



LAWS OF ALASKA

1981

Source

HCSSB 49(Res) (efd failed)

Chapter No.

47

AN ACT

Relating to limited entry to commercial fisheries.

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

THE ACT FOLLOWS ON PAGE 1, LINE 9

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: June 25, 1981
Actual Effective Date: September 23, 1981

AN ACT

Relating to limited entry to commercial fisheries.

* Section 1. AS 16.43.110(c) is amended to read:

(c) The Alaska Rules of Evidence [COMMON-LAW RULES OF EVIDENCE] apply to investigations, hearings and proceedings before the commission, except when the commission determines that their application is not required in order to assure fair treatment of all parties and that the evidence is relevant and of the sort on which responsible persons are accustomed to rely in the conduct of serious matters.

* Sec. 2. AS 16.43.150(d) is amended to read:

(d) Failure to renew an entry permit for a period of two years from the year [DATE] of last renewal results in a forfeiture of the entry permit to the commission, except as waived by the commission for good cause. An entry permit may not be renewed until the fees for each preceding year during which the entry permit was not renewed are paid. However, failure to renew an entry permit in a year in which there is an administrative closure for the entire season for a specific fishery is good cause not to renew the entry permit. The commission shall waive the payment of fees for that year.

* Sec. 3. AS 16.43.170(b) is amended to read:

(b) Except as provided in (c) and (e) of this section, the holder of an entry permit may transfer his permit to another person or to the commission upon 60 days notice of intent to transfer under regulations

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1 adopted by the commission. No sooner than 60 days nor later than 12
2 months from the date of notice to the commission, the holder of an
3 entry permit may transfer his permit. If the proposed transferee,
4 other than the commission, can establish present ability to participate
5 actively in the fishery, the commission shall approve the transfer and
6 reissue the entry permit to the transferee.

7 * Sec. 4. AS 16.43.170 is amended by adding a new subsection to read:

8 (e) Before the determination, under AS 16.43.290 and 16.43.300,
9 of the optimum number of entry permits for a fishery, the holder of an
10 entry permit who qualified for that entry permit in a priority classi-
11 fication designated under AS 16.43.250(c) may not transfer that permit
12 unless the commission estimates that the optimum number for that fishery
13 will be equal to or greater than the number of outstanding entry permits
14 and interim-use permits.

15 * Sec. 5. AS 16.43.250(d) is amended to read:

16 (d) If an individual eligible to apply under AS 16.43.260(a) has
17 applied during application periods established under AS 16.43.260(b) for
18 two or more entry permits under AS 16.43.260(d) or (e) for the same
19 specific fishery resource and the same specific type of gear in differ-
20 ent administrative areas, but has failed to qualify for an entry permit
21 for that type of fishery resource and gear, the individual may credit
22 his cumulative qualifications to the fishery for which he is most
23 qualified. The commission shall issue an entry permit to the individual
24 for the fishery if the individual's cumulative qualifications result in
25 placing the individual in a category designated in (b) of this section.
26 The qualifications credited to a fishery under this subsection may not
27 be considered for the purpose of ranking the applicant under (a) - (c)
28 of this section for any other fishery. The commission may not revoke
29 any permit previously issued notwithstanding the issuance of permits in

excess of the maximum number established under AS 16.43.230 - 16.43.240 as a result of this subsection. In this subsection, "fishery" includes all salmon fisheries of the state for which a maximum number of entry permits has been established by the commission under AS 16.43.240(b).

* Sec. 6. AS 16.43.260(a) is amended to read:

(a) The commission shall accept applications for entry permits only from applicants who have harvested fishery resources commercially while participating in the fishery as holders of gear licenses issued under AS 16.05.536 - 16.05.670 and interim-use permits under AS 16.43.-210(a) before the qualification date established in (d) or (e) of this section.

* Sec. 7. AS 16.43.270(b) is amended to read:

(b) If, within the lowest priority classification of qualified applicants to which some entry permits may be issued, there are more applicants than there are entry permits to be issued, then the allocation of entry permits within that priority classification shall be by lottery. However, the commission shall issue entry permits to all qualified applicants in that priority classification if the total number of permits issued for the fishery does not exceed the maximum number of entry permits established under AS 16.43.240 for that fishery by more than five percent or 10 permits, whichever is greater.

* Sec. 8. AS 16.43.355(a) is amended to read:

(a) The commission may revoke an entry permit or interim-use permit if a person knowingly supplies, assists in supplying, or fails to correct false information provided to the commission for the purpose of

- (1) permit application; [OR]
- (2) permit transfer; or
- (3) permit renewal.

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1 * Sec. 9. AS 16.43.355 is amended by adding a new subsection to read;

2 (i) An entry permit revoked by the commission under this section
3 that is taken as security for a loan under AS 16.10.333 or AS 44.81.230
4 shall be reassigned as provided in AS 16.10.337 or AS 44.81.250.

5 * Sec. 10. AS 16.43.360 is amended by adding a new subsection to read:

6 (f) An entry permit forfeited under this section that is taken as
7 security for a loan under AS 16.10.333 or AS 44.81.230 shall be re-
8 assigned as provided in AS 16.10.337 or AS 44.81.250.

9 * Sec. 11. AS 16.43.380(3) is amended to read:

10 (3) "fishery" means the commercial taking of a specific
11 fishery resource in a specific administrative area with a specific type
12 of gear; however, the commission may designate a fishery to include
13 more than one specific administrative area, gear type, or fishery re-
14 source;

15 * Sec. 12. AS 16.43.360(c) is repealed.
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