

HB

1015



Alaska State Legislature

House

HOUSE RESOURCES COMMITTEE

FISH & GAME ISSUES

Alvin Osterback, Chairman

Pouch V, State Capitol
Juneau, Alaska 99811
(907) 465-3715

HEARING NOTIFICATIONS

Re: *Creating Recovery Entry Permits*

BILL	DATE INFORMED	LETTER/PHONE	INFORMED	HEARING DATE
HB 1015		6-2820	United Fishermen of Alaska Phil Daniel to testify	4/29
		6-3456	Commercial Fisheries Entry Commission	4/29
		4/15/70	Dept. of Fish & Game	4/29
<i>Meeting canceled - bill not heard</i>				

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

FOURTH STATE CAPITOL
JUNEAU, ALASKA 99801
707-595-1000

MEMORANDUM

April 18, 1980

SUBJECT: Recovery Entry Permits *HB 1015*
(Work Order Number 8488)

TO: House Resources Committee
Attn: Mary Levan, A.A.

FROM: Kenneth E. Vassar *KV*
Legislative Counsel

Enclosed is the bill you requested relating to recovery entry permits. Because there was insufficient time to address certain problems in the bill, you should know that some amendments to existing sections in AS 16.43 should be made since there is a conflict between those sections and some of the provisions of this bill. The particular sections which concern me are AS 16.43.100(a)(9) - (12), 16.43.150(f) and (h), 16.43.170 - 16.43.182, and 16.43.-290 - 16.43.330. There may be other conflicting sections which I have not yet discovered.

KEV:ljb

Enclosure

4/15/80

WORK DRAFT #3



For an Act entitled: "An act relating to the limitation of entry into various fisheries; and providing for an effective date."

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

Section 1. FINDINGS. The legislature finds that:

(1) there may have occurred since 1975 a significant recovery in the biological condition of certain salmon fisheries, and there may have occurred a significant improvement in the market conditions affecting certain salmon fisheries;

(2) these improved conditions may in certain fisheries persist for at least several more fishing seasons;

(3) it is not known whether these improvements are of such sufficient long term duration to allow the issuance of new entry permits under the authority of AS16.42.330;

(4) it is consistent with the objectives of AS16.41 for additional units of gear to be authorized in a fishery if significant improvement has occurred and if that ~~egg~~ recovery is likely to ~~o~~ continue within the foreseeable future;

(5) many individuals currently engaged in commercial fishing as crew persons cannot or have been unable to obtain an entry permit under the procedures of AS16.43.170(b).

Sec. 2. DECLARATION OF POLICY. It is the policy of this state and of this legislature to promote the conservation and the sustained yield management of Alaska's fishery resource and the economic health and stability of the commercial fisheries in the public interest and without unjust discrimination.

Sec. 3. PURPOSE. The purpose of this act is to provide a means for issuing recovery entry permits where significant improvements in fishery resources and marketing conditions have occurred, such that additional units of gear may be sustained in the fishery.

Sec. 4. AS16.43 is amended by adding new sections to read:

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ARTICLE 7A. ISSUANCE OF RECOVERY ENTRY PERMITS

Sec. 16.43.340. DETERMINATION THAT A FISHERY HAS RECOVERED. The commission shall designate a fishery as recovered when

- (1) there has been a significant improvement in the biological condition of the fishery; and
- (2) there has been a significant improvement in the marketing conditions affecting the fishery; and
- (3) it appears reasonably likely that the conditions of recovery will continue for the near future.

Sec. 16.43.341. DETERMINATION OF THE NUMBER OF

RECOVERY ENTRY PERMITS TO ISSUE. (a) The number of recovery entry permits to be issued shall be based upon a reasonable balance of the following:

- (1) the degree of recovery evidenced in the fishery;
- (2) those standards set out in sec. 290(1) - (3) of this chapter, both as they apply to entry permit holders and to those who will receive recovery entry permits.

(b) The commission shall consult with the Alaska Department of Fish and Game when determining the number of recovery entry permits to be issued.

(c) The commission shall declare recovery entry permits available for issuance when the number that may be issued in a fishery exceeds 25 or exceeds 10% of the total number of outstanding entry permits for that fishery.

Sec. 16.43.342. APPLICATION FOR RECOVERY ENTRY PERMITS. (a) The commission shall establish the opening and closing dates, places and form of application for entry permits for each fishery. The commission shall may require the submission of specific verified evidence establishing the applicant's qualifications for a recovery entry permit.

(b) When an applicant is unable to establish his qualifications for a recovery entry permit by submitting specific verified evidence required in the application by the commission,

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he may request and obtain an administrative adjudication of his application according to the procedures established in sec. 110(b) of this chapter. At the hearing he may present alternative evidence of his qualifications for an entry permit.

(c) An applicant shall be assigned to a priority classification based solely upon his qualifications on January 1 of the year the recovery entry permits are declared available for issuance by the commission.

Sec. 16.43.343. ALLOCATION OF RECOVERY ENTRY PERMITS.

(a) The commission shall accept applications for recovery entry permits only from applicants who

(1) harvested the fishery resource commercially in the fishery prior to the date established in sec. 342(c); and

(2) did not qualify for any entry permit under sec. 270 of this chapter; and

(3) do not and have not held an entry permit in ~~the~~ *any* fishery, unless the applicant did so solely as a transferee under sec. 180 of this chapter.

(b) The commission shall adopt regulations establishing qualifications for ranking applicants under this section. The regulations shall define priority classifications of similarly situated applicants based upon a reasonable balance of the following standards:

(1) degree of economic dependence upon the fishery, including but not limited to percentage of income derived from the fishery, reliance on alternative occupations, availability

of alternative occupations, investment in vessels and gear; and

(2) extent of past participation in the fishery, including but not limited to the number of years participation in the fishery, and the consistency of participation during each year.

(c) The commission shall issue recovery entry permits to qualified applicants in the order of their descending priority classifications. 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 recovery entry permits within that priority classification shall be by lottery.

(d) All other applicants shall be denied.

(e) To qualify for a recovery entry permit by reason of this section, the applicant must demonstrate at the time of permit issuance his present ability to engage actively in the fishery.

(f) To qualify for a recovery entry permit by reason of this section, the applicant must demonstrate at the time of permit issuance that he does not and has not held an entry permit in any fishery, unless the applicant did so solely as a transferee under sec. 180 of this chapter.

(g) Interim-use permits shall not be issued to those awaiting a final determination of their qualification for a recovery entry permit.

Sec. 16.43.344. TRANSFER OF RECOVERY ENTRY PERMITS.

(a) Recovery entry permits issued under secs. 340-346 of this chapter may not be transferred pursuant to sec. 170(b) or sec. 180(b) of this chapter.

(b) The commission shall adopt regulations providing for the temporary transfer of recovery entry permits issued under secs. 340-346 of this chapter when illness, disability, required military or governmental service, or other unavoidable hardship prevents the permittee from participating in the fishery.

Sec. 16.43.345. REVERSION OF RECOVERY ENTRY PERMITS.

(a) A recovery entry permit issued under secs. 340-346 of this chapter is a use privilege which may be modified or revoked without compensation.

(b) A recovery entry permit reverts to the commission upon the death of the permittee.

(c) A recovery entry permit reverts to the commission upon the failure of the permittee to actively harvest the fishery resource for a period of two consecutive calendar years. Grounds for a transfer under sec. 344(b) of this chapter does not exempt the permittee from this subsection.

Sec. 16.43.345. EXEMPTION FROM REVERSION REQUIREMENT.

The commission may waive the reversion requirement of sec. 345(c) of this chapter for good cause.

Sec. 5. This Act shall take effect immediately in accordance with AS01.10.070(c).

(9)

COMMITTEE REPORT

HOUSE

4/21/80

FURTHER:

Date: _____

Mr. Speaker:

The Committee on RESOURCES has had HB 1015

"An Act relating to recovery entry permits."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

**MEMBERS SIGNING
DO PASS**

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

CHAIRMAN

ALASKA STATE LEGISLATURE

ELEVENTH Legislature SECOND Session

HOUSE BILL NO. 1015

By THE RESOURCES COMMITTEE

"An Act relating to recovery entry permits."

Recovery entry permits

Introduced in the House 4/21, 19 80

HISTORY IN THE HOUSE

19 80	Read first time and referred to Committee on Resources										
Apr. 21	Reported back with recommendation that										
	Read second time and										
	Read third time and										
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Yeas	Yeas										
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Excused	Excused										
	Reported correctly engrossed										
	Signed by Speaker										
	Sent to Senate										

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19	Read first time and referred to Committee on										
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	Reported correctly engrossed										
	Signed by President										
	Returned to House										

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19	Received from Senate
	Concurred in Senate amendment thus adopting: VOTE
	Failed to concur in Senate amendment; asked Senate to recede: VOTE
	Senate receded from amendment: VOTE
	Senate failed to recede from amendment: VOTE
	CC appointed by House
	CC appointed by Senate
	CC adopted by House: VOTE
	CC adopted by Senate: VOTE
	To enrolling
	Reported correctly enrolled
	Sent to Governor
	by Governor
	Filed with Lt. Governor
	Chapter No

MEMORANDUM

State of Alaska

TO: Robert J. Simon
Chairman
Commercial Fisheries Entry
Commission

DATE: April 23, 1980

FILE NO:

TELEPHONE NO:

FROM: Derrill L. Johnson *DJ*
Director of Administration

SUBJECT: Fiscal Impact of Proposed
HB 1015 "Recovery Entry
Permits"

You asked that I analyze the fiscal impact of HB 1015. My impression is that the bill would require that all applications still active in any fishery that has achieved "recovery" be finally classified before applications are accepted for "recovery" permits. While several fisheries have not achieved recovery as I understand its meaning in the draft proposal, efficiency and fairness require that all backlog application processing be completed while the research is being conducted to determine where and in what form the recovery concept should be applied. Consequently, I propose that we again ask for legislative support to clean up the backlog as we did in the fiscal analysis of HB 665 (attached).

Beyond that, it is speculative to project the costs of implementation since the number of fisheries, number of permits to be issued, and potential number of applicants is not subject to estimation. I would suggest that we propose instead to receive funding for two research analysts (plus support) to complete the necessary analysis and develop implementation strategies, and ask the Legislature to include legislative intent directing the Commission to propose incremental budget requests to the next Legislature. In addition to the request for \$481.3 to process the backlog, the Commission should request the following fiscal support for HB 1015:

Personal Services

(2) Research Analysts (18A) @ \$2640/mo.	\$ 63,360	
(1) Clerk Typist III (8A) @ \$1393/mo.	16,716	
	<u>80,076</u>	
Benefits @ 30%	24,022	
	<u>104,098</u>	104.1
<u>Travel</u>	\$ 12,000	12.0

For the two Research Analysts and two other staff members to gather economic/social data and for hearings on proposed regulatory changes.

Contractual

310 Phone Charges/Long Distance Installation	\$ 4,060 1,200	
Postage	2,700	
320 Survey forms/Questionnaires/ Central Duplicating Charges	6,000	
330 Space Leasing @ 110/sq.ft./ person plus storage and file space. 440 sq.ft. X \$1.60 X 12 =	8,448	
360 General Leasing: Xerox	3,000	
Data Processing Services		
1 terminal @ 300/mo. plus controller	\$300.00	
2 modems @ \$40/mo.	80.00	
Transaction processing \$228/mo./terminal	228.00	
Network charges	124.00	
Disk Storage \$3.58/meg.- 10 megs =	35.80	
Per Mo. Charge: 787.80		
787.80 X 12 =	9,453	
Maintenance/Data Processing/ Postage Meter/Word Processing	2,000	
390 Staff Development Training in Research Design and Project Management	2,500	
	<u>39,361</u>	39.4

Commodities

General office supplies, paper, ribbons, card stock, envelopes, letterhead, etc.	2,500	2.5
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Equipment

Purchase one IBM System 6 Word Processing Center:		
(1) 6/452 Info. Processor	15,370	
(1) processing feature	750	
Installation Charge (one time)	1,000	
Office Setup: Purchase		
Executive Desk @ 472.00 (2)	944	
Desk Chairs @ 450.00 (2)	900	
Coat Racks @ 48.00 (1)	96	

Robert J. Simon

(2)

April 23, 1980

Equipment (Cont'd)

File Cabinets -

4-drawer SL	@ 272.00 (3)	816
2-drawer SL	@ 198.00 (2)	396
5-drawer Lot.L	@ 752.00 (1)	752

Bookcase -

3 shelves	@ 168.00 (3)	504
Working Table	@ 95.00 (1)	95
4-tier outbasket	@ 17.00 (3)	51
Wastebaskets	@ 20.00 (3)	60
Intaflex Frms.	@ 6.00 (16)	96
Secretary Desk	@ 662.00 (1)	662
Chair	@ 346.00 (1)	346
Transcriber	@ 537.00 (1)	537
Dictation Units	@ 537.00 (2)	1,074
Typewriter/ Correcting	@1000.00 (1)	1,000
Calculators	@ 259.00 (2)	518

25,967

26.0

TOTAL for Recovery Permit Portion: 184.0
Plus Backlog: 481.3

GRAND TOTAL: 665.3

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 18, 1980

SUBJECT: Recovery Entry Permits *HB 1015*
(Work Order Number 8488)

TO: House Resources Committee
Attn: Mary Levan, A.A.

FROM: Kenneth E. Vassar *KV*
Legislative Counsel

Enclosed is the bill you requested relating to recovery entry permits. Because there was insufficient time to address certain problems in the bill, you should know that some amendments to existing sections in AS 16.43 should be made since there is a conflict between those sections and some of the provisions of this bill. The particular sections which concern me are AS 16.43.100(a)(9) - (12), 16.43.150(f) and (h), 16.43.170 - 16.43.182, and 16.43.-290 - 16.43.330. There may be other conflicting sections which I have not yet discovered.

KEV:ljb

Enclosure