

CS FOR HOUSE BILL NO. 288(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered: 2/15/02

Referred: Finance

Sponsor(s): REPRESENTATIVES SCALZI, Stevens, Hudson, Fate, Dyson, Wilson

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to commercial fishing limited entry permit buy-back programs and to**
2 **relinquishment of commercial fishing permits; and defining 'optimum number'."**

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

4 *** Section 1.** AS 16.43.150(f) is amended to read:

5 (f) Except for permits that are not transferable under AS 16.43.170(e)
6 [AS 16.43.170(c) OR (e)], an entry permit survives the death of the holder.

7 *** Sec. 2.** AS 16.43.150 is amended by adding a new subsection to read:

8 (i) The holder of a transferable or nontransferable entry permit or of an
9 interim-use permit may relinquish the permit to the commission.

10 *** Sec. 3.** AS 16.43.170(b) is amended to read:

11 (b) Except as provided in [(c) AND] (e) of this section, the holder of an entry
12 permit may transfer the permit to another person or to the commission upon 60 days
13 notice of intent to transfer under regulations adopted by the commission. No sooner
14 than 60 days nor later than 12 months from the date of notice to the commission, the

1 holder of an entry permit may transfer the permit. If the proposed transferee, other
 2 than the commission, can demonstrate the present ability to participate actively in the
 3 fishery and the transfer does not violate any provision of this chapter or regulations
 4 adopted under this chapter [IT], and if a certificate for the permit under
 5 AS 16.10.333(b)(1) - (2), 16.10.338, or AS 44.81.231(a) is not in effect, the
 6 commission shall approve the transfer and reissue the entry permit to the transferee
 7 provided that neither party is prohibited by law from participating in the transfer.

8 * **Sec. 4.** AS 16.43.170(e) is amended to read:

9 (e) The [BEFORE THE DETERMINATION, UNDER AS 16.43.290 AND
 10 16.43.300, OF THE OPTIMUM NUMBER OF ENTRY PERMITS FOR A
 11 FISHERY, THE] holder of an entry permit who qualified for that entry permit in a
 12 priority classification designated under AS 16.43.250(c) may not transfer that permit
 13 [UNLESS THE COMMISSION ESTIMATES THAT THE OPTIMUM NUMBER
 14 FOR THAT FISHERY WILL BE EQUAL TO OR GREATER THAN THE
 15 NUMBER OF OUTSTANDING ENTRY PERMITS AND INTERIM-USE
 16 PERMITS].

17 * **Sec. 5.** AS 16.43.310 is repealed and reenacted to read:

18 **Sec. 16.43.310. Establishment of buy-back funds.** When the optimum
 19 number of entry permits is less than the number of entry permits outstanding in a
 20 fishery, the commission may establish a buy-back program and a buy-back fund for
 21 that fishery. If the commission establishes a buy-back program for a fishery, the
 22 commission shall request the legislature to appropriate money to capitalize the buy-
 23 back fund. The commission shall expend money in a buy-back fund for the purpose of
 24 reducing the number of entry permits in the fishery to the optimum number, at a rate to
 25 be established by the commission.

26 * **Sec. 6.** AS 16.43.320 is repealed and reenacted to read:

27 **Sec. 16.43.320. Administration of the buy-back program.** The commission
 28 shall adopt regulations providing for the purchase of transferable entry permits with
 29 money in the buy-back fund for each fishery. The buy-back program for a fishery
 30 shall terminate when the number of entry permits for the fishery is reduced to the
 31 optimum. The unexpended balance of appropriations made to the buy-back fund for a

1 fishery shall lapse back into the fund from which the money was appropriated at the
2 end of the fiscal year in which the buy-back program is terminated.

3 * **Sec. 7.** AS 16.43.990 is amended by adding a new paragraph to read:

4 (10) "optimum number" includes an optimum range of numbers.

5 * **Sec. 8.** AS 16.43.170(c) is repealed.