

HB

130

2/7/75

COMMITTEE REPORT

JUDICIARY

HOUSE

Mr. Speaker:

Date 3-31-75

The Committee on Resources has had RD 050

under consideration. A Majority of the members of the Committee

recommends it DO PASS

recommends it DO NOT PASS

recommends it DO PASS WITH ATTACHED AMENDMENT(S)

recommends it BE REPLACED WITH CS FOR \_\_\_\_\_ AND THAT  
CS FOR \_\_\_\_\_ DO PASS

"and" recommends it BE REFERRED TO THE \_\_\_\_\_  
COMMITTEE

reports it back WITHOUT RECOMMENDATION

"other"

Members signing the Majority report:

[Signature] \_\_\_\_\_  
\_\_\_\_\_  
[Signature] \_\_\_\_\_  
[Signature] \_\_\_\_\_

Members NOT concurring in the Majority report:

\_\_\_\_\_ recommends:  
\_\_\_\_\_ recommends:  
\_\_\_\_\_ recommends:  
\_\_\_\_\_ recommends:  
\_\_\_\_\_ recommends:

[Signature] Chairman

## HOUSE RESOURCE COMMITTEE REPORT

HB #130

In 1972, the decision of the Dept. of Fish and Game to open the Prince William Sound purse-seine fishery was continuously postponed. A relatively small number of operations, some twelve or fifteen, had at that time acquired vessels and gear preparatory to entering that fishery for the first time. They did not, however, acquire gear licenses, because the Dept. of Fish and Game repeatedly advised them and others in the fishery to wait until the decision to open the fishery was made. The fishery never was opened in 1972.

But for the Dept. of Fish and Game's advice to the contrary, each and every one of the persons so affected would have acquired a gear license, and each would have been eligible to apply for an entry permit for the Prince William Sound purse-seine fishery. In other words, because they acted in reasonable reliance on the words and conduct of the government officials, they will now be injured by the government's subsequent adoption of January 1, 1973, as the cut-off date for having possessed a gear license and participated in the fishery.

Under well settled rules of equity, when one is induced by the words or conduct of another to alter his position for the worse, and the action taken was in reasonable reliance on the words or conduct, the court will not allow the other party to repudiate the effects of his words or conduct. Accordingly, those persons induced by the state not to acquire a gear license in 1972 for the Prince William Sound purse-seine fishery should be deemed in equity as having held a gear license in 1972 and should be eligible to apply for an entry permit.

It is not the purpose of this legislation to confer a special benefit but rather to do equity. The committee was advised that the Commercial Fisheries Entry Commission shares the committee's views on the equitable right to apply for a permit under these special circumstances and

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that it is proposing to adopt emergency regulations on the subject.