



# LAWS OF ALASKA

1981

**Source**

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**Chapter No.**

41

**AN ACT**

Establishing a fishery product revolving loan fund and providing for loans and loan guarantees for commercial fish purchasers; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 11

Approved by the Governor: June 25, 1981  
Actual Effective Date: June 26, 1981

AN ACT

Establishing a fishery product revolving loan fund and providing for loans and loan guarantees for commercial fish purchasers; and providing for an effective date.

\* Section 1. AS 45 is amended by adding a new chapter to read:

CHAPTER 91. FISHERY PRODUCT REVOLVING LOAN FUND.

Sec. 45.91.010. ESTABLISHMENT OF LOAN FUND. The fishery product revolving loan fund is established in the Department of Revenue.

Sec. 45.91.020. FISHERY PRODUCT LOANS. The department may purchase participations in loans made to fish processors with facilities located in Alaska and which are used to finance those processors' inventories of canned, frozen, or processed products from Alaska fisheries.

Sec. 45.91.030. POWERS AND DUTIES OF THE DEPARTMENT. (a) The commissioner may

- (1) designate agents and delegate powers to them as is necessary;
- (2) adopt regulations to implement this chapter;
- (3) make and execute contracts and other instruments to implement this chapter;
- (4) purchase participations in notes and agreements securing loans in accordance with this chapter;
- (5) require that loans in which the fund participates be

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1 secured by adequate collateral;

2 (6) acquire real or personal property by purchase, transfer,  
3 or foreclosure when that acquisition is necessary to protect a note in  
4 which the fund has an interest.

5 (b) Money in the fund that is not being used for participations  
6 in fishery product loans must be invested by the department in the same  
7 manner as provided for the investment of general fund surplus under  
8 AS 37.10.070.

9 (c) Earnings and interest income from investment and fishery pro-  
10 duct loan participations must be transferred to the general fund. Re-  
11 payments of principal from investments and loan participations must be  
12 returned to the fund.

13 Sec. 45.91.040. LIMITATIONS ON LOANS. (a) Loan participations  
14 purchased under this chapter are subject to the following limitations:

15 (1) State participation in a single loan may not exceed 90  
16 percent of the total amount of the loan.

17 (2) The term of a loan may not exceed one year unless ex-  
18 tended under an arrangement made in accordance with (c) of this section.

19 (3) The loan must be secured by a pledge of the inventory  
20 being financed by the loan, by a pledge of the accounts receivable from  
21 that inventory, or by other collateral acceptable to all participants  
22 in the loan. The security interest taken by the state in the collateral  
23 must be at least equal in priority to the interests in the collateral  
24 of all other participants in the loan, and the proportion which the  
25 amount of the state's security interest bears to the total amount of  
26 collateral furnished to all participants in the loan shall at least  
27 equal the percentage of its participation in the total amount of the  
28 loan.

29 (4) The loan must be originated and serviced by either the

Alaska Commercial Fishing and Agriculture Bank (AS 44.81.010) or by a state or federally chartered financial institution.

(5) The servicing charge on the loan may not exceed one-half of one percent of the outstanding balance of the loan.

(6) The rate of interest, including all service fees, on the unpaid balance of one loan fund's participation in a loan shall float at the average rate at which six month U.S. Treasury bills are awarded in the weekly auction of U.S. Treasury bills, plus three and three-fourths percentage points, but may not exceed the applicable interest rate.

(7) Loans must be made only to fish processors with facilities located in Alaska.

(8) Loans may not be made to fish processors which are 80 percent or more owned or controlled by aliens.

(b) Money in the fund shall be used to purchase participation in loans made to fish processors which are 50 percent or more owned or controlled by persons domiciled in Alaska until these processors needs for loans are met before the money in the fund may be used to purchase participation in loans made to fish processors which are less than 50 percent owned or controlled by persons domiciled in Alaska.

(c) If the department is a participant in a loan to a fish processor that has not been, or appears unlikely to be, fully repaid within the one-year term prescribed in (a)(2) of this section, the department may not participate in another loan to that processor until the outstanding loan to the processor has been paid.

(d) For the purposes of this section

(1) "alien" means

(A) an individual who is not a citizen or national of the United States, or who is not lawfully admitted to the United

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1 States for permanent residence, or paroled into the United States  
2 under the Immigration and Nationality Act (8 U.S.C. secs. 1101 -  
3 1503), as amended;

4 (B) a person, other than an individual, that was not  
5 created or organized under the laws of the United States or of a  
6 state, or whose principal place of business is not located in any  
7 state; or

8 (C) a person, other than an individual, that was created  
9 or organized under the laws of the United States or of a state, or  
10 whose principal place of business is located in a state, and which  
11 is controlled by a person described in (A) or (B) of this para-  
12 graph;

13 (2) "control" means that a relationship exists between a  
14 person and fish processor in which the person exercises control con-  
15 sisting of

16 (A) owning directly or indirectly, or having the power  
17 to vote, the percentage indicated of any class of voting security  
18 of a fish processor organized as a corporation; or

19 (B) influencing or affecting in any substantive manner  
20 the election of a majority of the directors or trustees of a fish  
21 processor organized as a corporation;

22 (3) "person" means an individual, a corporation, a partner-  
23 ship, an association, a joint-stock company, an estate, a trust where  
24 the interests of the beneficiaries are evidenced by a security, an  
25 unincorporated association, a government, a political subdivision of a  
26 government, or a combination of these entities.

27 Sec. 45.91.050. SALE OR TRANSFER OF MORTGAGES AND NOTES. The de-  
28 partment may sell or transfer at par value or at a premium or discount  
29 to any bank or other private purchaser for cash or other consideration

the mortgages and notes held as security for loans made under this chapter. The proceeds from the sale or transfer are assets of the fund.

Sec. 45.91.060. DEFINITIONS. In this chapter

- (1) "commissioner" means the commissioner of revenue;
- (2) "department" means the Department of Revenue;
- (3) "fish processor" means a person engaging in a business for which a license is required under AS 43.75.010 - 43.75.090;
- (4) "facilities located in Alaska" means facilities at which fisheries products are canned, frozen, or otherwise processed for inventory, including floating facilities which are documented under the laws of the United States as defined in 46 U.S.C. 801, and operate within the three-mile limit or within historic bays and inland waters of the state;
- (5) "fishery product" means fin fish, shellfish, and fish by-products, including but not limited to salmon, halibut, herring, flounder, crab, clam, cod, shrimp, and pollock;
- (6) "fund" means the fishery product revolving loan fund.

\* Sec. 2. LOAN GUARANTEES FOR COMMERCIAL FISH PURCHASERS. (a) The Alaska Commercial Fishing and Agriculture Bank may

- (1) make loans to provide financial assistance to commercial purchasers of the 1981 fish harvest;
- (2) participate with commercial banks in the making of loans to provide financial assistance to commercial purchasers of the 1981 fish harvest;
- (3) enter into agreements with the Department of Revenue to provide guarantees from the fish processing loan guarantee account for up to 50 percent of the portion of a loan described in (1) and (2) of this subsection held by a commercial bank or an institution of the federal farm

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1 credit system.

2 (b) A loan may not be guaranteed under (a)(3) of this section unless  
3 20 percent or more of the loan is held by the Alaska Commercial Fishing and  
4 Agriculture Bank.

5 (c) The commissioner of revenue may enter into agreements with the  
6 Alaska Commercial Fishing and Agriculture Bank to use the assets of the fish  
7 processing loan guarantee account created in sec. 2(c), ch. 32, SLA 1980, to  
8 provide guarantees for loans under (a)(3) of this section. The total amount  
9 of the guaranteed portion of loans guaranteed under (a)(3) of this section  
10 may not exceed \$40,000,000.

11 (d) In this section, "commercial bank" means a bank chartered by the  
12 United States or by a state of the United States.

13 \* Sec. 3. This Act takes effect immediately in accordance with AS 01.10.  
14 070(c).