

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) am
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 commis-
22 sioner has made a written finding that the issuance of landing permits
23 for that fishery is consistent with state resource conservation and
24 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. If the
26 proposed transferee, other than the commission, can demonstrate the
27 [ESTABLISH] present ability to participate actively in the fishery and
28 the transfer agreement does not violate any provision of AS 16.43 or
29 regulations adopted thereunder, the commission shall approve the

1 transfer and reissue the entry permit to the transferee provided that
2 neither party is prohibited by law from participating in the transfer.

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

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

12 * Sec. 12. This Act takes effect immediately in accordance with AS 01.-
13 10.070(c).