

SCOMM

74:6

ALASKA STATE LEGISLATURE SENATE

SENATOR RICHARD I. ELIASON

PRESIDENT OF THE SENATE
LABOR & COMMERCE COMMITTEE
RESOURCES COMMITTEE
RULES COMMITTEE
CHAIRMAN, SPECIAL COMMITTEE ON
DOMESTIC & INTERNATIONAL
COMMERCIAL FISHERIES



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FAX TRANSMITTAL SHEETNUMBER OF PAGES (Including transmittal sheet): 3DATE: 4-21-92

TO: _____

Greg Seider - UFA

TO FAX: _____

FROM: Mary McDowellFROM FAX: 465-4928COMMENTS: Here is new draft version of SB423. Changessome of the findings, tightens up eligibility by changing"medical problems" to "illness or disability," 10 yrs. of fishing mustbe immediately preceding the transfer, must be permit holder & notjust a "participant," and bill ~~no~~ longer applies tonon-transferable permits. Please let me know what youIf you have any problems receiving this message, please call ^{think of} this version.in Senator Dick Eliason's office, 465-4916.

The bill is scheduled to be heard in
Senate Fisheries Committee on Fri. April 24 at 12:45 p.m.

CSSB 423 - limited entry permit temporary transfer
Sen. Fred Zharoff
Senate Special Committee on Fisheries
April 24, 1992

THE CURRENT LAW RELATING TO EMERGENCY TRANSFERS OF LIMITED ENTRY PERMITS DOES NOT ADEQUATELY ADDRESS THE CONCERNS OF COMMERCIAL FISHERMEN WHO ARE 65 YEARS OF AGE OR OLDER AND WHO SUFFER FROM AGE-RELATED ILLNESSES OR PHYSICAL DISABILITIES.

THESE FISHERMEN...AFTER A LIFETIME OF INVESTMENT AND PARTICIPATION IN THE FISHERY...ARE PLACED IN A SITUATION WHERE THEY ARE ESSENTIALLY FORCED OUT OF THE COMMERCIAL FISHING PROFESSION.

THE LAW REQUIRES PERMITS TO BE OPERATED BY THE OWNERS. THE ONLY EXCEPTION IS WHEN THE COMMERCIAL FISHERIES ENTRY COMMISSION APPROVES AN EMERGENCY TRANSFER.

UNDER CURRENT LAW, PERMIT HOLDERS CAN APPLY FOR TEMPORARY EMERGENCY TRANSFERS OF PERMITS IN CASES OF ILLNESS, DISABILITY, DEATH, MILITARY OR GOVERNMENT SERVICE, OR OTHER UNAVOIDABLE HARDSHIPS. IN SUCH CASES, ANOTHER PERSON CAN OPERATE A PERMIT AND PAY THE OWNER FOR THE USE OF THE PERMIT.

THE KEY WORD HERE IS "TEMPORARY". THE COMMISSION ONLY ALLOWS THESE TRANSFERS TO OCCUR ON A TEMPORARY BASIS. IF THE CONDITION PERSISTS, THAT PERSON MUST SELL OR TEMPORARILY TRANSFER THEIR PERMIT.

THIS OFTEN PLACES THE ELDERLY PERSON IN A BOX. THEY MAY WANT TO TRANSFER THE PERMIT TO A GRANDCHILD OR SELL IT TO ANOTHER FAMILY MEMBER. BUT THE GRANDCHILD MAY NOT YET HAVE REACHED THE AGE WHERE THEY CAN OPERATE A COMMERCIAL FISHING OPERATION, AND THE FAMILY MEMBER MAY NOT HAVE THE FUNDS AVAILABLE THAT YEAR TO PURCHASE THE PERMIT.

THIS LEAVES THE PERMIT HOLDER WITH ONE OPTION...SELLING IT OUTSIDE THE FAMILY. AND THEN THE PERMIT IS LOST TO THE FAMILY FOREVER.

THROUGHOUT MY ENTIRE TIME IN OFFICE, I HAVE RECEIVED CONSTANT COMPLAINTS FROM CONSTITUENTS...PARTICULARLY IN THE BRISTOL BAY REGION...ABOUT THE UNFAIRNESS OF THE SITUATION. THEY WANT SOME ASSURANCE THAT UNDER CERTAIN CIRCUMSTANCES THEY CAN TRANSFER THE PERMIT FOR MORE THAN ONE YEAR.

CSSB 423 WOULD OPEN UP MORE OPTIONS TO ELDERLY COMMERCIAL FISHERMEN BY ALLOWING EMERGENCY TRANSFERS FOR MULTIPLE YEARS.

IN ORDER TO AVOID THE WIDESPREAD LEASING OF PERMITS, WE HAVE VERY SPECIFICALLY TARGETED THE BILL.

IT APPLIES ONLY TO INDIVIDUALS AGE 65 AND OVER. IN OUR SOCIETY, AGE 65 IS GENERALLY CONSIDERED THE AGE OF RETIREMENT. IN ALASKA, AGE 65 IS WHEN YOU QUALIFY FOR THE LONGEVITY BONUS AND OTHER SPECIAL PROGRAMS.

THE BILL ALSO ONLY APPLIES TO THOSE THAT HAVE PARTICIPATED IN THE FISHERY FOR WHICH THE PERMIT WAS ISSUED FOR AT LEAST 10 YEARS. THIS IS DESIGNED TO LIMIT THE EFFECT OF THE BILL TO BONAFIDE COMMERCIAL FISHERMEN WHO HAVE MADE CONSIDERABLE INVESTMENTS IN A FISHERY. WE WISH TO PREVENT PEOPLE FROM ACQUIRING PERMITS FOR THE SOLE PURPOSE OF LIVING OFF THE INCOME FROM OTHER PEOPLE ACTUALLY OPERATING THE PERMITS.

MY UNDERSTANDING IS THAT A CS HAS BEEN PREPARED THAT FURTHER TIGHTENS THE BILL.

THE CS MAKES THE TITLE MORE SPECIFIC.

IT ADDS THE REQUIREMENT THAT IN ADDITION TO BEING OVER 65 THE PERMIT-HOLDER MUST SUFFER FROM AN ILLNESS OR DISABILITY.

IT MAKES CLEAR THAT THE 10 YEARS OF PAST PARTICIPATION IN THE FISHERY MUST HAVE BEEN AS THE OPERATOR OF A LIMITED ENTRY PERMIT.

IT TIGHTENS UP THE FINDINGS SECTION.

IT INCLUDES A FIVE YEAR SUNSET CLAUSE IN ORDER FOR THE LEGISLATURE TO EVALUATE THE IMPACT OF THIS CHANGE IN STATUTE.

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CSSB 423 (FSH)

Revision Date: 04/24/92 Department Affected: Fish and Game
Title: Temporary transfer of commercial fisheries entry permits BRU: Commercial Fisheries (Limited) Entry Commission
Component: Limited Entry Program Administration
Sponsor: Senator Zharoff
Requestor: Senate Special Comm. on FSH. COMPONENT SERIAL NO.

0	4	7	1
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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
FUND SOURCE:						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Frank Homan Phone: 789-6160
Division: Commercial Fisheries (Limited) Entry Commission Date: 04/24/92
Approved by Commissioner: *Frank Homan*
Agency: Commercial Fisheries (Limited) Entry Commission Date: 04/24/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).



SENATOR FRED F. ZHAROFF

ALASKA STATE LEGISLATURE

P. O. BOX 405, KODIAK, ALASKA 99615 (907) 486-5259

DURING SESSION:

P. O. BOX V, JUNEAU, ALASKA 99811 • (907) 465-3473 • 465-3474

DISTRICT N

ALASKA PENINSULA • ALEUTIAN CHAIN • BRISTOL BAY • KODIAK ISLAND • LAKE CLARK/LAKE ILIAMNA • PIRIBLOF ISLANDS • SHUMAGIN ISLANDS

MEMORANDUM

TO: Senator Dick Eliason
Chairman
Senate Special Committee on Domestic and
International Commercial Fisheries

FROM: Senator Fred F. Zharoff

DATE: April 23, 1992

RE: CS For Senate Bill No. 423 (Resources) - "An Act
relating to the temporary transfers of commercial
fisheries entry permits."

BILL SUMMARY: CSSB 423 amends the emergency transfers section of the limited entry statutes. It requires the Commercial Fisheries Entry Commission to provide for the temporary emergency transfer of limited entry permits held by individuals age 65 or older who, for medical reasons, are unable to continue to participate in the fishery.

The amendment allows the commission to renew the transfer annually for multiple years. It limits the privilege to long time commercial fishermen, those who have participated/held a permit in a specific fishery for at least 10 years.

A CS is being prepared which specifies that the transfer would only be applicable in cases where the permit-holder suffers from illness or disability.

PREVIOUS ACTION: Moved out of the Senate Resources Committee on April 14 (4 DP, 1 NR).

FISCAL IMPACT: Zero fiscal note from the Commercial Fisheries Entry Commission.

BACKGROUND INFORMATION: Under current law, older commercial fishermen have few options open to them when they reach the age where, for medical reasons (illness or disability), they are unable to continue to participate in physically demanding commercial fisheries. At that time, they must either sell or transfer their permits, forever giving up their privilege to own and operate commercial fishing operations.

CSSB 423 would allow commercial fishermen 65 years of age or older to temporarily transfer their permits to another

individual or a younger family member, continue to earn income, and -- if their health returns -- resume commercial fishing. In the meantime, younger individuals would have opportunities to gain experience in the fisheries and to earn incomes that they can put toward purchasing their own permits.

The age of 65 was chosen as the qualifying age because it conforms to precedent. The age of 65 is -- across the nation -- the standard age for retirement. It is the age in Alaska when people qualify for the longevity bonus and a host of other programs.

The requirement that a person participate in the fishery for at least 10 years is an effort to discourage speculators who would buy a permit without the intention of fishing it themselves and instead just live off the income generated by the person to whom they have transferred it. Our intent is to limit the beneficiaries of this provision to bonafide commercial fishermen who have invested considerable time and money in participating in specific fisheries. The 10 year requirement is the best method we could devise for accomplishing this goal.

ATTACHED BACKUP INFORMATION:

1. Fiscal note from the Commercial Fisheries Entry Commission.
2. Letter of support from Roger and Randy Briggs of Ugashik, April 8, 1992.
3. Copy of the emergency transfers statute, AS 16.43.180.

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSIONBILL NO. SB 423

Revision Date: _____ Department Affected: Fish and Game
 Title: Temporary transfer of commercial fisheries BRU: Commercial Fisheries (Limited) Entry Commission
entry permits Component: Limited Entry Program Administration
 Sponsor: Senator Zharoff
 Requestor: Senator Zharoff COMPONENT SERIAL NO 0 4 7 1

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
FUND SOURCE:						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Roger Kolden Phone: 789-6160
 Agency: Commercial Fisheries (Limited) Entry Commission Date: 4/6/92
 Approved by Commissioner: Frank M. Hoffman
 Agency: Commercial Fisheries (Limited) Entry Commission Date: 4/6/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

Rev 10/7/91

Page 1 of 1

Ugashik, Alaska 99613

April 8, 1992

Senator Fred Zharoff

P.O. Box 7, Juneau, Alaska 99811

Dear Senator Zharoff:

Re: Amendment to Limited Entry Law 16.43-180

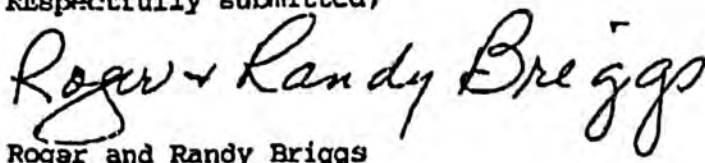
Add a new subsection c.

"The Commission shall adopt regulations providing for the temporary transfer from year to year of an entry permit if the permit holder is at least 65 years of age, has participated in the fishery for which the permit is issued for at least 10 years and is unable to participate in the fishery for medical reasons."

We support this bill for the following reasons:

1. No provision was made in the original Limited Entry Law or subsequent regulations for multiple year transfers for senior fishermen with continuing medical problems.
2. As of 1989, according to a Limited Entry Commission report requested by Senator Zharoff, 3222 fishermen in the state were between 60 and 70 years of age, while an additional 1364 were over 69 years of age.
3. This amendment is not a new concept because in two other circumstances multiple year transfers are permitted by the Commission.
 - a. An estate may emergency transfer a permit year after year until the estate is settled.
 - b. A permit inherited by a minor may be transferred year after year until the minor reaches the age of presumptive ability to participate.
4. This amendment would provide a fisherman 65 years of age or older an option to continue to participate in the fishery but in a less strenuous manner, thereby imparting the knowledge gained thru many years of experience to a younger fisherman..

Respectfully submitted,



Roger and Randy Briggs

Effect of amendments. — The 1989 amendment, effective May 31, 1989, added subsection (f).

The 1990 amendment, effective July 12, 1990, added the second sentence of subsection (a).

Editor's notes. — Section 6, ch. 63,

SLA 1989 provides that subsection (f) of this section, added by § 5, ch. 63, SLA 1989 is "applicable to cases involving a commercial fishing violation or theft of commercial fishing gear that occurs on or after May 31, 1989."

Sec. 16.43.180. Emergency transfers. (a) The commission shall adopt regulations providing for the temporary emergency transfer of entry permits and interim-use permits when illness, disability, death, required military or government service, or other unavoidable hardship prevents the permit holder from participating in the fishery. To alleviate hardship pending a final determination of the permit holder's eligibility for an entry permit, the commission shall adopt regulations providing for the temporary emergency transfer of an interim-use permit issued under AS 16.43.210(b) or 16.43.225.

(b) The commission shall adopt regulations providing for the temporary transfer of an entry permit upon the death of the permittee pending final disposition of the permit as a part of the permittee's estate. (§ 1 ch 79 SLA 1973; am § 5 ch 73 SLA 1977; am § 5 ch 123 SLA 1978; am § 5 ch 34 SLA 1991)

Effect of amendments. — The 1991 amendment, effective June 13, 1991, added "or 16.43.225" to the end of subsection (a).

Article 3. Initial Issuance of Entry Permits.

Section

- 210. Interim-use permit; qualifications
- 225. Moratorium on new entrants into certain fisheries
- 227. Southeast Alaska dungeness crab fishery

Section

- 240. Determination of the maximum number of entry permits for initial issue
- 260. Application for initial issue of entry permits

Sec. 16.43.210. Interim-use permit; qualifications. (a) Pending the establishment of the maximum number of entry permits under AS 16.43.240 and the issuance of entry permits under AS 16.43.270, the commission shall issue interim-use permits under regulations adopted by the commission for each fishery, not subject to a moratorium under AS 16.43.225, to all applicants who can establish their present ability to participate actively in the fishery for which they are making application.

(b) Before the issuance of the maximum number of entry permits for a given fishery, the commission may issue an interim-use permit to an applicant who may later become eligible for an entry permit under AS 16.43.270.

(c) To the extent that the commissioner of fish and game authorizes it under AS 16.05.050(10), the commission may grant an interim-use

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LETTER OF INTENT FOR CSSB 423 (FSH)

By the Senate Special Committee on Domestic and
International Commercial Fisheries

It is the intent of the Legislature that the Commercial Fisheries Entry Commission will monitor the temporary transfer of limited entry permits allowed under the provisions of this bill and will report back to the Legislature by January 15, 1997. The report should include an analysis of how the temporary transfer provision has been working, and any effects it has had on the availability and distribution of permits and levels of participation in limited fisheries.

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. _____

Revision Date: 04/24/92Department Affected: Fish and GameTitle: Temporary transfer of commercial
fisheries entry permitsBRU: Commercial Fisheries (Limited) Entry
CommissionComponent: Limited Entry Program AdministrationSponsor: Senator ZbaroffRequestor: Senate Special Comm. on F&G

COMPONENT SERIAL NO.

0 4 7 1

EXPENDITURES/REVENUE: (Thousands of Dollars)

OPERATING	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
FUND SOURCE:						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Frank HomanPhone: 789-6160Division: Commercial Fisheries (Limited) Entry CommissionDate: 04/24/92Approved by Commissioner: Frank HomanAgency: Commercial Fisheries (Limited) Entry CommissionDate: 04/24/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OWS/DSR, Gov. Leg. Ofc., & impacted Agency(ies).

Rev 10/7/81

Page 1 of 1

7-LS2087M ✓
Utermohle
4/23/92

CS FOR SENATE BILL NO. 423 (FSH)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE SPECIAL COMMITTEE ON DOMESTIC AND INTERNATIONAL COMMERCIAL
FISHERIES

Offered:
Referred:

Sponsor(s): SENATOR ZHAROFF

A BILL
FOR AN ACT ENTITLED

1 "An Act relating to the year-to-year transfer of a limited entry permit of a permit holder
2 who is at least 65 years old and unable to participate in the fishery due to illness or
3 disability; and providing for an effective date."

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

5 * Section 1. FINDINGS. The legislature finds that

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

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

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

1 knowledge gained from many years of experience to younger fishermen;

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

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

8 (6) allowing all limited entry permit holders to transfer a permit from year-to-year would
9 result in speculation in fisheries entry permits by individuals who purchase permits with the intention
10 of living off the income generated by other individuals who actually operate the permits; such a practice
11 would be disruptive to the commercial fishing industry and should not be allowed;

12 (7) commercial fishermen who have held a permit in a specific fishery for 10 years or
13 more immediately preceding the request to transfer an entry permit are bona fide commercial fishermen
14 who have invested considerable time and money in the commercial fishing industry and have
15 demonstrated their commitment to and current dependence upon commercial fishing as a livelihood and
16 a profession.

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

18 (c) The commission shall adopt regulations providing for the temporary transfer from
19 year-to-year of an entry permit if the permit holder is at least 65 years of age, has participated
20 in the fishery as an interim-use or entry permit holder for at least 10 years immediately preceding
21 the request to transfer the entry permit, and is unable to participate in the fishery for reasons of
22 illness or disability. This subsection does not apply to entry permits that are not transferable to
23 a person under AS 16.43.170(c) or (e).

24 * Sec. 3. AS 16.43.180(c), added by sec. 2 of this Act, is repealed December 31, 1997.

25 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).

ALASKA STATE LEGISLATURE SENATE

SENATOR RICHARD I. ELIASON

PRESIDENT OF THE SENATE
LABOR & COMMERCE COMMITTEE
RESOURCES COMMITTEE
RULES COMMITTEE
CHAIRMAN, SPECIAL COMMITTEE ON
DOMESTIC & INTERNATIONAL
COMMERCIAL FISHERIES



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FAX TRANSMITTAL SHEET

NUMBER OF PAGES (Including transmittal sheet): 4

DATE: 4-24-92

TO: _____

TO FAX: _____

FROM: Mary McDowell
Senate Fisheries Committee

FROM FAX: 465-4928

COMMENTS: Here is the latest version of the
CS for SB423 which will be proposed at
today's Fisheries Committee meeting and a draft
letter of intent.

If you have any problems receiving this message, please call

_____ in Senator Dick Eliason's office, 465-4916.

7-LS2087M ✓
Utermohle
4/23/92

CS FOR SENATE BILL NO. 423 (FSH)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE SPECIAL COMMITTEE ON DOMESTIC AND INTERNATIONAL COMMERCIAL FISHERIES

Offered:

Referred:

Sponsor(s): SENATOR ZHAROFF

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the year-to-year transfer of a limited entry permit of a permit holder
2 who is at least 65 years old and unable to participate in the fishery due to illness or
3 disability; and providing for an effective date."

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

5 * Section 1. FINDINGS. The legislature finds that

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

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

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

1 knowledge gained from many years of experience to younger fishermen;

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

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

8 (6) allowing all limited entry permit holders to transfer a permit from year-to-year would
9 result in speculation in fisheries entry permits by individuals who purchase permits with the intention
10 of living off the income generated by other individuals who actually operate the permits; such a practice
11 would be disruptive to the commercial fishing industry and should not be allowed;

12 (7) commercial fishermen who have held a permit in a specific fishery for 10 years or
13 more immediately preceding the request to transfer an entry permit are bona fide commercial fishermen
14 who have invested considerable time and money in the commercial fishing industry and have
15 demonstrated their commitment to and current dependence upon commercial fishing as a livelihood and
16 a profession.

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

18 (c) The commission shall adopt regulations providing for the temporary transfer from
19 year-to-year of an entry permit if the permit holder is at least 65 years of age, has participated
20 in the fishery as an interim-use or entry permit holder for at least 10 years immediately preceding
21 the request to transfer the entry permit, and is unable to participate in the fishery for reasons of
22 illness or disability. This subsection does not apply to entry permits that are not transferable to
23 a person under AS 16.43.170(c) or (e).

24 * Sec. 3. AS 16.43.180(c), added by sec. 2 of this Act, is repealed December 31, 1997.

25 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).

**** DRAFT ****

LETTER OF INTENT FOR CSSB 423 (FSH)

By the Senate Special Committee on Domestic and
International Commercial Fisheries

It is the intent of the Legislature that the Commercial Fisheries Entry Commission will monitor the temporary transfer of limited entry permits allowed under the provisions of this bill and will report back to the Legislature by January 15, 1997. The report should include an analysis of how the temporary transfer provision has been working, and any effects it has had on the availability and distribution of permits and levels of participation in limited fisheries.



Alaska State Senate

Office of the President

Senator Richard I. Eliason, President

SB 423

Dider - Handtroll would be by far the most impacted fishery under this bill. The bill could activate up to 137 HT permits ^(out of total 1746 HT permits) that are now inactive (over 65 yrs old). Next highest would be Bristol Bay setnet with only 8 potentially re-activated (out of 1025 total permits)

CS FOR SENATE BILL NO. 423 (RESOURCES)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered: 4/14/92
Referred: FSH

Sponsor(s): SENATOR ZHAROFF

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 does not
5 adequately address the concerns of commercial fishermen who are 65 years of age or older and suffer
6 from age-related physical disabilities;

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

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

14 (4) 65 years of age is the established age of retirement in our society and the qualifying

1 age for a large number of programs for senior citizens;

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

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

7 (7) allowing all limited entry permit holders to transfer a permit from year-to-year would
8 result in speculation in fisheries entry permits by individuals who purchase permits with the intention
9 of living off the income generated by other individuals who actually operate the permits; such a practice
10 would be disruptive to the commercial fishing industry and should not be allowed;

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

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

16 (c) The commission shall adopt regulations providing for the temporary transfer from
17 year-to-year of an entry permit if the permit holder is at least 65 years of age, has participated
18 in the fishery for which the permit is issued for at least 10 years, and is unable to participate in
19 the fishery for medical reasons.

Changes made in CSSB 423(RES) to reach Draft CSSB 423(FSH)

SUBSTANTIVE CHANGES:

Section 2.

Added that fisherman must have held a permit or interim-use permit during the 10 years, not only have participated (as a crewman, etc.)

Added that the 10 years of participation must have been immediately preceding the transfer request, not at just any time during life.
To avoid people from buying permits at 65 as a retirement investment?

Changed "medical problems" to "illness or disability"- tighter language
suggested by Entry Commission

Removed eligibility of non-transferable permits as those are intended for fishermen with less dependence on fishing and are presumed to be leaving the fishery as fishermen age.

Removed almost 100 Handtroll permits from eligibility right away. Only 2 fisheries in state have non-transferables: S.E. Handtroll & Bristol Bay set net & very few

Section 3.

Added five-year sunset clause. Letter of Intent has Entry Commission report back to Legislature in Jan. of 1997 & program would end in Dec. of '97 if not extended.

Section 4.

Added immediate effective date.

OTHER CHANGES:

Title

Tightened language slightly to explain that the transfers are for permit holders who are over 65 and ill or disabled, and adding effective date.

Section 1. FINDINGS.

(2) Changed "medical problems" to "illness or disability"

Removed finding about fishermen needing a retirement program.

(5) Changed "will enable many young Alaskans" to "may enable young Alaskans" - *no evidence that people would be noble enough to lease to needy young Alaskans if "highest bidders" were rich Seattle fishermen*

(7) Added that the 10 years of participation must be "immediately preceding the request to transfer," not just any ten years. Also added "and current dependence upon"

STATE OF ALASKA
COMMERCIAL FISHERIES ENTRY COMMISSION
OWNERS OF PERMANENT PERMITS
AGED 65 AND OLDER
WHO DID NOT FISH THEIR PERMITS IN 1991

FISHERY

TRANSFERABILITY

NON-TRAN TRANSFER
SFERABLE ABLE

FISHERY	NON-TRAN SFERABLE	TRANSFER ABLE	Total
SABLEFISH LONG LINE NORTH SE	0	1	1
HER ROE SEINE SOUTHEAST	0	5	5
HER ROE SEINE COOK INLET	0	1	1
HER ROE GILLNET SOUTHEAST	0	1	1
HER ROE GILLNET PWS	0	1	1
HER ROE GILLNET CAPE ROMANZOF	0	3	3
KING & TANNER POTS SE	0	1	1
SALMON SEINE SOUTHEAST	0	10	10
SALMON SEINE PWS	0	6	6
SALMON SEINE COOK INLET	0	3	3
SALMON SEINE KODIAK	0	9	9
SALMON SEINE CHIGNIK	0	2	2
SALMON SEINE PENINSULA/ALEUT	0	1	1
SALMON DRIFT NET SOUTHEAST	0	5	5
SALMON DRIFT NET PWS	0	5	5
SALMON DRIFT NET COOK INLET	0	4	4
SALMON DRIFT NET PEN/ALEUT	0	1	1
SALMON DRIFT NET BRISTOL BAY	0	26	26
SALMON SET NET YAKUTAT	0	4	4
SALMON SET NET COOK INLET	0	13	13
SALMON SET NET KODIAK	0	4	4
SALMON SET NET PEN/ALEUT	0	1	1
SALMON SET NET UPPER YUKON	0	6	6
SALMON SET NET BRISTOL BAY	5	12	17
SALMON SET NET KUSKOKWIM	0	1	1
SALMON SET NET KOTZEBUE	0	8	8
SALMON SET NET LOWER YUKON	0	7	7
SALMON SET NET NORTON SOUND	0	11	11
SALMON HAND TROLL	93	43	136
SALMON FISH WHEEL UPPER YUKON	0	4	4
SALMON POWER TROLL	0	20	20
Total	98	219	317

New CS takes
98 non-transf.
permits out
of temp. transfer
eligibility.
(Reduces total in all
fisheries by $\frac{1}{3}$)

Impact on troll

Old bill - 156
permits of people
over 65 didn't
fish in 1991
would be eligible

New CS - 63
would be eligible
for lease

HT's in our district
(non-transf) that would
not be eligible for
transfer under new CS

Angoon	2	Pt. Barrow	2
Craig	1	Sitka	10
Hamah	1	Tenakee	3
Hyde.	1	Yakutat	4
Kake	5		
Klawock	1		
Metlak	3		
			33

92141C

STATE OF ALASKA

92-04-16

1

COMMERCIAL FISHERIES ENTRY COMMISSION
OWNERS OF NON-TRANSFERABLE PERMANENT PERMITS
AGED 65 AND OLDER
WHO DID NOT FISH THEIR PERMITS IN 1991

ADDRESS	FISHERY		Total
	Bristol Bay Set Net S04T	HT S05B	
ANACORTES	0	1	1
ANCHORAGE	1	0	1
ANGOON	0	2	2
AUKE BAY	0	1	1
CRAIG	0	1	1
DOUGLAS	0	3	3
EDMONDS	0	1	1
HILLSBORO	0	1	1
HOONAH	0	1	1
HOOPER BAY	2	0	2
HYDABURG	0	1	1
JUNEAU	0	18	18
KAKE	0	5	5
KAMIAH	0	1	1
KASIGLUK	1	0	1
KETCHIKAN	0	16	16
KLAWOCK	0	1	1
LACONNER	0	1	1
METLAKATLA	0	3	3
MEYERS CHUCK	0	1	1
NEWTOK	1	0	1
PETERSBURG	0	9	9
POINT BAKER	0	2	2
RYDERWOOD	0	1	1
SEATTLE	0	1	1
SITKA	0	10	10
TENAKEE	0	3	3
WRANGELL	0	5	5
YAKUTAT	0	4	4
Total	5	93	98

92141B

STATE OF ALASKA
COMMERCIAL FISHERIES ENTRY COMMISSION
OWNERS OF PERMANENT PERMITS
AGED 65 AND OLDER
WHO DID NOT FISH THEIR PERMITS IN 1991

92-04-16

1

FISHERY	TRANSFERABILITY		
	NON-TRAN SFERABLE	TRANSFER ABLE	Total
C61A	0	1	1
G01A	0	5	5
G01H	0	1	1
G34A	0	1	1
G34E	0	1	1
G34Y	0	3	3
K69A	0	1	1
S01A	0	10	10
S01E	0	6	6
S01H	0	3	3
S01K	0	9	9
S01L	0	2	2
S01M	0	1	1
S03A	0	5	5
S03E	0	5	5
S03H	0	4	4
S03M	0	1	1
S03T	0	26	26
S04D	0	4	4
S04H	0	13	13
S04K	0	4	4
S04M	0	1	1
S04P	0	6	6
S04T	5	12	17
S04W	0	1	1
S04X	0	8	8
S04Y	0	7	7
S04Z	0	11	11
S05B	93	43	136
S08P	0	4	4
S15B	0	20	20
Total	98	219	317

92141B

STATE OF ALASKA
COMMERCIAL FISHERIES ENTRY COMMISSION
OWNERS OF PERMANENT PERMITS
AGED 65 AND OLDER
WHO DID NOT FISH THEIR PERMITS IN 1991

92-04-16

1

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G34A	0	1	1
G34E	0	1	1
G34Y	0	3	3
K69A	0	1	1
S01A	0	10	10
S01E	0	6	6
S01H	0	3	3
S01K	0	9	9
S01L	0	2	2
S01M	0	1	1
S03A	0	5	5
S03E	0	5	5
S03H	0	4	4
S03M	0	1	1
S03T	0	26	26
S04D	0	4	4
S04H	0	13	13
S04K	0	4	4
S04M	0	1	1
S04P	0	6	6
S04T	5	12	17
S04W	0	1	1
S04X	0	8	8
S04Y	0	7	7
S04Z	0	11	11
S05B	93	43	136
S08P	0	4	4
S15B	0	20	20
Total	98	219	317

STATE OF ALASKA

COMMERCIAL FISHERIES ENTRY COMMISSION

WALTER J. HICKEL, GOVERNOR

8800 GLACIER HIGHWAY, #109
JUNEAU, ALASKA 99801
(907) 789-6150 Licensing Calls
(907) 789-6160 Other CFECC Calls
(907) 789-6170 FAX

FAX TRANSMITTAL SHEET

TO: Mary McDowell

DATE: April 20, 1992

FAX#: 485-4928

PAGES: 2 pages
(following this page)

FROM: Bruce Twomley, Chairman

Commercial Fisheries Entry Commission

RE: SB 423

Changes made in CSSB 423(RES) to reach Draft CSSB 423(FSH)

SUBSTANTIVE CHANGES:

Section 2.

Added that fisherman must have held a permit or interim-use permit during the 10 years, not only have participated (as a crewman, etc.)

Added that the 10 years of participation must have been immediately preceding the transfer request, not at just any time during life.

Changed "medical problems" to "illness or disability"

Removed eligibility of non-transferable permits as those are intended for fishermen with less dependence on fishing and are presumed to be leaving the fishery as fishermen age.

Section 3.

Added five-year sunset clause.

Section 4.

Added immediate effective date.

OTHER CHANGES:

Title

Tightened language slightly to explain that the transfers are for permit holders who are over 65 and ill or disabled, and adding effective date.

Section 1. FINDINGS:

(2) Changed "medica problems" to "illness or disability"

Removed finding about fishermen needing a retirement program.

(5) Changed "will enable many young Alaskans" to "may enable young Alaskans"

(7) Added that the 10 years of participation must be "immediately preceding the request to transfer," not just any ten years. Also added "and current dependence upon"

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**** DRAFT ****

LETTER OF INTENT FOR CSSB 423 (FSH)

By the Senate Special Committee on Domestic and
International Commercial Fisheries

It is the intent of the Legislature that the Commercial Fisheries Entry Commission will monitor the temporary transfer of limited entry permits allowed under the provisions of this bill and will report back to the Legislature by January 15, 1997. The report should include an analysis of how the temporary transfer provision has been working, and any effects it has had on the availability and distribution of permits and levels of participation in limited fisheries.

(Proposed later in House)

AMENDMENT

7-LS2087M.2
Utermohle
05/09/92

OFFERED IN THE HOUSE

TO: CSSB 423(FSH)

Page 2, lines 18 - 23:

Delete all material and insert:

"(c) The commission shall adopt regulations providing for the temporary transfer from year-to-year of an entry permit, other than an entry permit that is not transferable to a person under AS 16.43.170(c) or (e), if the permit holder

(1) is at least 65 years of age;

(2) has

(A) been an interim-use or entry permit holder

(i) during each of the years the fishery has existed, provided that the fishery has been in existence at least five years; or

(ii) for at least 10 years immediately preceding the request to transfer the entry permit; or

(B) received the entry permit as a result of being a member of the class of persons who received an entry permit under the settlement of Wassillie v. Simon; and

(3) is unable to participate in the fishery for reasons of illness or disability."

10 George C. ...
From Miley McCammon 4453
AMENDMENT TO CS FOR SB 423 (FSH)

p.2, line 20, add following permit holder: during each of the years the fishery has existed, or

line 21, add following entry permit: or if the permit holder has received a permit as a result of membership in the Wassillie v. Simon settlement

Explanation of amendment:

The new language would allow holders of permits in new fisheries, such as the Nelson Island and Nunivak Island herring fisheries (established in 1985), to benefit from this provision. It would also allow those who have recently received permits under the Wassillie v. Simon settlement to participate in this program.

The commission shall adopt regulations providing for the temporary transfer from year-to-year of an entry permit if the permit holder is at least 65 years of age, has participated in the fishery as an interim-use or entry permit holder during each of the years the fishery has existed, or for at least 10 years immediately preceding the request to transfer the entry permit, or if the permit holder has received a permit as a result of membership in the Wassillie v. Simon settlement, and is unable to participate in the fishery for reasons of illness or disability.



SENATE SPECIAL COMMITTEE ON DOM/INT
COMMERCIAL FISHERIES

DATE: 4/24/92

SB 423 Temporary Transfer of Entry Permits

SIGN - IN

NAME**ADDRESS**

(MAILING) & (ZIP)

PHONE

REPRESENTING

DO YOU WANT TO TESTIFY?

[illegible]

STATE OF ALASKA

COMMERCIAL FISHERIES ENTRY COMMISSION

WALTER J. HICKEL, GOVERNOR

8800 GLACIER HIGHWAY, #107
JUNEAU, ALASKA 99801
(907) 789-6180 Licensing Code
(907) 789-6160 Other CFECC Code
(907) 789-6170 FAX

FAX TRANSMITTAL SHEET

TO: MARY McDowell DATE: 4/22/92
FAX#: 465-4928 PAGES: 1
(following this page)

FROM: FRANK Homan
CPEC -

MESSAGE: ① Percent 65 years of age in 1991 = 7%.

② Percent + 50 years of age in 1991 = 30%.

IF ALL THOSE 50 years and older stay
in the fishery, then in 15 years there
will be 30% of all permit holders
eligible for year to year emergency transfers.
EVEN GIVEN THE FACT THAT SOME WILL DIE
THERE WOULD BE SOMEWHERE BETWEEN 20 AND
30% ELIGIBLE.

THIS IS JUST A BALLPARK NUMBER BUT IT
SHOWS THAT OVER TIME THE NUMBER
ELIGIBLE WILL LIKELY INCREASE.

COMMERCIAL FISHERIES ENTRY COMMISSION
8900 GLACIER HIGHWAY #109, JUNEAU, ALASKA, 99801

April 13, 1992

Permits Issued and Fished, in 1991, by Age

Fishery	Age	Total Permits Issued	Total Permits Fished	Percent Permits Fished	Total Permits Not Fished	Percent Permits Not Fished
ALL LIMITED ENTRY FISHERIES	Under 50	9,968	8,352	83.79%	1,616	16.21%
	50 - 59	2,487	1,982	79.69%	505	20.31%
	60 - 64	869	699	80.44%	170	19.56%
	65 and over	1,006	743	73.86%	263	26.14%
	Fishery Totals	14,330	11,776	82.19%	2,554	17.82%

Note: All permits where the age of the permit holder is unknown are included in the "Under 50" category.

$$\begin{array}{r} 2487 \\ 869 \\ \hline 1006 \\ \hline 4362 \end{array} \quad \frac{4362}{14330} = 30\%$$

STATE OF ALASKA

COMMERCIAL FISHERIES ENTRY COMMISSION

WALTER J. HICKEL, GOVERNOR

8800 GLACIER HIGHWAY, S.W.
JUNEAU, ALASKA 99801
(907) 789-6180 Licensing Calls
(907) 789-6160 Other CFEC Calls
(907) 789-6170 FAX

FAX TRANSMITTAL SHEET

TO: Mary McDowell DATE: 4/15/92
FAX#: 465-4928 PAGES: 2
(following this page)
FROM: Frank Homan
CFEC

MESSAGE: MARY - HERE IS A DRAFT OF AN
INTERNAL MEMO FROM ONE OF OUR STAFF.
I THOUGHT THE LANGUAGE MIGHT BE HELPFUL
FOR THE CS YOU ARE WORKING ON.
THIS IS ONLY A FIRST DRAFT AND I'M
WAITING FOR OTHER COMMENTS BUT I
THOUGHT THIS HIT SOME OF THE HIGH
POINTS WE DISCUSSED. I WILL BE
OUT OF TOWN THURSDAY AND FRIDAY SO
PLEASE CALL BRUCE TWOMLEY IF YOU HAVE
ANY QUESTIONS. PLEASE SEND BRUCE ANY
CS THAT MIGHT COME ABOUT IN THE
NEXT COUPLE OF DAYS. BRUCE WILL CALL
YOU WHEN WE GET SOMETHING BACK FROM
DATA PROCESSING.

Frank

DRAFT

The following changes in the language of SB 623 are offered to clarify: (1) that only the holders of transferable permits can benefit from the provision; (2) that the permit holder must have held a permit or interim-use permit for the fishery in question for 10 years immediately prior to the emergency transfer request; and (3) that illnesses and disabilities are grounds for emergency transfer under this provision.

Section 1. Findings. The legislature finds that

.....

(2) commercial fishermen 65 years of age or older who, because of [MEDICAL PROBLEMS] illness, can no longer participate .

.....

AS 16.43.180 is amended by adding a new subsection to read:

(c) The commission shall adopt regulations providing for the temporary transfer from year-to-year of an entry permit if the permit holder is at least 65 years of age, has participated as an entry permit or interim-use permit holder in the fishery [FOR WHICH THE PERMIT IS ISSUED] for at least 10 years immediately preceding the temporary transfer request, and is unable to participate in the fishery for [MEDICAL] reasons of illness or disability. The provisions of this subsection shall not apply to permits which are made non-transferable under AS 16.43.170(c) or (e).

Notes:

The language identifying non-transferable permits was taken, with a slight modification, from AS 16.43.180(f), (which provides that non-transferable permits do not survive the death of the holder).

AS 16.43.180(a) refers to "illness" and "disability" as reasons for emergency transfers. To be consistent within the statute, these words should substitute for "medical" in the proposal.

0077000170
007400402010 8

The reason for requiring that the transferor held the permit for 10 years immediately prior to the request is to prevent someone who had already left the fishery, or who had participated only as a crewmember, from buying a permit for the purpose of leasing it under this provision.

DRAFT

Changes made in CSSB 423(RES) to reach Draft CSSB 423(FSH)

SUBSTANTIVE CHANGES:

Section 2.

Added that fisherman must have held a permit or interim-use permit during the 10 years, not only have participated (as a crewman, etc.)

Added that the 10 years of participation must have been immediately preceding the transfer request, not at just any time during life.

Changed "medical problems" to "illness or disability"

Removed eligibility of non-transferable permits as those are intended for fishermen with less dependence on fishing and are presumed to be leaving the fishery as fishermen age.

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Added five-year sunset clause.

Section 4.

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Title

Tightened language slightly to explain that the transfers are for permit holders who are over 65 and ill or disabled, and adding effective date.

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(5) Changed "will enable many young Alaskans" to "may enable young Alaskans"

(7) Added that the 10 years of participation must be "immediately preceding the request to transfer," not just any ten years. Also added "and current dependence upon"

Revision Date: 04/24/92Department Affected: Fish and GameTitle: Temporary transfer of commercial
fisheries entry permitsBPU: Commercial Fisheries (Limited) EntryCommission
Component: Limited Entry Program AdministrationSponsor: Senator SharoffRequester: Senate Special Comm. on F&G, COMPONENT SERIAL NO.

0	4	7	1
---	---	---	---

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE FUND SOURCE:						
-------------------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Frank BonanPhone: 789-6160Division: Commercial Fisheries (Limited) Entry Commission Date: 04/24/92Approved by Commissioner: Frank BonanAgency: Commercial Fisheries (Limited) Entry Commission Date: 04/24/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requester, OMB/DBM, Gov. Legis. Ofc., & impacted Agency(ies).

Rev 10/7/91

Page 1 of 1



SENATOR FRED F. ZHAROFF

ALASKA STATE LEGISLATURE

P. O. BOX 405, KODIAK, ALASKA 99615 (907) 486-5259

DURING SESSION:

P. O. BOX V, JUNEAU, ALASKA 99811 • (907) 485-3473 • 485-3474

DISTRICT N

ALASKA PENINSULA • ALEUTIAN CHAIN • BRISTOL BAY • KODIAK ISLAND • LAKE CLARK/LAKE ILLIAMNA • PRIBILOF ISLANDS • SHUMAGIN ISLANDS

MEMORANDUM

TO: Senator Dick Eliason
Chairman
Senate Special Committee on Domestic and
Internacional Commercial Fisheries

FROM: Senator Fred F. Zharoff

DATE: April 23, 1992

RE: CS For Senate Bill No. 423 (Resources) - "An Act
relating to the temporary transfers of commercial
fisheries entry permits."

BILL SUMMARY: CSSB 423 amends the emergency transfers section of the limited entry statutes. It requires the Commercial Fisheries Entry Commission to provide for the temporary emergency transfer of limited entry permits held by individuals age 65 or older who, for medical reasons, are unable to continue to participate in the fishery.

The amendment allows the commission to renew the transfer annually for multiple years. It limits the privilege to long time commercial fisherman, those who have participated/held a permit in a specific fishery for at least 10 years.

A CS is being prepared which specifies that the transfer would only be applicable in cases where the permit-holder suffers from illness or disability.

PREVIOUS ACTION: Moved out of the Senate Resources Committee on April 14 (4 DP, 1 NR).

FISCAL IMPACT: Zero fiscal note from the Commercial Fisheries Entry Commission.

BACKGROUND INFORMATION: Under current law, older commercial fishermen have few options open to them when they reach the age where, for medical reasons (illness or disability), they are unable to continue to participate in physically demanding commercial fisheries. At that time, they must either sell or transfer their permits, forever giving up their privilege to own and operate commercial fishing operations.

CSSB 423 would allow commercial fishermen 65 years of age or older to temporarily transfer their permits to another

individual or a younger family member, continue to earn income, and -- if their health returns -- resume commercial fishing. In the meantime, younger individuals would have opportunities to gain experience in the fisheries and to earn incomes that they can put toward purchasing their own permits.

The age of 65 was chosen as the qualifying age because it conforms to precedent. The age of 65 is -- across the nation -- the standard age for retirement. It is the age in Alaska when people qualify for the longevity bonus and a host of other programs.

The requirement that a person participate in the fishery for at least 10 years is an effort to discourage speculators who would buy a permit without the intention of fishing it themselves and instead just live off the income generated by the person to whom they have transferred it. Our intent is to limit the beneficiaries of this provision to bonafide commercial fishermen who have invested considerable time and money in participating in specific fisheries. The 10 year requirement is the best method we could devise for accomplishing this goal.

ATTACHED BACKUP INFORMATION:

1. Fiscal note from the Commercial Fisheries Entry Commission.
2. Letter of support from Roger and Randy Briggs of Ugashik, April 8, 1992.
3. Copy of the emergency transfers statute, AS 16.43.180.

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. SB 423

Revision Date: _____ Department Affected: Fish and Game
 Title: Temporary transfer of commercial fish entry permits BRU: Commercial Fisheries (Limited) Entry Commission
 Sponsor: Senator Zharoff Component: Limited Entry Program Administration
 Requestor: Senator Zharoff COMPONENT SERIAL NO 0 4 7 1

EXPENDITURES/REVENUES:(Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
FUND SOURCE:						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Roger Kolden Phone: 789-6160
 Agency: Commercial Fisheries (Limited) Entry Commission Date: 4/6/92
 Approved by Commissioner: Theresa M. Herman
 Agency: Commercial Fisheries (Limited) Entry Commission Date: 4/6/92

Distribution (by preparer): Leg.Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Leg's. Ofc., & Impacted Agency(ies).

Rev 10/7/91

Page 1 of 1

Ugashik, Alaska 99613

April 8, 1992

Senator Fred Zharoff

P.O. Box V, Juneau, Alaska 99011

Dear Senator Zharoff:

Re: Amendment to Limited Entry Law 16.43-180

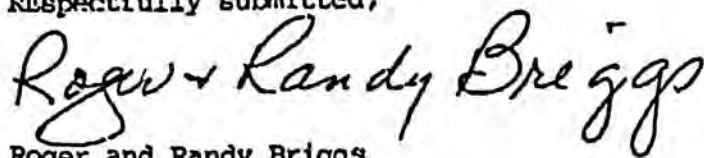
Add a new subsection c.

"The Commission shall adopt regulations providing for the temporary transfer from year to year of an entry permit if the permit holder is at least 65 years of age, has participated in the fishery for which the permit is issued for at least 10 years and is unable to participate in the fishery for medical reasons."

We support this bill for the following reasons:

1. No provision was made in the original Limited Entry Law or subsequent regulations for multiple year transfers for senior fishermen with continuing medical problems.
2. As of 1989, according to a Limited Entry Commission report requested by Senator Zharoff, 3222 fishermen in the state were between 60 and 70 years of age, while an additional 1364 were over 69 years of age.
3. This amendment is not a new concept because in two other circumstances multiple year transfers are permitted by the Commission.
 - a. An estate may emergency transfer a permit year after year until the estate is settled.
 - b. A permit inherited by a minor may be transferred year after year until the minor reaches the age-of-presumptive ability to participate.
4. This amendment would provide a fisherman 65 years of age or older an option to continue to participate in the fishery but in a less strenuous manner, thereby imparting the knowledge gained thru many years of experience to a younger fisherman..

Respectfully submitted,



Roger and Randy Briggs

Effect of amendments. — The 1989 amendment, effective May 31, 1989, added subsection (f).

The 1990 amendment, effective July 12, 1990, added the second sentence of subsection (a).

Editor's notes. — Section 6, ch. 63,

SLA 1989 provides that subsection (f) of this section, added by § 5, ch. 63, SLA 1989 is "applicable to cases involving a commercial fishing violation or theft of commercial fishing gear that occurs on or after May 31, 1989."

Sec. 16.43.180. Emergency transfers. (a) The commission shall adopt regulations providing for the temporary emergency transfer of entry permits and interim-use permits when illness, disability, death, required military or government service, or other unavoidable hardship prevents the permit holder from participating in the fishery. To alleviate hardship pending a final determination of the permit holder's eligibility for an entry permit, the commission shall adopt regulations providing for the temporary emergency transfer of an interim-use permit issued under AS 16.43.210(b) or 16.43.225.

(b) The commission shall adopt regulations providing for the temporary transfer of an entry permit upon the death of the permittee pending final disposition of the permit as a part of the permittee's estate. (§ 1 ch 79 SLA 1973; am § 5 ch 73 SLA 1977; am § 5 ch 123 SLA 1978; am § 5 ch 34 SLA 1991)

Effect of amendments. — The 1991 amendment, effective June 13, 1991, added "or 16.43.225" to the end of subsection (a).

Article 3. Initial Issuance of Entry Permits.

Section

210. Interim-use permit; qualifications
225. Moratorium on new entrants into certain fisheries
227. Southeast Alaska dungeness crab fishery

Section

240. Determination of the maximum number of entry permits for initial issue
260. Application for initial issue of entry permits

Sec. 16.43.210. Interim-use permit; qualifications. (a) Pending the establishment of the maximum number of entry permits under AS 16.43.240 and the issuance of entry permits under AS 16.43.270, the commission shall issue interim-use permits under regulations adopted by the commission for each fishery, not subject to a moratorium under AS 16.43.225, to all applicants who can establish their present ability to participate actively in the fishery for which they are making application.

(b) Before the issuance of the maximum number of entry permits for a given fishery, the commission may issue an interim-use permit to an applicant who may later become eligible for an entry permit under AS 16.43.270.

(c) To the extent that the commissioner of fish and game authorizes it under AS 16.05.050(10), the commission may grant an interim-use



Alaska State Senate

Office of the President

Senator Richard I. Eliason, President

All limited fishery
with perm permits

65+ — 267 - not
fished

60-64 — 170 - not
fished

13,000 - approx - TOTAL
perm permits

**Number of Permits Issued and Number of Permits Fished
By Year and Age
For the Limited Entry Fisheries**

**Prepared by:
Susan M. Shirley**

CFEC Report 92-08

April 10, 1992

**Commercial Fisheries Entry Commission
8800 Glacier Highway #109
Juneau, Alaska 99801
Telephone: (907) 789-6160 FAX: 789-6170**

COMMERCIAL FISHERIES ENTRY COMMISSION
8800 GLACIER HIGHWAY #109, JUNEAU, ALASKA, 99801

April 10, 1992

Permits Issued and Fished, in 1991, by Age

Fishery	Age	Total Permits Issued	Total Permits Fished	Percent Permits Fished	Permits Not Fished	Percent Permits Not Fished
S01A SOUTHEAST SALMON SEINE	Under 50	281	262	93.24%	19	6.76%
	50 - 59	66	60	90.91%	6	9.09%
	60 - 64	33	28	84.85%	5	15.15%
	65 and over	40	33	82.50%	7	17.50%
	Fishery Totals	420	383	91.19%	37	8.81%
S03A SOUTHEAST SALMON DRIFT GILL NET	Under 50	321	314	97.82%	7	2.18%
	50 - 59	94	87	92.55%	7	7.45%
	60 - 64	35	33	94.29%	2	5.71%
	65 and over	35	32	91.43%	3	8.57%
	Fishery Totals	485	466	96.08%	19	3.92%
S15B SOUTHEAST SALMON POWER TROLL	Under 50	550	497	90.36%	53	9.64%
	50 - 59	227	197	86.78%	30	13.22%
	60 - 64	80	71	88.75%	9	11.25%
	65 and over	101	82	81.19%	19	18.81%
	Fishery Totals	958	847	88.41%	111	11.59%
S05B SOUTHEAST SALMON HAND TROLL	Under 50	1,019	439	43.08%	580	56.92%
	50 - 59	382	141	36.91%	241	63.09%
	60 - 64	136	48	35.29%	88	64.71%
	65 and over	209	72	34.45%	137	65.55%
	Fishery Totals	1,746	700	40.09%	1,046	59.91%

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April 10, 1992

Permits Issued and Fished, in 1991, by Age

Fishery	Age	Total Permits Issued	Total Permits Fished	Percent Permits Fished	Permits Not Fished	Percent Permits Not Fished
S04D YAKUTAT SALMON SET NET	Under 50	124	121	97.58%	3	2.42%
	50 - 59	23	20	86.96%	3	13.04%
	60 - 64	6	6	100.00%	0	0.00%
	65 and over	15	14	93.33%	1	6.67%
	Fishery Totals	168	161	95.83%	7	4.17%
G01A SOUTHEAST SAC ROE HERRING SEINE	Under 50	29	10	34.48%	19	65.52%
	50 - 59	9	5	55.56%	4	44.44%
	60 - 64	5	4	80.00%	1	20.00%
	65 and over	8	3	37.50%	5	62.50%
	Fishery Totals	51	22	43.14%	29	56.86%
G34A SOUTHEAST SAC ROE HERRING GILL NET	Under 50	82	58	70.73%	24	29.27%
	50 - 59	28	20	71.43%	8	28.57%
	60 - 64	5	2	40.00%	3	60.00%
	65 and over	6	4	66.67%	2	33.33%
	Fishery Totals	121	84	69.42%	37	30.58%
C61A NORTHERN SE INSIDE SABLEFISH LONGLINE	Under 50	87	86	98.85%	1	1.15%
	50 - 59	16	16	100.00%	0	0.00%
	60 - 64	12	12	100.00%	0	0.00%
	65 and over	12	12	100.00%	0	0.00%
	Fishery Totals	127	126	99.21%	1	0.79%

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Permits Issued and Fished, in 1991, by Age

Fishery	Age	Total Permits Issued	Total Permits Fished	Percent Permits Fished	Permits Not Fished	Percent Permits Not Fished
C61C SOUTHERN SE INSIDE SABLEFISH LONGLINE	Under 50	17	15	88.24%	2	11.76%
	50 - 59	6	6	100.00%	0	0.00%
	60 - 64	3	3	100.00%	0	0.00%
	65 and over	5	5	100.00%	0	0.00%
	Fishery Totals	31	29	93.55%	2	6.45%
C91C SOUTHERN SE INSIDE SABLEFISH POTS	Under 50	1	1	100.00%	0	0.00%
	50 - 59	1	0	0.00%	1	100.00%
	Fishery Totals	2	1	50.00%	1	50.00%
K19A SOUTHEAST RED/BLUE KING CRAB POTS	Under 50	2	2	100.00%	0	0.00%
	Fishery Totals	2	2	100.00%	0	0.00%
K29A SOUTHEAST RED/BLUE/BROWN KING CRAB POTS	Under 50	3	3	100.00%	0	0.00%
	Fishery Totals	3	3	100.00%	0	0.00%
K39A SOUTHEAST BROWN KING CRAB POTS	Under 50	1	1	100.00%	0	0.00%
	50 - 59	2	2	100.00%	0	0.00%
	Fishery Totals	3	3	100.00%	0	0.00%

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April 10, 1992

Permits Issued and Fished, in 1991, by Age

Fishery	Age	Total Permits Issued	Total Permits Fished	Percent Permits Fished	Permits Not Fished	Percent Permits Not Fished
K49A SOUTHEAST RED/BLUE KING + TANNER POTS	Under 50	11	10	90.91%	1	9.09%
	50 - 59	4	3	75.00%	1	25.00%
	60 - 64	2	2	100.00%	0	0.00%
	65 and over	3	2	66.67%	1	33.33%
	Fishery Totals	20	17	85.00%	3	15.00%
K59A SOUTHEAST BROWN KING + TANNER POTS	Under 50	6	5	83.33%	1	16.67%
	65 and over	2	1	50.00%	1	50.00%
	Fishery Totals	8	6	75.00%	2	25.00%
K69A SOUTHEAST KING (ALL) + TANNER POTS	Under 50	29	28	96.55%	1	3.45%
	50 - 59	2	2	100.00%	0	0.00%
	60 - 64	4	4	100.00%	0	0.00%
	65 and over	6	5	83.33%	1	16.67%
	Fishery Totals	41	39	95.12%	2	4.88%
T19A SOUTHEAST TANNER CRAB POTS	Under 50	10	7	70.00%	3	30.00%
	50 - 59	5	4	80.00%	1	20.00%
	Fishery Totals	15	11	73.33%	4	26.67%

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April 10, 1992

Permits Issued and Fished, in 1991, by Age

Fishery	Age	Total Permits Issued	Total Permits Fished	Percent Permits Fished	Permits Not Fished	Percent Permits Not Fished
S01E PRINCE WILLIAM SOUND SALMON SEINE	Under 50	205	194	94.63%	11	5.37%
	50 - 59	39	38	97.44%	1	2.56%
	60 - 64	14	12	85.71%	2	14.29%
	65 and over	13	9	69.23%	4	30.77%
	Fishery Totals	271	253	93.36%	18	6.64%
S03E PRINCE WILLIAM SD SALMON DRIFT GILL NET	Under 50	406	393	96.80%	13	3.20%
	50 - 59	92	86	93.48%	6	6.52%
	60 - 64	24	23	95.83%	1	4.17%
	65 and over	19	15	78.95%	4	21.05%
	Fishery Totals	541	517	95.56%	24	4.44%
S04E PRINCE WILLIAM SD SALMON SET NET	Under 50	21	20	95.24%	1	4.76%
	50 - 59	5	5	100.00%	0	0.00%
	60 - 64	3	3	100.00%	0	0.00%
	65 and over	1	1	100.00%	0	0.00%
	Fishery Totals	30	29	96.67%	1	3.33%
G01E PRINCE WILLIAM SD SAC ROE HERRING SEINE	Under 50	82	80	97.56%	2	2.44%
	50 - 59	16	15	93.75%	1	6.25%
	60 - 64	5	5	100.00%	0	0.00%
	65 and over	4	4	100.00%	0	0.00%
	Fishery Totals	107	104	97.20%	3	2.80%

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April 10, 1992

Permits Issued and Fished, in 1991, by Age

Fishery	Age	Total Permits Issued	Total Permits Fished	Percent Permits Fished	Permits Not Fished	Percent Permits Not Fished
G34E PRINCE WILLIAM SD SAC ROE HERR GILL NET	Under 50	18	18	100.00%	0	0.00%
	50 - 59	4	4	100.00%	0	0.00%
	60 - 64	1	1	100.00%	0	0.00%
	65 and over	1	1	100.00%	0	0.00%
	Fishery Totals	24	24	100.00%	0	0.00%
L21E PRINCE WILLIAM SD HERRING SPAWN POUND	Under 50	112	105	93.75%	7	6.25%
	50 - 59	13	11	84.62%	2	15.38%
	60 - 64	3	3	100.00%	0	0.00%
	Fishery Totals	128	119	92.97%	9	7.03%
S01H COOK INLET SALMON SEINE	Under 50	60	52	86.67%	8	13.33%
	50 - 59	11	8	72.73%	3	27.27%
	60 - 64	6	5	83.33%	1	16.67%
	65 and over	6	3	50.00%	3	50.00%
	Fishery Totals	83	68	81.93%	15	18.07%
S03H COOK INLET SALMON DRIFT GILL NET	Under 50	373	370	99.19%	3	0.81%
	50 - 59	122	121	99.18%	1	0.82%
	60 - 64	45	43	95.56%	2	4.44%
	65 and over	44	44	100.00%	0	0.00%
	Fishery Totals	584	578	98.97%	6	1.03%

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April 10, 1992

Permits Issued and Fished, in 1991, by Age

Fishery	Age	Total Permits Issued	Total Permits Fished	Percent Permits Fished	Permits Not Fished	Percent Permits Not Fished
S04H COOK INLET SALMON SET NET	Under 50	535	463	86.54%	72	13.46%
	50 - 59	101	89	88.12%	12	11.88%
	60 - 64	48	43	89.58%	5	10.42%
	65 and over	61	53	86.89%	8	13.11%
	Fishery Totals	745	648	86.98%	97	13.02%
G01H COOK INLET SAC ROE HERRING SEINE	Under 50	60	46	76.67%	14	23.33%
	50 - 59	7	6	85.71%	1	14.29%
	60 - 64	6	4	66.67%	2	33.33%
	65 and over	3	2	66.67%	1	33.33%
	Fishery Totals	76	58	76.32%	18	23.68%
S01K KODIAK SALMON SEINE	Under 50	299	276	92.31%	23	7.69%
	50 - 59	53	44	83.02%	9	16.98%
	60 - 64	21	19	90.48%	2	9.52%
	65 and over	15	9	60.00%	6	40.00%
	Fishery Totals	388	348	89.69%	40	10.31%
S02K KODIAK SALMON BEACH SEINE	Under 50	28	15	53.57%	13	46.43%
	50 - 59	4	2	50.00%	2	50.00%
	60 - 64	1	0	0.00%	1	100.00%
	Fishery Totals	33	17	51.52%	16	48.48%

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Permits Issued and Fished, in 1991, by Age

Fishery	Age	Total Permits Issued	Total Permits Fished	Percent Permits Fished	Permits Not Fished	Percent Permits Not Fished
S04K KODIAK SALMON SET NET	Under 50	143	142	99.30%	1	0.70%
	50 - 59	26	24	92.31%	2	7.69%
	60 - 64	8	7	87.50%	1	12.50%
	65 and over	12	12	100.00%	0	0.00%
	Fishery Totals	189	185	97.88%	4	2.12%
G01K KODIAK SAC ROE HERRING SEINE	Under 50	59	28	47.46%	31	52.54%
	50 - 59	9	3	33.33%	6	66.67%
	60 - 64	2	1	50.00%	1	50.00%
	Fishery Totals	70	32	45.71%	38	54.29%
G34K KODIAK SAC ROE HERRING GILL NET	Under 50	85	55	64.71%	30	35.29%
	50 - 59	12	7	58.33%	5	41.67%
	60 - 64	3	2	66.67%	1	33.33%
	65 and over	2	0	0.00%	2	100.00%
	Fishery Totals	102	64	62.75%	38	37.25%
S01L CHIGNIK SALMON SEINE	Under 50	66	66	100.00%	0	0.00%
	50 - 59	19	19	100.00%	0	0.00%
	60 - 64	8	8	100.00%	0	0.00%
	65 and over	8	8	100.00%	0	0.00%
	Fishery Totals	101	101	100.00%	0	0.00%

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April 10, 1992

Permits Issued and Fished, in 1991, by Age

Fishery	Age	Total Permits Issued	Total Permits Fished	Percent Permits Fished	Permits Not Fished	Percent Permits Not Fished
S01M PEN/ALEUTIANS SALMON SEINE	Under 50	77	76	98.70%	1	1.30%
	50 - 59	28	27	96.43%	1	3.57%
	60 - 64	11	10	90.91%	1	9.09%
	65 and over	10	7	70.00%	3	30.00%
	Fishery Totals	126	120	95.24%	6	4.76%
S03M PEN/ALEUTIANS SALMON DRIFT GILL NET	Under 50	135	134	99.26%	1	0.74%
	50 - 59	18	17	94.44%	1	5.56%
	60 - 64	4	4	100.00%	0	0.00%
	65 and over	7	7	100.00%	0	0.00%
	Fishery Totals	164	162	98.78%	2	1.22%
S04M PEN/ALEUTIANS SALMON SET NET	Under 50	90	87	96.67%	3	3.33%
	50 - 59	9	8	88.89%	1	11.11%
	60 - 64	5	5	100.00%	0	0.00%
	65 and over	10	10	100.00%	0	0.00%
	Fishery Totals	114	110	96.49%	4	3.51%
S03T BRISTOL BAY SALMON DRIFT GILL NET	Under 50	1,210	1,210	100.00%	0	0.00%
	50 - 59	416	413	99.28%	3	0.72%
	60 - 64	123	123	100.00%	0	0.00%
	65 and over	132	127	96.21%	5	3.79%
	Fishery Totals	1,881	1,873	99.57%	8	0.43%

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Fishery	Age	Total Permits Issued	Total Permits Fished	Percent Permits Fished	Permits Not Fished	Percent Permits Not Fished
S04T BRISTOL BAY SALMON SET NET	Under 50	791	743	93.93%	48	6.07%
	50 - 59	129	113	87.60%	16	12.40%
	60 - 64	37	34	91.89%	3	8.11%
	65 and over	68	60	88.24%	8	11.76%
	Fishery Totals	1,025	950	92.68%	75	7.32%
L12T BRISTOL BAY HERRING SPAWN ON KELP	Under 50	369	200	54.20%	169	45.80%
	50 - 59	55	26	47.27%	29	52.73%
	60 - 64	14	9	64.29%	5	35.71%
	65 and over	10	6	60.00%	4	40.00%
	Fishery Totals	448	241	53.79%	207	46.21%
S04P UPPER YUKON SALMON GILL NET	Under 50	41	19	46.34%	22	53.66%
	50 - 59	10	6	60.00%	4	40.00%
	60 - 64	12	8	66.67%	4	33.33%
	65 and over	9	3	33.33%	6	66.67%
	Fishery Totals	72	36	50.00%	36	50.00%
S08P UPPER YUKON SALMON FISHWHEEL	Under 50	91	60	65.93%	31	34.07%
	50 - 59	28	18	64.29%	10	35.71%
	60 - 64	16	15	93.75%	1	6.25%
	65 and over	20	17	85.00%	3	15.00%
	Fishery Totals	155	110	70.97%	45	29.03%

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Fishery	Age	Total Permits Issued	Total Permits Fished	Percent Permits Fished	Permits Not Fished	Percent Permits Not Fished
S04W KUSKOKWIM SALMON GILL NET	Unknown	1	1	100.00%	0	0.00%
	Under 50	649	638	98.31%	11	1.69%
	50 - 59	121	115	95.04%	6	4.96%
	60 - 64	42	40	95.24%	2	4.76%
	65 and over	20	20	100.00%	0	0.00%
	Fishery Totals	833	814	97.72%	19	2.28%
S04X KOTZEBUE SALMON GILL NET	Under 50	152	90	59.21%	62	40.79%
	50 - 59	40	29	72.50%	11	27.50%
	60 - 64	11	10	90.91%	1	9.09%
	65 and over	16	8	50.00%	8	50.00%
	Fishery Totals	219	137	62.56%	82	37.44%
S04Y LOWER YUKON SALMON GILL NET	Under 50	550	530	96.36%	20	3.64%
	50 - 59	106	103	97.17%	3	2.83%
	60 - 64	32	31	96.88%	1	3.13%
	65 and over	20	16	80.00%	4	20.00%
	Fishery Totals	708	680	96.05%	28	3.95%
S04Z NORTON SOUND SALMON GILL NET	Under 50	141	95	67.38%	46	32.62%
	50 - 59	23	11	47.83%	12	52.17%
	60 - 64	12	5	41.67%	7	58.33%
	65 and over	25	14	56.00%	11	44.00%
	Fishery Totals	201	125	62.19%	76	37.81%

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Permits Issued and Fished, in 1991, by Age

Fishery	Age	Total Permits Issued	Total Permits Fished	Percent Permits Fished	Permits Not Fished	Percent Permits Not Fished
G34N NELSON ISLAND SAC ROE HERRING GILL NET	Under 50	110	0	0.00%	110	100.00%
	50 - 59	29	0	0.00%	29	100.00%
	60 - 64	8	0	0.00%	8	100.00%
	65 and over	2	0	0.00%	2	100.00%
	Fishery Totals	149	0	0.00%	149	100.00%
G34U NUNIVAK ISLAND SAC ROE HERRING GILL NET	Under 50	34	12	35.29%	22	64.71%
	50 - 59	11	4	36.36%	7	63.64%
	60 - 64	4	1	25.00%	3	75.00%
	65 and over	1	0	0.00%	1	100.00%
	Fishery Totals	50	17	34.00%	33	66.00%
G34Y LOWER YUKON SAC ROE HERRING GILL NET	Under 50	63	51	80.95%	12	19.05%
	50 - 59	20	14	70.00%	6	30.00%
	60 - 64	5	4	80.00%	1	20.00%
	65 and over	12	11	91.67%	1	8.33%
	Fishery Totals	100	80	80.00%	20	20.00%
G02Z NORTON SOUND SAC ROE HERRING BEACH SEINE	Under 50	9	6	66.67%	3	33.33%
	60 - 64	1	1	100.00%	0	0.00%
	65 and over	1	0	0.00%	1	100.00%
	Fishery Totals	11	7	63.64%	4	36.36%

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Fishery	Age	Total Permits Issued	Total Permits Fished	Percent Permits Fished	Permits Not Fished	Percent Permits Not Fished
G34Z NORTON SOUND SAC ROE HERRING GILL NET	Under 50	330	218	66.06%	112	33.94%
	50 - 59	46	33	71.74%	13	28.26%
	60 - 64	13	7	53.85%	6	46.15%
	65 and over	12	11	91.67%	1	8.33%
	Fishery Totals	49	269	67.08%	132	32.92%

tion in the forfeiture rate would result in faster depletion of non-transferable permits in the hand troll fishery than if no change occurred in the fishery.

Declines in non-transferable hand troll permits would be fastest in the first years after implementation of the conversion program, but the rate of decline would then decrease (Figure 3). Based on the current estimated forfeiture rate with no change in the law, the number of non-transferable hand troll permits is expected to decrease from 989 in 1990 to 8 in 2040.

At 100% conversion and a 25% reduction in forfeitures, all non-transferable permits would disappear from the hand troll fishery by the year 2029. At 10% conversion, 63 non-transferable permits would remain by 2029, and by 2040, 12 non-transferable hand troll permits would be left.

Impact on the power troll fishery

The impact on the power troll fishery by the addition of more permit holders will be determined in part on the productivity of the non-transfer-

Table 6
1990 Average Gross Earnings by Age Category
For the Hand Troll and Power Troll Fisheries

Fishery	Age ²⁵	Percent of Permits Fished	Number of Permits Fished	# NOT FISHED	Average Earnings
Power Troll	Under 25	100%	6	0	\$30,747
	25 to 34	94%	114	7	\$34,248
	35 to 44	91%	281	28	\$36,394
	45 to 54	87%	226	34	\$32,679
	55 to 61	81%	94	22	\$27,411
	62 to 70	83%	86	18	\$22,897
	71 and over	78%	32	9	\$16,613
			957 = 839 + 118		88% + 12% = 100
Hand Troll	Under 25	65%	24	13	\$8,002
	25 to 34	52%	120	111	\$7,597
	35 to 44	35%	189	351	\$6,656
	45 to 54	37%	181	308	\$6,083
	55 to 61	36%	80	142	\$4,940
	62 to 70	38%	75	122	\$4,910
	71 and over	34%	30	58	\$3,591
			1804 = 699 + 1105		39 + 61% = 100

²⁵ The age of the current permit holder at the end of the year was used to categorize earnings for the permit. If a permit was transferred to another person during the fishing season, all earnings for the permit were categorized by the age of the person who held the permit at the end of 1990.

Effect of amendments. — The 1989 amendment, effective May 31, 1989, added subsection (f).

The 1990 amendment, effective July 12, 1990, added the second sentence of subsection (a).

Editor's notes. — Section 6, ch. 63.

SLA 1989 provides that subsection (f) of this section, added by § 5, ch. 63, SLA 1989 is "applicable to cases involving a commercial fishing violation or theft of commercial fishing gear that occurs on or after May 31, 1989."

Sec. 16.43.180. Emergency transfers. (a) The commission shall adopt regulations providing for the temporary emergency transfer of entry permits and interim-use permits when illness, disability, death, required military or government service, or other unavoidable hardship prevents the permit holder from participating in the fishery. To alleviate hardship pending a final determination of the permit holder's eligibility for an entry permit, the commission shall adopt regulations providing for the temporary emergency transfer of an interim-use permit issued under AS 16.43.210(b) or 16.43.225.

(b) The commission shall adopt regulations providing for the temporary transfer of an entry permit upon the death of the permittee pending final disposition of the permit as a part of the permittee's estate. (§ 1 ch 79 SLA 1973; am § 5 ch 73 SLA 1977; am § 5 ch 123 SLA 1978; am § 5 ch 34 SLA 1991)

Effect of amendments. — The 1991 amendment, effective June 13, 1991, added "or 16.43.225" to the end of subsection (a).

Article 3. Initial Issuance of Entry Permits.

Section	Section
210. Interim-use permit; qualifications	240. Determination of the maximum number of entry permits for initial issue
225. Moratorium on new entrants into certain fisheries	260. Application for initial issue of entry permits
227. Southeast Alaska dungeness crab fishery	

Sec. 16.43.210. Interim-use permit; qualifications. (a) Pending the establishment of the maximum number of entry permits under AS 16.43.240 and the issuance of entry permits under AS 16.43.270, the commission shall issue interim-use permits under regulations adopted by the commission for each fishery, not subject to a moratorium under AS 16.43.225, to all applicants who can establish their present ability to participate actively in the fishery for which they are making application.

(b) Before the issuance of the maximum number of entry permits for a given fishery, the commission may issue an interim-use permit to an applicant who may later become eligible for an entry permit under AS 16.43.270.

(c) To the extent that the commissioner of fish and game authorizes it under AS 16.05.050(10), the commission may grant an interim-use

Ugashik, Alaska 99613

April 8, 1992

Senator Fred Zharoff

P.O. Box V, Juneau, Alaska 99811

Dear Senator Zharoff:

Re: Amendment to Limited Entry Law 16.43-180

Add a new subsection c.

"The Commission shall adopt regulations providing for the temporary transfer from year to year of an entry permit if the permit holder is at least 65 years of age, has participated in the fishery for which the permit is issued for at least 10 years and is unable to participate in the fishery for medical reasons."

We support this bill for the following reasons:

1. No provision was made in the original Limited Entry Law or subsequent regulations for multiple year transfers for senior fishermen with continuing medical problems.
2. As of 1989, according to a Limited Entry Commission report requested by Senator Zharoff, 3222 fishermen in the state were between 60 and 70 years of age, while an additional 1364 were over 69 years of age.
3. This amendment is not a new concept because in two other circumstances multiple year transfers are permitted by the Commission.
 - a. An estate may emergency transfer a permit year after year until the estate is settled.
 - b. A permit inherited by a minor may be transferred year after year until the minor reaches the age of presumptive ability to participate.
4. This amendment would provide a fisherman 65 years of age or older an option to continue to participate in the fishery but in a less strenuous manner, thereby imparting the knowledge gained thru many years of experience to a younger fisherman..

Respectfully submitted,

Roger & Randy Briggs
Roger and Randy Briggs

Support



SENATOR FRED F. ZHAROFF

ALASKA STATE LEGISLATURE

P. O. BOX 405, KODIAK, ALASKA 99615 (907) 486-5259

DURING SESSION:

P. O. BOX V, JUNEAU, ALASKA 99811 • (907) 485-3473 • 485-3474

DISTRICT N

ALASKA PENINSULA • ALEUTIAN CHAIN • BRISTOL BAY • KODIAK ISLAND • LAKE CLARK/LAKE ILIAMNA • PRIBILOF ISLANDS • SHUMAGIN ISLANDS

MEMORANDUM

TO: Senator Lloyd Jones
Chairman
Senate Resources Committee

FROM: Senator Fred F. Zharoff

DATE: April 8, 1992

RE: Senate Bill No. 423 - "An Act relating to the temporary transfers of commercial fisheries entry permits."

BILL SUMMARY: SB 423 amends the emergency transfers section of the limited entry statutes. It requires the Commercial Fisheries Entry Commission to provide for the temporary emergency transfer of limited entry permits held by individuals age 65 or older who, for medical reasons, are unable to continue to participate in the fishery.

The amendment allows the commission to renew the transfer annually for multiple years. It limits the privilege to long time commercial fishermen, those who have participated in a specific fishery for at least 10 years.

PREVIOUS ACTION: Introduced on Feb. 18, 1992. Referred to the Senate Resources Committee and to the Senate Special Committee on International and Domestic Commercial Fisheries.

FISCAL NOTE: Zero fiscal note from the Commercial Fisheries Entry Commission.

BACKGROUND INFORMATION: Under current law, older commercial fishermen have few options open to them when they reach the age where, for medical reasons, they are unable to continue to participate in physically demanding commercial fisheries. At that time, they must either sell or transfer their permits, forever giving up their privilege to own and operate commercial fishing operations.

SB 423 would open up new options for commercial fishermen 65 years of age or older. They would be relieved of the pressure to permanently alter their lifestyles. They could temporarily transfer their permits to another individual or a younger family member, continue to earn income, and -- if their health returns -- resume commercial fishing. In the meantime,

younger individuals may have opportunities to gain experience in the fisheries and to earn incomes that they can put toward purchasing their own permits.

The bill is aimed at older fishermen who are nearing retirement. The age of 65 was chosen as the qualifying age because it conforms to precedent. The age of 65 is -- across the nation -- the standard age for retirement. It is the age in Alaska at which people qualify for the longevity bonus and a host of other programs.

The requirement that a person participate in the fishery for at least 10 years is an effort to discourage speculators who would buy a permit without the intention of fishing it themselves and instead just live off the income generated by the person to whom they have transferred it. Our intent is to limit the beneficiaries of this provision to bonafide commercial fishermen who have invested considerable time and money in participating in specific fisheries. The 10 year requirement is the best method we could devise for accomplishing this goal.

ATTACHED BACKUP INFORMATION:

1. Fiscal note from the Commercial Fisheries Entry Commission.
2. Letter of support from Roger and Randy Briggs of Ugashik, April 8, 1992.
3. Copy of the emergency transfers statute, AS 16.43.180.

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. SB 423

Revision Date:

Department Affected: Fish and Game

Title: Temporary transfer of commercial fisheries
entry permits

BRU: Commercial Fisheries (Limited) Entry Commission

Component: Limited Entry Program Administration

Sponsor: Senator Zharoff

Requestor: Senator Zharoff

COMPONENT SERIAL NO

0	4	7	1
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EXPENDITURES/REVENUES:(Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
FUND SOURCE:						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact:

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Roger Kolden

Phone: 789-6160

Agency: Commercial Fisheries (Limited) Entry Commission

Date: 4/6/92

Approved by Commissioner: [Signature]

Agency: Commercial Fisheries (Limited) Entry Commission

Date: 4/6/92

Distribution (by preparer): Leg.Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

Rev 10/7/91

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Fish + Game Fiscal Note