

Introduced: 2/13/79
Referred: Resources and
Judiciary

1 IN THE SENATE

BY SACKETT

2 SENATE BILL NO. 187

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to limited entry in certain fisheries;
7 and providing for an effective date."

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

9 * Section 1. AS 16.43 is amended by adding new sections to article 4 to
10 read:

11 Sec. 16.43.195. FINDINGS: COASTAL AND RIVER FISHERIES. (a) The
12 legislature finds that

13 (1) certain fisheries of the state have developed major
14 commerical markets at a slower rate than other fisheries; the coastal
15 fisheries have long had established major commercial markets while most
16 river fisheries have only developed major commercial markets since 1970;

17 (2) in the past certain fisheries of the state have been
18 regulated for commercial harvest of salmon in a manner significantly
19 different from other fisheries; the coastal commercial fisheries have
20 historically required gear licenses while some river fisheries have not;

21 (3) regulating entry into the fisheries of the state without
22 considering the effects of late developing commercial markets and dif-
23 ferent methods of regulation of the commercial harvest of salmon has
24 resulted in certain qualified applicants being unjustly excluded from
25 the commercial fisheries;

26 (4) distinguishing between the coastal and river fisheries
27 when regulating entry into the commercial fisheries of the state will
28 result in the most equitable distribution of permits issued under this
29 chapter with the least discrimination;

1 (5) there is a rational basis in fact for the commission to
2 distinguish between coastal and river fisheries when regulating entry
3 into the commercial fisheries of the state;

4 (6) there is close and substantial relationship between art.
5 VIII, sec. 15, Constitution of the State of Alaska and the need to
6 distinguish between coastal and river fisheries.

7 (b) The commission shall adopt separate regulations for limiting
8 entry into the commercial river fisheries. In adopting separate regula-
9 tions for commercial river fisheries, the commission shall take into
10 consideration the findings in (a) of this section.

11 Sec. 16.43.225. SPECIAL DESIGNATIONS. (a) The commission shall
12 designate (1) those fisheries which have developed major commercial
13 markets significantly later than other fisheries in the state; and (2)
14 those fisheries which have been regulated for commercial harvest in a
15 significantly different manner than other fisheries in the state.

16 (b) In making special designations under (a) of this section, the
17 commission shall make written findings, which shall be made available to
18 any member of the general public upon request, including, but not
19 limited to,

20 (1) the reasons for late development of commercial markets in
21 the fishery;

22 (2) the effect on applicants for permits of the late develop-
23 ment of commercial markets in the fishery;

24 (3) the level and manner of regulation of commercial fisher-
25 ies in areas where major commercial markets have developed significantly
26 later than in other fisheries;

27 (4) the effect on applicants for permits of any significantly
28 different method of regulation in areas where major commercial markets
29 have developed significantly later than other areas.

1 * Sec. 2. AS 16.43.250 is amended by adding a new subsection to read:

2 (d) In addition to the priority classifications for similarly
3 situated applicants established in (a) of this section, the commission
4 shall adopt regulations establishing additional qualifications for
5 ranking applicants in river fisheries and in other fisheries designated
6 in accordance with AS 16.43.225. The regulations shall define priority
7 classifications based upon a reasonable balance of the standards estab-
8 lished in (a) of this section and the following additional hardship
9 standards:

10 (1) degree of involvement with and reliance upon the fishery
11 for purposes other than the production of income;

12 (2) degree of involvement with or reliance upon the fishery
13 in connection with other persons who have an economic dependence upon
14 the fishery;

15 (3) degree of involvement with or reliance upon the fishery
16 for the benefit of other persons in the immediate community or region;

17 (4) extent of past participation in the fishery in the manner
18 specified in (1) - (3) of this subsection.

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

20 (a) Except as provided in (f) of this section, the [THE] commis-
21 sion shall accept applications for entry permits only from applicants
22 who have harvested fishery resources commercially while participating in
23 the fishery as holders of gear licenses issued under AS 16.05.536 -
24 16.05.670 before the qualification date established in (d) or (e) of
25 this section.

26 * Sec. 4. AS 16.43.260 is amended by adding new subsections to read:

27 (f) The commission shall accept applications for entry permits for
28 fisheries designated in accordance with AS 16.43.225 and for river
29 fisheries only from applicants who have harvested fishery resources

1 commercially in the fishery before the qualification date established in
2 (d) or (e) of this section.

3 (g) If the application period for entry permits for a river fish-
4 ery has closed on or before June 1, 1979, the commission shall reopen
5 the application period upon the adoption of regulations for the fishery
6 in accordance with AS 16.43.195 or on January 1, 1980, whichever occurs
7 first. The application period shall remain open for at least one week.

8 (h) If the application period for entry permits for a fishery
9 designated in accordance with AS 16.43.225 has closed on or before
10 June 1, 1979, and has not been reopened since that date, the commission
11 shall reopen the application period upon establishing the designation.
12 The application period shall remain open for at least one week.

13 (i) An applicant under (g) or (h) of this section shall be
14 assigned to a priority classification based solely upon his qualifica-
15 tions as of the date of reopening the application period.

16 * Sec. 5. This Act takes effect June 1, 1979.
17
18
19
20
21
22
23
24
25
26
27
28
28