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TELEGRAM

ALASKA COMMUNICATIONS, INC.

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PMS HOUSE RESOURCES COMMITTEE

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SHELDON JACKSON COLLEGE HATCHERY STAFF SUPPORTS THE CONCEPT OF
HOUSE BILL 48 OF ESTABLISHING A SPECIAL HARVEST AREA ENTRY
PERMIT FOR HOLDERS OF PRIVATE NON-PROFIT HATCHERY PERMIT PROVIDED
THAT

(1) SAID ENTRY PERMIT ELIMINATES RATHER THAN ADDS TO THE NECESSITY
TO OBTAIN OTHER ENTRY, INTERIM-USE AND EDUCATIONAL PERMITS FOR THE
PURPOSE OF HATCHERY HARVEST AND

(2) IT DOES NOT ELIMINATE THE ALTERNATIVE OF CONTRACTING WITH
LIMITED ENTRY COMMERCIAL FISHERMEN TO HARVEST THE HATCHERIES FISH.
WE SUPPORT THIS CONCEPT ON THE BASIS OF LOGICAL COST EFFECTIVENESS
IN SALMON HATCHERY HARVESTING AND BROODSTOCK HANDLING WHICH BENEFITS
BOTH THE HATCHERY AND THE COMMON PROPERTY FISHERY.

MEL SEIFERT, DIRECTOR

SJC AQUA-CULTURE PROGRAM

**Chapter 43. Regulation of Entry into Alaska
Commercial Fisheries.**

Article

1. Creation of the Alaska Commercial Fisheries Entry Commission (§§ 16.43.010 — 16.43.080)
2. Powers and Duties of the Commission (§§ 16.43.100 — 16.43.120)
3. Requirements for Entry Permits (§§ 16.43.140 — 16.43.182)
4. Initial Issuance of Entry Permits (§§ 16.43.200 — 16.43.270)
5. Reduction to Optimum Number of Entry Permits (§§ 16.43.290 — 16.43.330)
6. General Provisions (§§ 16.43.350 — 16.43.380)

*See pages
from
Supplement*
→

Legislative committee report. — For am S), see 1973 House Journal, p 503; 1973 report on ch. 79, SLA 1973 (SCS CSHB 126 Senate Journal Supplement No. 15

**Article 1. Creation of the Alaska Commercial Fisheries
Entry Commission.**

Section	Section
10 Purpose and findings of fact	60 Compensation of members of the Alaska Commercial Fisheries Entry Commission
20 Alaska Commercial Fisheries Entry Commission	70 Legal counsel
30 Term of office, vacancy	80 Employment of personnel
40 Quorum	
50 Qualifications	

Sec. 16.43.010. Purpose and findings of fact. (a) It is the purpose of this chapter to promote the conservation and the sustained yield management of Alaska's fishery resource and the economic health and stability of commercial fishing in Alaska by regulating and controlling entry into the commercial fisheries in the public interest and without unjust discrimination.

(b) The legislature finds that commercial fishing for fishery resources has reached levels of participation, on both a statewide and an area basis, that have impaired or threaten to impair the economic welfare of the fisheries of the state, the overall efficiency of the harvest, and the sustained yield management of the fishery resource. (§ 1 ch 79 SLA 1973)

Applied in *Isakson v Rickey*, Sup Ct Op No 1267 (File No 2350), 550 P 2d 359 (1976)

Sec. 16.43.020. Alaska Commercial Fisheries Entry Commission. (a) There is established the Alaska Commercial Fisheries Entry Commission as a regulatory and quasi-judicial agency of the state. The commission consists of three members appointed by the governor and confirmed by the legislature in joint session.

... for a term of ~~two~~ years, and may be designated chairman for successive two-year terms. (§ 1 ch 79 SLA 1973)

Sec. 16.43.030. Term of office; vacancy. (a) The members of the commission shall be appointed for terms of four years. Initial appointments shall be as follows: one member for two years, one member for three years, and one member for four years. The governor may remove a commissioner from office for cause including but not limited to incompetence, neglect of duty, or misconduct in office. A commissioner, to be removed for cause, shall be given a copy of the charges against him and afforded an opportunity to be publicly heard in person or by counsel in his own defense upon not less than 30 days notice. If a commissioner is removed for cause, the governor shall file with the lieutenant governor a complete statement of all charges made against the commissioner and his findings based on the charges, together with a complete record of the proceedings.

(b) A vacancy on the commission shall be filled by appointment by the governor and the appointment shall be confirmed by the legislature in joint session. A member selected to fill a vacancy shall hold office for the balance of the full term for which his predecessor on the commission was appointed.

(c) A vacancy on the commission does not impair the authority of a quorum of commissioners to exercise all the powers and perform all the duties of the commission. (§ 1 ch 79 SLA 1973)

Sec. 16.43.040. Quorum. Two members of the commission constitute a quorum for the transaction of business, for the performance of a duty or for the exercise of a power of the commission. (§ 1 ch 79 SLA 1973)

Sec. 16.43.050. Qualifications. The commission shall consist of three members with a broad range of professional experience, none of whom has a vested economic interest in an interim-use permit, entry permit, commercial fishing vessel or gear, or in any fishery resource processing or marketing business. (§ 1 ch 79 SLA 1973)

Sec. 16.43.060. Compensation of members of the Alaska Commercial Fisheries Entry Commission. Members of the commission are in the exempt service and shall receive an annual salary as established under AS 39.23. (§ 1 ch 79 SLA 1973; am § 5 ch 47 SLA 1974, am § 1 ch 148 SLA 1976; am § 2 ch 263 SLA 1976)

Effect of amendments. — The 1974 amendment voids this section.
The first 1976 amendment deleted "payable in equal monthly installments" from the end of the section.

The second 1976 amendment substituted "as established under AS 39.23" for "equal to that of a district court judge payable in equal monthly installments."

matters arising in the discharge of its duties and represent the commission in suits to which it is a party. However, the commission may retain additional legal counsel as appropriate. (§ 1 ch 79 SLA 1973)

Sec. 16.43.080. Employment of personnel. (a) The commission may employ those persons necessary to carry out the purposes of this chapter. Employees of the commission are in the exempt service under AS 39.25.110.

(b) In addition to its staff of regular employees, the commission may contract for and engage the services of consultants, experts and hearing officers as necessary. (§ 1 ch 79 SLA 1973)

Article 2. Powers and Duties of the Commission.

Section	Section
100. General powers	120 Application of Administrative Procedure Act
110. Regulations and hearing procedures	

Sec. 16.43.100. General powers. (a) To accomplish the purposes set out in § 10 of this chapter the commission shall:

(1) regulate entry into the commercial fisheries for all fishery resources in the state;

(2) establish priorities for the application of the provisions of this chapter to the various commercial fisheries of the state;

(3) establish administrative areas suitable for regulating and controlling entry into the commercial fisheries;

(4) establish, for all types of gear, the maximum number of entry permits for each administrative area;

(5) designate, when necessary to accomplish the purposes of this chapter, particular species for which separate interim-use permits or entry permits will be issued;

(6) establish qualifications for the issuance of entry permits;

(7) issue entry permits to qualified applicants;

(8) issue interim-use permits as provided in §§ 210 — 220 of this chapter;

(9) establish, for all types of gear, the optimum number of entry permits for each administrative area;

(10) administer the buy-back program provided for in §§ 310 — 320 of this chapter to reduce the number of outstanding entry permits to the optimum number of entry permits;

(11) provide for the transfer and reissuance of entry permits to qualified transferees;

(12) provide for the transfer and reissuance of entry permits for alternative types of legal gear, in a manner consistent with the purposes of this chapter;

of this chapter.

(b) The commission may do all things necessary to the exercise of its powers under this chapter, whether or not specifically designated in this chapter. (§ 1 ch 79 SLA 1973)

Editor's note. — Section 14, ch. 105, SLA 1977, effective January 1, 1978, added paragraph (14) to subsection (a). Paragraph (14) reads "(14) administer the issuance of commercial fishing vessel licenses under AS 16.06.490."

Sec. 16.43.110. Regulations and hearing procedures. (a) The commission may adopt regulations, consistent with law, necessary or proper in the exercise of its powers or for the performance of its duties under this chapter.

(b) The commission shall adopt regulations, consistent with due process of law, which govern practice and procedure and the conduct of all investigations, hearings and proceedings which it holds.

(c) 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.

(d) The commission, each commissioner or an employee authorized by the commission may administer oaths, certify to all official acts, and issue subpoenas and other process to compel the attendance of witnesses and the production of testimony, records, papers, accounts and documents in an inquiry, investigation, hearing, or proceeding before the commission in any part of the state. The commission may petition a court to enforce its subpoenas or other process. (§ 1 ch 79 SLA 1973)

Sec. 16.43.120. Application of Administrative Procedure Act. (a) The administrative adjudication procedures of the Administrative Procedure Act (AS 44.62) do not apply to adjudicatory proceedings of the commission except that final administrative determinations by the commission are subject to judicial review as provided in AS 44.62.560 — 44.62.570.

(b) AS 44.62.010 — 44.62.320 and 44.62.640 apply to regulations adopted by the commission. (§ 1 ch 79 SLA 1973)

Article 3. Requirements for Entry Permits.

Section	Section
140 Permit required	170 Transfer of entry permits
150 Terms and conditions of entry permit, annual renewal	180 Emergency transfers
160 Fees	182 Entry permit deductible as business expense

Sec. 16.43.140. Permit required. (a) After January 1, 1974, no person may operate gear in the commercial taking of fishery resources without a valid entry permit or a valid interim-use permit issued by the commission.

(b) A permit is not required of a crewman or other person assisting in the operation of a unit of gear engaged in the commercial taking of fishery resources as long as the holder of the entry permit or the interim-use permit for that particular unit of gear is at all times present and actively engaged in the operation of the gear.

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

- (1) fishing more than one type of gear;
- (2) fishing in more than one administrative area;
- (3) harvesting particular species for which separate interim-use or entry permits are issued. (§ 1 ch 79 SLA 1973)

Applied in *Isakson v. Rickey*, Sup. Ct. Op. P. 1267 (File No. 2550), 550 P.2d 359 (1976)

Sec. 16.43.150. Terms and conditions of entry permit; annual renewal. (a) Each entry permit authorizes the permittee to operate a unit of gear within a specified administrative area.

(b) The holder of an entry permit shall have the permit in his possession at all times when engaged in the operation of gear for which it was issued.

(c) Each entry permit is issued for a term of one year and is renewable annually.

(d) Failure to renew an entry permit for a period of two years from the date of last renewal results in a forfeiture of the entry permit to the commission, except as waived by the commission for good cause.

(e) An entry permit constitutes a use privilege which may be modified or revoked by the legislature without compensation.

(f) An entry permit survives the death of the holder.

(g) An entry permit may not be:

- (1) pledged, mortgaged, leased, or encumbered in any way;
- (2) transferred with any retained right of repossession or foreclosure; or
- (3) attached, distrained, or sold on execution of judgment or under any other process or order of any court.

(h) Upon the death of an entry permit holder, the permanent permit shall be transferred by the commission directly to the surviving spouse by right of survivorship unless a contrary intent is manifested. When no spouse survives, the rights of the decedent pass as part of his estate. (§ 1 ch 79 SLA 1973; am §§ 1, 2 ch 73 SLA 1977)

Effect of amendment. — The 1977 amendment inserted "leased" in paragraph (1) of subsection (g) and added subsection (h)

Sec. 16.43.160. Fees. (a) The commission shall establish annual fees for the issuance and annual renewal of entry permits or interim-use permits to reflect the cost of administering this chapter. Fees collected under this section shall be paid into the general fund.

(b) Annual fees established under this section shall be no less than \$10 and no more than \$100 and shall reasonably reflect the different rates of economic return for different fisheries.

(c) The holder of an entry permit or interim-use permit who has a net family income falling within the Federal Social Security Administration poverty guidelines, adjusted by the commission to reflect appropriate cost-of-living differentials, is subject to a maximum annual fee of \$5. (§ 1 ch 79 SLA 1973)

Editor's note. — Section 15, ch 105, SLA 1977, effective January 1, 1978, amended this section to read as follows: (a) The commission shall establish annual fees for the issuance and annual renewal of entry permits or interim-use permits. Fees collected under this section shall be paid into the general fund, except for an amount equal to 60 per cent of the fee each permit holder would otherwise be obligated to pay for a crewmember license under § 480 of this chapter which shall be paid into the fishermen's fund under AS 23.35.060

(b) Annual fees established under this section shall be no less than \$10 and no more than \$750 and shall reasonably reflect the different rates of economic return for different fisheries

(c) The resident holder of an entry permit or interim-use permit who has a net family income falling within the Federal Community Services Administration poverty guidelines, adjusted by the commission to reflect appropriate cost-of-living differentials, is subject to a maximum annual fee of \$15

Sec. 16.43.170. Transfer of entry permits. (a) Entry permits and interim-use permits are transferable only through the commission as provided in this section and § 180 of this chapter and under regulations adopted by the commission.

(b) Except as provided in (c) 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 adopted by the commission. No sooner than 60 days nor later than 12 months from the date of notice to the commission, the holder of an entry permit may transfer his permit. If the proposed transferee, other than the commission, can establish present ability to participate actively in the fishery, the commission shall approve the transfer and reissue the entry permit to the transferee.

(c) If the number of outstanding entry permits for a fishery is greater than the optimum number of entry permits established under §§ 290 — 300 of this chapter, the holder of an entry permit who qualified for that entry permit in a priority classification designated under § 250(c) of this chapter may transfer his permit only to the commission. The transfer to the commission shall be made under the buy-back provisions of §§ 310 — 320 of this chapter.

(d) Repealed by § 9 ch 73 SLA 1977. (§ 1 ch 79 SLA 1973; am § 1 ch 126 SLA 1974; am §§ 3, 4, 9 ch 73 SLA 1977)

Effect of amendments. — The 1974 amendment, in subsection (b), substituted "60 days" for "six months" in the first and second sentences and "12 months" for "eighteen months" in the second sentence.

The 1977 amendment substituted "Entry permits and interim-use permits are" for "an entry permit is" at the beginning of subsection (a), deleted "and (d)" following "Except as provided in (c)" near the

beginning of the first sentence of subsection (b), and repealed subsection (d), which provided for a five-year prohibition on transfer of entry permit if an applicant eligible for such permit under AS 16.43.260 so elected.

Cited in Isakson v Riekey, Sup Ct Op. No. 1267 (File No. 2550), 550 P.2d 359 (1976).

Sec. 16.43.180. Emergency transfers. (a) The commission shall adopt regulations providing for the temporary transfer of entry permits and interim-use permits to alleviate hardship caused by illness, disability, or death of a permit holder so that another person may operate the transferor's vessel and gear, or another vessel and other gear if the transferor's has been destroyed or seriously damaged, for the remainder of the season, or in the case of illness or disability, for the duration of the illness or disability if that is shorter than the remainder of the season. Interim-use permits are otherwise nontransferable.

(b) The commission shall adopt regulations providing for the temporary transfer of an entry permit upon the death of the permittee pending final disposition of the permit as a part of the permittee's estate. (§ 1 ch 79 SLA 1973; am § 5 ch 7; SLA 1977)

Effect of amendment. — The 1977 amendment substituted the language beginning "entry permits and interim-use permits" for "an entry permit when sickness, injury, or other unavoidable

hardship prevents the permittee from participating in the fishery" in the first sentence of subsection (a) and added the second sentence of that subsection

Sec. 16.43.182. Entry permit deductible as business expense. An entry permit purchased under this chapter is deductible as a business expense as provided in AS 43.20.031(h). (§ 6 ch 73 SLA 1977)

Article 4. Initial Issuance of Entry Permits.

Section	Section
200 Administrative areas	250 Standards for initial issue of entry permits
210 Interim-use permit, qualifications	260 Application for initial issue of entry permits
220 Terms and conditions of interim-use permits	270 Initial issuance of entry permits
230 Designation of distressed fisheries	
240 Determination of the maximum number of entry permits for initial issue	

Sec. 16.43.200. Administrative areas. (a) The commission shall establish administrative areas suitable for regulating and controlling

entry into the commercial fisheries. The commission shall make the administrative areas reasonably compatible with the geographic areas for which specific commercial fishing regulations are adopted by the Board of Fisheries.

(b) The commission may modify or change the boundaries of administrative areas when necessary and consistent with the purposes of this chapter. (§ 1 ch 79 SLA 1973; am § 30 ch 206 SLA 1975)

Effect of amendment. — The 1975 amendment substituted "Board of Fisheries" for "Board of Fish and Game" at the end of the second sentence of subsection (a).

Sec. 16.43.210. Interim-use permit; qualifications. (a) Pending the establishment of the maximum number of entry permits under § 240 of this chapter and the issuance of entry permits under § 270 of this chapter, the commission shall issue interim-use permits under regulations promulgated by the commission for each fishery, to all applicants who can establish their present ability to participate actively in the fishery for which they are making application, except as provided under (e) of this section.

(b) Before the issuance of the maximum number of entry permits for a given fishery, the commission may issue an interim-use permit to an applicant who may later become eligible for an entry permit under § 270 of this chapter.

(c) To the extent that the commissioner of fish and game authorizes it under AS 16.05.050(11), the commission may grant an interim-use permit to a person to engage in the commercial taking from a fishery on an experimental basis.

(d) The sustained yield management and economic health of the following fisheries is severely impaired as a result, among other factors, of too many units of gear participating in the commercial harvest:

- (1) Bristol Bay registration area — drift gillnet fishery;
- (2) Cook Inlet registration area — drift gillnet fishery;
- (3) Prince William Sound registration area — drift gillnet fishery.

(e) For a fishery specified under (d) of this section, an interim-use permit may be issued for 1974 only to an applicant who has harvested the fishery resource commercially while holding a gear license issued under AS 16.05.536 — 16.05.670, before January 1, 1973. (§ 1 ch 79 SLA 1973)

Editor's note. — Alaska Statutes 16.05.536 and 16.05.620, referred to in subsection (e), were repealed by § 12, ch 71, SLA 1972, and § 2, ch 159, SLA 1968, respectively. Alaska Statutes 16.05.540 — 16.05.650 and 16.05.670, referred to in subsection (e), were repealed by § 19, ch 105, SLA 1977, effective January 1, 1978.

Sec. 16.43.220. Terms and conditions of interim-use permits. (a) The commission shall adopt regulations specifying the dates and places of application, the procedures to be followed in renewal of the

interim-use permit including the time, place of its renewal, and for any other purpose incident to the administration of interim-use permits for that fishery. An interim-use permit shall expire upon the final determination of the holder's eligibility for an entry permit.

(b) Repealed by § 9 ch 73 SLA 1977.

(c) The holder of an interim-use permit must have the permit in his possession at all times when engaged in the operation of the gear for which it was issued. (§ 1 ch 79 SLA 1973; am § 2 ch 126 SLA 1974; am § 9 ch 73 SLA 1977)

Effect of amendments. — The 1974 amendment, 1) subsection (b), deleted from the end of the first sentence provisions relating to causes of hardship and to the duration of a temporary transfer of an interim-use permit. The 1977 amendment repealed subsection (b), which read "The commission shall adopt regulations for the temporary transfer of interim-use permits to alleviate hardship. Interim-use permits are otherwise nontransferable."

Sec. 16.43.230. Designation of distressed fisheries. Pending the determination of maximum numbers of entry permits under § 240 of this chapter and before the initial issue of entry permits under § 270 of this chapter, the commission shall designate as distressed fisheries those for which it estimates that the optimum number of entry permits will be less than the highest number of units of gear fished in that fishery during any one of the four years immediately preceding January 1, 1973. (§ 1 ch 79 SLA 1973)

Sec. 16.43.240. Determination of the maximum number of entry permits for initial issue. (a) Except as provided in § 270(a) of this chapter, the maximum number of entry permits for a distressed fishery designated under § 230 of this chapter shall be the highest number of units of gear fished in that fishery during any one of the four years immediately preceding January 1, 1973.

(b) When the commission finds that a fishery not designated as a distressed fishery under § 230 of this chapter has reached levels of participation which require the limitation of entry in order to achieve the purposes of this chapter, the commission shall establish the maximum number of entry permits for that fishery. (§ 1 ch 79 SLA 1973)

Sec. 16.43.250. Standards for initial issue of entry permits. (a) Following the establishment of the maximum number of units of gear for a particular fishery under § 240 of this chapter, the commission shall adopt regulations establishing qualifications for ranking applicants for entry permits according to the degree of hardship which they would suffer by exclusion from the fishery. The regulations shall define priority classifications of similarly situated applicants based upon a reasonable balance of the following hardship 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;

(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.

(b) The commission shall designate in the regulations those priority classifications of applicants who would suffer significant economic hardship by exclusion from the fishery.

(c) The commission shall designate in the regulations those priority classifications of applicants who would suffer only minor economic hardship by exclusion from the fishery. (§ 1 ch 79 SLA 1973)

Determinative factor in allocation of initial permits. — The legislative history rather clearly demonstrates that from the outset the framers of this legislation intended "hardship" to be the

determinative factor in the allocation of the initial free limited entry permits. *Isakson v. Rickey*, Sup. Ct. Op. No. 1267 (File No. 2550), 550 P.2d 359 (1976).

Sec. 16.43.260. Application for initial issue of entry permits. (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 16.05.530 — 16.05.670 before the qualification date established in (d) or (e) of this section.

(b) The commission shall establish the opening and closing dates, places and form of application for entry permits for each fishery. The commission may require the submission of specific verified evidence establishing the applicant's qualifications under the regulations adopted under § 250 of this chapter.

(c) When an applicant is unable to establish his qualifications for an entry permit by submitting the specific verified evidence required in the application by the commission, he may request and obtain an administrative adjudication of his application according to the procedures established in § 110(b) of this chapter. At the hearing he may present alternative evidence of his qualifications for an entry permit.

(d) Except as provided in (c) of this section, an applicant shall be assigned to a priority classification based solely upon his qualifications as of January 1, 1973.

(e) When the commission establishes the maximum number of entry permits for a particular fishery under § 240 of this chapter after January 1, 1973, an applicant shall be assigned to a priority classification based solely upon his qualifications as of January 1 of the year during which the commission establishes the maximum number of entry permits for the fishery for which application is made. (§ 1 ch 79 SLA 1973; am § 3 ch 126 SLA 1974)

Editor's note. — Alaska Statutes 16.05.530 and 16.05.620, referred to above, were repealed by § 12, ch. 71, SLA 1972, and § 2, ch. 159, SLA 1968, respectively.

Alaska Statutes 16.05.540 through 16.05.650 and 16.05.670, referred to above, were repealed by § 19, ch. 105, SLA 1977, effective January 1, 1978.

Effect of amendment. — The 1974 amendment substituted "the qualification date established in (c) or (e) of this section" for "January 1, 1973" at the end of subsection (a).

Subsection (a) is unconstitutional. — Subsection (a), which limits applications for entry permits to persons holding gear licenses prior to January 1, 1973, violates the equal protection rights, guaranteed by the state and federal constitutions, of commercial fishermen who obtained gear licenses after January 1, 1973. *Isakson v. Rickey*, Sup. Ct. Op. No. 1267 (File No. 2550), 550 P.2d 359 (1976).

Holding a gear license before January 1, 1973, does not bear a fair and substantial relation to the purpose of the legislation, which is the segregation of hardship and nonhardship cases. *Isakson v. Rickey*, Sup. Ct. Op. No. 1267 (File No. 2550), 550 P.2d 359 (1976).

Because persons are automatically excluded from the class eligible to apply for permits, in spite of active participation and economic dependence upon the fishery, the January 1, 1973 classification is under-inclusive with respect to persons allowed to apply for permits. Because persons who have long since retired and have no economic dependence upon the

fishery as of the cutoff date are allowed to apply for entry permits, the classification is overbroad with respect to those allowed to apply. *Isakson v. Rickey*, Sup. Ct. Op. No. 1267 (File No. 2550), 550 P.2d 359 (1976).

Purpose of provision in subsection (a) limiting applications. — In essence, the purpose of the provision in subsection (a) limiting applications for entry permits to those holding gear licenses prior to January 1, 1973, was to segregate hardship and nonhardship cases at the application phase of the permit issuance process. *Isakson v. Rickey*, Sup. Ct. Op. No. 1267 (File No. 2550), 550 P.2d 359 (1976).

Subsection (a) was not intended to modify the allocation policy of the legislation, but rather was adopted to further that policy by simplifying the ranking process. *Isakson v. Rickey*, Sup. Ct. Op. No. 1267 (File No. 2550), 550 P.2d 359 (1976).

When the act is viewed as a whole, it becomes apparent that the contested provision in subsection (a) was inserted because it was assumed that those persons who obtained gear licenses after January 1, 1973, would be unable to demonstrate the requisite hardship for an entry permit. Hence, for the sake of administrative convenience, it was decided that they need not even submit applications to the commission. *Isakson v. Rickey*, Sup. Ct. Op. No. 1267 (File No. 2550), 550 P.2d 359 (1976).

Sec. 16.43.270. Initial issuance of entry permits. (a) The commission shall issue entry permits, for each fishery, first to all qualified applicants in the priority classifications designated under § 250(b) of this chapter and then to qualified applicants in order of descending priority classification, until the number of entry permits issued equals the maximum number of entry permits established under §§ 230 — 240 of this chapter for each fishery, except that no person within a priority classification specified under § 250(b) of this chapter may be denied an entry permit.

(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.

(c) If, at the time entry permits are issued, some applicants are still appealing the findings of an administrative adjudication under § 260 of this chapter, a sufficient number of permits shall be reserved out of the permits to be issued to protect the rights of those applicants, assuming all the appeals will be resolved in favor of the applicants. In the event that all appeals are not resolved in favor of the applicants, the remaining

entry permits shall be allocated to the next most qualified applicants as provided in (a) and (b) of this section. (§ 1 ch 79 SLA 1973)

Article 5. Reduction to Optimum Number of Entry Permits.

Section	Section
290. Optimum number of entry permits	320. Administration of the buy-back program
300. Revisions of optimum number of entry permits	330. Issuance of new entry permits
310. Establishment of buy-back funds	

Sec. 16.43.290. Optimum number of entry permits. Following the issuance of entry permits under § 270 of this chapter, the commission shall establish the optimum number of entry permits for each fishery based upon a reasonable balance of the following general standards:

(1) the number of entry permits sufficient to maintain an economically healthy fishery that will result in a reasonable average rate of economic return to the fishermen participating in that fishery, considering time fished and necessary investments in vessels and gear;

(2) the number of entry permits necessary to harvest the allowable commercial take of the fishery resource during all years in an orderly, efficient manner, and consistent with sound fishery management techniques;

(3) the number of entry permits sufficient to avoid serious economic hardship to those currently engaged in the fishery, considering other economic opportunities reasonably available to them. (§ 1 ch 79 SLA 1973)

Sec. 16.43.300. Revisions of optimum number of entry permits. (a) The commission may increase or decrease the optimum number of entry permits for a fishery when one or more of the following conditions makes a change desirable considering the purposes of this chapter:

(1) an established long-term change in the biological condition of the fishery has occurred which substantially alters the optimum number of entry permits permissible applying the standards set out in § 290 of this chapter;

(2) an established long-term change in market conditions has occurred, directly affecting the fishery, which substantially alters the optimum number of entry permits permissible under the standards set out in § 290 of this chapter.

(b) If the commission decreases the optimum number of entry permits for a fishery, the number of entry permits may be reduced only under the voluntary buy-back provisions set out in §§ 310 — 320 of this chapter. (§ 1 ch 79 SLA 1973)

Sec. 16.43.310. Establishment of buy-back funds. (a) When the optimum number of entry permits is less than the number of entry

permits outstanding in a fishery, the commission shall establish and administer a buy-back fund for that fishery for the purpose of reducing the number of entry permits to the optimum number within no more than 10 years, at a rate to be established by the commission.

(b) For each buy-back fund, the commission shall adopt regulations establishing annual assessments on holders of entry permits of not more than seven per cent of the gross value of the total annual catch attributable to a holder's entry permit, except that the holder of a permit who has made no commercial landings in a given year will be assessed the average assessed all other holders of the same type of permit in that year. Assessments will be paid into the specific buy-back fund for which they are collected.

(c) Assessments need not equal annual buy-back fund expenditures within a particular fishery but shall be continued until the buy-back fund for that fishery has been reimbursed. (§ 1 ch 79 SLA 1973)

Sec. 16.43.320. Administration of the buy-back program. (a) The commission shall adopt regulations providing for the purchase of entry permits, vessels, and gear at fair market value with money accumulated in the buy-back fund for each fishery. The buy-back program for a fishery shall terminate when the number of entry permits is reduced to the optimum and the buy-back fund has been reimbursed.

(b) When entry permits subject to the restrictions in § 250(c) of this chapter and the vessels and gear related to those permits are offered for sale to the commission, the commission shall purchase the permits and related vessels and gear at fair market value, if sufficient funds are available in the appropriate buy-back fund. (§ 1 ch 79 SLA 1973)

Sec. 16.43.330. Issuance of new entry permits. (a) When the number of outstanding entry permits for a fishery is less than the optimum number established under § 290 of this chapter, the commission shall issue new entry permits to applicants who are presently able to engage actively in the fishery until the optimum number is reached.

(b) The commission shall determine equitable methods of issuance, as appropriate, under (a) of this section that assure the receipt of fair market value for the permits issued. (§ 1 ch 79 SLA 1973)

Article 6. General Provisions.

Section	Section
350. Applications of regulations of Board of Fisheries	370. Recommendations to the legislature
360. Penalties	380. Definitions

Sec. 16.43.350. Applications of regulations of Board of Fisheries. Nothing in this chapter limits the powers of the Board of Fisheries, including the power to determine legal types of gear and the power to establish size limitations or other uniform restrictions applying to a

certain type of gear. Holders of interim-use permits or entry permits issued under this chapter are subject to all regulations adopted by the Board of Fisheries. (§ 1 ch 79 SLA 1973; am § 31 ch 206 SLA 1975)

Effect of amendment. — The 1975 Fisheries" for "Board of Fish and Game" amendment substituted "Board of in the first and second sentences.

Sec. 16.43.360. Penalties. (a) A person who violates a provision of this chapter or a regulation promulgated under this chapter, upon conviction, is guilty of a misdemeanor and is punishable by a fine of not more than \$5,000 for a first conviction; a fine of not more than \$10,000 for a second conviction; and, for a third conviction, a fine of not more than \$10,000 as well as forfeiture of all interim-use permits and entry permits held by him and permanent loss of eligibility for interim-use permits or for entry permits.

(b) A person who makes a false statement of a material fact in the application for an interim-use permit or an entry permit or in the application for a transfer under §§ 170 — 180 of this chapter, or a person who assists another by making a false statement of a material fact in support of the other person's application for issuance of an interim-use permit or an entry permit or transfer of an entry permit, upon conviction, is guilty of a misdemeanor and shall forfeit all interim-use permits and entry permits held by him and shall lose eligibility for interim-use permits and for entry permits for a period of five years.

(c) If a permit holder is convicted of a violation of AS 43.20.335 and the violation relates to income derived from commercial fishing under this title, he shall forfeit all interim-use permits and entry permits held by him and shall lose eligibility for interim-use permits and for entry permits for a period of five years.

(d) If a permit holder is charged by the state with violating a provision of this chapter or a regulation adopted under this chapter, he may not transfer, under § 170 of this chapter, any interim-use or entry permit he may hold, until after the final adjudication or dismissal of the charges. (§ 1 ch 79 SLA 1973; am § 7 ch 73 SLA 1977)

Effect of amendment. — The 1977 amendment added subsection (d)

Sec. 16.43.370. Recommendations to the legislature. (a) The commission shall submit an annual report to the legislature. The report shall include but not be limited to the following:

- (1) a progress report on the reduction of entry permits to optimum levels;
- (2) recommendations for additional legislation relating to the regulation of entry into Alaska commercial fisheries.

(b) The commission shall study alternative methods of permit transferability and report its findings and recommendations to the legislature before January 15, 1975. (§ 1 ch 79 SLA 1973)

Sec. 16.43.380. Definitions. In this chapter

(1) "commission" means the Alaska Commercial Fisheries Entry Commission;

(2) "economically healthy fishery" means a fishery that yields a sufficient rate of economic return to the fishermen participating in it to provide for, among other things, the following:

(A) maintenance of vessels and gear in satisfactory and safe operating condition; and

(B) ability and opportunity to improve vessels, gear and fishing techniques, including, when permissible, experimentation with new vessels, new gear, and new techniques;

(3) "fishery" means the commercial taking of a specific fishery resource in a specific administrative area with a specific type of gear;

(4) "gear" means the specific apparatus used in the commercial harvest of a species, including but not limited to purse seines, drift gill nets, set gill nets, and troll gear;

(5) "person" means a natural person and does not include a corporation, company, partnership, firm, association, organization, business trust, or society;

(6) "present ability to actively participate" means the person applying for a permit is physically able to harvest fish in the fishery and has reasonable access to commercial fishing gear of the type utilized in that fishery;

(7) "priority classification" means the allocation of potential permit applicants into reasonable groupings of similarly situated applicants and the priority ranking of those groupings according to the extent to which they satisfy the standards of preference;

(8) "type of gear" means a customary and identifiable classification of gear and shall include:

(A) those classifications for which separate regulations are adopted by the Board of Fisheries and for which separate gear licenses are required by AS 16.05.550 — 16.05.630; and

(B) distinct subclassifications of gear such as "power" troll gear and "hand" troll gear;

(9) "unit of gear" means the maximum amount of a specific type of gear which can be fished under a single gear license subject to regulations established by the Board of Fisheries defining the legal requirements for that type of gear. (§ 1 ch 79 SLA 1973; am §§ 32, 33 ch 206 SLA 1975)

Effect of amendment. — The 1975 amendment substituted "Board of Fisheries" for "Board of Fish and Game" in paragraphs (8)(A) and (9)

Editor's note — Alaska Statutes 16.05.550 — 16.05.630, referred to in paragraph (8)(A), were repealed by § 19, ch 105, SLA 1977, effective January 1,

Chapter 43. Regulation of Entry into Alaska Commercial Fisheries.

Article

4A. Educational Entry Permits (§§ 16.43.275 — 16.43.285)

Article 2. Powers and Duties of the Commission.

Section

100. General powers

Sec. 16.43.100. General powers. (a) To accomplish the purposes set out in § 10 of this chapter the commission shall:

(1) regulate entry into the commercial fisheries for all fishery resources in the state;

(2) establish priorities for the application of the provisions of this chapter to the various commercial fisheries of the state;

(3) establish administrative areas suitable for regulating and controlling entry into the commercial fisheries;

(4) establish, for all types of gear, the maximum number of entry permits for each administrative area;

(5) designate, when necessary to accomplish the purposes of this chapter, particular species for which separate interim-use permits or entry permits will be issued;

(6) establish qualifications for the issuance of entry permits;

(7) issue entry permits to qualified applicants;

(8) issue interim-use permits as provided in §§ 210 -- 220 of this chapter;

(9) establish, for all types of gear, the optimum number of entry permits for each administrative area;

(10) administer the buy-back program provided for in §§ 310 — 320 of this chapter to reduce the number of outstanding entry permits to the optimum number of entry permits;

(11) provide for the transfer and reissuance of entry permits to qualified transferees;

(12) provide for the transfer and reissuance of entry permits for alternative types of legal gear, in a manner consistent with the purposes of this chapter;

(13) administer the collection of the annual fees provided for in § 160 of this chapter;

(14) administer the issuance of commercial fishing vessel licenses under AS 16.05.490;

(15) issue educational entry permits to applicants who qualify under the provisions of §§ 275 — 285 of this chapter.

(b) The commission may do all things necessary to the exercise of its powers under this chapter, whether or not specifically designated in this

chapter. (§ 1 ch 79 SLA 1973; § 14 ch 105 SLA 1977; am § 3 ch 123 SLA 1978)

Effect of amendments. — The 1977 amendment, effective January 1, 1978, added paragraph (14) to subsection (a).

The 1978 amendment, effective July 9, 1978, added paragraph (15) to subsection (a).

Article 3. Requirements for Entry Permits.

Section

150. Terms and conditions of entry permit; annual renewal

160. Fees

Section

170. Transfer of entry permits

180. Emergency transfers

Sec. 16.43.150. Terms and conditions of entry permit; annual renewal.

(g) Except as provided in AS 16.10.333 — 16.10.337, an entry permit may not be:

(1) pledged, mortgaged, leased, or encumbered in any way;

(2) transferred with any retained right of repossession or foreclosure;

or

(3) attached, distrained, or sold on execution of judgment or under any other process or order of any court.

(am § 6 ch 83 SLA 1978)

Effect of amendment.

The 1978 amendment, effective July 1, 1978, added "Except as provided in AS 16.10.333 — 16.10.337" to the beginning of subsection (g).

As the rest of the section was not affected by the amendment, it is not set out.

Sec. 16.43.160. Fees. (a) The commission shall establish annual fees for the issuance and annual renewal of entry permits or interim-use permits. The amount paid by a permit holder under the provisions of AS 16.05.480 shall be credited by the commission toward payment of the fee charged under this section. No more than one credit may be obtained annually by a person.

(b) Annual fees established under this section shall be no less than \$10 and no more than \$750 and shall reasonably reflect the different rates of economic return for different fisheries.

(c) The resident holder of an entry permit or interim-use permit who has a net family income falling within the Federal Community Services Administration poverty guidelines, adjusted by the commission to reflect appropriate cost-of-living differentials, is subject to a maximum annual fee of \$15. (§ 1 ch 79 SLA 1973; am § 15 ch 105 SLA 1977; am § 4 ch 123 SLA 1978)

Effect of amendments. — The 1977 amendment, effective January 1, 1978, deleted "to reflect the cost of administering

this chapter" from the end of the first sentence of subsection (a), added the exception to the end of the second sentence.

of subsection (a), substituted "\$750" for "\$100" in subsection (b), inserted "resident" preceding "holder of an entry permit" in subsection (c), and substituted "Federal Community Services Administration for "Federal Social Security

Administration" and "\$15" for "\$5" in subsection (c).

The 1978 amendment, effective July 9, 1978, and retroactive to January 1, 1978, in subsection (a), rewrote the second sentence and added the third sentence.

Sec. 16.43.170. Transfer of entry permits. (a) Except as provided in AS 16.10.333 — 16.10.337, entry permits and interim-use permits are transferable only through the commission as provided in this section and § 180 of this chapter and under regulations adopted by the commission. (am § 7 ch 83 SLA 1978)

Effect of amendment.

The 1978 amendment, effective July 1, 1978, added "Except as provided in AS 16.10.333 — 16.10.337" to the beginning of subsection (a).

As the rest of the section was not affected by the amendment, it is not set out.

Sec. 16.43.180. Emergency transfers. (a) The commission shall adopt regulations providing for the temporary emergency transfer of entry permits and interim-use permits when illness, disability, death, required military or government service, or other unavoidable hardship prevents the permit holder from participating in the fishery. To alleviate hardship pending a final determination of the permit holder's eligibility for an entry permit, the commission shall adopt regulations providing for the temporary emergency transfer of an interim-use permit issued under § 210(b) of this chapter.

(b) The commission shall adopt regulations providing for the temporary transfer of an entry permit upon the death of the permittee pending final disposition of the permit as a part of the permittee's estate. (§ 1 ch 79 SLA 1973; am § 5 ch 73 SLA 1977; am § 5 ch 123 SLA 1978)

Effect of amendment.

The 1978 amendment re-wrote subsection (a).

Article 14A. Educational Entry Permits.

Section	Section
275. Educational entry permits	281. Accounting of harvest
277. Term and conditions of educational entry permit	283. Adoption of regulations
279. Disposition of fish	285. Definition

Effective date of article. — Section 14, ch 123, SLA 1978, makes this article effective July 9, 1978, in accordance with AS 01.10.070(c).

Sec. 16.43.275. Educational entry permits. (a) In addition to entry permits and interim-use permits, the commission may issue educational entry permits to public, private or denominational educational institutions accredited by the Department of Education or accredited institutions, career or vocation programs approved by the Alaska Commission on Postsecondary Education, or full-time nonprofit residential child care facilities licensed by the Department of Health and Social Services, division of social services, if

(1) the program is offered to students at the junior high school level or above;

(2) the issuance of a educational entry permit is reasonably necessary to the instruction of students under courses offered by the applicant for the educational entry permit;

(3) the program is offered by an institution which is located in the state and has been in operation for at least two years; and

(4) the institution offering the program is not a correspondence institution.

(b) An educational entry permit may only be used in a program conducted by the recipient of the permit for the purpose of training students in the methods of commercial fishing.

(c) The commission may issue educational entry permits notwithstanding the establishment of maximum or optimum numbers under §§ 240 and 290 of this chapter. (§ 10 ch 123 SLA 1978)

Sec. 16.43.277. Term and conditions of educational entry permit.

(a) Educational entry permits may be applied for on an annual basis and shall be issued for a term of one year. The permits are non-transferable.

(b) A recipient may be issued an educational entry permit for each fishery in the administrative area the commission determines to be appropriate, considering the nature of the educational program and the location of the educational or vocational institution. The recipient of an educational entry permit may not be issued educational entry permits in more than one administrative area except as issued by the commission in its discretion upon good cause shown.

(c) An educational entry permit issued under § 275 of this chapter may be used by an agent or employee authorized by the recipient of the educational entry permit.

(d) Annual fees for educational entry permits shall be as specified by commission regulation under the authority of § 160 of this chapter (§ 10 ch 123 SLA 1978)

Sec. 16.43.279. Disposition of fish. Fish caught under the authority of an educational entry permit are the property of the recipient of the permit. The recipient may sell the fish and use the proceeds to pay for the costs of the training program. Revenues generated from the sale of fish harvested under an educational entry permit shall be paid to the

general fund to the extent the revenues exceed costs of the training program. (§ 10 ch 123 SLA 1978)

Sec. 16.43.281. Accounting of harvest. The recipient of an educational entry permit shall report to the commission costs and earnings, amount of harvest, and other information the commission requires to monitor training programs of recipients of educational entry permits. (§ 10 ch 123 SLA 1978)

Sec. 16.43.283. Adoption of regulations. (a) Use privileges granted under §§ 275 — 285 of this chapter are subject to the regulations of the Board of Fisheries which may adopt regulations exclusively applicable to the use of educational entry permits.

(b) The commission shall publish regulations relating to the issuance of educational entry permits, establishing eligibility criteria for recipients of the permits, and such other matters as are reasonably necessary to implement §§ 275 — 285 of this chapter. (§ 10 ch 123 SLA 1978)

Sec. 16.43.285. Definition. For the purposes of §§ 275 - - 285 of this chapter, the term "recipient" means the entity to which an educational entry permit is issued. (§ 10 ch 123 SLA 1978)

Article 6. General Provisions.

Section
355. Commission revocation of entry permits
360. Penalties

Sec. 16.43.355. Commission revocation of entry permits. (a) The commission may revoke an entry 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.

(b) Before revocation, the commission shall serve the permit holder personally or by certified or registered mail with a notice to show cause why the proposed action should not take place. The notice to show cause must

(1) be supported by an affidavit which may be made on information or belief setting out the facts which are the basis of the proposed action;

(2) provide for at least 30 days notice of the place, date, and time of the hearing where the permit holder may present evidence in opposition to the proposed action; unless waived in writing by the permit holder, the hearing place shall be held within the judicial district in which the permit holder resides if the permit holder resides in the state; the hearing place shall be at the discretion of the commission for those permit holders residing outside the state;

- (3) specify the statutes or regulations violated;
- (4) state with particularity the action proposed to be taken;
- (5) indicate to the permit holder that his ability to permanently transfer the permit which is the subject of the revocation proceedings has been suspended as of the date of the notice and will continue to be suspended until the exhaustion of all administrative and judicial remedies; and

(6) provide other information the commission considers proper.

(c) A permit subject to revocation proceedings under this section may not be transferred after the date of the notice in (b) of this section pending exhaustion of all administrative and judicial remedies arising from action taken under this section.

(d) The revocation hearing shall be conducted before a quorum of commissioners and shall be presided over by a hearing officer appointed by the commission who shall rule on the presentation of evidence and other procedural matters. Within a reasonable time after the conclusion of the hearing, the hearing officer shall submit to the attending commissioners a proposed decision based on the record of the hearing and containing findings of fact, conclusions of law, and recommended action. The attending commissioners shall then review the hearing officer's proposed decision and adopt or amend or reject the contents of the proposed decision in the written decision of the commission. A copy of the commission decision shall be mailed to each party or his attorney by certified or registered mail.

(e) The failure of a permit holder properly served under (b) of this section to appear at the hearing is not grounds for setting aside any commission action taken. However, the commission may in its discretion order a continuance or second hearing.

(f) The effective date of the commission decision under this section is the date of the notice to show cause first served upon the permit holder under (b) of this section.

(g) The provisions of this section do not apply to the permit of a person who is a bona fide purchaser.

(h) Judicial review of commission determinations under this section is in accordance with AS 44.62.560 — 44.62.570; however, if a hearing de novo is granted under AS 44.62.570(d), the hearing may, in the discretion of the court, be had with a jury sitting if application for the jury hearing is filed with the court no later than 10 days after service of the notice of appeal. (§ 6 ch 123 SLA 1978)

Effective date. — Section 14, ch 123, SLA 1978, makes this section effective July 9, 1978, in accordance with AS 01.10.070(c).

Sec. 16.43.360. Penalties. (a) A person who violates or assists in the violation of a provision of this chapter or a regulation promulgated under this chapter is, upon conviction, guilty of a misdemeanor and is

punishable by a fine of not more than \$5,000 for a first conviction, and a fine of not more than \$10,000 for a second or third conviction. Upon a third conviction, the person shall forfeit all interim-use and entry permits held by him and loses eligibility for future issuance or transfer of interim-use or entry permits for a period of three years. Upon a first or second conviction under this section, the court may in its discretion order a forfeiture of interim-use or entry permits held by him as well as a loss of eligibility for future issuance or transfer of interim-use or entry permits or order a suspension of fishing rights under interim use or entry permits held or to be held by him for a period of not more than three years.

(b) A person who knowingly makes a false statement of fact in the application for or renewal of an interim-use permit or an entry permit or vessel license application or renewal or in the application for a transfer under §§ 170 — 180 of this chapter, or a person who assists another by knowingly making a false statement of fact in support of the other person's application for issuance or renewal of an interim-use permit or an entry permit or vessel license is guilty of a misdemeanor and shall forfeit all interim-use permits and entry permits held by him and shall lose eligibility for interim-use permits and for entry permits for a period of three years and is punishable by a fine of not more than \$5,000.

(e) Notwithstanding any other provision of this section, no interim-use or entry permit may be transferred while under suspension, without the consent of the commission.

(Amended by 7 — 9 ch 123 SLA 1978)

Effect of amendment.

The 1978 amendment, effective July 9, 1978, in the first sentence of subsection (a), inserted "or assists in the violation of," "is" preceding "upon conviction," and "or third," substituted "and" for a semicolon following "for a first conviction" and deleted the language providing a penalty for a third conviction from the end of that sentence. The amendment also added the second and third sentences of subsection (a), and in subsection (b), inserted "knowingly" near the beginning and near the middle, "or renewal of" near the

beginning, "or vessel license application or renewal" near the beginning, and "or renewal" near the middle, deleted "a material" preceding "fact" near the beginning and near the middle, and substituted "vessel license" for "transfer of an entry permit, upon conviction" near the middle and "three years and is punishable by a fine of not more than \$5,000" for "five years" at the end. Moreover, the amendment added subsection (e).

As the rest of the section was not affected by the amendment, it is not set out.

TELEGRAM

ALASKA COMMUNICATIONS INC.

JULY 1975

HB48

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CHA RMAN HOUSE RESOURCES COMMITTEE POUCH V

JUNEAU

THE PRINCE WILLIAM SOUND AQUACULTURE CORPORATION WISHES TO EXPRESS ITS FULL SUPPORT FOR HB48.

AS THE REGIONAL ASSOCIATION OF OUR AREA WE REPRESENT AS A MAJORITY ON OUR BOARD OF DIRECTORS OVER 500 COMMERCIAL FISHERMEN ORGANIZED UNDER THE CORDOVA AQUATIC MARKETING ASSOCIATION, AS WELL AS INDEPENDENT, COMMERCIAL, SPORT AND SUBSISTENCE FISHERMEN. OUR EFFORTS SINCE 1975 ARE DIRECTED TOWARD ACHIEVING COST-EFFECTIVE CONSTRUCTION AND OPERATION OF HATCHERIES TO SUPPLEMENT WILD SALMON STOCK FOR THE BENEFIT OF ALL FISHERMEN IN THE COMMON PROPERTY FISHERY. TO ACHIEVE A SELF SUSTAINING HATCHERY SYSTEM, WHICH WILL NOT BE A CONTINUOUS BURDEN ON THE ALASKAN TAXPAYER, EFFICIENT OPERATION OF PRIVATE NONPROFIT HATCHERIES IS ESSENTIAL.

THE NUMBER OF FISH NEEDED FOR SALE BY THE HATCHERY OPERATOR TO COVER COST OF OPERATIONS IS DIRECTLY RELATED TO THE COST OF OPERATING A HATCHERY. HB48 GIVES THE HATCHERY OPERATOR THE CHOICE OF WHO CAN HARVEST SURPLUSES IN THE MOST EFFECT MANNER- CHARTER FISHERMEN ARE IN MOST CASES NOT AVAILABLE DURING FISHING SEASONS FOR SPECIFIC LOW VOLUME HATCHERY SURPLUS HARVEST.

ALL NON PRIVATE PROFIT HATCHERIES, WHETHER REGIONAL ASSOCIATIONS OR SO CALLED NON-ASSOCIATED HATCHERIES, OPERATE UNDER THE SAME STATUTES AND REGULATIONS, NAMELY TO CONTRIBUTE TO THE COMMON PROPERTY FISHERIES. ALTHOUGH ALL NEEDED MECHANISMS OF ECONOMIC CONTRJL AND MONITORING ARE NOT YET IN PLACE, EXISTING STATUTES REGULATIONS AND POLICIES MANDATE COMPLIANCE.

WE FEEL CONFIDENT WITH THE FISHERMEN OF PRINCE WILLIAM SOUND AND THE UNITED FISHERMEN OF ALASKA THAT PASSAGE OF HB48 IS AN IMPORTANT AND NEEDED STEP TOWARD ACCOMPLISHING OUR GOALS.

ARMIN KOERNIG PRES PRINCE WILLIAM SOUND

AQUACULTURE CORPORATION

Northern Southeast Regional
Aquaculture Association, Inc.

HB48

P.O. BOX 786 SITKA, ALASKA 99835
(907) 747-6850

RM. 205, OLD CITY HALL BLDG.

107.4

2 April 1979

The Honorable Alvin Osterback
Co-Chairman, House Resource Committee
Alaska House of Representatives
Pouch V
Juneau, AK 99811

Dear Mr. Osterback:

Per my promise to your committee during my February 8 testimony on HB 48, this is to provide the NSRAA position taken during their March 21-22 meeting.

Our Directors appreciated your willingness to hold HB 48 pending their input. Unfortunately, time constraints imposed by Senator Tillion's sixty-day rule necessitated a second hearing prior to March 21. It was also unfortunate that unanswered questions raised at the second hearing caused tabling of the bill. I must apologize to you and your committee for my absence at the second hearing; as it turned out, regional association testimonies would have been helpful.

While we understand why HB 48 was tabled, it's unresolved status will cause significant economic hardship to Prince William Sound Aquaculture Corporation (PWSAC) which is expecting to harvest its hatchery returns this year with a special harvest area entry permit. If after review of our input you support our position, we would appreciate your legislative assistance to make possible an efficient Prince William Sound harvest this year.

Our input takes the following format:

Position on HB 48
Legislative and Policy Ambiguities
HB 48 and Fish Traps

Position on HB 48

In my February 8 testimony, I emphasized that social controversies associated with the special permits may be resolved by providing opportunities to air the issues. In our March 21 discussion on HB 48 a number of concerns were raised and discussed in lively sessions.

After thorough explanation of the intent of HB 48, fishermen voted to support the bill.

Legislative and Policy Ambiguities

The debate over HB 48 was caused by a fundamental apprehension over whether hatchery programs will serve the best interests of common property fishermen. This apprehension was founded basically on two areas of ambiguity: primary purpose of hatcheries and hatchery budget review.

Primary Purpose of hatcheries

Fishermen agree that hatcheries are needed to rebuild depressed salmon stocks, but they are not sure if successful hatchery programs will actually provide more fish to their fisheries. Under current interpretations of the law, hatcheries can serve such primary purposes as self-employment and research without showing a good probability of contributing fish to common property fisheries. To protect fishermen interests, NSRAA directors feel that all hatcheries, whether private or public, should have the primary purpose of contributing to the common property fishery.

Hatchery Budget Review

Private nonprofit hatcheries pay their own way by harvesting fish to recover "reasonable" costs of operation. "Reasonable" costs as defined in AS 16.10.450 are currently interpreted by the Alaska Department of Revenue and the federal Internal Revenue Service. Our Directors are concerned that these agencies lack the knowledge to evaluate budget items and that abuses are likely unless budget reviews are conducted by a knowledgeable group of individuals. In lieu of an established and acceptable budget review process, fishermen question whether abuses of the nonprofit status can be adequately controlled, and if not, whether our private nonprofit law is a de facto private profit law.

HB 48 and Fish Traps

Concerns that HB 48 might allow fish traps apparently contributed to your committee's action in tabling HB 48 at the March 13 hearing. This concern is shared by NSRAA directors. Accordingly, inquiries have been made with a number of legal sources. Our conclusion on this issue is as follows:


The language of HB 48, as it stands, contains no legislative intent to legalize fish traps. Prohibition on fish traps in Alaska dated from 1959 when the people of Alaska ratified ordinance number 3 per terms of Alaska constitution Article 15, section 24. Unless and until this clear prohibition against fish traps is repealed, fish traps for commercial purposes will remain illegal in Alaska. HB 48 contains no language which would constitute a clear expression of legislative intent to allow fish traps.

2 April 1979

Our supportive position on HB 48 was based, in part, on the understanding that fish traps will not be allowed.

We hope our Association's position on HB 48 was adequately communicated. If you have any questions, please let me know. We intend to work with you and your committee to clarify ambiguities cited above and to develop a salmon restoration program designed for the needs of common property fishermen.

Sincerely,


Derek Poon, Ph.D.
General Manager

DP/vf

cc: House Resource Committee
NSRAA Directors
Prince William Sound Aquaculture Corporation
Southern Southeast Regional Aquaculture Association
Cook Inlet Aquaculture Association
United Fishermen of Alaska
Office of the Governor
Commissioner, Alaska Department of Fish and Game
Alaska Board of Fisheries
Commissioner, Commercial Fisheries Entry Commission
Attorney General's Office
House Speaker, Terry Gardiner

HB

49

COMMITTEE REPORT

HOUSE

FURTHER:

1-24-79

Date: July 13, 1979

Mr. Speaker:

The Committee on RESOURCES has had HB 49

"An Act relating to the fisherman's fund."

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 HB 49 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

WHAT IS THE FISHERMEN'S FUND?

The Fishermen's Fund was established in 1951 to provide for the treatment and care of Alaska licensed commercial fishermen who are injured or become ill while engaged in commercial fishing activities on shore in Alaska or in the territorial waters of the State. The territorial waters were defined on January 23, 1976 by the Attorney General's Office

5 AAC 36.010. Description of Area. The International water area includes all waters outside Alaska's three mile limit, i.e., beyond those described in 5 AAC 39.075(13) means the waters north and west of the International Boundary at Dixon Entrance including those extending three miles seaward.

The Fund is supported by sixty percent of the money collected from each crewmember fishing license issued, an equal amount of the money derived by the State from each commercial fisherman who is issued a permit. It is administered under the supervision of the Commissioner of Labor and with the assistance of the Fishermen's Fund Advisory and Appeals Council. The Council is composed of the Commissioner of Labor or his designee, who acts as chairman, and five members appointed by the Governor to represent the following districts:

District 1: Wrangell and areas south.

District 2: Areas north of Wrangell to include Yakutat

District 3: Areas west of Yakutat to East Coast of Alaska Peninsula, including Prince William Sound, Cook Inlet, and Kodiak.

District 4: Areas west of Alaska Peninsula to Cape Newenham, including Bristol Bay.

District 5: Areas north of Cape Newenham, including Kuskokwim, Yukon, Kotzebue, and the Arctic.

WHO IS ELIGIBLE FOR FISHERMEN'S FUND BENEFITS?

Fishermen's Fund benefits are available to commercially licensed fishermen who sustain an injury or disability as the result of an accident directly connected with their work on the fishing grounds, tying up the boat, storing gear, or repairing the boat or gear. Shopping trips to town, transportation to the boat, and falls that occur when the fisherman is returning to the boat for the night's rest are not usually covered.

Benefits are also available to fishermen who suffer a disease which is considered to be occupational with respect to the commercial fishing profession.

These diseases include hernias, heart attacks, varicose veins of the legs, bronchitis, pleurisy, pneumonia, rheumatism, arthritis, and musculoskeletal ailments such as bursitis, traumatic sciatica and tenosynovitis.

Excluded from the occupational category are the common cold, influenza, strep throat, tonsillitis, emotional disorders, peptic ulcers, epilepsy, diseases not common to both sexes, venereal diseases and any condition arising from an attempt by a person to injure himself or another. The exceptions would be bug bites which become infected due to the fish slime and ear infections which are caused by diving to repair boats or gear. Benefits are not paid for colds that develop into ear infections through normal exposure.

WHAT IS THE PROCEDURE FOR FILING A CLAIM?

When a commercial fisherman sustains an injury or suffers an illness which he believes will entitle him to Fishermen's Fund benefits, he should tell the doctor who treats him so claim forms may be completed. If the fisherman reports first to an emergency or outpatient section of a hospital, he should advise hospital personnel that he may be entitled to benefits from Fishermen's Fund.

There are two Fishermen's Fund claim forms. One is the "Certificate of Eligibility" which the injured or ill fisherman completes and signs. The other is the "Physician's Report of Injury/Illness" which the doctor

completes with the assistance of the fisherman. These forms are printed on opposite sides of the same sheet of paper for convenience. See examples 1 and 2.

Most doctors and hospitals in Alaska have Fishermen's Fund forms which *must be completed to establish a claim*. If a fisherman is unable to obtain the proper forms in his area, he may write the Administrator of the Fishermen's Fund, P. O. Box 1149, Juneau, Alaska 99811.

At times it is necessary for the Administrator of the Fund to write a claimant to clarify a point concerning his claim. Usually such letters are necessary because the claim forms have not been completed with sufficient detail to establish the claimant's eligibility for benefits. It is essential for a claimant to respond as completely and promptly as possible to avoid delays in processing his claim.

All billings for expenses related to a claim should be sent to the Administrator of the Fishermen's Fund. If the claim is approved, benefits will be paid to the person, business, or institution which submitted the bills. If a fisherman pays for any expenses related to his injury or illness, he should obtain proper receipts and submit them to the Fund's Administrator for reimbursement. If expenses are advanced to the claimant and charged against his fishing settlement, a copy of the settlement could be accepted in lieu of any other receipt. Typical out-of-pocket expenses are transportation, prescriptions, and on occasion, hotel and meal costs.

In the event a claim is denied, all parties are notified with a written notice stating the reason for the denial. The denied claim is then scheduled for review at the next meeting of the Advisory and Appeals Council. The claimant is notified of the time and place of the Council's meeting in sufficient time to submit additional information supporting his claim. He may also make arrangements for a personal appearance before the Council.

Any inquiries concerning the Fishermen's Fund may be directed to the Commissioner of Labor, P. O. Box 1149, Juneau, Alaska 99811.

WHAT COVERAGE DOES THE FISHERMEN'S FUND PROVIDE?

Eligible fishermen are entitled to emergency treatment, transportation to the nearest place where approved medical facilities are available, medical, surgical and nursing care and hospitalization. They are entitled to reasonable transportation charges incurred to approved hospitalization and/or treatment including the cost of returning fishermen to their boat, home or another place that reasonably meets their convenience. A fisherman may also be entitled to assistance after discharge from the hospital during fishing season.

If dentures or eyeglasses are lost, they may not be replaced. However, if they are broken and physical injury is sustained necessitating medical attention, they may be replaced or repaired upon approval of the Fishermen's Fund Advisory and Appeals Council. If no physical injury is sustained and dentures or eye glasses are broken, replacement is not allowed.

Persons receiving benefits from the Fishermen's Fund shall be provided with the type and quality of treatment which will restore them to health and productivity, if possible. In this connection, the Department may enter into cooperative arrangements with State and Federal agencies, private clinics, and rehabilitation centers for the care and treatment of fishermen.

WHAT ARE THE LIMITS ON FISHERMEN'S FUND BENEFITS?

1. No benefits shall be paid for the care of any one person which involves a single injury or disability beyond a period of one year from the date of the initial allowance.
2. Benefits shall not be paid for medical care or hospitalization rendered prior to the ascertainable time of an injury, or prior to authorization in the case of disability by an occupational disease.
3. The total allowance for any one injury or disablement shall not exceed \$2,500.

Exceptions to the above stipulations may be granted by the Commissioner of Labor with the unanimous approval of the Fishermen's Fund Advisory and Appeals Council.

**CHAPTER 35. OCCUPATIONAL DISEASE
DISABILITY**

Article

1. Commercial Fishermen (§ § 23.35.010-23.35.150)

Article 1. Commercial Fishermen.

Section

10. Creation of Fishermen's Fund Advisory and Appeals Council
20. Appointment and composition of council
30. Commissioner or designee as chairman
40. Duties of commissioner and council
50. Adoption of orders, regulations
60. Creation and administration of Fishermen's Fund
70. Benefits
80. Emergency treatment for cardiovascular diseases
90. Assistance after discharge
100. Transportation, hospital, nursing, medical and surgical expenses
110. Contracts for care
120. Cooperation with other agencies
130. Duration of care
140. Limitations on benefits
150. Definitions

Sec. 23.35.010. Creation of Fishermen's Advisory and Appeals Council. There is within the Department of Labor a Fishermen's Fund Advisory and Appeals Council. (§ 13 ch 64 SLA 1959; am § 1 ch 93 SLA 1960)

Am. Jur. references. — 29 Am. Jur., Insurance, § 1069; 35 Am. Jur., Master and Servant, § § 106, 107.

Sec. 23.35.020. Appointment and composition of council. The council is composed of the commissioner of labor or a person designated by him and five members appointed by the governor for overlapping five year terms. The governor shall appoint one member from each of the following districts:

District 1: Wrangell and areas south;

District 2: Areas north of Wrangell to include Yakutat;

District 3: Areas west of Yakutat to East Coast of Alaska Peninsula, including Prince William Sound, Cook Inlet, and Kodiak;

District 4: Areas west of Alaska Peninsula to Cape Newenham, including Bristol Bay;

District 5: Areas north of Cape Newenham, including Kuskokwim, Yukon, Kotzebue, and the Arctic. (§ 13 ch 64 SLA 1959; am § 1 ch 93 SLA 1960; am § 1 ch 175 SLA 1976)

Effect of amendment. — The 1976 amendment, effective June 17, 1976, substituted "five members" for "four members" and "five year terms" for "four year terms" in the first sentence of the introductory paragraph, substituted "Areas north of Wrangell" for "Petersburg and areas north" in the District 2 paragraph, inserted "to Cape Newenham" in the District 4 paragraph, and added the District 5 paragraph.

Sec. 23.35.030. Commissioner or designee as chairman. The commissioner of labor or the person designated by him serves as the chairman of the council. (§ 13 ch 64 SLA 1959; am § 1 ch 93 SLA 1960,

Sec. 23.35.040. Duties of commissioner and council. The commissioner shall consult with the council before he makes a negative decision on an appeal filed with him in relation to the care of a sick and disabled fisherman. (§ 13 ch 64 SLA 1959; am § 1 ch 93 SLA 1960)

Sec. 23.35.050. Adoption of orders, regulations. The department may adopt orders, rules and regulations to carry out the purposes of § 510-150 of this chapter, including those which are necessary or advisable to protect the fund by limiting or suspending payments from the fund. The rules and regulations shall be uniform in application. (§ 2 ch 100 SLA 1951)

Sec. 23.35.060. Creation and Administration of Fishermen's Fund. There is created a fund, designated as the "fishermen's fund." The Department of Revenue is the custodian of the fund and the Department of Labor shall administer it. The fund shall be composed

File original
immediately after
first attendance.

ALASKA DEPARTMENT OF LABOR
FISHERMEN'S FUND
Poucl. XA, Juneau, Alaska 99811

The Original
Certificate of
Eligibility must
accompany this
report. See Reverse.

PHYSICIAN'S REPORT OF INJURY/ILLNESS

THE PATIENT	1. NAME		2. SEX	3. AGE	4. SOCIAL SECURITY NUMBER		
	5. STREET OR BOX NUMBER		6. CITY		7. STATE	8. ZIP	
	9. LICENSE NUMBER AND DATE ISSUED		10. TYPE OF FISHING GEAR USED AT TIME OF INJURY (Check One) <input type="checkbox"/> Halibut <input type="checkbox"/> Scallop <input type="checkbox"/> Picker <input type="checkbox"/> Troll <input type="checkbox"/> Crab <input type="checkbox"/> Shrimp <input type="checkbox"/> Gillnet <input type="checkbox"/> Seine <input type="checkbox"/> Other (Specify) _____				
	11. NAME OF BOAT		12. IF REGISTERED - WHERE?				
13. DATE AND HOUR OF INJURY OR EXPOSURE TO DISEASE			14. IS THIS CLAIM COVERED BY OTHER INSURANCE? NAME _____				
15. STATE IN DETAIL WHERE AND HOW ACCIDENT/ILLNESS OCCURRED							
16. GEOGRAPHIC LOCATION		17. WAS PATIENT <input type="checkbox"/> FISHING <input type="checkbox"/> WORKING ON BOAT/GEAR <input type="checkbox"/> OTHER (EXPLAIN)					
18. NAME AND ADDRESS OF WITNESS							
THE PHYSICIAN	19. DATE OF FIRST TREATMENT.		20. GIVE ACCURATE DESCRIPTION OF NATURE AND EXTENT OF INJURY/ILLNESS AND STATE YOUR OBJECTIVE FINDINGS.				
	21. IS ACCIDENT/ILLNESS REFERRED TO ABOVE THE ONLY CAUSE OF PATIENT'S CONDITION? IF NOT, STATE CONTRIBUTING CAUSES						
	22. HAS NORMAL RECOVERY BEEN DELAYED FOR ANY REASON? GIVE PARTICULARS						
	23. DOES PATIENT SUFFER FROM OR HAVE ANY PHYSICAL IMPAIRMENT DUE TO ANY OVERT ACCIDENT/ILLNESS OTHER THAN AS DESCRIBED IN ITEMS 18 AND 19? GIVE PARTICULARS						
	24. DID THIS ACCIDENT/ILLNESS AGGRAVATE CONDITION DESCRIBED IN ITEM 22?						
	25. DESCRIBE TREATMENT GIVEN BY YOU						
	26. WERE X RAYS TAKEN? IF SO, WHEN AND BY WHOM? GIVE DIAGNOSIS						
	27. WAS PATIENT TREATED BY ANYONE ELSE? IF SO, WHEN AND BY WHOM?						
	28. NAME AND ADDRESS OF HOSPITAL IF ANY		29. <input type="checkbox"/> OUTPATIENT <input type="checkbox"/> INPATIENT		ADMISSION DATE AND DISCHARGE DATE		
	30. IS FURTHER TREATMENT NEEDED? IF SO, HOW LONG?						
31. I AM A DULY LICENSED PHYSICIAN IN THE STATE OF _____			32. SIGNATURE				
33. PRINTED NAME AND ADDRESS							
34. IN DAYS (IF THIS REPORT)							

of 60 percent of the money derived by the state from each crewmember fishing license issued under AS 16.05.480, an equal amount of the money derived by the state from each commercial fisherman who is issued a permit under AS 16.43, and money appropriated to carry out the purpose of §§ 10-150 of this chapter. (§ 4 ch 100 SLA 1951; am § 1 ch 99 SLA 1955) (§ 1 ch 105 SLA 1977).

Cross reference. — For provisions as to special funds. see AS 37.05.155.

Sec. 23.35.070. Benefits. A fisherman, upon becoming disabled, is entitled to receive benefits as follows: Immediately after he sustains an injury or disability arising out of an accident directly connected with his operation as a fisherman, either ashore in the state or in the territorial waters of the state, or suffers an occupational disease, the fisherman is entitled to emergency treatment, transportation to the nearest place where approved medical facilities are available, medical care and hospitalization (§ 5 ch 100 SLA 1951, am § 2 ch 99 SLA 1955; am § 1 ch 59 SLA 1957)

Sec. 23.35.080. Emergency treatment for cardio-vascular diseases. The department may pay the costs, within the maximum limitations, of emergency treatment, transportation, medical care and hospitalization, necessitated by a cardio-vascular disease, if the department determines that the disease is attributable, directly or indirectly, to the fishing endeavor. (§ 5 ch SLA 1951; am § 2 ch 99 SLA 1955, am § 1 ch 59 SLA 1957)

Sec. 23.35.090. Assistance after discharge. A fisherman is also entitled to such assistance after discharge from the hospital during period of convalescence as the department allows in consideration of the condition of the fund. (§ ch 100 SLA 1951, am § 2 ch 99 SLA 1955; am § 1 ch 59 SLA 1957)

Sec. 23.35.100. Transportation, hospital, nursing, medical and surgical expenses. The department may pay out of the fund all reasonable transportation charges incurred under §§ 80 and 90 of this chapter, including cost of returning the fisherman to his boat, to his home or to another place which reasonably meets with his

convenience, and the reasonable hospital, nursing, medical and surgical expenses incurred in his examination, treatment and care. (§ 6 ch 100 SLA 1951)

Money cannot be expended from the sick and disabled fishermen's fund for the payment of charges for medicine prescribed by chiropractors. 1961 Op. Att'y Gen., No. 23.

Since chiropractor cannot prescribe drugs or medicine. — It is illegal and criminal for a chiropractor, without additional qualifications, to prescribe drugs or medicine to sick or injured persons. 1961 Op. Att'y Gen., No. 23.

Sec. 23.35.110. Contracts for care. In carrying out §§ 10-150 of this chapter, the department may enter into contracts or other arrangements with hospitals and doctors in the state for furnishing care on an annual basis to persons entitled to benefits. (§ 6 ch 100 SLA 1951)

Sec. 23.35.120. Cooperation with other agencies. In providing care the department shall provide the type and quality of treatment which will restore the fisherman to health and productivity, if possible. The department may enter into cooperative arrangements with agencies of the federal government, other states and territories, and private clinics and rehabilitation centers for the care and treatment of fishermen. (§ 7 ch 100 SLA 1951)

Sec. 23.35.130. Duration of care. Except for compelling reasons, no compensation may be paid for the care of any one persons involving a single injury or disability beyond a period of one year from the date of initial allowance. (§ 7 ch 100 SLA 1951)

Liberal interpretation. — The legislature intended a relatively liberal interpretation of the act. 1959 Op. Att'y Gen., No. 5.

Scope of term "compelling reasons". — See 1959 Op. Att'y Gen., No. 5.

Sec. 23.35.140. Limitation on benefits. (a) Except for compelling reasons,

(1) no compensation may be paid for medical care

or hospitalization furnished before the ascertainable time of injury, or before authorization in the case of disability caused by an occupational disease:

(2) the total allowance for any one injury or disablement is \$2,500.

(b) The total allowance for any one heart attack is \$2,500. (§ 7 ch 100 SLA 1951, am § 1 ch 103 SLA 1965; am § 1 ch 166 SLA 1968)

Effect of amendments. — The 1965 amendment rewrote this section.

Prior to the 1968 amendment this section consisted of the language now contained in subsection (a).

Benefits in excess of \$2,500. — There might be many very "compelling reasons" to raise the benefits above \$2,500 under some circumstances. 1959 Op. Att'y Gen., No. 5.

Sec. 23.35.150. Definitions. In this chapter

(1) "commissioner" means the commissioner of labor;

(2) "council" means the Fishermen's Fund Advisory and Appeals Council.

(3) "department" means the Department of Labor.

(4) "fisherman" means a person who is licensed by the state to engage in commercial fishing under AS 16.05.480 or who is the holder of a permit issued under AS 16.43 and who, at the time injury is sustained or illness is contracted, is actually so engaged or is occupied in Alaska in preparing or dismantling boats or gear used in commercial fishing;

(5) "fund" means the Fishermen's Fund

(6) "occupational disease" means hernia, varicose veins of the leg, the respiratory diseases, bronchitis, pleurisy, and pneumonia caused by or aggravated by the fishing endeavor, but excluding the common cold and influenza, rheumatism, arthritis and those musculoskeletal diseases (such as bursitis, traumatic sciatica, and tenosynovitis) directly caused by or

aggravated by the fishing endeavor; and does not include a disease not common to both sexes, venereal disease, or a condition arising out of an attempt of a fisherman to injure himself or another.

(7) "approved medical facilities" and "medical care" include the facilities of, or the care and treatment prescribed or performed by, a practitioner or chiropractic licensed by the state under AS 08.20. (5 13 ch 64 SLA 1959; am 5 1 ch 93 SLA 1960; 5 4 ch 100 SLA 1951; am 5 1 ch 99 SLA 1955; 5 5 ch 100 SLA 1951; am 5 2 ch 99 SLA 1955; am 5 1 ch 59 SLA 1957; 5 8 ch 100 SLA 1951; am 5 1 ch 77 SLA 1962; am 5 1 ch 51 SLA 1972)

Effect of amendment. - The 1972 amendment added paragraph. (7).

CHAPTER 55. FISHERMEN'S FUND

Section

- 10. Benefits
- 20. Pleadings
- 30. Appeals
- 40. Definitions

8 AAC 55.010. BENEFITS. (a) To be eligible for benefits from the fund a person must be a fisherman who, at the time an injury is sustained or illness is contracted, is licensed in his own name by the State of Alaska to engage in commercial fishing, and who is actually so engaged in Alaska or is occupied in Alaska in preparing or dismantling boats or gear used in commercial fishing.

(b) Benefits for respiratory diseases are limited to bronchitis, pleurisy and pneumonia caused by or aggravated by fishing endeavor.

(c) Unless required as a result of accidental bodily injury caused by the fishing endeavor, benefits may not be awarded for the following items:

- (1) the services of a dentist.
- (2) dental prosthetic appliances or the fitting of them.

(3) eye refractions and hearing examinations; or

(4) eye glasses and hearing aides or the fitting of them. (Eff. 3/28/74, Reg. 49)

Authority: AS 23.35.050

AS 23.35.070

AS 23.35.150(6)

8 AAC 55.020. PLEADINGS. (a) Proceedings before the council are commenced by filing an application, with the administrator, in writing which consists of the following:

(1) a certificate of eligibility completed by the fisherman on a form prescribed by the administrator; and

(2) a physician's report of injury or illness completed by the attending physician on a form prescribed by the administrator.

(b) A separate application shall be filed for each separate and independent occupational injury or occupational illness for which benefits are claimed.

(c) In addition to the restrictions provided by sec. 10 of this chapter, benefits may not be awarded unless

(1) applications are submitted within 60 days of the date of occupational injury or onset of occupational illness.

(2) responses to inquiries seeking clarification of and items on an application or of any item on a billing for services performed or goods supplied are submitted within 90 days after the date of inquiry, and

(3) price lists and fee determinations are submitted to the administrator within 30 days of the date requested.

(d) A request for an extension of duration of care, waiver of benefit limitations, assistance after discharge from a hospital or additional transportation allowances is called a petition. Petitions for extension of duration of care or waiver of benefit limitations shall cite those reasons believed to be sufficiently compelling to justify

granting the relief sought. Petitions for assistance after discharge from the hospital shall include the dates during which hospitalization occurred. Petitions for additional transportation allowances may be considered only for the purpose of providing specialized medical skills unavailable at the nearest approved medical facility. The petition shall include a written statement from the attending physician clearly defining the required specialized medical skill and the nearest place where it is available.

(e) Petitions under (d) of this section shall be submitted to the council for review and recommendations. (Eff. 3/28/74, Reg. 49).

Authority: AS 23.30.050

8 AAC 55.030. APPEALS. (a) The administrator shall submit a written notice to each fisherman whose application is denied stating the reasons for the denial.

(b) The council shall review each application which has been denied or referred to the council by the administrator. Each fisherman who has an application pending before the council shall be notified in writing, by the administrator of the time and place of a council session at least ten days prior to the session. Each fisherman may submit additional evidence to the council in support of his claim in writing, by personal appearance, or both.

(c) The administrator shall notify, in writing, each fisherman who has an application before the council of the council's decision on his application. The decision of the council is final. (Eff. 3/28/74, Reg. 49)

Authority: AS 23.30.040
AS 23.35.050

8 AAC 55.040. DEFINITIONS. In this chapter unless the context requires otherwise

(1) "administrator" means the individual responsible for the administration of the Fishermen's Fund program;

(2) "council" means the Fishermen's Fund Advisory and Appeals Council;

(3) "fund" means the Fishermen's Fund. (Eff. 3/28/74, Reg. 49)

Authority: AS 23.35.050

CERTIFICATE OF ELIGIBILITY

I certify, under penalty of perjury, that I, _____
am a commercial fisherman in the State of Alaska
at _____
Geographic Location
occupation as a commercial fisherman; that on _____
fisherman license issued by the State of Alaska
the Fishermen's Fund.

- Are you Fishing independent _____
 Partner _____
 Share basis _____
 Other (Describe) _____

Dated at _____
Year State

Alaska Stat.

Article 1

Provisions

Sec 22 35 070 Benefits A fisherman upon the
injury after he sustains an injury or illness
operating as a fisherman either on land or in the
waters of the State, the fisherman is entitled to
approved medical facilities or approved medical

Sec 22 35 140 Limitations on benefits. Payment
furnished before the ascertainable time of injury
or occupational disease. The total allowance for

14) "fisherman" means a person who is
at the time injury is sustained or illness
is appearing or demanding facts in or

15) "occupational disease" means meningitis,
pleurisy, and pneumonia caused by or as
cold and influenza, rheumatism, arthritis,
asthma, and tuberculosis directly and
include a disease not common to both
of a fisherman to injure himself or any

PLEASE COMPLETE
PHYSICIAN'S REPORT OF INJURY
WITH THIS FORM
SEE

SECOND

OF SICK OR INJURED FISHERMAN

_____, have been engaged

Name

at while so engaged on _____

Date

_____ suffered injury or illness directly connected with my

_____ above date I possessed a current valid commercial

_____ by name; and that I am entitled to benefits from

Signature

Alaska Mailing Address

Permanent Mailing Address if
Different from Above

Commercial Fisherman License Number

_____ day of _____, 19____

23.30 010-100

Alaska Fisherman

... if disabled, is entitled to receive benefits as follows:
... being out of an accident directly connected with his
... in the territorial waters of the state, or suffers
... medical treatment, transportation to the nearest place
... and hospitalization.

... amount may be paid for medical care or hospitalization
... before authorization in the case of disability caused by
... one injury or disablement is \$2,500.

... by the state to engage in commercial fishing and wharf
... operated, is actually so engaged or is occupied in Alaska
... in commercial fishing.

... means of the leg; the respiratory diseases, bronchitis,
... and by the fishing endeavor, but excluding the common
... the musculoskeletal disease (such as lumbago, traumatic
... or aggravated by the fishing endeavor; and does not
... reveal disease, or a condition arising out of an attempt

**THIS ENTIRE FORM,
BY/ILLNESS MUST BE FILED
ESTABLISH A CLAIM.
VERSE**

XAMPLE

JAY S. HAMMOND, GOVERNOR



EDMUND N. ORBECK, Commissioner



**Alaska Department of Labor
P.O. Box 1149
Juneau, Alaska 99811**

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF LABOR

OFFICE OF THE COMMISSIONER

BOX 1149 - JUNEAU 99811

February 16, 1979

The Honorable Alvin Osterback
Pouch V
Juneau, AK 99811

Dear Representative Osterback:

During the Resources Committee hearing on Tuesday, February 13, 1979, for House Bill No. 49, "An Act relating to the fishermen's fund," the committee requested additional information on the number of claims filed for injuries or illnesses occurring outside the three-mile limit or the "territorial waters." This information is attached.

Also, language for amending the bill to pay claims retroactively has been drafted which is as follows:

Change Title - ; and providing for an effective date.

Add:

*Section 2. The provisions of Section 1 of this Act apply retroactively to all claimants who filed timely claims for fishermen's fund benefits on or after January 23, 1976.

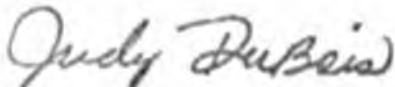
*Section 3. This Act takes effect immediately in accordance with the provisions of AS 01.10.070.

A proposed committee substitute of the bill is attached.

The Fiscal Note submitted for this bill has been reviewed and no changes are necessary at this time.

Thank you for the opportunity to comment. If you have any questions, please contact me at 465-2700 or Grace Wilson, Fishermen's Fund Officer, at 465-2790.

Sincerely,



Judy DuBois
Legislative Liaison

PROPOSED

Original sponsor: Rules/Governor

Introduced: 1/24/79

Referred: Resources

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IN THE HOUSE

BY THE RESOURCES COMMITTEE

CS FOR HOUSE BILL NO. 49

IN THE LEGISLATURE OF THE STATE OF ALASKA

ELEVENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to the fishermen's fund; and providing for an effective date."

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

Section 1. AS 23.35.070 is amended to read:

Sec. 23.35.070. BENEFITS. A fisherman, upon becoming disabled, is entitled to receive benefits as follows: Immediately after he sustains an injury or disability arising out of an accident directly connected with his operation as a fisherman, either within the state or in Alaska water [THE TERRITORIAL WATERS OF THE STATE], or suffers an occupational disease, the fisherman is entitled to emergency treatment, transportation to the nearest place where approved medical facilities are available, medical care and hospitalization. As used in this section, "Alaska water" means the land and territorial water of the state and the fishery conservation zone adjacent to the state established by sec. 101 of the Fishery Conservation and Management Act of 1976, Public Law 94-265 (16 U.S.C. 1801 et seq.)

~~Section 2. The provisions of section 101 of the Fishery Conservation and Management Act of 1976, Public Law 94-265 (16 U.S.C. 1801 et seq.) shall apply to the provisions of section 1 of this act as if they were enacted on or after January 21, 1976.~~

~~Section 3. This act shall become effective on the date of the passage of the provisions of AS 01.10.070.~~

*Passed CS
Repealing sec.
2 & 3 with
those proposed
by Ken
Jensen*

but changing act. 1 to Sept. 1 for new application deadline

1979 Claims Pending Payment

<u>DATE OF ACCIDENT</u>	<u>CASE NUMBER</u>	<u>MEDICAL BILLS IN THE FILE 02/14/79</u>	<u>DOCUMENTED VESSEL</u>	<u>OTHER INFORMATION</u>
07-10-78	79-0025	\$ 232.00		
10-01-78	79-0425	99.70	Documented Vessel	
09-26-78	79-0439	40.00		
05-09-78	79-0710	72.00	Documented Vessel	Late claim
07-07-78	79-0077	No bills	Documented Vessel	
09-19-78	79-0453	No bills	Documented Vessel	
07-19-78	79-0123	30.00	Documented Vessel	
09-26-78	79-0728	No Bills	Documented Vessel	Canada, running to Alaska
09-24-78	79-0517	No Bills	Documented Vessel	
01-10-78	78-0725	63.00		Filed April 19, 1978
07-11-78	79-0570	332.50		Occurred in Seattle
08-12-78	79-0272	149.00		
09-20-78	79-0668	5,818.00	Documented Vessel	
10-12-78	79-0697	190.50	Documented Vessel	

The claims itemized above would be eligible for payment from Fishermen's Fund total of \$3,708.70.

However, some of these claims may have been paid by Public Health or Protection and Indemnity Insurance and therefore will not be a cost to Fishermen's Fund.

Prior Claims Denied by Fishermen's Fund

<u>DATE OF ACCIDENT</u>	<u>CASE NUMBER</u>	<u>Medical bills in the File 02/14/79</u>	<u>Documented Vessel</u>	<u>Other Information</u>
09-18-75	76-0347	\$ No bills	Documented Vessel	Smashed finger.
05-24-77	77-0631	3,003.00	Documented Vessel	
02-14-77	77-0518	503.00	Documented Vessel	P&I settlement of \$27,000
01-24-77	77-0506	930.75	Documented Vessel	
10-30-76	77-0445	590.00	Documented Vessel	Claim submitted by P&I
04-11-77	77-0571	15,624.75	Documented Vessel	Automobile accident also submitted.
04-21-76	77-0393	525.00	Documented Vessel	Convalescence Benefits; No Medical bills
12-15-76	77-0678	75.00	Documented Vessel	
05-25-78	78-0705	33.00		
01-16-78	-0564	890.00	Documented Vessel	
04-01-78	78-0713	213.50		
10-10-77	78-0644	1,310.40	Documented Vessel	Claim submitted by P&I; Filed late.
04-26-78	78-0728	20.00		
04-20-78	78-0729	19.00		
07-07-77	78-0010	No bills	Documented Vessel	

The Claims Itemized above would be eligible for reimbursement from Fishermen's Fund total \$10,109.65. However, many of these claims have been paid by Public Health or Protection and Indemnity Insurance and therefore would not be a cost to Fishermen's Fund.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 19, 1979

SUBJECT: HB 49 Fishermen's Fund
TO: House Resources Committee
FROM: Kenneth E. Vassar
Legislative Counsel *KEV*

You have requested a suggestion for language which would make the benefits provided in HB 49 applicable to fishermen who were disabled before the effective date of the bill. In accordance with your request, I would suggest the following:

* Sec. 2. A fisherman who sustains an injury or disability arising out of an accident which (1) was directly connected with his operations as a fisherman; (2) occurred in the fishery conservation zone adjacent to the state established by sec. 101 of the Fishery Conservation and Management Act of 1976, P.L. 94-265 (16 U.S.C. 1801 et seq.); and (3) occurred on or after January 23, 1976, and before July 1, 1979, is entitled to benefits under AS 23.35.070 if he files an application with the administrator of the Fishermen's Fund established in AS 23.35.060 before October 1, 1979.

* Sec. 3. This Act takes effect July 1, 1979.

KEV:jdn

STATE OF ALASKA

DEPARTMENT OF LABOR

OFFICE OF THE COMMISSIONER

H549
JAY S. HAMMOND, GOVERNOR

BOX 1149 - JUNEAU 99811

February 16, 1979

The Honorable Alvin Osterback
Pouch V
Juneau, AK 99811

Dear Representative Osterback:

During the Resources Committee hearing on Tuesday, February 13, 1979, for House Bill No. 49, "An Act relating to the fishermen's fund," the committee requested additional information on the number of claims filed for injuries or illnesses occurring outside the three-mile limit or the "territorial waters." This information is attached.

Also, language for amending the bill to pay claims retroactively has been drafted which is as follows:

Change Title - ; and providing for an effective date.

Add:

*Section 2. The provisions of Section 1 of this Act apply retroactively to all claimants who filed timely claims for fishermen's fund benefits on or after January 23, 1976.

*Section 3. This Act takes effect immediately in accordance with the provisions of AS 01.10.070.

A proposed committee substitute of the bill is attached.

The Fiscal Note submitted for this bill has been reviewed and no changes are necessary at this time.

Thank you for the opportunity to comment. If you have any questions, please contact me at 465-2700 or Grace Wilson, Fishermen's Fund Officer, at 465-2790.

Sincerely,



Judy DuBois
Legislative Liaison

1979 Claims Pending Payment

<u>DATE OF ACCIDENT</u>	<u>CASE NUMBER</u>	<u>MEDICAL BILLS IN THE FILE 02/14/79</u>	<u>DOCUMENTED VESSEL</u>	<u>OTHER INFORMATION</u>
07-10-78	79-0025	\$ 232.00		
10-01-78	79-0425	99.70	Documented Vessel	
09-26-78	79-0439	40.00		
05-09-78	79-0710	72.00	Documented Vessel	Late claim
07-07-78	79-0077	No bills	Documented Vessel	
09-19-78	79-0453	No bills	Documented Vessel	
07-19-78	79-0123	30.00	Documented Vessel	
09-26-78	79-0728	No Bills	Documented Vessel	Canada, running to Alaska
09-24-78	79-0517	No Bills	Documented Vessel	
01-10-78	78-0725	63.00		Filed April 19, 1978
07-11-78	79-0570	332.50		Occurred in Seattle
08-12-78	79-0272	149.00		
09-20-78	79-0668	5,818.00	Documented Vessel	
10-12-78	79-0697	190.50	Documented Vessel	

The claims itemized above would be eligible for payment from Fishermen's Fund total of \$3,708.70.

However, some of these claims may have been paid by Public Health or Protection and Indemnity Insurance and therefore will not be a cost to Fishermen's Fund.

Prior Claims Denied by Fishermen's Fund

<u>DATE OF ACCIDENT</u>	<u>CASE NUMBER</u>	<u>Medical bills in the File 02/14/79</u>	<u>Documented Vessel</u>	<u>Other information</u>
09-18-75	76-0347	\$ No bills	Documented Vessel	Smashed finger.
05-24-77	77-0631	3,003.00	Documented Vessel	
02-14-77	77-0518	503.00	Documented Vessel	P&I settlement of \$27,000
01-24-77	77-0506	930.75	Documented Vessel	
10-30-76	77-0445	590.00	Documented Vessel	Claim submitted by P&I
04-11-77	77-0571	15,624.75	Documented Vessel	Automobile accident also submitted.
04-21-76	77-0393	525.00	Documented Vessel	Convalescence Benefits; No Medical bills
12-15-76	77-0478	75.00	Documented Vessel	
05-25-78	78-0705	33.00		
01-16-78	78-0564	890.00	Documented Vessel	
04-01-78	78-0713	213.50		
10-10-77	78-0644	1,310.40	Documented Vessel	Claim submitted by P&I; Filed late.
04-26-78	78-0728	20.00		
04-20-78	78-0729	19.00		
07-07-77	78-0010	No bills	Documented Vessel	

The Claims itemized above would be eligible for reimbursement from Fishermen's Fund total \$10,109.65. However, many of these claims have been paid by Public Health or Protection and Indemnity Insurance and therefore would not be a cost to Fishermen's Fund.

HB 69

BUDGET, NOTY

1. REQUEST HOUSE BILL NO. 69
 Bill/Resolution No. 5-27-113-79
 Title "An Act Relating to Tobacco's Fund"
 Requested by the Governor
 Date 12-13-78

II. FISCAL DETAIL
 Agency Affected Tobacco's Fund
 Budget Category Affected Tobacco's Fund
 Budget Request (thru) Affected Tobacco's Fund

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
200 TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
300 CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
400 COMMODITIES	-0-	-0-	-0-	-0-	-0-	-0-
500 EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
700 GRANTS CLAIMS ETC	13.0	33.8	48.8	43.0	30.0	33.0
TOTAL	13.0	33.8	48.8	43.0	30.0	33.0

FINANCIAL FUNDS (Thousands of Dollars)

GENERAL FUNDS	OTHER FUNDS	51000 Tobacco's Fund	TOTAL
		13.0	13.0
		35.0	35.0
		40.0	40.0
		43.0	43.0
		30.0	30.0
		33.0	33.0

POSITIONS

FULL TIME	PART TIME	TEMPORARY
-0-	-0-	-0-
-0-	-0-	-0-
-0-	-0-	-0-
-0-	-0-	-0-
-0-	-0-	-0-
-0-	-0-	-0-

III. ANALYSIS (See Fiscal Note Reproduction Instructions, Section III)

Three years ago the Attorney General's Office ruled that the "retroactive voter" of the \$15,000 of claims have been denied by Tobacco's Fund. However, we do not believe the being retroactive history because knowledge of the law has stopped many claims from being filed. To our regret that the additional area will bring more large claims as those stated in limited to three million awarded. In the three years experience approximately \$15,000 of claims have been denied by Tobacco's Fund. However, we do not believe the being retroactive history because knowledge of the law has stopped many claims from being filed. In our experience that the additional area will bring more large claims as those stated in limited to three million awarded. In the three years experience approximately \$15,000 of claims have been denied by Tobacco's Fund. However, we do not believe the being retroactive history because knowledge of the law has stopped many claims from being filed.

No new positions are requested and administrative costs should not increase beyond the inflationary costs. Funding to be provided by the revenue collected from the sale of cremation permits. Increase and an equal amount from permit holders, listed the 20th and 21st Districts. Tobacco's Fund.

IV. DATE 12-13-78
 PREPARED BY
 AGENT
 PHINE
 Budget and Management
 From Governor (With Legislator Memo)

4

STATE OF ALASKA
Inter-Department Route Slip

TO:
MAIL STATION NUMBER 3100
DEPARTMENT Legislative Affairs
ATTENTION House Resources Committee

- | | |
|--|--|
| <input type="checkbox"/> Approval | <input type="checkbox"/> Note & Return |
| <input type="checkbox"/> Signature | <input type="checkbox"/> Initial & Return |
| <input type="checkbox"/> Comment | <input type="checkbox"/> Return As Requested |
| <input type="checkbox"/> Contact Me | <input type="checkbox"/> Return For Approval |
| <input type="checkbox"/> Prepare Reply | <input type="checkbox"/> Necessary Action |
| <input type="checkbox"/> For Your File | <input type="checkbox"/> Your Information |

Remarks:

FROM:
MAIL STATION NUMBER _____

DEPARTMENT Labor
BY Judy DuBois DATE 2/5/79

02-002 (REV. 10/73)

LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. J-77-113-79
 Title "an Act relating to Fishermen's Fund"
 Requested by the Governor Date 12-11-78

II. FISCAL DETAIL
 Agency Affected Labor
 Program Category Affected Worker Protection
 Budget Request Unit(s) Affected Fishermen's Fund

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
300 CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
400 COMMODITIES	-0-	-0-	-0-	-0-	-0-	-0-
500 EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC.	15.0	35.0	40.0	45.0	50.0	55.0
TOTAL	15.0	35.0	40.0	45.0	50.0	55.0

FUNDING (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify)						
Sick and Disabled Fishermen's Fund	15.0	35.0	40.0	45.0	50.0	55.0

POSITIONS

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
FULL TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Three years ago the Attorney General's Office ruled that the "territorial water" of the state is limited to three miles seaward. In the three years experience approximately \$11,000 of claims have been denied by Fishermen's Fund. However, we do not believe this is an accurate history because knowledge of the law has stopped many claims from being filed.

It is our experience that the additional area will bring more large claims as those occurring on the high seas tend to be more serious in nature. Therefore, we are estimating that the program costs will be 15.0 for the remainder of the FY79 and could rise as much as \$35,000 in the FY80 and \$5,000 each succeeding year.

No new positions are requested and administrative costs should not increase beyond the inflationary costs.

Funding is provided by the revenue collected from the sale of crewmember fishing licenses and an equal amount from permit holders, titled the Sick and Disabled Fishermen's Fund.

Grace H. Wilson

IV. DATE 12-15-78 PREPARED BY Grace H. Wilson
 AGENCY Labor-Fishermen's Fund
 PHONE 465-2792

Original: Legislative Finance
 Budget and Management
 Public Spouse (First Legislator Named)

HB49

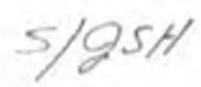
January 15, 1979

Speaker of the House
Alaska State Legislature
Juneau, Alaska 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18 of the Alaska Constitution, I am transmitting a bill relating to the fisherman's fund. Under the benefit provisions of the fisherman's fund as they currently exist, AS 23.35.010 - 23.35.150, an injured or disabled fisherman is only entitled to receive benefits if the fishing-related accident leading to his injury or disability occurred ashore in Alaska or within "the territorial waters of the state", which traditionally have been defined as extending only to the three-mile limit. In recognition of the facts that many Alaska-licensed fishermen fish offshore from Alaska but beyond the three-mile limit and that the federal government has now extended its fisheries jurisdiction to 200 miles offshore, I am proposing that AS 23.35.070 be amended to extend benefits to cover fishing-related accidents that occur inside the 200-mile fisheries conservation zone established under the Fishery Conservation and Management Act of 1976, P.L. 94-265.

Sincerely,



Jay S. Hammond
Governor

ALASKA & FEDERAL BENEFIT FUNDS WORK SHEET

DAY	ITEM (Description)	Fm. 1009 No.		DEPOSITS & ADJUSTMENTS			CHECKS ISSUED			BPA'S CHARGES			DAILY BALANCES (Close of Office Hours)		
		CKS	BPA	UCFE-X	UI	TOTAL	UCFE-X	UI	TOTAL	UCFE-X	UI	TOTAL	UCFE-X	UI	TOTAL
	Beginning Balances	XXXX	XXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX			
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XX		XXXX	XXXX												

Rep. Osterback

HB

81

12027 NL FAIRBANKS ALASKA 59

1978 FEB 7 55 PM 7 23
AST

TELEGRAM

RCA ALASKA COMMUNICATIONS, INC.
PHONE: 386-6442
JUNEAU, ALASKA 99802

PMS REP AL OSTERBACH

JUN

THE INTERIOR ALASKA TRAPPERS ASSOCIATION STRONGLY SUPPORTS
HB81, WHICH WE UNDERSTAND WILL DEVERT FUNDS DERIVED FROM
TRAPPING LICENSES FROM THE PERMANENT FUNDS TO THE FISH AND
GAME FUND. OUR MEMBERSHIP HAS PASSED RESOLUTIONS ANNUALLY IN
SUPPORT OF SIMILAR LEGISLATION. IT IS APPROPRIATE THAT THESES
MONIES SHOULD HELP THE STATE OBTAIN FEDERAL MATCHING FUNDS
TO AID WILDLIFE

PETE BUIST PRESIDENT OF THE INTERIOR ALASKA TRAPPERS ASSOCIATION

January 23, 1979

Speaker of the House
Alaska State Legislature
Juneau, Alaska 99811

Dear Mr. Speaker:

Under authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill which would require that license fee receipts from the sale of trapping licenses be deposited in the Fish and Game Fund.

Receipts from trapping license sales generally go into the General Fund rather than the Fish and Game Fund. Apparently, this practice stemmed from a belief that the federal Pittman/Robertson Act applied only to hunting, and not trapping, licenses.

However, an analysis of the Act demonstrates a concern with game management and conservation rather than the nuances of any distinction between "hunting" and "trapping." The term "hunting" is not even defined in the Act. Consequently, it appears that it would be permissible to permit trapping license fee receipts to be deposited into the Fish and Game Fund, and that a statutory provision to that effect would not be an unconstitutional dedicated fund (art. IX, sec. 7, Alaska Constitution).

Past failure to include trapping license fees is illogical. The difference between hunting and trapping is established only by regulation governing methods and means, and can be modified by the Board of Game at any time. Many species of game which can be taken under hunting regulations may also be taken under trapping regulations. Moreover, several existing management and research programs carried out with Pittman/Robertson and Fish and Game Fund money are directed at furbearers of primary interest to the trapping constituency.

This legislation would provide an additional \$36,000 in the form of trapping license fee receipts to be included in the Fish and Game Fund. I urge enactment of this legislation.

Sincerely,

JSH

Jay S. Hammond
Governor

12227 NL FAIRBANKS ALASKA 59

1973 FEB 7 5 57 PM AST

TELESTAR

RCA ALASKA COMMUNICATIONS, INC.
FAIRBANKS, ALASKA 99701

PMS REP AL OSTERBACH

JUN

THE INTERIOR ALASKA TRAPPERS ASSOCIATION STRONGLY SUPPORTS HB81, WHICH WE UNDERSTAND WILL DEVERT FUNDS DERIVED FROM TRAPPING LICENSES FROM THE PERMANENT FUNDS TO THE FISH AND GAME FUND. OUR MEMBERSHIP HAS PASSED RESOLUTIONS ANNUALLY IN SUPPORT OF SIMILAR LEGISLATION. IT IS APPROPRIATE THAT THESE MONIES SHOULD HELP THE STATE OBTAIN FEDERAL MATCHING FUNDS TO AID WILDLIFE

PETE RUIST PRESIDENT OF THE INTERIOR ALASKA TRAPPERS ASSOCIATION

HB

83

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

POUCH 5 - JUNEAU 99811

February 12, 1979

The Honorable Alvin Osterback
 Co-Chairman
 House Resources Committee
 Room 118 - Capitol Building
 Juneau, Alaska

Re: House Bill No. 83

Dear Mr. Osterback:

House Bill No. 83, an Act relating to the raw fish tax, was introduced in the House on January 25, 1979 and was referred to the House Resources and Finance Committees. The bill was given a further referral on January 30, 1979 to the House Community and Regional Affairs Committee.

For the consideration of the House Resources Committee, I am enclosing a copy of a Fiscal Note prepared by Mr. Phil Wall, Director, Administrative Services Division, Department of Revenue concerning the proposed legislation.

Sincerely,



R. D. Stevenson
 Special Assistant

cc: The Honorable Bill Miles
 Co-Chairman
 House Resources Committee

The Honorable Bill Parker
 Chairman
 House Community & Regional Affairs Committee

The Honorable Russ Meekins
 Chairman
 House Finance Committee

John Messenger
 Acting Commissioner
 Department of Revenue

Phil Wall, Director
 Administrative Services Division
 Department of Revenue

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 83
 Title Raw Fish Tax
 Requested by House Resources Committee Date 1/25/79

II. FISCAL DETAIL

Agency Affected Revenue
 Program Category Affected Development
 Budget Request Unit(s) Affected Shared Taxes

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						

FUNDING (Thousands of Dollars)

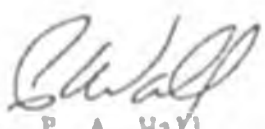
GENERAL FUND	(2,000.0)	(2,000.0)	(2,000.0)	(2,000.0)	(2,000.0)	(2,000.0)
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

There is no additional cost to administer the Bill. The General Fund will decrease in the amount shown as the additional raw fish tax revenue is shared.

IV. DATE 2/13/79 PREPARED BY 
 AGENCY Revenue
 PHONE 465-2313
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

Fisheries Tax

Cities	FY 77 Actual	ACTUAL	FY 78 Actual	ACTUAL	FY 79 Authorized	EST.	FY 80 Request	EST
		FY 77 @ 30%		FY 78 @ 30%		FY 79 @ 30%		FY 80 @ 30%
Cordova	86477	259,431	111791	235,373	69500	208,500	89988	267,764
Craig	4260	12,750	3273	9,819	5000	15,000	4433	13,299
Dillingham	29669	89,007	32792	98,376	30000	90,000	30874	92,622
Fairbanks	15	45	3	9	15	45	16	48
Haines	-0-	-0-	5	15	-0-	-0-	-0-	-0-
Hoonah	1952	5,856	2249	6,747	2000	6,000	2031	6,093
Homer	2697	8,091	6475	19,425	2000	6,000	2806	8,418
Hydaburg	1659	4,977	1564	4,692	2000	6,000	1726	5,178
Kake	391	1,173	-0-	-0-	500	1,500	407	1,221
Kenai	35639	106,917	34010	102,020	30000	90,000	37086	111,258
Ketchikan	14860	44,580	27290	81,870	15000	45,000	15463	46,389
King Cove	85810	257,430	11593	34,777	80000	240,000	89294	268,282
Klawock	10858	32,571	22716	68,448	10000	30,000	11299	33,897
Kodiak	74439	223,317	98465	295,395	70000	210,000	77461	232,373
Nenana	92	276	79	237	100	300	96	288
Pelican	12447	37,341	13153	39,459	12000	36,000	12952	38,856
Petersburg	36904	110,712	99651	298,953	35000	105,000	38402	115,206
Seldovia	1233	3,699	1151	3,453	1000	3,000	1233	3,699
Seward	21220	63,660	26350	79,050	20000	60,000	22081	66,243
St. Marys	-0-	-0-	235	705	-0-	-0-	-0-	-0-
Unalaska	101417	304,251	154901	464,703	90000	270,000	105534	316,602
Valdez	-0-	-0-	5	15	-0-	-0-	-0-	-0-

AGENCY Revenue 000 Shared Taxes COMPONENT Fisheries Tax DATE REVISION



HB

87

COMMITTEE REPORT

HOUSE

FURTHER: FINANCE added 1/29/79

January 29, 1979

Date: _____

Mr. Speaker:

The Committee on RESOURCES has had HB 87

"An Act making a special appropriation to the Legislative Council for the purpose of conducting a study relating to the extent of foreign investment in Alaska's fisheries; eff. date."

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**

[Handwritten signatures]

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

[Handwritten signature]

[Handwritten signature]
CHAIRMAN

HB

128

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. CSHB 128
 Title An Act making a supplemental appropriation to the Department of Fish & Game
 Requested by House Resources Committee Date 2/27/79

II. FISCAL DETAIL
 Agency Affected Department of Fish & Game
 Program Category Affected Natural Resources
 Budget Request Unit(s) Affected Subsistence Section

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES	59.4	245.5	260.2	275.8	292.4	309.9
200 TRAVEL	12.0	48.0	50.9	53.9	57.2	60.6
300 CONTRACTUAL	12.9	51.8	54.9	58.2	61.7	65.4
400 COMMODITIES	3.5	13.8	14.6	15.5	16.4	17.4
500 EQUIPMENT	3.2	13.0	13.8	14.6	15.5	16.4
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	91.0	372.1	394.4	418.0	443.2	469.7

FUNDING (Thousands of Dollars)

	91.0	372.1	394.4	418.0	443.2	469.7
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

	8	8	8	8	8	8
FULL TIME						
PART TIME						
TEMPORARY	2	2	2	2	2	2

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

ANCHORAGE AND FAIRBANKS REGIONAL OFFICES

	FY '79	
<u>100</u> Personal Services		
2 Range 20 Resource Specialist with benefits - 3 months	=	\$ 20,086
2 Clerk Typists with benefits - 3 months	=	8,678
		<u>\$ 28,764</u>
<u>200</u> Travel similar to other parts of section - 3 months	=	\$ 4,500
<u>300</u> Contractual Services similar to other expenditures	=	\$ 3,950
<u>400</u> Commodities similar to other parts of section	=	\$ 1,450
<u>500</u> Equipment similar to other parts of section	=	\$ 1,250
	Subtotal	<u>\$ 39,914</u>

IV. DATE March 1, 1979 PREPARED BY *Russell W. Clark*
 AGENCY Department of Fish & Game
 PHONE 465-4120

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 Keith Speeking, Office of the Governor
 33-001 (Rev. 10/78)
 File

(Continued)

TOK AND JUNEAU SUBSISTENCE OFFICES

FY '79

<u>100</u> Personal Services		
2 Resource Specialist II's with benefits - 3 months	=	\$ 14,974
2 Fish & Game Technician III's with benefits - 3 months	=	10,505
Same level of support as other areas	=	5,117
		<u>\$ 30,596</u>
<u>200</u> Travel - will be comparable with other parts of the section 3 months	=	\$ 7,500
<u>300</u> Contractual Services - cost will be comparable with other parts of the section - 3 months	=	\$ 9,000
<u>400</u> Commodities - will be comparable to other parts of the section	=	\$ 2,000
<u>500</u> Equipment - \$500 per person to start up	=	\$ 2,000
	Subtotal	<u>\$ 51,096</u>
	FY '79 TOTAL	<u>\$ 91,010</u>

REGIONAL OFFICES

FY '80

<u>100 - 500</u> All costs from budget increment		
<u>100</u> Personal Services	=	\$ 123.1
<u>200</u> Travel	=	18.0
<u>300</u> Contractual Services	=	15.8
<u>400</u> Commodities	=	5.8
<u>500</u> Equipment	=	5.0
	Subtotal	<u>\$ 167.7</u>

TOK AND JUNEAU

FY '80

<u>100 - 500</u> All costs extended for full year		
<u>100</u> Personal Services	=	\$ 122.4
<u>200</u> Travel	=	30.0
<u>300</u> Contractual Services	=	36.0
<u>400</u> Commodities	=	8.0
<u>500</u> Equipment	=	8.0
	Subtotal	<u>\$ 204.4</u>
	FY '80 TOTAL	<u>\$ 372.1</u>

Inflation at 6% straightline for remaining years

COMMITTEE REPORT

HOUSE

FURTHER: RESOURCES
THEN FINANCE

February 13, 1979

Date: _____

Mr. Speaker:

SPECIAL COMMITTEE ON

The Committee on SUBSISTENCE has had HB 128

"An Act making a supplemental appropriation to the Department of Fish and Game; and providing for an effective date."

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 HB 128 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:**

Joe L. Hayes
Paul F. Stewart Do Pass
Nels D. Anderson Jr.
Joe Heller

Joe Heller
 CHAIRMAN

**THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE**

FISCAL NOTE

I. REQUEST COMMITTEE SUBSTITUTE HOUSE BILL NO. 128
 Bill/Resolution No. _____
 Title Dealing with supplemental appropriation for subsistence section
 Requested by Legislative Affairs Agency Date 2-13-79

II. FISCAL DETAIL
 Agency Affected Department of Fish and Game
 Program Category Affected Natural Resources
 BRU, Program, or Subprogram(s) Affected Subsistence Section
 (Note: If more than one budget component is affected separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES	55.5					
200 TRAVEL	12.1					
300 CONTRACTUAL	13.0					
400 COMMODITIES	7.8					
500 EQUIPMENT	7.0					
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL	95.4					

FUNDING (Thousands of Dollars)

GENERAL FUND	95.4					
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME	8					
PART TIME	0					
TEMPORARY	0					

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)
SUBSISTENCE SECTION FIELD OFFICE JUREAU AND TOK AND REGIONAL OFFICES
IN NICHORWE AND FAIRBANKS

100 Personal Services FY '79

- Assume - 2 Resource Specialists II for 3 months \$14,606
- 2 Fish and Game Technicians III for 3 months 10,098
- 2 Resource Specialists IV for 3 months and
- 2 clerk typists III for 3 months 30,800
- \$ 55,504**

200 Travel FY '79

- Assume - Travel will be comparable with other positions
- in this section for 3 months \$ 12,100
- \$ 12,100**

IV. DATE 1-13-79 **PREPARED BY** Representative Jack Fuller
AGENCY Special Subsistence Committee
Original: Legislative Finance **PHONE** 465-1891
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

III. ANA... continued

<u>300</u>	Co	ervices FY '79 s similar to that of other parts of the Section	\$ <u>13,000</u> \$ 13,000
<u>400</u>	Commodities	FY '79 Expenses will similar to that of other parts of the Section	\$ 7,800 \$ <u>7,800</u>
<u>500</u>	Equipment	FY '79 start-up expenses with some additional start-up in FY '80	\$ 7,00

FY '80 All Line Items

Assume — Continuation and inflation for all items for full year
of operation.

All inflation at 6%

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. HOUSE BILL NO. 128
 Title Not specified Dealing with supplemental for Subsistence Section
 Requested by Legislative Affairs Agency Date 12/12/78

II. FISCAL DETAIL
 Agency Affected Department of Fish and Game
 Program Category Affected Natural Resources
 Budget Request Unit(s) Affected Subsistence Section

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES	40.4	120.6	127.8	135.5	143.6	152.2
200 TRAVEL	10.0	31.8	33.7	35.7	37.8	40.1
300 CONTRACTUAL	12.0	38.2	40.5	42.9	45.5	48.2
400 COMMODITIES	2.0	6.4	6.8	7.2	7.6	8.1
500 EQUIPMENT	2.0	12.1	2.2	2.3	2.4	2.5
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	66.4	209.1	211.0	223.6	236.9	251.1

FUNDING (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
GENERAL FUND	66.4	209.1	211.0	223.6	236.9	251.1
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
FULL TIME	4	4	4	4	4	4
PART TIME						
TEMPORARY	2	2	2	2	2	2

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

TOP ALL BUREAU SUBSISTENCE OFFICES

100 Personnel Services FY '79

Assume - 2 Resource Specialist II's for 4 months \$ 19,476
 - 2 Fish and Game Technician III's for 4 months 13,464
 - Temporary clerical support for 6 months/ 3 mo. each 7,488
TOTAL \$ 40,428

200 Travel FY '79

Assume - Travel will be comparable with other positions in this section for 4 months \$ 10,000
TOTAL \$ 10,000

300 Contractual Services FY '79

Assume - Expenses will be similar to that of other parts of the Section \$ 12,000
TOTAL \$ 12,000 (cont'd)

IV. DATE 1/4/79 PREPARED BY St. Paul
 AGENCY Dept. of Fish and Game
 PHONE 4654 4120

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (Last Legislator Named)

III. ANALYSIS (continued)

400 Commodities FY '79

Assume	-	Expenses will be similar to that of other parts of the section		\$ 2,000
			TOTAL	<u>\$ 2,000</u>

500 Equipment FY '79

Assume	-	Require 500 per person to start with additional start-up costs in FY '80		\$ 2,000
			TOTAL	<u>\$ 2,000</u>

FY '80 All Line Items

Assume - Continuation and inflation for all items for full year of operation. Equipment for FY '80 contains 10,000 for special equipment for Section, amount reverts to continuation in FY '81.

* All Inflation at 6%

ALASKA STATE LEGISLATURE

SEVENTH Legislature FIRST Session

HOUSE BILL NO. 128

By ANDERSON

"An Act making a supplemental appropriation to the Department of Fish and Game; and providing for an effective date."

Department of Fish & Game

Introduced in the House 2-6, 19 79

HISTORY IN THE HOUSE

19 79

Feb. 6

Read first time and referred to Committee on Resources and Finance

Reported back with recommendation that

Read second time and

Read third time and

PASS Effective Date
Yeas Yeas
Nays Nays
Absent Absent
Excused Excused

Reconsideration

PASS Effective Date
Yeas Yeas
Nays Nays
Absent Absent
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

Reported back with recommendation that

Read second time and

Read third time and

PASS Effective Date
Yeas Yeas
Nays Nays
Absent Absent
Excused Excused

Reconsideration

PASS Effective Date
Yeas Yeas
Nays Nays
Absent Absent
Excused Excused
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.

HB

133



Alaska State Legislature
House

JUNEAU ALASKA

May 1, 1978

TO: SENATOR GEORGE HOHMAN
FROM: REPRESENTATIVE NELS A. ANDERSON, JR.
SUBJECT: FISHERIES BIOLOGIST FOR BRISTOL BAY

In our continuing efforts to bring research and management closer to the areas served, it is imperative that the field workers on projects be stationed in the area where research is being conducted. The Arctic Char Predation project is an example of having personnel stationed in the area served.

The predation suppression program must be managed from Bristol Bay since the project needs year round attention. Moving personnel out of the area does not serve any useful purpose other than impede research at considerable non-productive cost.

Predation suppression, utilizing non-lethal methods, is a program that other areas could adopt as a model for saving salmon smolt as they migrate from their spawning streams.

The need to station Bristol Bay research personnel in Anchorage doesn't make sense. Data for computer analysis can be transmitted telephonically. Furthermore, the Bristol Bay area manager is currently understaffed.

There is a critical need to address the predation suppression program as well as the proposed Togiak herring fishery.

The Togiak herring commercial fishery is not researched to determine safe harvest quotas. Additional biological information must be acquired before major damage is done to the herring stock in Bristol Bay.

I believe that additional staff is needed and there is sufficient work for staff research in Bristol Bay.

Resolution From Nushagak Advisory Committee
to
State Board of Fisheries

Re: Creation of a Special Bering Sea Herring Budget.

Whereas: The Bering Sea Herring Fishery is a rapidly expanding industry with hundreds of participants; and

Whereas: The managers of this fishery are devoting time and budget dollars that were formerly invested in our valuable salmon fishery; therefore

Be It Now Resolved: That we of the Nushagak Advisory Committee respectfully request that special funding be established on a first priority basis for a Bering Sea Herring Research/Management Staff with an adequate budget to provide for best utilization of this valuable resource.

Signed: Leon C. Braswell
Leon C. Braswell, Chairman
Nushagak Advisory Committee

Date: 22 Nov 78

cc: Representative Nels A. Anderson, Jr.
Commissioner Skoog
Governor Hammond

Resolution From Nushagak Advisory Committee
to
State Board of Fisheries

Re: Emergency Funding for 1979 Bering Sea Herring Research/Management

Whereas: It has come to our attention that the proposed budget for management of the Bering Sea Herring Fishery in the 1979 spring season was cut from the Fish and Game budget; and

Whereas: The money for this management effort will have to be pulled from the salmon budget; therefore

Be It Now Resolved: That we, of the Nushagak Advisory Committee, respectfully request that emergency funds be specifically appropriated to cover any and all expenses needed to adequately monitor this valuable resource. We recognize the budget limitations that have already been placed on the Department as a whole and feel it is not in the best interest of the salmon or herring resources to further squeeze an already tight budget to monitor a new and developing fishery.

Signed: Leon C. Braswell
Leon C. Braswell, Chairman
Nushagak Advisory Committee

Date: 23 Apr 78

cc: Representative Mills A. Anderson, Jr.
Commissioner Slawig
Governor Hammond