

S

B

52

A M E N D M E N T #1

Offered in the HOUSE

TO: HCS CSSB 52 (Resources)

Section 7, AS 16.05.710(a), delete paragraph (3); AS 16.05.710(b), delete paragraph (3).

A M E N D M E N T #2

Offered in the HOUSE

TO: HCS CSSB 52 (Resources)

Section 7, AS 16.05.710(b)(1), after "license" delete ", interim-use permit, or entry permit"



Official Business

# Alaska State Legislature

## Senate

Fourth V  
State Capitol  
Juneau, Alaska 99811

### CSSB 52 (Res) Sectional Analysis:

- Section 1) Technical change; deletes [HIS] inserts the commissioner's; Deletes reference to 16.05.480 and inserts the reference 16.05.485 which is a new section pertaining to crew members fishing licenses.
- Section 2) Stylistic change with the deletion of the words [PERSONS AS HI] and makes a change in the statutory reference to 16.05.440 thru 16.05.485 to accomodate the new section pertaining to crew members fishing licenses.
- Section 3) Makes technical changes with regard to the statutory cites (16.05.440-485), removes masculine pronouns, and eliminates the liability disclaimer from the Commissioner of Revenue and the Commercial Fisheries Entry Commission if an agent selling licenses can't account for the fees paid.
- Section 4) Rewrites the commercial fisheries license statute, and requires that each person engaged in commercial fisheries hold a commercial fisheries license. Provides for a \$15 poverty license for people with low incomes, a \$30 license fee for residents, and a \$90 license fee for non residents. The commercial fishing license is included in a crew member license, entry permit or interim use permit. It is not a separate license.
- Section 5) This section establishes a new license: the crew member license. This license is required of any person who commercial fishes and does not hold an entry or interim use permit. The fees are as follows: \$15 for a poverty license; \$30 for a resident license; \$90 for a non-resident license. Also provides for a \$2.00 replacement license if the original license is lost.

Section 6) Removes masculine pronouns: employ a person/[HAVE IN HIS EMPLOY  
unless the person/[A FISHERMAN WHO NEITHER], and changes the  
statutory cite to 16.05.485 with regard to the new section on  
crew members fishing licenses.

Section 7) This section re words the license forfeiture statute. It pro-  
vides for the forfeiture of licenses, loss of eligibility to  
hold a license for one year, or a suspension of fishing rights  
for one year for a first or second offense. For a third or su-  
sequent offense, it provides for a forfeiture of licenses, los-  
of eligibility to hold a license for 3 years, or a suspension  
fishing rights for 3 years. All these penalties are in additi-  
to penalties ordained by law, and are at the court's discretio-

Section 8) Deletes the words [OR COMMERCIAL] so that the statute reads  
crewmember fishing license in keeping with the new section  
16.05.485 pertaining to crewmembers licenses.

Section 9) Same change as above

Section 10) Deletes the language with regard to "credit" for fishermans fu-  
deductions in the case of persons who hold multiple permits.

Section 11) Increases the annual fee from \$10 to \$30 (the new minimum fee  
for residents), makes stylistic changes (not [NO]), and provid-  
a new provision that the commission may charge the legal rate  
of interest on a fee not paid during the calendar year in whic-  
it was due. Also, the reference to "c" concerns the poverty li-  
ense.

Section 12) Substitutes fishing for [FISHERMENS] and inserts the statutory  
reference to 16.05.480

Section 13) Changes the statutory cite from 16.05.480 to 16.05 (entire  
chapter) in the definition of fisherman.

Section 14) Section originally read vessel operated as a commercial fish-  
ing vessel under a valid fishing license, and has been :

changed by adding a person holding a valid entry, interim use permit of a crewmembers fishing license with the new statutory cite of 16.05.485.

Section 15) Change relates to the category "crew members fishing license" rather than the former "commercial" fishing license, and adds the reference 16.05 (full chapter) rather than the specific reference to 16.05.480.

Section 16) Provides for a January 1st, 1984 effective date.

OC  
Proposed Amendments to CSSB 52 (Res) am

To Address CFEC Concerns

Page 1, lines 22 - 24

delete "and to assist in the completion of annual application or renewal forms for interim use permits and entry permits issued under AS 16.43"

Page 1, line 27

delete "(a)"

Page 2, lines 11 - 25

delete entire subsection (b)

Amendments Passed by Special  
Committee on Fisheries

~~Proposed~~ amendments to CSSB 52 (Res) am

To conform with HB 15 of Last Session

Page 5, line 10

delete "five"  
insert "two"

Page 5, line 14

delete "anyone"  
insert "the year immediately preceding the date of application and any other two"

Page 5, line 20

delete "five"  
insert "two"

Page 5, line 24

delete "anyone"  
insert "the year immediately preceding the date of application and any other two"

Page 7, line 9

delete "five"  
insert "two"

Page 7, line 12

delete "anyone"  
insert "the year immediately preceding the date of application and any other two"

Amendments to CSEB 52 (Res) am

Adopted by Fisheries Committee - 2/16/84

Page 6, line 13

insert after, "resident."

"The commission may charge interest on any unpaid fees due at the rate provided by AS 45.45.010(a) from the date of permit renewal."

Page 4, line 20

insert after, "person"

"for a period of not more than one year"

Page 5, line 1

insert after, "person"

"for a period of not more than one year"

Page 7, line 15

delete "1984"

insert "1985"

I. REQUEST

Bill/Resolution No.: Senate Bill 52  
 Title: "...licensing of commercial fishing..."  
 Sponsor: Senator Mulcahy  
 Requestor: Resources and Finance

II. FISCAL DETAIL

Agency Affected Department of Labor  
 Program Category Affected Worker Protection  
 BRU, Program of Subprogram(s) Affected:  
 Fishermen's Fund

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
Fisherman's Fund		(5.5)	(11.8)	(12.5)	(13.3)	(14.1)

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL: N/A

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Jaquelyn McClintock  
 Division: Workers' Compensation Division

Phone: 465-2790

Date: 3/9/83

Approved by Commissioner: Jim Robison  
 Department: Labor

Date: 3/9/83

LEG:A:8

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if)

Detail Analysis for Senate Bill 52

This bill would revise the cost for resident crewmember commercial fishing licenses for approximately 1,238 individuals in FY'84. The cost will be reduced from \$30.00 to \$15.00 for all residents who have a net family income falling within the poverty guidelines established by the Federal Community Services Administration and the Department of Revenue.

In preparing this fiscal note the following assumption have been made:

1. Effective date of January 1, 1984.
2. Six percent increase per annum in the number of crewmember licenses issued (CY 1982 used for bases).
3. Seven percent of resident crewmembers would qualify.
4. Loss of General Funds (40% of fee) will be reflected in the Department of Revenue's fiscal note.

Below is a chart which identifies the expected number of crewmember licenses to be issued annually and the projected loss of revenues to the Fishermen's Fund.

	<u>Total Crewmembers</u>	<u>Low-Income Crewmembers</u>	<u>Total Loss (1)</u>	<u>Fishermen's Fund Loss(2)</u>
CY'82	15,736			
FY'83	16,680			
FY'84	17,681	1,238	\$ 9,300 (3)	\$ 5,500
FY'85	18,742	1,312	19,700	11,800
FY'86	19,867	1,391	20,900	12,500
FY'87	21,059	1,474	22,100	13,300
FY'88	22,323	1,563	23,500	14,100

- (1) Loss is \$15.00 per "low-income" crewmember.
- (2) Fishermen's Fund receives 60% of the fees assessed.
- (3) Annual Loss of \$18,600 is revised for effective date of January 1, 1984.

I. REQUEST

Bill/Resolution No.: CSSB 52  
 Title: Licensing of Commercial Fishing  
 Sponsor: Mulcahy  
 Requestor: Senate Finance

II. FISCAL DETAIL

Agency Affected: Revenue  
 Program Category Affected: Coll. & Mgt.  
 BRU, Program of Subprogram(s) Affected: Administration & Support

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		5.5	11.2	11.7		
200 TRAVEL						
300 CONTRACTUAL		1.3	2.5	2.5		
400 COMMODITIES		2.5	0	0		
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		9.3	13.7	14.2		

CAPITAL						
Revenue sick & disabled fishermen fund(5.5)		(11.8)	(12.5)			
REVENUE - General Fund		(2.3)	(4.9)	(5.2)		

FUNDING: (Thousands of Dollars)

GENERAL FUND		9.3	13.7	14.2		
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME		.5	.5	.5		
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Linda Gene Lockridge  
 Division: Public Services

Phone: (907) 465-2376  
 Date: 4-28-83

Approved by Commissioner: Joseph K. Danah  
 Department: Revenue

Date: 5/2/83

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

Section IV. Analysis

Implementation of program creates a loss of revenue as 7% of Resident Crewmembers would qualify for \$ 15.00 Crewmember license.

It will take 1/2 of a position at the Accounting Clerk III level (range 10) to implement and administer this program. Since the bill will not take effect until 1/1/84, there will be no cost in FY83 and only a six month cost in FY84. A 4.5% increase has been figured for each year for negotiated contract increases.

Contractual costs are for requesting copies of income tax records from the Internal Revenue Service in order to establish eligibility. Again, there will be no cost in FY83 and only a six month cost in FY84.

The license itself can be incorporated into our present license but we will need to design a new affidavit and a release for tax record form and have a supply printed and distributed. This should be a one time cost in FY84 only.

STATE OF ALASKA  
FISCAL NOTE

Revision Date March 15, 1983

I. REQUEST

Bill/Resolution No.: SB 52  
 Title: Licensing of Commercial Fishing  
 Sponsor: Mulcahy  
 Requestor: Resources & Finance

II. FISCAL DETAIL

Agency Affected: Revenue  
 Program Category Affected: Coll. & Mgt.  
 BRU, Program of Subprogram(s) Affected: Administration & Support

EXPENDITURES/REVENUES: (Thousands of Dollars)

	83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		5.5	11.2	11.7		
200 TRAVEL						
300 CONTRACTUAL		1.3	2.5	2.5		
400 COMMODITIES		2.5	0	0		
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		9.3	13.7	14.2		
CAPITAL						
REVENUE-sick & disabled fishermen fund		(5.5)	(11.8)	(12.5)		
REVENUE-General Fund		(2.3)	(4.9)	(5.2)		

FUNDING: (Thousands of Dollars)

GENERAL FUND		9.3	13.7	14.2		
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME		.5	.5	.5		
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Linda Gene Lockridge Phone: 465-2376  
 Division: Public Services Date: March 15, 1983  
 Approved by Commissioner: Joseph D. Donohue Date: 3/15/83  
 Department: Revenue

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor

Section IV. Analysis

Implementation of program creates a loss of revenue as 7% of Resident Crewmembers would qualify for \$ 15.00 Crewmember license

It will take 1/2 of a position at the Accounting Clerk III level (range 10) to implement and administer this program. Since the bill will not take effect until 1/1/84, there will be no cost in FY83 and only a six month cost in FY84. A 4.5% increase has been figured for each year for negotiated contract increases.

Contractual costs are for requesting copies of income tax records from the Internal Revenue Service in order to establish eligibility. Again, there will be no cost in FY83 and only a six month cost in FY84.

The license itself can be incorporated into our present license but we will need to design a new affidavit and a release for tax record form and have a supply printed and distributed. This should be a one time cost in FY84 only.

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: November 30, 1983

REQUEST

Bill/Resolution No.: SB 52  
Title: "...licensing of commercial fishing..."  
Sponsor: Senator Mulcahy  
Requestor: Resources and Finance  
Date of Request: March 9, 1983

FISCAL DETAIL

Agency Affected: Labor  
Program Category Affected: Worker Protection  
ERU, Program or Subprogram(s) Affected: Fishermen's Fund

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER *		<5.8>	<11.5>	<11.5>	<11.5>	<11.5>
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

The impact is on the Fishermen's Fund.

ANALYSIS: Attach a separate page for analysis

Prepared By: Jacquelyn McClintock Phone: 465-2790

Division: Workers' Compensation Date: \_\_\_\_\_

Approved by Commissioner: Jim Robison Date: 12/11/83

Agency: Labor

LEG:A:13  
Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

.12/1/83

FISCAL NOTE

THE LEGISLATURE OF THE STATE OF ALASKA

THIRTEENTH LEGISLATURE

BILL/RESOLUTION NO: SB 52

TITLE: "An Act relating to licensing of commercial fishing"

AGENCY AFFECTED: Department of Labor

Page 2

This bill would revise the cost for resident crewmember commercial fishing licenses for approximately 1,292 individuals in Calendar Year 1985. The cost will be reduced from \$50.00 to \$15.00 for all residents who have a net family income falling within the poverty guidelines established by the Federal Community Services Administration and the Department of Revenue.

In preparing this fiscal note the following assumptions have been made:

1. Effective date of January 1, 1985.
2. No significant increase in the number of licenses sold from Calendar Year 1982 is anticipated.
3. Seven percent of resident crewmembers would qualify.
4. Loss of General Funds (40 percent of fee) will be reflected in the Department of Revenue's fiscal note.

The projected loss in revenue to the Fishermen's Fund will therefore be as follows:

Number of licenses sold in Calendar Year 1982	18,309
Number of low-income Crew Members	$x .07$ <u>1,282</u>
Total Loss in Revenue	$x \$15$ <u>\$19,230</u>
Total Loss to Fund	$x .60$ <u>\$11,538</u>

The same loss would be projected for Fiscal Year 1986 through Fiscal Year 1989. The impact on Fiscal Year 1985 would be only \$5,760, as the law would take effect January 1, 1985.

LEG:A:13

I. REQUEST

Bill/Resolution No: CSSB 52(Res) am  
 Title: Licensing Of Commercial Fishing  
 Sponsor: Mulcahy  
 Requestor: House Special Comm. Fisheries

II. FISCAL DETAIL

Agency Affected: Revenue  
 Program Category Affected: Coll. & Mgt.  
 BRU, Program of Subprogram(s) Affected:  
Public Services Division BRU

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
<b>OPERATING</b>						
100 PERSONAL SERVICES	-	-	5.6	11.7	12.2	12.8
200 TRAVEL	-	-	-	-	-	-
300 CONTRACTUAL	-	-	4.0	-	-	-
400 COMMODITIES	-	-	-	-	-	-
500 EQUIPMENT	-	-	-	-	-	-
600 LANDS & STRUCTURES	-	-	-	-	-	-
700 GRANTS, CLAIMS, ETC.	-	-	-	-	-	-
<b>TOTAL OPERATING</b>	-	-	9.6	11.7	12.2	12.8
<b>CAPITAL</b>	-	-	-	-	-	-
<b>REVENUE - General Fund</b>	-	-	(3.9)	(8.4)	(8.8)	(9.4)
<b>Fishermen's Fund</b>	-	-	(5.9)	(12.5)	(13.3)	(14.0)

FUNDING: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
GENERAL FUND	-	-	9.6	11.7	12.2	12.8
FEDERAL FUNDS	-	-	-	-	-	-
OTHER (Specify Source)	-	-	-	-	-	-

POSITIONS:

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
FULL TIME	-	-	-	-	-	-
PART-TIME	-	-	.5	.5	.5	.5
TEMPORARY	-	-	-	-	-	-

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attached.

Prepared By: Martin J. Richard  
 Division: Public Services  
 Approved by Commissioner: [Signature]  
 Department: Revenue

Phone: 465-2392  
 Date: 2/6/84  
 Date: 2/10/84

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Administration (for bills)
- Copy to Department (for **FISCAL NOTES.**)
- Copy to Sponsor
- Copy to Requestor (if different from sponsor)

Section IV. Analysis

Assuming an amendment is made to make this bill effective January 1, 1985, implementation of the program creates a loss of revenue since it is calculated that 7% of Resident Crewmembers would qualify for a \$15.00 Crewmember license.

1/2 will take 1/2 of a position at the Accounting Clerk III level (range 10) to implement and administer this program. Since the bill will not take effect until 1/1/85, there will be no cost in FY84 and only a six month cost in FY85. A 4.5% increase has been figured for each year for negotiated contract increases.

Contractual costs are for designing new affidavit, application and waiver forms and having a supply printed and distributed. It will also be necessary to incorporate the law into our regulations. Advertising will have to be done and training and guidelines written and distributed to the license officers. This should be a one time cost in FY85 only. The license itself can be incorporated into our present license at no additional cost.



I. REQUEST

Bill/Resolution No.: Senate Bill 52  
 Title: "...licensing of commercial fishing..."  
 Sponsor: Senator Mulcahy  
 Requestor: Resources and Finance

II. FISCAL DETAIL

Agency Affected: Department of Labor  
 Program Category Affected: Worker Protection  
 BRU, Program of Subprogram(s) Affected:  
 Fishermen's Fund

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
Fisherman's Fund		(5.5)	(11.8)	(12.5)	(13.3)	(14.1)

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL: N/A

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Maureen McClintock  
 Division: Workers' Compensation Division

Phone: 465-2790  
 Date: 3/9/83

Approved by Commissioner: Jim Robison  
 Department: Labor

Date: 3/9/83

LEG:A:8

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
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- Copy to Requestor (if

3/8/83

Detail Analysis for Senate Bill 52

This bill would revise the cost for resident crewmember commercial fishing licenses for approximately 1,238 individuals in FY'84. The cost will be reduced from \$30.00 to \$15.00 for all residents who have a net family income falling within the poverty guidelines established by the Federal Community Services Administration and the Department of Revenue.

In preparing this fiscal note the following assumption have been made:

1. Effective date of January 1, 1984.
2. Six percent increase per annum in the number of crewmember licenses issued (CY 1982 used for bases).
3. Seven percent of resident crewmembers would qualify.
4. Loss of General Funds (40% of fee) will be reflected in the Department of Revenue's fiscal note.

Below is a chart which identifies the expected number of crewmember licenses to be issued annually and the projected loss of revenues to the Fishermen's Fund.

	<u>Total Crewmembers</u>	<u>Low-Income Crewmembers</u>	<u>Total Loss (1)</u>	<u>Fishermen's Fund Loss(2)</u>
CY'82	15,736			
FY'83	16,680			
FY'84	17,631	1,238	\$ 9,300 (3)	\$ 5,500
FY'85	18,742	1,312	19,700	11,800
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FY'87	21,059	1,474	22,100	13,300
FY'88	22,323	1,563	23,500	14,100

- (1) Loss is \$15.00 per "low-income" crewmember.
- (2) Fishermen's Fund receives 60% of the fees assessed.
- (3) Annual Loss of \$18,600 is revised for effective date of January 1, 1984.

I. REQUEST

Bill/Resolution No.: CSSB 52  
 Title: Licensing of Commercial Fishing  
 Sponsor: Mulcahy  
 Requestor: Senate Finance

II. FISCAL DETAIL

Agency Affected: Revenue  
 Program Category Affected: Co. & Mgt.  
 BRU, Program of Subprogram(s) Affected: Administration & Support

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
<b>OPERATING</b>						
100 PERSONAL SERVICES		5.5	11.2	11.7		
200 TRAVEL						
300 CONTRACTUAL		1.3	2.5	2.5		
400 COMMODITIES		.5	0	0		
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
<b>TOTAL OPERATING</b>		9.3	13.7	14.2		
<b>CAPITAL</b>						
Revenue sick & disabled fishermen fund(5.5)		(11.8)	(12.5)			
<b>REVENUE - General Fund</b>		(2.3)	(4.9)	(5.2)		

FUNDING: (Thousands of Dollars)

GENERAL FUND		9.3	13.7	14.2		
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME		.5	.5	.5		
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Linda Gene Lockridge  
 Division: Public Services

Phone: (907) 465-2376

Date: 4-28-83

Approved by Commissioner: Joseph K. Donohue  
 Department: Revenue

Date: 5/2/83

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

Section IV. Analysis

Implementation of program creates a loss of revenue as 7% of Resident Crewmembers would qualify for \$ 15.00 Crewmember license.

It will take 1/2 of a position at the Accounting Clerk III level (range 10) to implement and administer this program. Since the bill will not take effect until 1/1/84, there will be no cost in FY83 and only a six month cost in FY84. A 4.5% increase has been figured for each year for negotiated contract increases.

Contractual costs are for requesting copies of income tax records from the Internal Revenue Service in order to establish eligibility. Again, there will be no cost in FY83 and only a six month cost in FY84.

The license itself can be incorporated into our present license but we will need to design a new affidavit and a release for tax record form and have a supply printed and distributed. This should be a one time cost in FY84 only.

STATE OF ALASKA  
FISCAL NOTE

Revision Date March 15, 1983

I. REQUEST

Bill/Resolution No.: SB 52  
 Title: Licensing of Commercial Fishing  
 Sponsor: Mulcahy  
 Requestor: Resources & Finance

II. FISCAL DETAIL

Agency Affected: Revenue  
 Program Category Affected: Coll. & Mgt.  
 BRU, Program of Subprogram(s) Affected: Administration & Support

EXPENDITURES/REVENUES: (Thousands of Dollars)

	83	FY 84	FY 85	FY 86	FY 87	FY 88
<b>OPERATING</b>						
100 PERSONAL SERVICES		5.5	11.2	11.7		
200 TRAVEL						
300 CONTRACTUAL		1.3	2.5	2.5		
400 COMMODITIES		2.5	0	0		
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
<b>TOTAL OPERATING</b>		<b>9.3</b>	<b>13.7</b>	<b>14.2</b>		
<b>CAPITAL</b>						
REVENUE-sick & disabled fishermen fund		(5.5)	(11.8)	(12.5)		
REVENUE-General Fund		(2.3)	(4.9)	(5.2)		

FUNDING: (Thousands of Dollars)

GENERAL FUND		9.3	13.7	14.2		
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME		.5	.5	.5		
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Linda Gene Lockridge Phone: 465-2376  
 Division: Public Services Date: March 15, 1983  
 Approved by Commissioner: Joseph Donohue Date: 3/15/83  
 Department: Revenue

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor

Section IV. Analysis

Implementation of program creates a loss of revenue as 7% of Resident Crewmembers would qualify for \$ 15.00 Crewmember license

It will take 1/2 of a position at the Accounting Clerk III level (range 10) to implement and administer this program. Since the bill will not take effect until 1/1/84, there will be no cost in FY83 and only a six month cost in FY84. A 4.5% increase has been figured for each year for negotiated contract increases.

Contractual costs are for requesting copies of income tax records from the Internal Revenue Service in order to establish eligibility. Again, there will be no cost in FY83 and only a six month cost in FY84.

The license itself can be incorporated into our present license but we will need to design a new affidavit and a release for tax record form and have a supply printed and distributed. This should be a one time cost in FY84 only.

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: November 30, 1983

REQUEST

Bill/Resolution No.: SB 52  
 Title: "...licensing of commercial fishing..."  
 Sponsor: Senator Mulcahy  
 Requestor: Resources and Finance  
 Date of Request: March 9, 1983

FISCAL DETAIL

Agency Affected: Labor  
 Program Category Affected: Worker Protection  
 BRU, Program or Subprogram(s) Affected: Fishermen's Fund

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0

<b>CAPITAL</b>						
----------------	--	--	--	--	--	--

<b>REVENUE</b>						
----------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER *		<5.8>	<11.5>	<11.5>	<11.5>	<11.5>
<b>TOTAL</b>						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

The impact is on the Fishermen's Fund.

ANALYSIS: Attach a separate page for analysis

Prepared By: Jacquelyn McClintock  
 Division: Workers Compensation

Phone: 465-2790  
 Date: \_\_\_\_\_

Approved by Commissioner: Jim Robison  
 Agency: Labor

Date: 12/11/83

LEG:A:13

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

FISCAL NOTE

THE LEGISLATURE OF THE STATE OF ALASKA  
THIRTEENTH LEGISLATURE  
BILL/RESOLUTION NO: SB 52  
TITLE: "An Act relating to licensing of commercial fishing"  
AGENCY AFFECTED: Department of Labor  
Page 2

This bill would revise the cost for resident crewmember commercial fishing licenses for approximately 1,282 individuals in Calendar Year 1985. The cost will be reduced from \$30.00 to \$15.00 for all residents who have a net family income falling within the poverty guidelines established by the Federal Community Services Administration and the Department of Revenue.

In preparing this fiscal note the following assumptions have been made:

1. Effective date of January 1, 1985.
2. No significant increase in the number of licenses sold from Calendar Year 1982 is anticipated.
3. Seven percent of resident crewmembers would qualify.
4. Loss of General Funds (40 percent of fee) will be reflected in the Department of Revenue's fiscal note.

The projected loss in revenue to the Fishermen's Fund will therefore be as follows:

Number of licenses sold in Calendar Year 1982	18,309
Number of low-income Crew Members	$\frac{x .07}{1,282}$
Total Loss in Revenue	$\frac{x \$15}{\$19,230}$
Total Loss to Fund	$\frac{x .60}{\$11,538}$

The same loss would be projected for Fiscal Year 1986 through Fiscal Year 1989. The impact on Fiscal Year 1985 would be only \$5,769, as the law would take effect January 1, 1985.

CITATION Sec. 16.05.450.  
CATCH LINE

*Sec 1  
amends  
this*

ISSUANCE OF LICENSES.

TEXT

(a) The commissioner of revenue or his authorized agent shall issue a crewmember fishing license under AS 16.05.480 to each qualified person who files a written application at a place in the state designated by the commissioner, containing the reasonable information required by the commissioner together with the required fee. The application shall be simple in form and shall be executed by the applicant under the penalty of perjury.

(b) The Commercial Fisheries Entry Commission shall issue a vessel license under AS 16.05.490 to each qualified vessel for which a written application has been filed at a place in the state designated by the commission, containing the reasonable information required by the commission together with the required fee. The application shall be simple in form and shall be executed by the applicant under the penalty of perjury.

(c) Repealed by sec. 19 ch 105 SLA 1977.

HISTORY (Sec. 3 art III ch 94 SLA 1959; am sec. 1 ch 163 SLA 1962; am sec. 7 ch 31 SLA 1963; am secs. 1, 2 ch 92 SLA 1971; am sec. 1 ch 145 SLA 1972; am secs. 2, 3, 19 ch 105 SLA 1977)

CITATION Sec. 16.05.460.  
CATCH LINE

*Sec 2  
amends  
this*

COMMISSIONER OF REVENUE MAY APPOINT AGENTS.

TEXT

The commissioner of revenue may appoint qualified persons as his agents to receive applications, issue licenses, and collect license fees under AS 16.05.440 - 16.05.480, and to assist in the completion of annual application or renewal forms for interim-use permits and entry permits issued under AS 16.43.010 16.43.380.

HISTORY (Sec. 4 art III ch 94 SLA 1959; am sec. 8 ch 31 SLA 1963; am sec. 4 ch 105 SLA 1977)

CITATION Sec. 16.05.470.  
CATCH LINE

*Sec 3  
amends  
this*

FEE FOR ISSUANCE OF LICENSES AND INTERIM-USE OR ENTRY PERMITS.

TEXT

(a) A person appointed and authorized by the commissioner of revenue to sell licenses under AS 16.05.440 - 16.05.480, except salaried employees of the state, shall retain the sum of 15 per cent of the fee for the issuance of a license. An agent shall transmit monthly to the commissioner all license fees collected by him, less the authorized commission, together with a full accounting of the fees. The commissioner shall make monthly remittances of the fees collected to the proper state official. The commissioner is not liable for defalcation or failure to account for the fees collected by an agent, but he shall require a bond in the sum he considers adequate, conditioned upon the faithful accounting of money collected.

(b) A person appointed by the commissioner of revenue under AS 16.05.460 to issue licenses under AS 16.05.440 - 16.05.480, except salaried employees of the state, shall retain the sum of 15 per cent of the interim-use or entry permit fee for assisting

See 3  
amends  
this

in completion of the annual application or renewal form for the interim-use or entry permit. An agent shall transmit promptly to the Commercial Fisheries Entry Commission all application or renewal forms and fees collected by him, less the authorized commission, together with a full accounting of the fees. The commissioner and the Commercial Fisheries Entry Commission are not liable for defalcation or failure to account for the fees collected by an agent, but the commissioner shall require a bond in the sum he considers adequate, conditioned upon the faithful accounting of money collected.

HISTORY (Sec. 5 art III ch 94 SLA 1959; am sec. 9 ch 31 SLA 1963; am sec. 1 ch 8 SLA 1977; am secs. 5, 6 ch 105 SLA 1977)

See 4  
repeals  
&  
re-enacts  
this

CITATION Sec. 16.05.480.  
CATCH LINE

COMMERCIAL FISHING LICENSE.  
LIMITED EFFECTIVE DATE

TEXT

(a) -EFFECTIVE UNTIL JANUARY 1, 1982- A person engaged in commercial fishing shall obtain a commercial fishing license. The fee for the license is \$10 for residents, and \$30 for nonresidents. Except for those which are also entry or interim-use permits, all commercial fishing licenses are nontransferable. The commercial fishing license shall be retained in the possession of the licensee, readily accessible for inspection at all times. No more than one fee may be charged annually against a person. For the purposes of this section, "commercial fishing license" includes entry permits and interim-use permits issued under ch. 43 of this title and crewmember fishing licenses.

POSTPONED EFFECTIVE DATE

-EFFECTIVE JANUARY 1, 1983- A person engaged in commercial fishing shall obtain a commercial fishing license. The fee for the license is \$30 for residents, and \$90 for nonresidents. Except for those which are also entry or interim-use permits, all commercial fishing licenses are nontransferable. The commercial fishing license shall be retained in the possession of the licensee, readily accessible for inspection at all times. No more than one fee may be charged annually against a person. For the purposes of this section, "commercial fishing license" includes entry permits and interim-use permits issued under AS 16.43 and crewmember fishing licenses.

(b) A person applying for a resident commercial license under this section shall provide the proof of residence which the department requires by regulation.

(c) Repealed by sec. 12 ch 123 SLA 1978.

HISTORY (Sec. 6 art III ch 94 SLA 1959; am sec. 19 ch 131 SLA 1960; am sec. 1 ch 93 SLA 1966; am sec. 2 ch 42 SLA 1968; am sec. 8 ch 105 SLA 1977; am secs. 1, 2, 12 ch 123 SLA 1978; am sec. 1 ch 79 SLA 1982)

Sec 5 →  
adds a  
new section  
here

CITATION Sec. 16.05.680.  
CATCH LINE

Sec 6  
amends  
this

**UNLAWFUL PURCHASES.**

TEXT It is unlawful for a person, his agent, or his representative  
 (1) to have in his employ, in the harvesting,  
 transporting or purchasing of fish, a fisherman who neither  
 is licensed under AS 16.05.480 nor is the holder of a permit  
 issued under AS 16.43.010 16.43.380,  
 (2) to purchase fish from a fisherman who neither is  
 the holder of a permit issued under AS 16.43.010 16.43.380,  
 nor is exempt under AS 16.05.660, or  
 (3) to purchase fish from an association other than one  
 to which a permit has been issued under AS 16.05.662.

HISTORY (Sec. 10 art III ch 94 SLA 1950, am sec. 2 ch 96 SLA 1963; am  
 sec. 2 ch 73 SLA 1970; am sec. 11 ch 105 SLA 1977)

~~Sec 5~~  
~~adds to~~  
~~the law~~  
~~in here~~  
Sec 7  
repeals  
&  
re-enacts  
this

CITATION Sec. 16.05.710.  
 CATCH LINE

**LICENSE FORFEITURE.**

TEXT Upon a first or second conviction of a person for a violation of  
 secs. 440 - 720 of this chapter or a federal or state law or  
 regulation for the protection of the commercial fish of the  
 state, the court may, in addition to the penalty imposed by law,  
 forfeit the commercial fishing license of the person for a period  
 of one year. Upon a third conviction, the court may, in addition  
 to the penalty imposed by law, forfeit the commercial fishing  
 license for a period not to exceed three years.

HISTORY (Sec. 11 art III ch 94 SLA 1959; am sec. 1 ch 112 SLA 1961; am  
 sec. 1 ch 75 SLA 1966)

CITATION Sec. 16.10.310.  
 CATCH LINE

**POWERS OF THE DEPARTMENT.**

TEXT (a) The department may  
 (1) make loans to  
 (A) individual commercial fishermen who have been  
 state residents for a continuous period of five years  
 immediately preceding the date of application for a loan  
 under AS 16.10.300 - 16.10.370 and have had a crewmember  
 or commercial fishing license under AS 16.05.480 or a  
 permit under AS 16.43 for any one of the past five  
 years, and who actively participated in the fishery  
 during that period, for the purchase of entry permits;  
 (B) an individual who has been a state resident  
 for a continuous period of five years immediately  
 preceding the date of application for a loan under AS  
 16.10.300 - 16.10.370, who (i) because of lack of  
 training or lack of employment opportunities in the area  
 of residence does not have occupational opportunities  
 available other than commercial fishing; or (ii) is  
 economically dependent on commercial fishing for a  
 livelihood and commercial fishing has been a traditional  
 way of life for the individual in Alaska, for the  
 repair, restoration or upgrading of existing vessels and

Sec 8  
amends  
this

gear, for the purchase of entry permits and gear, and for the construction and purchase of vessels;

*Sec 9 amends this*

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

(2) designate agents and delegate its powers to them as necessary;

(3) adopt regulations necessary to carry out its functions;

(4) establish amortization plans for repayment of loans, which may include extensions for poor fishing seasons or for adverse market conditions for Alaskan products;

(5) enter into agreements with private lending institutions, other state agencies, or agencies of the federal government, to carry out the purposes of AS 16.10.300 - 16.10.370;

(6) enter into agreements with other agencies or organizations to create an outreach program to make loans under AS 16.10.300 - 16.10.370 in rural areas of the state.

(b) The department shall consult with the Department of Fish and Game on regulations and procedures established under this chapter.

HISTORY (Sec. 1 ch 134 SLA 1972; am sec. 3 ch 54 SLA 1973; am sec. 3 ch 128 SLA 1975; am sec. 1 ch 154 SLA 1977; am sec. 3 ch 83 SLA 1978; am secs. 2 - 7 ch 72 SLA 1979; am sec. 7 ch 113 SLA 1982)

CITATION Sec. 16.43.160.

CATCH LINE

FEES.

TEXT

(a) The commission shall establish annual fees for the issuance and annual renewal of entry permits or interim-use permits. The amount paid by a permit holder under the provisions of AS 16.05.480 shall be credited by the commission toward payment of the fee charged under this section. No more than one credit may be obtained annually by a person. LIMITED EFFECTIVE DATE

(b) -EFFECTIVE UNTIL JANUARY 1, 1983- Annual fees established under this section shall be no less than \$10 and no more than \$750 and shall reasonably reflect the different rates of economic return for different fisheries.

POSTPONED EFFECTIVE DATE

-EFFECTIVE JANUARY 1, 1983- Annual fees established under this section shall be no less than \$10 and no more than \$750 and shall

*Sec 10 amends this*

*Sec 11 amends this*

reasonably reflect the different rates of economic return for different fisheries. The amount of an annual fee for a nonresident shall be three times the amount of the annual fee for a resident.

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

HISTORY (Sec. 1 ch 79 SLA 1973; am sec. 15 ch 105 SLA 1977; am sec. 4 ch 123 SLA 1978; am sec. 2 ch 79 SLA 1982)

CITATION Sec. 23.35.060.

CATCH LINE

CREATION AND ADMINISTRATION OF FISHERMEN'S FUND.

TEXT There is created a fund, designated as the "fishermen's fund." The Department of Revenue is the custodian of the fund and the Department of Labor shall administer it. The fund shall be composed of 60 per cent of the money derived by the state from all commercial fishermen's licenses and money appropriated to carry out the purpose of AS 23.35.010 - 23.35.150.

HISTORY (Sec. 4 ch 100 SLA 1951; am sec. 1 ch 99 SLA 1955; am sec. 16 ch 105 SLA 1977; am sec. 11 ch 123 SLA 1978)

CITATION Sec. 23.35.150.

CATCH LINE

DEFINITIONS.

TEXT In this chapter

- (1) "commissioner" means the commissioner of labor;
- (2) "council" means the Fishermen's Fund Advisory and Appeals Council;

- (3) "department" means the Department of Labor;

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

- (5) "fund" means the Fishermen's Fund;

- (6) "occupational disease" means hernia; varicose veins of the leg; the respiratory diseases, bronchitis, pleurisy, and pneumonia caused by or aggravated by the fishing endeavor, but excluding the common cold and influenza; rheumatism, arthritis and those musculoskeletal diseases (such as bursitis, traumatic sciatica, and tenosynovitis) directly caused by or aggravated by the fishing endeavor; and does not include a disease not common to both sexes, venereal disease, or a condition arising out of an attempt of a fisherman to injure himself or another.

- (7) "approved medical facilities" and "medical care" include the facilities of, or the care and treatment prescribed or performed by, a practitioner or chiropractic

Sec 12  
amends  
this

Sec 13  
amends  
this

licensed by the state under AS 08.20.  
HISTORY (Sec. 13 ch 64 SLA 1959; am sec. 1 ch 93 SLA 1960: sec. 4 ch 100  
SLA 1951; am sec. 1 ch 99 SLA 1955: sec. 5 ch 100 SLA 1951; am  
sec. 2 ch 99 SLA 1955; am sec. 1 ch 59 SLA 1957: sec. 8 ch 100  
SLA 1951; am sec. 1 ch 77 SLA 1962; am sec. 1 ch 51 SLA 1972; am  
sec. 17 ch 105 SLA 1977)

CITATION Sec. 43.75.017.  
CATCH LINE

EXCLUSION FROM FISHERIES BUSINESS TAX.

TEXT A person is not liable for the fisheries business tax under AS  
43.75.015 when the fishery resource is frozen aboard a fishing  
vessel if

*Sec 14  
amends  
this*

- (1) the vessel is operated as a commercial fishing vessel under a valid commercial fishing license;
- (2) the fishery resource is not processed beyond heading, gutting or cleaning, freezing and glazing;
- (3) the fishery resource was caught by the vessel; and
- (4) the fishery resource is sold by the person claiming an exclusion from the tax to a fisheries business licensed under AS 43.75.011 - 43.75.140.

HISTORY (Sec. 7 ch 117 SLA 1981)

CITATION Sec. 44.81.210.  
CATCH LINE

POWERS OF THE BANK.

- TEXT (a) The bank may
- (1) make variable rate or fixed rate loans to individuals who are residents and who are engaged in commercial agriculture or fishing, including harvesters, processors, suppliers and marketers, or to corporations, partnerships or joint ventures engaged in commercial agriculture or fishing, the majority interest of which is beneficially owned by residents of the state and a majority of the owners of which are residents of the state, if the recipient of the loan is a member of the bank; however, the bank may make a loan under this paragraph to a corporation, partnership, or joint venture for the purchase of a new or existing fishing vessel or for the repair or renovation of an existing fishing vessel, the primary purpose of which is to commercially harvest fishery resources, only if the corporation, partnership, or joint venture is wholly owned and controlled by residents of the state and if the recipient of the loan is a member of the bank.
  - (2) make and alter bylaws necessary or desirable to carry out its corporate functions;
  - (3) establish amortization plans for repayment of loans, which may include extensions for poor fishing or farming seasons, or for adverse market conditions for Alaskan products;
  - (4) enter into agreements with regional institutions of

the federal financial credit system, private lending institutions, and other agencies or agencies of the federal government, except for the purposes of AS 44.81.010 - 44.81.350;

- (5) ... and use a corporate seal;
- (6) ... sued in the name of the bank;
- (7) issue bonds to carry out any of its corporate purposes and powers;
- (8) sell, lease as lessor or lessee, exchange, donate, convey or encumber in any manner by mortgage or by creation of any other security interest, real or personal property owned by it, or in which it has an interest, when, in the judgment of the board of directors, the action is in furtherance of its corporate purposes;
- (9) incur secondary liability by guaranty or endorsement of the obligations of another corporation or legal entity when, in the judgment of the board of directors, the action is in furtherance of its corporate purposes;
- (10) make loans as provided in (1) of this section in participation with financial institutions, and establish and regulate the terms of the loans;
- (11) make contracts and execute instruments necessary or convenient in the exercise of its corporate powers;
- (12) acquire by purchase, lease, bequest, devise, gift, the satisfaction of debts, or the foreclosure of mortgages, and hold, maintain, use, operate, and convey real or personal property;
- (13) borrow money and issue secured and unsecured evidence of indebtedness for a corporate purpose or to fund, refund, pay, or discharge outstanding obligations, and enter agreements and contracts concerning these obligations;
- (14) secure the payment of its obligations by pledge or mortgage or other lien on its contracts, revenues, income, or property;
- (15) appoint officers, employees, trustees for certificate holders, and agents, and prescribe their powers and duties;
- (16) provide technical services to members of the bank; for the purpose of this paragraph, "technical services" includes services that will enhance the ability of the member to obtain financial assistance from the bank;
- (17) make loans, as provided in (1) of this section, secured by liens subordinate to valid first liens and security agreements granted to a private lending institution;
- (18) participate with state departments and agencies in formulating policy and in planning for the development of commercial fishing and agriculture in the state;
- (19) do what is necessary or desirable to carry out the corporate purposes and powers expressed or implied in AS 44.81.010 - 44.81.350;
- (20) make loans to individual commercial fishermen for limited entry permits; a loan under this paragraph may be made only to an individual commercial fisherman who has been a state resident for a continuous period of five years

Sec 15  
amends  
this

immediately preceding the date of application for the loan and who has had a crewmember or commercial fishing license under AS 16.05.480 or a permit under AS 16.43.010 - 16.43.380 for any one of the past five years, and who has actively participated in the fishery during that period; loans made under this paragraph are subject to the provisions of AS 44.81.230;

(21) indemnify a director, officer or employee of the bank and his heirs, executors and administrators against all liabilities and related expenses including, but not limited to, court costs and attorney fees, judgments, and the cost of reasonable settlements, incurred by him in connection with or arising out of an action or proceeding brought against him because of an act or omission in the performance of his official duties as director, officer or employee of the bank regardless of whether he is a director, officer or employee at the time the expenses or liabilities are incurred;

(22) accept the pledge of a limited entry permit as security for a loan made under AS 44.81.010 44.81.350 for the repair, restoration, or improvement of a commercial fishing vessel or commercial fishing gear, or for the construction or purchase of a commercial fishing vessel, subject to the conditions set out in AS 44.81.230 - 44.81.250 on pledges of limited entry permits.

(b) The provisions of (a)(21) of this section do not authorize the bank to indemnify a director, officer or employee of the bank who is adjudged liable for negligence or misconduct in the performance of his official duties.

HISTORY

(Sec. 3 ch 159 SLA 1978; am sec. 4 ch 53 SLA 1979; am secs. 7-10 ch 51 SLA 1980; am sec. 6 ch 109 SLA 1981; am sec. 52 ch 113 SLA 1982)

Effect of amendments. — The 1961 amendment added "or interim-use permit" preceding "if a person knowingly" in the introductory language of subsection (a). Also in subsection (a), the amendment

deleted "or" from the end of paragraph (1), added "or" at the end of paragraph (2) and added paragraph (3). The amendment also added subsection (i).

Sec. 16.43.360. Penalties. (a) A person who violates a provision of this chapter or a regulation promulgated under this chapter is, upon conviction, guilty of a class B misdemeanor and is punishable by a fine of not more than \$5,000 for a first conviction, and a fine of not more than \$10,000 for a second or third conviction. Upon a third conviction, the person forfeits all interim-use and entry permits held by the person and loses eligibility for future issuance or transfer of interim-use or entry permits for a period of three years. Upon a first or second conviction under this section, the court may in its discretion order a forfeiture of interim-use or entry permits held by the person, as well as a loss of eligibility for future issuance or transfer of interim-use or entry permits, or order a suspension of fishing rights under interim-use or entry permits held or to be held by the person for a period of not more than three years. This subsection does not apply to violations of AS 16.43.140(a).

(b) A person who knowingly makes a false statement of fact in the application for or renewal of an interim-use permit or an entry permit or vessel license application or renewal or in the application for a transfer under AS 16.43.170 — 16.43.180, or a person who assists another by knowingly making a false statement of fact in support of the other person's application for issuance or renewal of an interim-use permit or an entry permit or vessel license is guilty of a misdemeanor and shall forfeit all interim-use permits and entry permits held by him and shall lose eligibility for interim-use permits and for entry permits for a period of three years and is punishable by a fine of not more than \$5,000.

(c) Repealed by § 12 ch 47 SLA 1981.

(d) If a permit holder is charged by the state with violating a provision of AS 16.43.010 — 16.43.380 or a regulation adopted under AS 16.43.010 — 16.43.380, he may not transfer, under AS 16.43.170, any interim-use or entry permit he may hold, until after the final adjudication or dismissal of the charges.

(e) Notwithstanding any other provision of this section, no interim-use or entry permit may be transferred while under suspension, without the consent of the commission.

(f) An entry permit forfeited under this section that is taken as security for a loan under AS 16.10.333 or AS 44.81.230 shall be reassigned as provided in AS 16.10.337 or AS 44.81.250.

(g) A person who violates the provisions of AS 16.43.140(a) is

(1) upon a first conviction, guilty of a class B misdemeanor and may be sentenced to a definite term of imprisonment of not more than 90

days, or forfeiture of the person's fishing vessel, or both, and shall be sentenced to a fine of not less than \$5,000 nor more than \$10,000 and loss of commercial fishing privileges for a period of one year after the date of conviction;

(2) upon a second conviction, guilty of a class A misdemeanor and may be sentenced to a definite term of imprisonment of not more than one year, and shall be sentenced to a fine of not less than \$10,000 nor more than \$20,000, forfeiture of the person's fishing vessel, and loss of commercial fishing privileges for a period of two years after the date of conviction;

(3) upon a third or subsequent conviction, guilty of a class A misdemeanor and may be sentenced to a definite term of imprisonment of not more than one year, and shall be sentenced to a fine of not less than \$20,000 nor more than \$50,000, forfeiture of the person's fishing vessel, and loss of commercial fishing privileges for a period of five years after the date of conviction.

(h) A person convicted of violating the provisions of AS 16.43.140(a) forfeits the value of the fishery resources found on board the person's vessel at the time of the violation. (§ 1 ch 79 SLA 1973; am § 7 ch 73 SLA 1977; am §§ 7—9 ch 123 SLA 1978; am §§ 10, 12 ch 47 SLA 1981; am §§ 4, 5 ch 94 SLA 1982)

**Cross references.** — As to sentences for misdemeanors, see AS 12.55.135.

**Effect of amendments.** — The 1978 amendment, in the first sentence of subsection (a), inserted "or assists in the violation of," "is" preceding "upon conviction," and "or third," substituted "and" for a semicolon following "for a first conviction" and deleted the language providing a penalty for a third conviction from the end of that sentence. The amendment also added the second and third sentences of subsection (a), and in subsection (b), inserted "knowingly" near the beginning and near the middle, "or renewal of" near the beginning, "or vessel license application or renewal" near the beginning, and "or renewal" near the middle, deleted "a material" preceding "fact" near the beginning and near the middle, and substituted "vessel license" for "transfer of an entry permit, upon conviction" near the middle and "three years and is punishable by a fine of not more than \$5,000" for "five years" at the end. Moreover, the amendment added subsection (e).

The 1981 amendment repealed subsection (c) which read "If a permit holder is convicted of a violation of AS 43.20.335 and the violation relates to income derived from commercial fishing under this title, he shall forfeit all interim-use permits and entry permits held by him and shall lose eligibility for interim-use permits and for entry permits for a period of five years" and added subsection (f).

The 1982 amendment, effective June 16, 1982, in subsection (a), deleted "or assists in the violation of" following "violates" and inserted "class B" preceding "misdemeanor" in the first sentence, substituted "forfeits" for "shall forfeit" in the second sentence, substituted "by the person" for "by him" in two places in the next-to-last sentence, and added the present last sentence. The amendment also added subsections (g) and (h).

**Editor's notes.** — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 0.05.031(c) and § 4, Chapter 58, SLA 1982.

**Sec. 16.43.380. Definitions.** In this chapter

(1) "commission" means the Alaska Commercial Fisheries Entry Commission;

§ 16  
(2) "e  
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Alaska State Legislature  
House of Representatives

Special Committee on Fisheries

Room V  
Juneau, Alaska 99801  
(907) 465-4924

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ADELHEID HERRMANN  
VICE CHAIRMAN  
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MEMORANDUM

TO: Special Committee on Fisheries Members  
FROM: Mel Morsen  
DATE: March 8, 1984  
SUBJECT: SB 52, Section 7 (License Forfeiture)

The current license forfeiture statute (AS 16.05.710) allows the forfeiture of commercial fishing licenses for violations of AS 16.05.440 - 16.05.720 (Attachment 1). Included in the definition of commercial fishing licenses are interim-use and entry permits.

In SB 52, Section 7, the license forfeiture statute is rewritten and during the Fisheries Committee discussion of this bill, concern was raised that forfeiture of an entry permit may be overly harsh (Attachment 2). To address this problem, the Committee amended the bill so that first and second conviction forfeitures can be for only one year and third conviction forfeitures can be for only three years (Attachment 3).

After researching this statute and discussing it with Legal Services (Ed Hein) several interesting points have been raised. First, forfeiture is not for a time period and should not have a time limit attached. If the Committee wants to limit the time period, a suspension should be used. Second, the license forfeiture language was enacted before limited entry and at that time forfeiture only meant giving up an annual and inexpensive license, not an expensive fishing privilege.

In order to address the Committee concerns with the section, I have drafted two options for the license forfeiture section. Under the first option, the court would have the option of suspension of permits for one year for first or second offenses and for three years for the third offense (attachment 4). Of course, the crewmember license could still be forfeited, but no forfeiture of permits for violation of 16.05 would be allowed.

Policy Decision on Sec 7,  
Forfeiture of License & Permint

Committee Members

March 8, 1964

Page Two

The second option is more strict and still allows for forfeiture of permits (attachment 5). Under first and second offenses, the available penalties are the same as the first option, but upon a third conviction, the courts have the option of forfeiting the permit permanently.

SB 52 is in the House Resources Committee at the present time and is on hold while the license forfeiture questions are answered. Once a decision is reached, a committee substitute can be drafted which includes both the Fisheries Committee amendments and any changes to Section 7. I will contact your offices shortly after you receive this memo to get direction on this issue.

ATTACHMENT #1

Sec. 16.05.710. License forfeiture. Upon a first or second conviction of a person for a violation of AS 16.05.440 — 16.05.720 or a federal or state law or regulation for the protection of the commercial fish of the state, the court may, in addition to the penalty imposed by law, forfeit the commercial fishing license of the person for a period of one year. Upon a third conviction, the court may, in addition to the penalty imposed by law, forfeit the commercial fishing license for a period not to exceed three years. (§ 11 art III ch 1 SLA 1959; am § 1 ch 112 SLA 1961; am § 1 ch 75 SLA 1966)

ATTACHMENT #2

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

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

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

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

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

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

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

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

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

ATTACHMENT #3

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

(1) a forfeiture of a crewmember fishing license, interim-use permit, or entry permit held by the person for a period of not more than one year;

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

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

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

(1) a forfeiture of a crewmember fishing license, interim-use permit, or entry permit held by the person for a period of not more than three years;

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

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

ATTACHMENT #4

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

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

(1) a forfeiture of a crewmember fishing license held by the person;

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

(3) a suspension of an interim-use permit or entry permit for a period of not more than one year.

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

(1) a forfeiture of a crewmember fishing license held by the person;

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

(3) a suspension of an interim-use permit or entry permit for a period of not more than three years.

ATTACHMENT #5

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

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

(1) a forfeiture of a crewmember fishing license held by the person;

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

(3) a suspension of an interim-use permit or entry permit for a period of not more than one year.

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

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

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

COMMITTEE REPORT

HOUSE

Wanted  
HOUSE SPECIAL  
COMMITTEE  
STATE LOG  
FURTHER:  
RESOURCES

(7)

6/1/83

Date: February 27 1984

Mr. Speaker:

HOUSE SPECIAL COMMITTEE  
ON FISHERIES

The Committee on \_\_\_\_\_ has had CSSB 52 (Res) on

"An Act relating to the licensing of commercial fishing; and providing for an effective date."

under consideration and reports it back as follows:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for \_\_\_\_\_  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation  Zero Fiscal Note Attached
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

*John D. Fulk*  
*Richard B. Schulze*  
*Ben Summers*  
*John D. Fulk*  
*Peter J. ...*  
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*John D. Fulk*

CHAIRMAN