

Original Sponsor: Hammond,
Palmer and Poland

Offered: 4/9/68

1 IN THE SENATE

BY THE CONFERENCE COMMITTEE

2 FREE CONFERENCE CS FOR SENATE BILL NO. 327

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to persons eligible to obtain gear
7 licenses; and providing for an effective date."

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

9 * Section 1. LEGISLATIVE FINDINGS. (a) The legislature finds that ex-
10 cessive entry into Alaska fishing areas has resulted in massive accumulations
11 of salmon fishing gear with attendant ever-increasing difficulty in providing
12 for sound conservation and management of the resource.

13 (b) The legislature further finds that the uninhibited issuance of
14 gear licenses to anyone despite total lack of experience in the particular
15 area has not only been the prime factor tending toward accumulation of ex-
16 cessive gear but also has posed additional management, enforcement, and
17 public safety problems through the lack of familiarity with regulations,
18 waters, and procedures peculiar to the individual area.

19 (c) In view of the findings in (a) and (b) of this section, it is con-
20 sidered necessary by the legislature to impose experience requirements prior
21 to issuance of salmon gear licenses to any applicants.

22 * Sec. 2. AS 16.05 is amended by adding a new section to read:

23 Sec. 16.05.536. PERSONS ELIGIBLE FOR GEAR LICENSES. (a) Except
24 in cases of extreme hardship as defined by the Board of Fish and Game, a
25 salmon net gear license for a specific salmon registration area may be
26 issued only to a person who

27 (1) has previously held a salmon net gear license for that
28 specific salmon registration area; or

29 (2) has, for any three years, held a commercial fishing

1 license and while so licensed actively engaged in commercial fishing in
2 that specific area.

3 (b) An applicant who claims that he is qualified for a gear
4 license under (a)(2) of this section shall submit to the Department of
5 Revenue

6 (1) an affidavit by the applicant stating that he purchased
7 Alaska commercial fishing licenses for the required three years, and
8 during those years, commercially fished in the specific salmon registra-
9 tion area; the specific years the applicant purchased commercial fish-
10 ing licenses shall be named in the affidavit; and

11 (2) either affidavits from two persons holding currently
12 valid gear licenses in the area where the applicant desires to fish
13 stating that the applicant has fished the required time in that area, or
14 for each of three years statements prepared by the applicant, sub-
15 sequent to the effective date of this section, signed by employees of
16 the Department of Fish and Game evidencing that the applicant did re-
17 port in at a Department of Fish and Game office within the required area
18 during the required three years.

19 (c) A person who makes a false statement in the affidavits re-
20 quired by (b)(1) and (2) of this section is guilty of a misdemeanor.

21 * Sec. 3. AS 16.05.540 is amended to read:

22 Sec. 16.05.540. LIMITATION ON ISSUANCE OF FISHING GEAR LICENSES.
23 The fishing gear licenses mentioned in secs. 550 - 650 of this chapter
24 shall be issued one to the applicant and only for the area in which the
25 applicant qualifies under sec. 536 of this chapter. Each applicant
26 shall personally operate or assist in the operation of the licensed
27 fishing gear. Each applicant for the fishing gear licenses mentioned in
28 secs. 570 and 580 of this chapter shall also personally own or lease the
29 licensed fishing gear. The license is transferable as provided under

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sec. 670 of this chapter.

* Sec. 4. AS 16.05.250 is amended by adding a new subsection to read:

(12) establish additional qualifications relating to the eligibility requirements for gear licenses.

* Sec. 5. This Act becomes effective on January 1, 1969, unless all or any part of Sec. 102.09 of the 1968 Alaska Commercial Fishing Regulations are struck down by the courts, at which time this Act will become effective immediately.