

Introduced: 4/21/83
Referred: House Special Committee
on Fisheries and Resources

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2

HOUSE BILL NO. 376

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act amending the Limited Entry Act; and providing
7 for an effective date."

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

9 * Section 1. AS 16.43.040 is amended by adding a new subsection to
10 read:

11 (b) The commission shall adopt regulations to provide for break-
12 ing tie votes in the event that only two commissioners are participat-
13 ing in an adjudication.

14 * Sec. 2. AS 16.43.100(a) is amended by adding a new paragraph to read:
15 (16) establish reasonable user fees for services.

16 * Sec. 3. AS 16.43.110 is amended to add a new subsection to read:

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

19 * Sec. 4. AS 16.43.150(a) is amended to read:

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

22 * Sec. 5. AS 16.43.150(f) is amended to read:

23 (f) Except for permits which are not transferable under AS 16.-
24 43.170(c) or (e), an [AN] entry permit survives the death of the
25 holder.

26 * Sec. 6. AS 16.43.150(h) is amended to read:

27 (h) Upon the death of an entry permit holder, the permanent
28 permit shall be transferred by the commission directly to the surviv-
29 ing spouse by right of survivorship unless the deceased holder has

1 expressed a contrary intent in a will which is probated [A CONTRARY
2 INTENT IS MANIFESTED]. When no spouse survives, the rights of the
3 decedent pass as part of his estate.

4 * Sec. 7. AS 16.43.170(b) is amended to read:

5 (b) Except as provided in (c) and (e) of this section, the
6 holder of an entry permit may transfer his permit to another person or
7 to the commission upon 60 days notice of intent to transfer under
8 regulations adopted by the commission. No sooner than 60 days nor
9 later than 12 months from the date of notice to the commission, the
10 holder of an entry permit may transfer his permit. A proposed trans-
11 ferree must demonstrate present ability to actively participate in the
12 fishery. [IF THE PROPOSED TRANSFEREE, OTHER THAN THE COMMISSION, CAN
13 ESTABLISH PRESENT ABILITY TO PARTICIPATE ACTIVELY IN THE FISHERY, THE
14 COMMISSION SHALL APPROVE THE TRANSFER AND REISSUE THE ENTRY PERMIT TO
15 THE TRANSFEREE.]

16 * Sec. 8. AS 16.43.260(a) is amended to read:

17 (a) The commission shall accept applications for entry permits
18 only from applicants who have harvested fishery resources commercially
19 while participating in the fishery as holders of gear licenses issued
20 under AS 16.05.536 -- 16.05.670 and interim-use permits under AS
21 16.43.210(a) before the qualification date established in (d) or (e)
22 of this section. The commission may specify by regulation the calen-
23 dar years of participation that will be considered for eligibility
24 purposes.

25 * Sec. 9. This Act takes effect immediately in accordance with AS
26 01.10.070(c).