

HOUSE BILL NO. 354

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE ORTIZ

Introduced: 2/16/18

Referred: House Special Committee on Fisheries, Resources

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to dive fishery management assessment procedures."

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

3 * **Section 1.** AS 43.76.160(b) is amended to read:

4 (b) The dive fishery management assessment is levied under AS 43.76.150(b),
5 (c), (d), (e), (f), (g), or (h), amended under AS 43.76.170, or terminated under
6 AS 43.76.180 in an administrative area on the effective date stated on the ballot if

7 (1) the levy, amendment, or termination [ASSESSMENT] is
8 approved by a majority [VOTE] of the eligible interim-use permit and entry permit
9 holders voting in the [AN] election [HELD IN THE ADMINISTRATIVE AREA
10 UNDER THIS SECTION]; [AND]

11 (2) at least 25 percent of the eligible interim-use permit and entry
12 permit holders vote in the election; and

13 (3) the election results are certified by the commissioner of fish and
14 game.

15 * **Sec. 2.** AS 43.76.160(f) is amended to read:

(f) Except as otherwise provided under AS 43.76.170 and 43.76.180, an election to amend the rate of a dive fishery management assessment or to terminate a dive fishery management assessment shall be conducted under the same procedures established under (a) - (d) [(a), (c), AND (d)] of this section for an election to approve a dive fishery management assessment.

* **Sec. 3.** AS 43.76.170(b) is amended to read:

(b) The commissioner of revenue shall amend the rate of a dive fishery management assessment under (a) of this section following an election in an administrative area if

(1) a petition [,] that is signed by at least 75 [25] percent of the **board members of the qualified regional dive fishery development association established for the administrative area under AS 16.40.240** [NUMBER OF PERSONS WHO VOTED UNDER AS 43.76.160 IN THE MOST RECENT ELECTION APPROVING OR AMENDING THE DIVE FISHERY MANAGEMENT ASSESSMENT ON THE SPECIES OF FISHERY RESOURCES IN THE ADMINISTRATIVE AREA THAT ARE THE SUBJECT OF THE PETITION,] is presented to the commissioner of fish and game requesting amendment of the rate of the dive fishery management assessment on a species of fishery resources; the petition must state whether the proposed rate of the dive fishery management assessment is to be levied under AS 43.76.150(b), (c), (d), (e), (f), (g), or (h); [ONLY A PERSON WHO WOULD BE ELIGIBLE TO VOTE IN AN ELECTION TO AMEND THE RATE OF THE ASSESSMENT MAY VALIDLY SIGN THE PETITION;]

(2) an election is held in accordance with AS 43.76.160; the ballot must ask the question whether the dive fishery management assessment on a species of fishery resources taken in the administrative area shall be amended and must state whether the dive fishery management assessment on the species of fishery resources is to be levied under AS 43.76.150(b), (c), (d), (e), (f), (g), or (h) if the assessment is amended; the ballot must be worded so that a "yes" vote is for amendment of the dive fishery management assessment and a "no" vote is for continuation of the current dive fishery management assessment;

(3) a majority of the eligible interim-use permit and entry permit holders who vote in the election cast a ballot for the amendment of the dive fishery management assessment; in this paragraph, "eligible interim-use permit and entry permit holders" has the meaning given in AS 43.76.160; and

(4) the qualified regional dive fishery development association provides notice of the election in accordance with AS 43.76.160 within two months after receiving notice from the commissioner of fish and game that **the petition submitted by the qualified regional dive fishery development association** [A VALID PETITION] under (1) of this subsection has been received **and is valid**.

* **Sec. 4.** AS 43.76.180(b) is amended to read:

(b) The commissioner of revenue shall terminate a dive fishery management assessment under (a) of this section following an election in an administrative area if

(1) a petition [,] that is signed by at least **75** [25] percent of the **board members of the qualified regional dive fishery development association established for the administrative area under AS 16.40.240** [NUMBER OF PERSONS WHO VOTED UNDER AS 43.76.160 IN THE MOST RECENT ELECTION APPROVING OR AMENDING THE DIVE FISHERY MANAGEMENT ASSESSMENT ON THE SPECIES OF FISHERY RESOURCES IN THE ADMINISTRATIVE AREA THAT ARE THE SUBJECT OF THE PETITION,] is presented to the commissioner of fish and game requesting termination of the dive fishery management assessment on a species of fishery resources; [ONLY A PERSON WHO WOULD BE ELIGIBLE TO VOTE IN AN ELECTION TO REPEAL THE ASSESSMENT MAY VALIDLY SIGN THE PETITION;]

(2) an election is held in accordance with AS 43.76.160; the ballot must ask the question whether the dive fishery management assessment on a species of fishery resources taken in the administrative area shall be terminated; the ballot must be worded so that a "yes" vote is for continuation of the dive fishery management assessment and a "no" vote is for termination of the dive fishery management assessment;

(3) a majority of the eligible interim-use permit and entry permit holders who vote in the election cast a ballot for the termination of the dive fishery

1 management assessment; in this paragraph, "eligible interim-use permit and entry
2 permit holders" has the meaning given in AS 43.76.160; and

3 (4) the qualified regional dive fishery development association
4 provides notice of the election in accordance with AS 43.76.160 within two months
5 after receiving notice from the commissioner of fish and game that **the petition**
6 **submitted by the qualified regional dive fishery development association** [A
7 VALID PETITION] under (1) of this subsection has been received **and is valid**.