

Introduced: 2/21/80
Referred: Resources and
Judiciary

1 IN THE HOUSE BY DUNCAN AND ELIASON
2 SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 350
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to limited entry permits for hand-
7 trolling."

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

9 * Section 1. AS 16.43.150(h) is amended to read:

10 (h) Upon the death of an entry permit holder, the entry [PERMA-
11 NENT] permit shall be transferred by the commission directly to the
12 surviving spouse by right of survivorship unless a contrary intent is
13 manifested or unless the entry permit was issued for handtrolling. When
14 no spouse survives, the rights of the decedent pass as part of his
15 estate unless the rights relate to an entry permit that was issued for
16 handtrolling.

17 * Sec. 2. AS 16.43.150 is amended by adding new subsections to read:

18 (i) An entry permit issued for handtrolling shall be forfeited to
19 the commission

20 (1) upon the death of the permit holder;

21 (2) upon failure of the permit holder to verify to the com-
22 mission the landings of a substantial quantity of fish caught by hand-
23 trolling each season in the fishery for which the entry permit was
24 issued, except as waived by the commission for good cause.

25 (j) In (i) of this section, "substantial quantity" means the
26 minimum amount of fish which a fisherman must catch to demonstrate an
27 intent to make commercial fishing by handtrolling a substantial part of
28 his occupation. The commission shall establish the minimum amount by
29 regulation for each handtroll fishery for which entry permits have been

1 issued.

2 (k) An entry permit issued for handtrolling may be voluntarily
3 transferred at any time to the commission, without compensation.

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

5 (b) Except as provided in (c) and (e) of this section, the holder
6 of an entry permit may transfer his permit to another person or to the
7 commission upon 60 days notice of intent to transfer under regulations
8 adopted by the commission. No sooner than 60 days nor later than 12
9 months from the date of notice to the commission, the holder of an entry
10 permit may transfer his permit. If the proposed transferee, other than
11 the commission, can establish present ability to participate actively in
12 the fishery, the commission shall approve the transfer and reissue the
13 entry permit to the transferee.

14 * Sec. 4. AS 16.43.170 is amended by adding a new subsection to read:

15 (e) Except as provided in AS 16.43.180(a) and notwithstanding the
16 provisions of (a) - (c) of this section, an entry permit for hand-
17 trolling is transferable only to the commission.

18 * Sec. 5. AS 16.43.180(b) is amended to read:

19 (b) The commission shall adopt regulations providing for the
20 temporary transfer of an entry permit issued for any fishery except a
21 handtrolling fishery upon the death of the permittee pending final
22 disposition of the permit as a part of the permittee's estate.

23 * Sec. 6. AS 16.43.260(a) is amended to read:

24 (a) The commission shall accept applications for entry permits
25 other than entry permits for handtrolling only from applicants who have
26 harvested fishery resources commercially while participating in the
27 fishery as holders of gear licenses issued under AS 16.05.536 - 16.05.-
28 670 before the qualification date established in (d) or (e) of this
29 section. The commission may accept applications for entry permits for

1 handtrolling from any applicant but shall give priority to those who
2 have harvested fishery resources as holders of gear licenses or interim-
3 use permits before the qualification date established in (e) of this
4 section.

5 * Sec. 7. AS 16.43 is amended by adding a new section to read:

6 Sec. 16.43.274. ISSUANCE AND REISSUANCE OF HANDTROLL PERMITS. (a)
7 The commission may not issue an entry permit for handtrolling in a
8 fishery unless the applicant has demonstrated his present ability to
9 participate actively in the handtroll fishery under regulations adopted
10 by the commission.

11 (b) An entry permit for handtrolling which is forfeited to the
12 commission under AS 16.43.150(d) or (i) or 16.43.360, transferred to the
13 commission under AS 16.43.150(j) or revoked by the commission under
14 AS 16.43.355, shall be promptly reissued by the commission to an appli-
15 cant who

16 (1) submitted an application for an entry permit for hand-
17 trolling in the fishery during the initial application period estab-
18 lished under AS 16.43.260(b);

19 (2) harvested fishery resources commercially while partici-
20 pating in the handtroll fishery for which the entry permit was issued as
21 a holder of a gear license or an interim-use permit before the qualifi-
22 cation date established in AS 16.43.260(e);

23 (3) demonstrates present ability to participate in the hand-
24 troll fishery for which the entry permit was issued; and

25 (4) was not previously issued an entry permit for handtrolling
26 in the fishery.

27 (c) Entry permits shall be reissued under (b) of this section to
28 applicants in order of descending priority classification as provided in
29 AS 16.43.270(a).

1 (d) If within the lowest priority classification of applicants to
2 which some entry permits for handtrolling may be reissued under (b) of
3 this section, there are more applicants than there are entry permits to
4 be reissued, then the allocation of entry permits for handtrolling
5 within that priority classification shall be by lottery.

6 (e) After all the applicants described in (b) of this section have
7 been issued entry permits for handtrolling in a fishery, entry permits
8 for handtrolling in the fishery shall be reissued to other applicants in
9 the order in which their applications were received by the commission.

10 (f) If more than one application was received by the commission on
11 the latest date for which entry permits for handtrolling in a fishery
12 are to be reissued, then the allocation of permits among the applica-
13 tions received that day shall be by lottery.

14 * Sec. 8. AS 16.43.290 is amended by adding a new subsection to read:

15 (b) The commission shall establish the optimum number of entry
16 permits for handtrolling in a fishery within two years after issuance of
17 the first entry permit for handtrolling in the fishery. The optimum
18 number of entry permits for handtrolling may never be less than the
19 maximum number established under AS 16.43.240 for the fishery.

20 * Sec. 9. AS 16.43.300(b) is amended to read:

21 (b) If the commission decreases the optimum number of entry per-
22 mits for a fishery, other than a handtroll fishery, the number of entry
23 permits may be reduced only under the voluntary buy-back provisions set
24 out in AS 16.43.310 - 16.43.320.

25 * Sec. 10. AS 16.43.300 is amended by adding a new subsection to read:

26 (c) The commission shall review the optimum number of entry
27 permits for a handtroll fishery at two-year intervals. If the optimum
28 number of entry permits for a handtroll fishery exceeds the maximum
29 number of entry permits established under AS 16.43.240 for the fishery,

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the commission shall issue additional permits in accordance with the procedure described in AS 16.43.274(b) - (f).