

Offered: 6/1/83  
Referred: Rules

Original sponsor: Rules/Governor

1 IN THE HOUSE BY THE RESOURCES COMMITTEE  
2 CS FOR HOUSE BILL NO. 376 (Resources)  
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; providing for  
7 landing permits; and providing for an effective  
8 date."  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
10 \* Section 1. AS 16.05 is amended by adding a new section to read:  
11 Sec. 16.05.675. LANDING PERMITS. (a) A person who does not  
12 hold a limited entry permit or interim-use permit issued under  
13 AS 16.43 may not deliver or land fish in the state unless the person  
14 (1) holds a valid federal permit to operate commercial  
15 fishing gear in the fishery conservation zone; and  
16 (2) has been issued a landing permit by the Commercial  
17 Fisheries Entry Commission.  
18 (b) The commissioner may by regulation establish eligibility  
19 requirements for the issuance of a landing permit.  
20 (c) The commissioner may authorize the Commercial Fisheries  
21 Entry Commission to issue landing permits for a fishery if the  
22 commissioner has made a written finding that the issuance of landing  
23 permits for that fishery is consistent with state resource conserva-  
24 tion and management goals.  
25 \* Sec. 2. AS 16.05.680 is amended to read:  
26 Sec. 16.05.680. UNLAWFUL PURCHASES. It is unlawful for a per-  
27 son, or an agent or representative of the person, [HIS AGENT, OR HIS  
28 REPRESENTATIVE]  
29 (1) to [HAVE IN HIS] employ, in the harvesting,

1 transporting or purchasing of fish, a fisherman who neither is  
2 licensed under AS 16.05.480 nor is the holder of a permit issued under  
3 AS 16.43,

4 (2) to purchase fish from a fisherman who neither is the  
5 holder of a limited entry, interim-use, or landing permit issued under  
6 AS 16.43, nor is exempt under AS 16.05.660, or

7 (3) to purchase fish from an association other than one to  
8 which a permit has been issued under AS 16.05.662.

9 \* Sec. 3. AS 16.10.265(a) is amended to read:

10 (a) It is unlawful for an individual while acting as a fish  
11 processor or primary fish buyer, or as an agent, director, officer,  
12 member, or employee of a fish processor, of a primary fish buyer, or  
13 of a cooperative corporation organized under AS 10.15 to intentionally  
14 or knowingly make an original purchase of fish from a seller who, in  
15 violation of AS 16.43, does not hold a landing permit, an entry permit  
16 or an interim-use permit [ISSUED OR TRANSFERRED TO THE SELLER IN  
17 ACCORDANCE WITH AS 16.43].

18 \* Sec. 4. AS 16.10.267(a)(1) is amended to read:

19 (1) a landing permit, [AN] entry permit or interim-use  
20 permit issued or transferred to the fisherman under AS 16.43, or other  
21 document authorized by regulation to be used in place of an entry  
22 permit or interim-use permit; and

23 \* Sec. 5. AS 16.43.100(a) is amended by adding new paragraphs to read:

24 (16) establish reasonable user fees for services;

25 (17) issue landing permits in accordance with AS 16.05.675  
26 and regulations adopted under that section; and

27 (18) establish and collect annual fees for the issuance of  
28 landing permits that reasonably reflect the costs incurred in the  
29 administration and enforcement of provisions of law related to landing

1       permits.

2       \* Sec. 6. AS 16.43.110 is amended to add a new subsection to read:

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

5       \* Sec. 7. AS 16.43.150(a) is amended to read:

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

8       \* Sec. 8. AS 16.43.150(f) is amended to read:

9               (f) Except for permits which are not transferable under AS 16.-  
10       43.170(c) or (e), an [AN] entry permit survives the death of the  
11       holder.

12       \* Sec. 9. AS 16.43.150(h) is amended to read:

13               (h) Upon the death of an entry permit holder, the permanent  
14       permit shall be transferred by the commission directly to the surviv-  
15       ing spouse by right of survivorship unless the deceased holder has  
16       expressed a contrary intent in a will that is probated [A CONTRARY  
17       INTENT IS MANIFESTED]. When no spouse survives, the rights of the  
18       decedent pass as part of the decedent's [HIS] estate.

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

20               (b) Except as provided in (c) and (e) of this section, the  
21       holder of an entry permit may transfer the [HIS] permit to another  
22       person or to the commission upon 60 days notice of intent to transfer  
23       under regulations adopted by the commission. No sooner than 60 days  
24       nor later than 12 months from the date of notice to the commission,  
25       the holder of an entry permit may transfer the [HIS] permit. A pro-  
26       posed transferee must demonstrate present ability to actively partici-  
27       pate in the fishery. [IF THE PROPOSED TRANSFEREE, OTHER THAN THE  
28       COMMISSION, CAN ESTABLISH PRESENT ABILITY TO PARTICIPATE ACTIVELY IN  
29       THE FISHERY, THE COMMISSION SHALL APPROVE THE TRANSFER AND REISSUE THE

1 ENTRY PERMIT TO THE TRANSFEREE.]

2 \* Sec. 11. AS 16.43.260(a) is amended to read:

3 (a) The commission shall accept applications for entry permits  
4 only from applicants who have harvested fishery resources commercially  
5 while participating in the fishery as holders of gear licenses issued  
6 under AS 16.05.536 - 16.05.670 and interim-use permits under AS 16.-  
7 43.210(a) before the qualification date established in (d) or (e) of  
8 this section. The commission may specify by regulation the calendar  
9 years of participation that will be considered for eligibility pur-  
10 poses.

11 \* Sec. 12. This Act takes effect immediately in accordance with AS 01.-  
12 10.070(c).