

**CS FOR HOUSE BILL NO. 134(FSH)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION**

BY THE HOUSE SPECIAL COMMITTEE ON FISHERIES

Offered: 1/31/94

Referred: Resources, Judiciary, Finance

Sponsor(s): REPRESENTATIVE MOSES

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to temporary transfers of commercial fisheries entry permits."

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1. FINDINGS.** The legislature finds that

4 (1) current law relating to the emergency transfers of limited entry permits
5 does not adequately address the concerns of commercial fishermen who are 65 years of age
6 or older and suffer from age-related physical disabilities;

7 (2) commercial fishermen 65 years of age or older who, because of medical
8 problems, can no longer participate in physically demanding commercial fisheries should not
9 be forced to sell their permits, but instead should be allowed to transfer their permits to
10 members of their family and to plan for themselves an orderly transition from active
11 commercial fishing to retirement;

12 (3) commercial fishermen 65 years of age or older, who suffer from physical
13 disabilities, should be allowed to participate in the fisheries in a less strenuous manner,
14 thereby imparting the knowledge gained from many years of experience to members of their

1 family;

2 (4) 65 years of age is the established age of retirement in our society and the
3 qualifying age for a large number of programs for senior citizens;

4 (5) commercial fishermen do not have an established retirement system;

5 (6) allowing limited entry permit holders who are 65 years of age or older to
6 transfer a permit from year-to-year will enable many young members of the permit holder's
7 family with low incomes to participate in commercial fishing as gear operators and give them
8 the opportunity to acquire the capital necessary to purchase their own limited entry permits;

9 (7) allowing all limited entry permit holders to transfer a permit from year-to-
10 year without restrictions on who may receive the permit would result in speculation in
11 fisheries entry permits by individuals who purchase permits with the intention of living off
12 the income generated by other individuals who actually operate the permits; such a practice
13 would be disruptive to the commercial fishing industry and should not be allowed;

14 (8) commercial fishermen who have participated in a specific fishery for 10
15 years or more are bona fide commercial fishermen who have invested considerable time and
16 money in the commercial fishing industry and who have demonstrated their commitment to
17 commercial fishing as a livelihood and a profession.

18 * Sec. 2. AS 16.43.180 is amended by adding a new subsection to read:

19 (c) The commission shall adopt regulations providing for the temporary
20 transfer from year-to-year of an entry permit to a member of the permit holder's
21 immediate family if the permit holder is at least 65 years of age, has participated in
22 the fishery for which the permit is issued for at least 10 years, and is unable to
23 participate in the fishery for medical reasons. In this subsection, "immediate family"
24 means the permit holder's parent, grandparent, spouse, child, grandchild, or sibling.

25 * Sec. 3. PROVISIONS NOT SEVERABLE. Notwithstanding AS 01.10.030, the
26 provisions of AS 16.43.180(c), added by sec. 2 of this Act, are not severable.