

**ALASKA STATE LEGISLATURE
HOUSE SPECIAL COMMITTEE ON FISHERIES**

April 20, 2021

10:05 a.m.

MEMBERS PRESENT

Representative Geran Tarr, Chair
Representative Louise Stutes, Vice Chair
Representative Jonathan Kreiss-Tomkins
Representative Andi Story
Representative Sarah Vance
Representative Kevin McCabe

MEMBERS ABSENT

Representative Dan Ortiz

COMMITTEE CALENDAR

HOUSE BILL NO. 64

"An Act relating to regional fishery development associations;
and relating to developing fishery management assessments."

- MOVED CSHB 64(FSH) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 64

SHORT TITLE: FISHERY DEVELOPMENT ASSOC.; ASSESSMENTS

SPONSOR(S): REPRESENTATIVE(S) STUTES

02/18/21	(H)	PREFILE RELEASED 1/15/21
02/18/21	(H)	READ THE FIRST TIME - REFERRALS
02/18/21	(H)	FSH, FIN
04/01/21	(H)	FSH AT 10:00 AM GRUENBERG 120
04/01/21	(H)	Heard & Held
04/01/21	(H)	MINUTE(FSH)
04/15/21	(H)	FSH AT 11:00 AM GRUENBERG 120
04/15/21	(H)	-- MEETING CANCELED --
04/20/21	(H)	FSH AT 10:00 AM GRUENBERG 120

WITNESS REGISTER

SARA PERMAN, Staff
Representative Louise Stutes
Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Presented HB 64 on behalf of Representative Stutes, prime sponsor.

FORREST BOWERS, Deputy Director
Division of Commercial Fisheries
Alaska Department of Fish & Game
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 64.

NICOLE REYNOLDS
Deputy Director, Tax Division
Department of Revenue
Anchorage, Alaska

POSITION STATEMENT: Responded to a question during the hearing on HB 64.

ACTION NARRATIVE

[10:05:02 AM](#)

CHAIR GERAN TARR called the House Special Committee on Fisheries meeting to order at 10:05 a.m. Representatives McCabe, Stutes, Kreiss-Tomkins, Story, Vance, and Tarr were present at the call to order.

HB 64-FISHERY DEVELOPMENT ASSOC.; ASSESSMENTS

[10:05:47 AM](#)

CHAIR TARR announced that the only order of business would be HOUSE BILL NO. 64 "An Act relating to regional fishery development associations; and relating to developing fishery management assessments."

CHAIR TARR remarked that it was the second hearing of HB 64 in the House Special Committee on Fisheries.

[10:06:28 AM](#)

SARA PERMAN, Staff, Representative Louise Stutes, Alaska State Legislature, on behalf of Representative Stutes, prime sponsor of HB 64, noted that at the last hearing, she had given a brief introduction to HB 64, as well as a sectional analysis, and the committee had heard invited and public testimony. She said she would recap the purposed of the proposed legislation. Ms.

Perman stated that HB 64 would allow for the establishment of regional fisheries development associations, which serve to help new or developing fisheries get started. Further, the bill would allow for the associations to leverage a management tax on fishery products in order to operate the fisheries.

[10:08:04 AM](#)

CHAIR TARR, after ascertaining that no one had questions for Ms. Perman, said she would entertain amendments.

[10:08:31 AM](#)

REPRESENTATIVE STUTES moved to adopt Amendment 1 to HB 64, labeled 32-LS0293\B.1, Bullard, 4/14/21, which read as follows:

Page 2, line 20:

Delete "shall"

Insert "may"

Page 6, line 22, following "mailing":

Insert "or electronically transmitting"

Page 6, line 29, following "mail":

Insert "or electronically transmit"

Page 6, line 31, following "mailed":

Insert "or transmitted"

Page 7, line 1, following "mailed":

Insert "or transmitted"

Page 7, line 21, following "mail":

Insert "or by electronic transmission"

Page 11, lines 26 - 27:

Delete "and the Department of Environmental Conservation"

Page 11, lines 28 - 30:

Delete "The qualified regional fishery development association and the Department of Environmental Conservation shall cooperate with the Department of Fish and Game in the development of the annual operating plan."

[10:08:38 AM](#)

REPRESENTATIVE TARR objected for the purpose of discussion.

[10:08:47 AM](#)

MS. PERMAN explained that the change under Amendment 1, from "shall" to "may", was being proposed out of desire not to tie the hands of the commissioner. She said the part of Amendment 1 that removes the Department of Environmental Conservation (DEC) is because this department is not necessary for the process involved; DEC has to be involved in the matter of paralytic shellfish poisoning (PSP), but these fisheries are not doing anything related to PSP. She then explained that the language on page 1, lines 23, through page 2, line 2 is redundant language, which is why Amendment 1 proposes to delete it.

[10:12:02 AM](#)

CHAIR TARR, on the last point, referred to invasive species and jurisdiction. She asked, "And so, this wasn't written in that way, where ... in one sentence [the Alaska] Department of Fish & Game has to do this and then the other sentence DEC has to do it, so that ... both of them get that directive?"

MS. PERMAN replied, "That's not my understanding."

[10:12:40 AM](#)

CHAIR TARR removed her objection to the motion to adopt Amendment 1 to HB 64. There being no further objection, Amendment was adopted.

CHAIR TARR invited questions and comment on HB 64, as amended.

[10:13:05 AM](#)

REPRESENTATIVE MCCABE expressed concern regarding the fiscal note(s) and the amount of money that would be required. He read, "It is unknown how many associations will form and if their members will elect to pay the assessment tax for management of the fisheries." He questioned whether not electing to pay the tax would mean the department would still manage the fishery. He clarified he thinks the bill itself is "a good idea," but said he is hung up on the fiscal notes.

[10:13:58 AM](#)

REPRESENTATIVE STUTES remarked that the fisheries would not take place unless they are self-assessed. In response to Representative McCabe, she emphasized that what is being addressed is new, developing fisheries.

[10:15:35 AM](#)

FORREST BOWERS, Deputy Director, Division of Commercial Fisheries, Alaska Department of Fish & Game, stated that HB 64 is directed at new and developing fisheries where the Alaska Department of Fish & Game (ADF&G) does not have adequate funding to conduct a stock assessment to determine what sustained yield harvest would be. He confirmed that a fishery would not open "unless we had the means to determine what a sustained yield harvest would look like," which he said is done through "some sort of a stock assessment survey." The bill would generate funds from the fishery to manage the fishery. He concluded, "So, no stock assessment, no season, no fishery."

[10:16:40 AM](#)

REPRESENTATIVE KREISS-TOMKINS noted there is no effective date in the proposed legislation; therefore, he asked how quickly the proposed plan would be a reality. He ask whether a regulatory drafting process would need to occur first.

MR. BOWERS answered that he does not think [passage] of HB 64 would require any follow-up regulatory action. He said ADF&G would work from new statutory language proposed under HB 64 and could "implement this" as soon as anyone asked to form a fishery development association.

[10:18:40 AM](#)

NICOLE REYNOLDS, Deputy Director, Tax Division, Department of Revenue, in response to the same question from Representative Kreiss-Tomkins, offered her understanding that without an effective date, a bill would take effect 90 days after being signed into law. As soon as that occurred, the Department of Revenue (DOR) would begin administering the tax if the regional association voted to assess a tax, she said.

[10:19:43 AM](#)

CHAIR TARR thanked the sponsor's staff and those who had responded to questions. She said she would entertain a motion.

10:20:12 AM

REPRESENTATIVE KREISS-TOMKINS moved to report HB 64, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 64(FSH) was reported out of the House Special Committee on Fisheries.

10:20:33 AM

The committee took a brief at-ease.

10:21:16 AM

ADJOURNMENT

There being no further business before the committee, the House Special Committee on Fisheries meeting was adjourned at 10:21 a.m.