued shall immediately surrender the duplicate to the Department of
6 Revenue.

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

8 (1) to employ a person [HAVE IN HIS EMPLOY,] in the har-
9 vesting, transporting or purchasing of fish unless the person [, A
10 FISHERMAN WHO NEITHER] is a licensee [LICENSED] under AS 16.05.485 or
11 [AS 16.05.480 NOR] is the holder of a permit issued under AS 16.43,

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

13 Sec. 16.05.710. LICENSE FORFEITURE. (a) Upon a first or second
14 conviction of a person for a violation of AS 16.05.440 - 16.05.720 or
15 a federal or state law or regulation for the protection of the commer-
16 cial fish of the state, the court may, in addition to the penalty
17 imposed by law, order

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

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

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

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

28 (1) a forfeiture of the crewmember fishing license, inter-
29 im-use permit, or entry permit held by the person;

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

4 (3) a suspension of fishing rights under a crewmember
5 fishing license, interim-use permit, or entry permit for a period of
6 not more than three years.

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

8 (A) individual commercial fishermen who have been
9 state residents for a continuous period of five years immediately
10 preceding the date of application for a loan under AS 16.10.300 -
11 16.10.370 and have had a crewmember [OR COMMERCIAL] fishing
12 license under AS 16.05.485 [AS 16.05.480] or a permit under
13 AS 16.43 for any one of the past five years, and who actively
14 participated in the fishery during that period, for the purchase
15 of entry permits;

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

17 (C) corporations, partnerships, or joint ventures, 100
18 percent of which are owned by individual commercial fishermen who
19 have been state residents for a continuous period of five years
20 immediately preceding the date of application for a loan under
21 AS 16.10.310(a)(1)(B) and have had a crewmember [OR COMMERCIAL]
22 fishing license under AS 16.05.485 [AS 16.05.480] or a permit
23 under AS 16.43 for any one of the past five years, and who
24 actively participated in the fishery during that period, for the
25 repair, restoration or upgrading of existing vessels and gear,
26 for the purchase of gear, and for the construction and purchase
27 of vessels;

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

29 (a) The commission shall establish annual fees for the issuance

1 and annual renewal of entry permits or interim-use permits. [THE
2 AMOUNT PAID BY A PERMIT HOLDER UNDER THE PROVISIONS OF AS 16.05.480
3 SHALL BE CREDITED BY THE COMMISSION TOWARD PAYMENT OF THE FEE CHARGED
4 UNDER THIS SECTION. NO MORE THAN ONE CREDIT MAY BE OBTAINED ANNUALLY
5 BY A PERSON.]

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

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

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

16 Sec. 23.35.060. CREATION AND ADMINISTRATION OF FISHERMEN'S FUND.
17 There is created a fund, designated as the "fishermen's fund." The
18 Department of Revenue is the custodian of the fund and the Department
19 of Labor shall administer it. The fund shall be composed of 60 per-
20 cent of the money derived by the state from all commercial fishing
21 [FISHERMEN'S] licenses required under AS 16.05.480 and money appropri-
22 ated to carry out the purpose of AS 23.35.

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

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

1 * Sec. 14. AS 43.75.017(1) is amended to read:

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

6 * Sec. 15. AS 44.81.210(a)(20) is amended to read:

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

16 * Sec. 16. This Act takes effect January 1, 1984.