



LAWS OF ALASKA

1984

Source

CSHB 376(Res) am

Chapter No.

145

AN ACT

Amending the Limited Entry Act; providing for landing permits; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 10

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: July 3, 1984
Actual Effective Date: July 4, 1984

AN ACT

Amending the Limited Entry Act; providing for landing permits; and providing for an effective date.

* Section 1. AS 16.05 is amended by adding a new section to read:

Sec. 16.05.675. LANDING PERMITS. (a) A person who does not hold a limited entry permit or interim-use permit issued under AS 16.43 may not deliver or land fish in the state unless the person

(1) holds a valid federal permit to operate commercial fishing gear in the fishery conservation zone; and

(2) has been issued a landing permit by the Commercial Fisheries Entry Commission.

(b) The commissioner may by regulation establish eligibility requirements for the issuance of a landing permit.

(c) The commissioner may authorize the Commercial Fisheries Entry Commission to issue landing permits for a fishery if the commissioner has made a written finding that the issuance of landing permits for that fishery is consistent with state resource conservation and management goals.

* Sec. 2. AS 16.05.680 is amended to read:

Sec. 16.05.680. UNLAWFUL PURCHASES. It is unlawful for a person, or an agent or representative of the person, [HIS AGENT, OR HIS REPRESENTATIVE]

(1) to [HAVE IN HIS] employ, in the harvesting,

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1 transporting or purchasing of fish, a fisherman who neither is
2 licensed under AS 16.05.480 nor is the holder of a permit issued under
3 AS 16.43,

4 (2) to purchase fish from a fisherman who neither is the
5 holder of a limited entry, interim-use, or landing permit issued under
6 AS 16.43, nor is exempt under AS 16.05.660, or

7 (3) to purchase fish from an association other than one to
8 which a permit has been issued under AS 16.05.662.

9 * Sec. 3. AS 16.10.265(a) is amended to read:

10 (a) It is unlawful for an individual while acting as a fish
11 processor or primary fish buyer, or as an agent, director, officer,
12 member, or employee of a fish processor, of a primary fish buyer, or
13 of a cooperative corporation organized under AS 10.15 to intentionally
14 or knowingly make an original purchase of fish from a seller who, in
15 violation of AS 16.43, does not hold a landing permit, an entry permit
16 or an interim-use permit [ISSUED OR TRANSFERRED TO THE SELLER IN
17 ACCORDANCE WITH AS 16.43].

18 * Sec. 4. AS 16.10.267(a)(1) is amended to read:

19 (1) a landing permit, [AN] entry permit or interim-use
20 permit issued or transferred to the fisherman under AS 16.43, or other
21 document authorized by regulation to be used in place of an entry
22 permit or interim-use permit; and

23 * Sec. 5. AS 16.43.100(a) is amended by adding new paragraphs to read:

24 (16) establish reasonable user fees for services;

25 (17) issue landing permits in accordance with AS 16.05.67
26 and regulations adopted under that section; and

27 (18) establish and collect annual fees for the issuance of
28 landing permits that reasonably reflect the costs incurred in the
29 administration and enforcement of provisions of law related to landing
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permits.

* Sec. 6. AS 16.43.110 is amended to add a new subsection to read:

(e) The commission shall adopt regulations to provide for the correction of administrative error.

* Sec. 7. AS 16.43.150(a) is amended to read:

(a) Each entry permit authorizes the permittee to operate a unit of gear within a specified fishery [ADMINISTRATIVE AREA].

* Sec. 8. AS 16.43.150(f) is amended to read:

(f) Except for permits which are not transferable under AS 16.-43.170(c) or (e), an [AN] entry permit survives the death of the holder.

* Sec. 9. AS 16.43.150(h) is amended to read:

(h) Upon the death of an entry permit holder, the permanent permit shall be transferred by the commission directly to the surviving spouse by right of survivorship unless the deceased holder has expressed a contrary intent in a will that is probated [A CONTRARY INTENT IS MANIFESTED]. When no spouse survives, the rights of the decedent pass as part of the decedent's [HIS] estate.

* Sec. 10. AS 16.43.170(b) is amended to read:

(b) Except as provided in (c) and (e) of this section, the holder of an entry permit may transfer the [HIS] permit to another person or to the commission upon 60 days notice of intent to transfer under regulations adopted by the commission. No sooner than 60 days nor later than 12 months from the date of notice to the commission, the holder of an entry permit may transfer the [HIS] permit. If the proposed transferee, other than the commission, can demonstrate the [ESTABLISH] present ability to participate actively in the fishery and the transfer agreement does not violate any provision of AS 16.43 or regulations adopted thereunder, the commission shall approve the

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1 transfer and reissue the entry permit to the transferee provided that
2 neither party is prohibited by law from participating in the transfer.

3 * Sec. 11. AS 16.43.260(a) is amended to read:

4 (a) The commission shall accept applications for entry permits
5 only from applicants who have harvested fishery resources commercially
6 while participating in the fishery as holders of gear licenses issued
7 under AS 16.05.536 - 16.05.670 and interim-use permits under AS 16.-
8 43.210(a) before the qualification date established in (d) or (e) of
9 this section. The commission may specify by regulation the calendar
10 years of participation that will be considered for eligibility pur-
11 poses.

12 * Sec. 12. This Act takes effect immediately in accordance with AS 01.-
13 10.070(c).