

SENATE BILL NO. 329

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY SENATOR HALFORD

Introduced: 2/19/02

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act authorizing community development quota groups to hold commercial fishing**
2 **permits."**

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

4 * **Section 1.** AS 16.43 is amended by adding a new section to read:

5 **Sec. 16.43.145. Community development quota groups.** (a) An entity that
6 is a community development quota group may hold an entry permit or an interim-use
7 permit issued or transferred under this chapter for a fishery in an administrative area
8 that is located entirely or in part in the Bering Sea south of the Bering Strait or within
9 50 nautical miles of the Bering Sea south of the Bering Strait. A community
10 development quota group may not hold an entry permit or an interim-use permit issued
11 or transferred under this chapter for a fishery in an administrative area that is not
12 located in the Bering Sea south of the Bering Strait or within 50 nautical miles of the
13 Bering Sea south of the Bering Strait or that is located entirely in the Gulf of Alaska or
14 entirely south of the Aleutian Islands.

1 (b) A community development quota group that holds an entry permit or an
 2 interim-use permit shall appoint one or more persons to serve as designated agent of
 3 the group and shall notify the commission in writing of the persons who have been
 4 appointed as designated agents of the group. A designated agent of the group shall be
 5 physically present when the gear for which the permit is issued is engaged in fishing
 6 and shall be responsible for the sale of fish taken under the permit. A designated agent
 7 shall hold a license issued under AS 16.05.480 or an entry permit or an interim-use
 8 permit issued under AS 16.43 while engaged as the agent of the group.

9 (c) A community development quota group is the only entity that may hold an
 10 entry permit or an interim-use permit issued or transferred under this chapter.

11 (d) If an entity that holds an entry permit or an interim-use permit under this
 12 section loses its status as a community development quota group, all fishing privileges
 13 granted by entry permits and interim-use permits held by the group are suspended by
 14 operation of law, and the entity shall, in a timely manner, transfer all transferable entry
 15 permits to a qualified person or entity in accordance with AS 16.43.170.

16 (e) For purposes of AS 16.43.160, a community development quota group is a
 17 resident.

18 (f) In this section, "community development quota group" means an applicant
 19 under 16 U.S.C. 1855(i), or a successor program approved by the United States
 20 Secretary of Commerce, with an approved community development plan.

21 * **Sec. 2.** AS 16.05.253(a) is amended to read:

22 (a) The Board of Fisheries may require a person who holds a limited entry
 23 permit or an interim-use permit under AS 16.43 **or who is the designated agent of an**
 24 **entity that holds a limited entry permit or an interim-use permit under AS 16.43**
 25 to be physically present at a beach or riparian fishing site during the operation of net
 26 gear or other stationary fishing gear at the site, except when the permit holder is at or
 27 traveling to or from the location of

28 (1) a sale of fish caught in the gear; or

29 (2) other stationary gear of the permit holder.

30 * **Sec. 3.** AS 16.05.680(a) is amended to read:

31 (a) It is unlawful for a person, or an agent or representative of the person,

1 (1) to employ, in the harvesting, transporting, or purchasing of fish, a
 2 fisherman who neither is licensed under AS 16.05.480 nor is the holder of a permit
 3 issued under AS 16.43; [,]

4 (2) to purchase fish from a fisherman who neither is the holder of a
 5 limited entry, interim-use, or landing permit issued under AS 16.43, nor is exempt
 6 under AS 16.05.660; [,] or

7 (3) to purchase fish from an association **or from an entity, other than**
 8 **a natural person**, other than one to which a permit has been issued under
 9 AS 16.05.662 **or AS 16.43**.

10 * **Sec. 4.** AS 16.10.265(a) is amended to read:

11 (a) An individual may not, while acting as a fish processor or primary fish
 12 buyer, or as an agent, director, officer, member, or employee of a fish processor, of a
 13 primary fish buyer, or of a cooperative corporation organized under AS 10.15,
 14 intentionally or knowingly make an original purchase of fish from a seller who, in
 15 violation of AS 16.43, does not hold a landing permit, an entry permit, or an interim-
 16 use permit. **In this subsection, "seller" includes an entity that holds an entry**
 17 **permit or interim-use permit issued under AS 16.43.**

18 * **Sec. 5.** AS 16.10.267(a) is amended to read:

19 (a) When a fisherman sells fish, the fisherman shall possess

20 (1) a landing permit, entry permit, or interim-use permit issued or
 21 transferred to the fisherman under AS 16.43, or other document authorized by
 22 regulation to be used in place of an entry permit or interim-use permit; [AND]

23 (2) an identification card that has been issued to the fisherman by a
 24 state or federal agency or other organization designated by the Department of Public
 25 Safety and that bears a photograph of the fisherman; **and**

26 **(3) if the fisherman is selling fish as the designated agent of an**
 27 **entity under AS 16.43.145, documentation that the fisherman is a designated**
 28 **agent of the community development quota group that is the holder of the permit**
 29 **under which the fish are sold.**

30 * **Sec. 6.** AS 16.43.140 is amended to read:

31 **Sec. 16.43.140. Permit required.** (a) After January 1, 1974, a person **or**

1 **entity** may not operate gear in the commercial taking of fishery resources without a
2 valid entry permit or a valid interim-use permit issued by the commission.

3 (b) A permit is not required of a crewmember or other person assisting in the
4 operation of a unit of gear engaged in the commercial taking of fishery resources as
5 long as the holder of the entry permit or the interim-use permit for that particular unit
6 of gear is at all times present and actively engaged in the operation of the gear. **If the**
7 **holder of a permit is an entity, a permit is not required of a crewmember or other**
8 **person assisting in the operation of a unit of gear engaged in the commercial**
9 **taking of fishery resources as long as the designated agent of the holder of the**
10 **entry permit or the interim-use permit for that particular unit of gear is at all**
11 **times present and actively engaged in the operation of the gear.**

12 (c) A person **or entity** may hold more than one interim-use or entry permit
13 issued or transferred under this chapter only for the following purposes:

14 (1) fishing more than one type of gear;
15 (2) fishing in more than one administrative area;
16 (3) harvesting particular species for which separate interim-use or
17 entry permits are issued;

18 (4) if authorized by regulations of the commission, fishing an entire
19 unit of gear in a fishery in which the commission has issued entry permits for less than
20 a unit of gear under AS 16.43.270(d); under this paragraph, a person **or entity** may not
21 hold more than two entry permits for a fishery; however, the person **or entity** may not

22 (A) fish more than one unit of gear in the fishery; or

23 (B) acquire a second entry permit for the fishery after the
24 person **or entity** has acquired an entry permit that authorizes the use of an
25 entire unit of gear in the fishery.

26 * **Sec. 7.** AS 16.43.150(b) is amended to read:

27 (b) The holder of an entry permit shall have the permit in possession at all
28 times when engaged in the operation of gear for which **the permit** [IT] was issued. **If**
29 **the holder of a permit is an entity, the designated agent of the permit holder shall**
30 **have the permit in possession at all times when engaged in operation of gear for**
31 **which the permit was issued.**

1 * **Sec. 8.** AS 16.43.160(f) is amended to read:

2 (f) For an entry permit or an interim-use permit issued for calendar year 2002
3 and following years, the **person who holds** [HOLDER OF] a permit whose household
4 income, assets, and financial resources fall within the eligibility standards for the food
5 stamp program under 7 U.S.C. 2001 - 2025, as amended, is subject to a maximum
6 annual fee that is equal to 50 percent of the fee that the permit holder would otherwise
7 pay under (e) of this section.

8 * **Sec. 9.** AS 16.43.170(b) is amended to read:

9 (b) Except as provided in (c) and (e) of this section, the holder of an entry
10 permit may transfer the permit to another person **or entity** or to the commission upon
11 60 days notice of intent to transfer under regulations adopted by the commission. No
12 sooner than 60 days nor later than 12 months from the date of notice to the
13 commission, the holder of an entry permit may transfer the permit. If the proposed
14 transferee, other than **an entity or** the commission, can demonstrate the present ability
15 to participate actively in the fishery and the transfer does not violate any provision of
16 this chapter or regulations adopted under **this chapter** [IT], and if a certificate for the
17 permit under AS 16.10.333(b)(1) - (2), 16.10.338, or AS 44.81.231(a) is not in effect,
18 the commission shall approve the transfer and reissue the entry permit to the transferee
19 provided that neither party is prohibited by law from participating in the transfer.

20 * **Sec. 10.** AS 16.43.170(g) is amended to read:

21 (g) A **permit holder** [PERSON] may request the commission to transfer an
22 entry permit due to an execution on the holder's interest in that permit. The request
23 shall be made in the form and manner provided in this chapter and regulations adopted
24 under this chapter. The commission may deny a request for transfer of an entry permit
25 due to an execution of a holder's interest in that permit if

26 (1) the execution does not comply with legal requirements or otherwise
27 is not valid;

28 (2) the transfer violates this chapter or regulations adopted under this
29 chapter;

30 (3) the proposed transferee or other party to the transfer is prohibited
31 by law from participating in the transaction;

1 (4) a certificate for the permit under AS 16.10.333(b)(1) - (2),
2 16.10.338, or AS 44.81.231(a) is in effect at the time of the proposed transfer;

3 (5) the proposed transferee of the entry permit, other than the
4 commission, cannot demonstrate the present ability to actively participate in the
5 fishery; or

6 (6) the holder of the entry permit as shown by the records of the
7 commission demonstrates, under regulations adopted by the commission, that the
8 entry permit is a necessary means of support for the holder and those dependent upon
9 the holder.

10 * **Sec. 11.** AS 16.43.210(a) is amended to read:

11 (a) Pending the establishment of the maximum number of entry permits under
12 AS 16.43.240 and the issuance of entry permits under AS 16.43.270, the commission
13 shall issue interim-use permits under regulations adopted by the commission for each
14 fishery, not subject to a moratorium under AS 16.43.225, to all applicants who can
15 establish their present ability to participate actively in the fishery for which they are
16 making application. **An applicant that is an entity shall establish the present**
17 **ability to participate actively in the fishery by designating an agent or agents who**
18 **have the present ability to participate actively in the fishery for which the entity**
19 **is making application.**

20 * **Sec. 12.** AS 16.43.210(c) is amended to read:

21 (c) To the extent that the commissioner of fish and game authorizes it under
22 AS 16.05.050(a)(10), the commission may grant an interim-use permit to a person **or**
23 **to an entity subject to AS 16.43.145** to engage in the commercial taking from a
24 fishery on an experimental basis.

25 * **Sec. 13.** AS 16.43.220(c) is amended to read:

26 (c) The holder of an interim-use permit shall have the permit in possession at
27 all times when engaged in the operation of the gear for which it was issued. **If the**
28 **holder of a permit is an entity, the designated agent of the permit holder shall**
29 **have the permit in possession at all times when engaged in operation of gear for**
30 **which the permit was issued.**

31 * **Sec. 14.** AS 16.43.225(e) is amended to read:

1 (e) The commission shall establish by regulation the qualifications for
 2 applicants for an interim-use permit for a fishery subject to a moratorium under this
 3 section. The qualifications must include the minimum requirements for past or present
 4 participation and harvest in the fishery. The commission may not issue an interim-use
 5 permit for a fishery subject to a moratorium under this section unless the applicant can
 6 satisfy the qualifications established under this subsection and establish the present
 7 ability and intent to participate actively in the fishery. **An applicant that is an entity**
 8 **may establish the present ability to participate actively in the fishery by**
 9 **designating an agent or agents who have the present ability to participate actively**
 10 **in the fishery.**

11 * **Sec. 15.** AS 16.43.270(a) is amended to read:

12 (a) The commission shall issue entry permits, for each fishery, first to all
 13 qualified applicants in the priority classifications designated under AS 16.43.250(b)
 14 and then to qualified applicants in order of descending priority classification, until the
 15 number of entry permits issued equals the maximum number of entry permits
 16 established under AS 16.43.230 and 16.43.240 for each fishery, except that a person
 17 **or entity** within a priority classification specified under AS 16.43.250(b) may not be
 18 denied an entry permit.

19 * **Sec. 16.** AS 16.43.330(a) is amended to read:

20 (a) When the number of outstanding entry permits for a fishery is less than the
 21 optimum number established under AS 16.43.290, the commission shall issue new
 22 entry permits to applicants who are presently able to engage actively in the fishery
 23 until the optimum number is reached. **An applicant that is an entity may establish**
 24 **the present ability to engage actively in the fishery by designating an agent or**
 25 **agents who have the present ability to engage actively in the fishery.**

26 * **Sec. 17.** AS 16.43.850 is amended by adding a new section to read:

27 (e) A violation of a commercial fishing law in a salmon fishery by a person
 28 who is the designated agent of an entity that holds a permit under this chapter while
 29 the person is serving as the designated agent of the entity is imputed to the entity for
 30 purposes of AS 16.43.850 - 16.43.895.

31 * **Sec. 18.** AS 16.43.895(4) is amended to read:

1 (4) "permit holder" includes the holder of a commercial fishing permit
 2 as the result of an emergency transfer, an applicant for a commercial fishing permit if
 3 the applicant's commercial fishing permit was suspended under AS 16.43.850 -
 4 16.43.895, and a person **or entity** whose privilege of obtaining a commercial fishing
 5 permit for a fishery is suspended under AS 16.43.850 - 16.43.895.

6 * **Sec. 19.** AS 16.43.960(a) is amended to read:

7 (a) The commission may revoke, suspend, or transfer all entry or interim-use
 8 permits held by a person **or entity** who knowingly provides or assists in providing
 9 false information, or fails to correct false information provided to the commission for
 10 the purpose of obtaining a benefit for self or another, including the issuance, renewal,
 11 duplication, or transfer of an entry or interim-use permit or vessel license. The
 12 commission may suspend that person's **or entity's** eligibility to hold an entry or
 13 interim-use permit for a period not to exceed three years, and may impose an
 14 administrative fine of not more than \$5,000 on the person **or entity**. The commission
 15 may also impose an administrative fine of not more than \$5,000 on an entity whose
 16 officers, employees, representatives, or agents knowingly provide or assist in
 17 providing false information, or fail to correct false information provided, to the
 18 commission for the purpose of obtaining a benefit.

19 * **Sec. 20.** AS 16.43.960(g) is amended to read:

20 (g) The provisions of this section apply to conduct occurring after January 1,
 21 1973, but do not affect a permit held by a person **or entity** who is a bona fide
 22 purchaser. Failure to correct false information is a continuing offense.

23 * **Sec. 21.** AS 16.43.970(a) is amended to read:

24 (a) A person **or entity** who violates a provision of this chapter or a regulation
 25 adopted under this chapter is, upon conviction, guilty of a class B misdemeanor and is
 26 punishable by a fine of not more than \$5,000 for a first conviction, and a fine of not
 27 more than \$10,000 for a second or third conviction. Upon a first or second conviction
 28 under this subsection, the court may in its discretion also order the commission to
 29 suspend the commercial fishing privileges of the person **or entity** for a period of not
 30 more than three years and to revoke one or more or all commercial fishing permits
 31 held by the person **or entity**. Upon a third or subsequent conviction under this

1 subsection, the person or entity is also subject to a loss of commercial fishing
 2 privileges as provided under (i) of this section. This subsection does not apply to
 3 violations of AS 16.43.140(a).

4 * **Sec. 22.** AS 16.43.970(b) is amended to read:

5 (b) A person or entity who knowingly makes a false statement to the
 6 commission for the purpose of obtaining a benefit, including the issuance, renewal,
 7 duplication, or transfer of an entry or interim-use permit or vessel license or a person
 8 or entity who assists another by knowingly making a false statement to the
 9 commission for the purpose of obtaining a benefit for another, is guilty of the crime of
 10 unsworn falsification as set out in AS 11.56.210. Upon conviction, the person or
 11 entity is also subject to suspension of commercial fishing privileges and revocation of
 12 commercial fishing permits under (i) of this section.

13 * **Sec. 23.** AS 16.43.970(g) is amended to read:

14 (g) A person or entity who violates the provisions of AS 16.43.140(a) is

15 (1) upon a first conviction, guilty of a class B misdemeanor and may
 16 be sentenced to a definite term of imprisonment of not more than 90 days, or forfeiture
 17 of the person's or entity's fishing vessel, or both, and shall be sentenced to a fine of
 18 not less than \$5,000 nor more than \$10,000 and loss of commercial fishing privileges
 19 under (i) of this section;

20 (2) upon a second conviction, guilty of a class A misdemeanor and
 21 may be sentenced to a definite term of imprisonment of not more than one year, and
 22 shall be sentenced to a fine of not less than \$10,000 nor more than \$20,000, forfeiture
 23 of the person's or entity's fishing vessel, and loss of commercial fishing privileges
 24 under (i) of this section;

25 (3) upon a third or subsequent conviction, guilty of a class A
 26 misdemeanor and may be sentenced to a definite term of imprisonment of not more
 27 than one year, and shall be sentenced to a fine of not less than \$20,000 nor more than
 28 \$50,000, forfeiture of the person's or entity's fishing vessel, and loss of commercial
 29 fishing privileges under (i) of this section.

30 * **Sec. 24.** AS 16.43.970(h) is amended to read:

31 (h) A person or entity convicted of violating the provisions of

1 AS 16.43.140(a) forfeits the value of the fishery resources found on board the person's
2 or entity's vessel at the time of the violation.

3 * **Sec. 25.** AS 16.43.970(i) is amended to read:

4 (i) Upon the conviction of a person or entity for an offense described under
5 (a), (b), or (g) of this section, the court shall immediately notify the commission of the
6 conviction. The notice provided by the court shall be accompanied by an order
7 suspending commercial fishing privileges and revoking commercial fishing permits
8 under (a) of this section, as appropriate. The commission shall, upon receipt of

9 (1) an order from the court under (a) of this section, suspend the
10 commercial fishing privileges of a person or entity for the period set by the court and
11 revoke commercial fishing permits held by the person or entity as directed by the
12 court;

13 (2) a notice from the court that a person or entity has been convicted
14 of a third or subsequent violation of (a) of this section, suspend all commercial fishing
15 privileges of the person or entity for a period of three years from the date of
16 conviction and revoke all commercial fishing permits held by the person or entity;

17 (3) a notice from the court that a person or entity has been convicted
18 of a violation described under (b) of this section, suspend all commercial fishing
19 privileges of the person or entity for a period of three years from the date of
20 conviction and revoke all commercial fishing permits held by the person or entity;

21 (4) a notice from the court that a person or entity has been convicted
22 of a violation described under (g)(1) of this section, suspend all commercial fishing
23 privileges of the person or entity for a period of one year from the date of conviction;

24 (5) a notice from the court that a person or entity has been convicted
25 of a violation described under (g)(2) of this section, suspend all commercial fishing
26 privileges of the person or entity for a period of two years from the date of
27 conviction;

28 (6) a notice from the court that a person or entity has been convicted
29 of a violation described under (g)(3) of this section, suspend all commercial fishing
30 privileges of the person or entity for a period of five years from the date of
31 conviction.

1 * **Sec. 26.** AS 16.43.975 is amended to read:

2 **Sec. 16.43.975. Public disclosure of certain documents prohibited.**

3 Documents submitted to the commission containing information relating to an
4 individual's personal finances and information or to an entity's financing and
5 proprietary information that is supplied by an individual or entity
6 [INDIVIDUALS] for research purposes, produced in response to requests by the
7 commission, are not subject to public disclosure.

8 * **Sec. 27.** AS 16.43.990(5) is amended to read:

9 (5) "person" means a natural person; "person" [AND] does not
10 include a corporation, company, partnership, firm, association, organization, joint
11 venture, [BUSINESS] trust, [OR] society, or other legal entity other than a natural
12 person;

13 * **Sec. 28.** AS 16.43.990 is amended by adding a new paragraph to read:

14 (10) "entity" means a corporation, company, partnership, firm,
15 association, organization, joint venture, trust, society, or other legal entity other than a
16 natural person.

17 * **Sec. 29.** AS 43.76.040 is amended by adding a new paragraph to read:

18 (2) "person" includes an entity that holds a limited entry permit under
19 AS 16.43.

20 * **Sec. 30.** AS 43.76.130 is amended by adding a new paragraph to read:

21 (2) "person" includes an entity that holds a limited entry permit or an
22 interim-use permit under AS 16.43.

23 * **Sec. 31.** AS 43.76.150(b) is amended to read:

24 (b) A person or entity holding a limited entry permit for dive gear or an
25 interim-use permit for dive gear issued under AS 16.43 shall pay a dive fishery
26 management assessment of one percent on a species of fishery resources that is subject
27 to the assessment as determined by an election under AS 43.76.160, that is taken by
28 dive gear, and that the person or entity removes from the state or transfers to a buyer
29 in the state.

30 * **Sec. 32.** AS 43.76.150(c) is amended to read:

31 (c) A person or entity holding a limited entry permit for dive gear or an

1 interim-use permit for dive gear issued under AS 16.43 shall pay a dive fishery
 2 management assessment of three percent on a species of fishery resources that is
 3 subject to the assessment as determined by an election under AS 43.76.160, that is
 4 taken by dive gear, and that the person or entity removes from the state or transfers to
 5 a buyer in the state.

6 * **Sec. 33.** AS 43.76.150(d) is amended to read:

7 (d) A person or entity holding a limited entry permit for dive gear or an
 8 interim-use permit for dive gear issued under AS 16.43 shall pay a dive fishery
 9 management assessment of five percent on a species of fishery resources that is
 10 subject to the assessment as determined by an election under AS 43.76.160, that is
 11 taken by dive gear, and that the person or entity removes from the state or transfers to
 12 a buyer in the state.

13 * **Sec. 34.** AS 43.76.150(e) is amended to read:

14 (e) A person or entity holding a limited entry permit for dive gear or an
 15 interim-use permit for dive gear issued under AS 16.43 shall pay a dive fishery
 16 management assessment of seven percent on a species of fishery resources that is
 17 subject to the assessment as determined by an election under AS 43.76.160, that is
 18 taken by dive gear, and that the person or entity removes from the state or transfers to
 19 a buyer in the state.

20 * **Sec. 35.** AS 43.76.160(g) is amended to read:

21 (g) In this section, "eligible interim-use permit and entry permit holder" means
 22 an individual or an entity who, 90 days before the date ballots must be postmarked to
 23 be counted in an election under this section, is listed in the records of the Alaska
 24 Commercial Fisheries Entry Commission as the legal holder of an interim-use permit
 25 for dive gear or an entry permit for dive gear that authorizes the individual to fish
 26 commercially in the administrative area for the species of fishery resource for which
 27 the dive fishery management assessment is to be approved, amended, or terminated.

28 * **Sec. 36.** AS 43.76.170(b) is amended to read:

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

1 (1) a petition, that is signed by at least 25 percent of the number of
 2 **eligible interim-use permit and entry permit holders** [PERSONS] who voted under
 3 AS 43.76.160 in the most recent election approving or amending the dive fishery
 4 management assessment on the species of fishery resources in the administrative area
 5 that are the subject of the petition, is presented to the commissioner of fish and game
 6 requesting amendment of the rate of the dive fishery management assessment on a
 7 species of fishery resources; the petition must state whether the proposed rate of the
 8 dive fishery management assessment is to be levied under AS 43.76.150(b), (c), (d), or
 9 (e); only a person **or entity** who would be eligible to vote in an election to amend the
 10 rate of the assessment may validly sign the petition;

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

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

23 (4) the qualified regional dive fishery development association
 24 provides notice of the election in accordance with AS 43.76.160 within two months
 25 after receiving notice from the commissioner of fish and game that a valid petition
 26 under (1) of this subsection has been received.

27 * **Sec. 37.** AS 43.76.180(b) is amended to read:

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

30 (1) a petition, that is signed by at least 25 percent of the number of
 31 **eligible interim-use permit and entry permit holders** [PERSONS] who voted under

1 AS 43.76.160 in the most recent election approving or amending the dive fishery
2 management assessment on the species of fishery resources in the administrative area
3 that are the subject of the petition, is presented to the commissioner of fish and game
4 requesting termination of the dive fishery management assessment on a species of
5 fishery resources; only a person or entity who would be eligible to vote in an election
6 to repeal the assessment may validly sign the petition;

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

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

17 (4) the qualified regional dive fishery development association
18 provides notice of the election in accordance with AS 43.76.160 within two months
19 after receiving notice from the commissioner of fish and game that a valid petition
20 under (1) of this subsection has been received.