

ALASKA LEGISLATURE COMMITTEE FILES 2001-2002 8672

10387 HOUSE RESOURCES

HB

284

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 284
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: None
 Title Board of Fisheries Conflicts of Interest BRU _____
 Component _____
 Sponsor Rep. Scalzi
 Requester Special Committee on Fisheries Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Special Committee on Fisheries Phone 465-4925
 Division: Rep. Stevens, Committee Co-Chair Date/Time 2/11/02 9:25 AM
 Approved by: _____ Date 2/11/2002
 Agency: _____

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United Southeast Alaska Gillnetters
 PO Box 22427
 Juneau, Alaska 99802
 (907) 586-5860 Fax (907) 586-0167
 E-mail: usag@gci.net

February 6, 2002

Representative Peggy Wilson
 Representative Gary Stevens
 Co-Chairs
 House Special Committee on Fisheries
 Alaska State Legislature
 State Capitol (MS 3100)
 Juneau, AK 99801-1182

Dear Co-Chairs,

Re: HB 284 Board of Fisheries Conflict of Interests

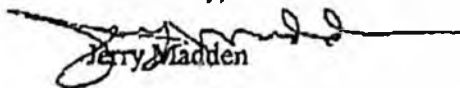
United Southeast Alaska Gillnetters (USAG) supports passage of this bill to provide for Board members to participate in matters before the Board if they declare their personal or financial interest in a fishery.

Members should be appointed to the Board for their expertise in some aspect of fishing. Due to the limited size of the board and the wide range of fisheries in the state, it is vital that all Board members be able to participate in the decision making process.

The 100-plus members of USAG urge your support for passing this bill.

If you have any questions about our position or if you need additional information, please feel free to contact me.

Sincerely,



Jerry Madden



UNITED FISHERMEN OF ALASKA

211 Fourth Street, Suite 110
 Juneau, Alaska 99801-1172
 (907) 586-2820
 (907) 463-2545 Fax
 E-Mail: ufa@ufa-fish.org
www.ufa-fish.org

February 4, 2002

Representative Peggy Wilson
 Representative Gury Stevens
 Co-Chairs
 House Special Committee on Fisheries
 Alaska State Legislature
 State Capitol (MS 3100)
 Juneau, AK 99801-1182

Dear Co-Chairs,

Re: HB 284 Board of Fisheries Conflict of Interests

United Fishermen of Alaska supports passage of this bill to provide for Board members to participate in matters before the Board if they declare their personal or financial interest in a fishery.

Members are on the Board for their expertise in some aspect of fishing. Due to the limited size of the board and the wide range of fisheries in the state, it is vital that all Board members be able to participate in the decision making process.

The twenty-nine members groups of UFA would appreciate your support in passing this bill.

If you have any questions about our position or if you need additional information, please feel free to contact me.

Sincerely,

Thomas M. Gemmell
 Executive Director

MEMBER ORGANIZATIONS

Alaska Longline Fishermen's Association • Alaska Trollers Association • Alsea Processors Association • Bristol Bay Reserve
 Chignik Regional Aquaculture Association • Concerned Area "M" Fishermen • Cook Inlet Aquaculture Association
 Copper River Salmon Producers Association • Cordova District Fishermen United • Douglas Island Pink and Chum
 Kenai Peninsula Fishermen's Association • Kodiak Regional Aquaculture Association • Kodiak Seiners Association • North Pacific Fisheries Association
 Northern Southeast Regional Aquaculture Association • Old Harbor Fishermen's Association • Petersburg Vessel Owners Association
 Prince William Sound Aquaculture Corporation • Puyallup Seine Vessel Owners Association • Seafood Producers Cooperative
 Southeast Alaska Regional Dive Fisheries Association • Southeast Alaska Seiners Association • Southern Southeast Regional Aquaculture Association
 United Cook Inlet Ditch Association • United Salmon Association • United Southeast Alaska Gillnetters

Cordova District Fishermen United

Celebrating 65 Years of Service to Commercial Fishermen in Cordova, Alaska
P.O. Box 939 Cordova, Alaska 99574 / phone (907) 424-3447 / fax (907) 424-3430 /
e-mail cdfu@alaska.net

February 4, 2002

House Special Committee on Fisheries
Alaska State Legislature
State Capitol (MS 3100)
Juneau, AK 99801-1192

RE: HB 284 - Board of Fisheries Conflict of Interest

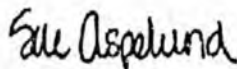
Dear Members,

CDFU, representing the fishing fleets of Area E - the Copper River and Prince William Sound - fully support HB 284. The Alaska Board of Fisheries plays an extremely important role in the viability of our fisheries resources, the commercial fishing industry, sport, personal use and subsistence fisheries of our state. We believe that this Board should be governed by the same parameters as Legislators themselves and most local governments relative to participation in matters under their purview upon full disclosure of personal and financial interests. HB 284 accomplishes that. Another important fisheries regulatory body - the North Pacific Management Council - operates under these parameters, as well.

Given the diversity of resources and fisheries regulated by this relatively small Board, it is imperative that all of the members are allowed to participate fully in both discussion and deliberation. After all, knowledge and experience is one key reason for any person's appointment to the Board and it only makes sense for them be allowed to fully utilize that expertise.

We urge your support of HB 284.

Sincerely,



Sue Aspelund
Executive Director

Sent By: UFA;
To: Rep. Drew Scalzi

At: 465-3472

JetSuite;

Jan-30-02 9:45AM;

Page 1

FROM : BRAD BARR

PHONE NO. : 253 833 5776

Jan. 30 2001 11:45AM P1



C.A.M.F.

Concerned Area M Fishermen

5128 Foster Avenue S.E., Auburn, WA 98002
Phone: (253) 833-5776 • Fax: (253) 833-5776

January 28, 2002

Representative Gary Stevens
Representative Peggy Wilson,
Co-Chairs
House Special Committee on Fisheries
Alaska State Legislature
State Capital (MS 3100)
Juneau, Alaska 98801-1182

Dear Representatives Stevens and Wilson,

I am writing to give Concerned Area M Fishermen's support for HB 283 & HB 284. Both of these bills will bring a balance back to the Board of Fisheries that is badly needed. The Board needs more geographical representation as well as better balance between commercial, sport and subsistence. The present Board is weighted heavily towards sport and central Alaska. The bias towards certain user groups and regions could be eliminated with the passage of HB 283. The issue of Conflict of Interest has been an ongoing concern for many participating in the board process and HB 284 would bring relief on this issue to commercial fishermen and many coastal communities of Alaska.

Concerned Area M Fishermen represents 110 drift gillnet salmon permit holders from the Alaska Peninsula/ Aleutian Islands and is a member group of the UFA. We appreciate both of you taking the time to read our comments on what we feel are two very important issues. Hopefully the Alaska House of Representatives will consider these bills during this session to help improve the Board of Fisheries process.

Sincerely,

Brad L. Barr
President



Alaska State Legislature

Official Business

REPRESENTATIVE DREW SCALZI
State Capitol
Juneau, Alaska 99801-1182

(907) 465-2689; (800) 665-2689
FAX: (907) 465 3472

Representative_Drew_Scalzi@legis.state.ak.us

Sponsor Statement

HB284 - An Act relating to participation in matters before the Board of Fisheries by members of the board; and providing for an effective date."

Alaska is unique in its vastness and abundant resources, yet its number of inhabitants is few. To effectively assure that our lay boards and commissions are composed of qualified individuals, appointments are made through the governor and confirmed by the legislature. Because of the small number of inhabitants in our state, it often becomes difficult for a board to operate in a manner that utilizes the full extent of its make-up.

The current conflict of interest measure, as applied to the Alaska Board of Fisheries, works against its productivity. It is not in the best interest of the state to have board members disqualify themselves from participation in matters in which they may have a direct interest, because it follows that these areas would be the ones in which members have the most expertise.

If the same measure were applied to state legislators, seldom would there be a piece of legislation that would not find some members disqualified from participation. This bill mandates full personal disclosure on matters related to the subject for eligible participation, but requires a board member to actively participate or vote.

Alaska State Legislature
House of Representatives
House Resources and Fisheries committees

2/26/2002

Rep. Drew Scalzi, co-chair Resources fax 465-3472
Rep. Peggy Wilson, co-chair Fisheries fax 465-3175

Please OPPOSE HB 284

This bill would essentially convert the Board of Fisheries [BOF] into the State equivalent of a federal Fisheries Management Council. The federal Fisheries Management Councils are under fire around the US primarily caused by the federal exemption from all Conflict of Interest Laws. There are even paid lobbyists on the Fishery Management Councils who are specifically there to promote and vote for the special interests of their employers. The last thing we need is to allow interjection of financial considerations on top of the problems currently in the BOF process. This exemption would also allow hiring BOF members as lobbyists on issues they will consider.

There is a VAST LEGAL and practical difference between the BOF and a federal Fishery Management Council that is not recognized in HB 284.

*** The federal Councils are officially advisory panels to the Secretary of Commerce. The Secretary can accept, modify, or reject the Fishery Management Plans that the Councils submit. He can also create a Plan if an adequate Fishery Management Plan is not submitted [with some statutory restrictions]. Fishery Plans that are created by the 'conflict of interest' advisory body can be opposed and overturned at the Secretarial level if the 'conflict of interest' created an egregious Plan.

*** The State BOF is the final regulatory body. The Lieutenant Governor's "approval" is simply a pro forma requirement to establish a clock for the effective date of implementation of the regulation. The Lt. Governor is specifically prevented from any other action than signing in the case of this or any appointed Board. This action would create an analogous situation to letting judges hear cases in which they had a financial interest.

Please reject the concept of HB 284 and look for a true solution to BOF problems.

Sincerely,

Paul Seaton
Representing - self
58395 Bruce Street
Homer, AK 99602
907 235 6342

HB

286

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Date of Committee Action: 2/28/02

The **RESOURCES** Committee considered:

HB 286

HOUSE BILL NO. 286

OWNERSHIP OF MORE THAN ONE FISHERY PERMIT

"An Act allowing a person to hold more than one commercial fishing entry permit for a fishery; relating to the power of the Board of Fisheries to establish fishing periods and areas for subgroups of commercial fishing permits and commercial fishing permit holders and to establish limits on the amount of fishing gear that may be used by certain commercial fishing permit holders; and providing for an effective date."

Recommends it be replaced with CS HB 286 (RES) [] Same Title [] New Title
For Senate Bills with new title: [] Technical Title [] New Title: HCR _____

- [] attach amendments
- [] add new referral to _____ Committee
- [] Letter of Intent _____ Committee

- List of Abbrev. for Depts.:
- ADM
 - CED
 - COR
 - CRT
 - EED
 - DEC
 - DFG
 - GOV
 - HSS
 - LAA
 - LAW
 - LWF
 - MVA
 - DNR
 - DPS
 - REV
 - DOT
 - UA

<u>NEW FISCAL NOTES</u>				
*For Chief Clerk's Office Use Only				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
DFG				✓

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
<i>Mary Kapsner</i>	Kapsner	✓			
<i>Beverly Keettula</i>	Keettula	✓			
<i>[Signature]</i>	STEVES	X			
<i>[Signature]</i>	Fate	✓			
Chair: <i>[Signature]</i>	SCALZI	✓			
Chair: <i>Beverly Masek</i>	Masek			✓	

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE SCALZI

TO: CSHB 286(), Draft Version "T"

- #1
- 1 Page 8, following line 2:
 - 2 Insert a new subsection to read:
 - 3 "(e) The provisions of AS 43.05 and AS 43.10 apply ^{to} for the enforcement and
 - 4 collection of a salmon fishery assessment levied under AS 43.76.220 - 43.76.280."

apud 2/22

Southeast Alaska Fishermen's Alliance

9369 North Douglas Highway
Juneau, AK 99801



Phone 907-586-6652

Fax 907-586-5648

E-mail: seafa@gci.net

February 22, 2002

Rep. Drew Scalzi, Co-Chair
Rep. Beverly Masek, Co-Chair
House Resources
Alaska State Legislature
State Capitol, Room 124
Juneau, AK 99801

RE: Support for HB 286

The Southeast Alaska Fishermen's Alliance is a multi-gear group representing the interests of salmon, crab, shrimp and longline fishermen of Southeast Alaska. We support HB 286 but would like HB 286 to be amended for all state fisheries and not confined to salmon only for the following reasons:

- The original bill was for statewide fisheries, I sent the information to my members as a bill for statewide fisheries and did not receive any opposition from them on the aspect of the bill being statewide and since the bill has been changed to salmon only my members have been contacting me to see if we could change it back to statewide fisheries.
- The bill is written so that the individual, regional fishery has to choose the options provided under this bill. It cannot be forced on the majority of the fleet, they have to agree, and therefore what is the harm in allowing all the fisheries the same options as the salmon industry.
- We believe that the statewide option in this bill is necessary, as other fleets besides salmon have struggled over the past several years with trying to deal with excess effort in their fishery. This legislation would provide these fleets with an option that could possibly work for them.
- As the salmon fleet might take advantage of the options this bill provides them, there is the possibility as permits are sold, and stacked that the fishermen selling out of the salmon fishery but still owns their boat may look at alternative fisheries to get into. These fisheries need the same tools as the salmon industry at the same time to prevent possible harm to their fishery by permits being fished.
 - As an example, lets look at the SE AK pot shrimp fishery. Since the shrimp fishery went limited entry, this fleet has tried to find ways to reduce the number of permits that were issued. While HB 288 which deals with CFEC buy back statutes is a very worthy bill, it will not work in the shrimp fishery because the problem there is ½ the permits issued are non-transferable. HB 288 does not allow the purchase of non-transferable permits. Under HB 286, it might be possible to put together an association to assess the fishermen, and contract with the willing non-transferable permit owners to not renew their permits for two years so the

permit disappears. To purchase transferable permits in this fleet would almost guarantee some time in the future when the non-transferable permits have phased away that it would have become too exclusive and new permits would need to be issued.

It has been suggested that we allow this bill to go through the legislature with just Salmon included at this time and try to amend the statute next year, instead we suggest that since the bill has the safe guards built in and that a program can not be forced onto a fleet that the bill be for all fisheries at this time.

Southeast Alaska Fishermen's Alliance supports this legislation whether it is for salmon only or amended to provide a tool for all fisheries in the State. We thank you for considering our arguments to amend the legislation for all fisheries and hope that the resource committee can support and pass this bill on to the next committee.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kathy Hansen", followed by a horizontal line extending to the right.

Kathy Hansen
Executive Director

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE SCALZI

TO: CSHB 286(), Draft Version "T"

1 Page 8, following line 2:

2 Insert a new subsection to read:

3 "(e) The provisions of AS 43.05 and AS 43.10 apply for the enforcement and
4 collection of a salmon fishery assessment levied under AS 43.76.220 - 43.76.280."

SITE: KETCHIKAN LIO

COMMITTEE: HRES

DATE: 02.13.02

SUBJECT OF MEETING: HB 286, 288

UPDATE #: First list

PLEASE SIGN IN

DO YOU WANT

PRINT YOUR NAME

ADDRESS (MAILING & ZIP)

REPRESENTING

TO TESTIFY?

Y OR N

PRINT YOUR NAME	ADDRESS (MAILING & ZIP)	REPRESENTING	TO TESTIFY? Y OR N
BRUCE WALLACE		Self	Y HB286
Email address:			
RUDY JOHANSEN		Self	Maybe
Email address:			HB 286
Email address:			
Email address:			
Email address:			
Email address:			
Email address:			

CS FOR HOUSE BILL NO. 286()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES SCALZI, Fate

A BILL
FOR AN ACT ENTITLED

1 "An Act allowing a person to hold two commercial fishing entry permits for a salmon
2 fishery for the purpose of consolidating the fishing fleet for a salmon fishery; relating to
3 salmon fishery associations and to salmon fishery assessments; and providing for an
4 effective date."

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

6 * Section 1. AS 16.40 is amended by adding a new section to read:

7 Article 5. Salmon Fishery Associations.

8 Sec. 16.40.250. Salmon fishery associations. The commissioner may assist
9 in and encourage the formation of qualified salmon fishery associations for the
10 purpose of promoting the consolidation of the fishing fleet in a salmon fishery for
11 which the Alaska Commercial Fisheries Entry Commission has issued commercial
12 fishing entry permits under AS 16.43. A salmon fishery association is qualified if the
13 commissioner determines that the regional association

14 (1) is incorporated as a nonprofit corporation under AS 10.20;

1 (2) represents interim-use permit and entry permit holders who
2 participate in the salmon fishery for which the association is established; and

3 (3) has a board of directors that is representative of interim-use permit
4 and entry permit holders who fish in the salmon fishery.

5 * Sec. 2. AS 16.43.140(c) is amended to read:

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

8 (1) fishing more than one type of gear;

9 (2) fishing in more than one administrative area;

10 (3) harvesting particular species for which separate interim-use or
11 entry permits are issued;

12 (4) if authorized by regulations of the commission, fishing an entire
13 unit of gear in a fishery in which the commission has issued entry permits for less than
14 a unit of gear under AS 16.43.270(d); under this paragraph, a person may not hold
15 more than two entry permits for a fishery; however, the person may not

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

17 (B) acquire a second entry permit for the fishery after the
18 person has acquired an entry permit that authorizes the use of an entire unit of
19 gear in the fishery;

20 (5) consolidation of the fishing fleet for a salmon fishery; however,
21 a person may hold not more than two entry permits for a salmon fishery under
22 this paragraph, but the person who holds two entry permits for a salmon fishery
23 may not engage in fishing under the second entry permit.

24 * Sec. 3 AS 37.05.146(b)(4)(AA) is amended to read:

25 (AA) dive fishery management assessment receipts
26 (AS 43.76.150) and salmon fishery assessment receipts (AS 43.76.220);

27 * Sec. 4. AS 43.76 is amended by adding new sections to read:

28 **Article 4. Salmon Fishery Assessment.**

29 **Sec. 43.76.220. Salmon fishery assessment.** (a) A salmon fishery
30 assessment shall be levied on the value of the salmon sold in a salmon fishery. The
31 rate of the assessment, not to exceed five percent, shall be determined by an election

1 under AS 43.76.230.

2 (b) A salmon fishery assessment may only be levied or collected on salmon
3 sold in a fishery if

4 (1) there exists in the administrative area in which the fishery occurs
5 an association determined by the commissioner of fish and game to be a qualified
6 salmon fishery association under AS 16.40.250; and

7 (2) the rate of the salmon fishery assessment is determined by an
8 election under AS 43.76.230.

9 **Sec. 43.76.230. Election to approve, amend, or terminate salmon fishery**
10 **assessment.** (a) A qualified salmon fishery association may conduct an election
11 under this section after the commissioner of fish and game approves

12 (1) the notice to be published by the qualified salmon fishery
13 association; the notice must state that all salmon sold in the fishery are subject to the
14 salmon fishery assessment and the rate of the salmon fishery assessment to be
15 approved, amended, or terminated at the election;

16 (2) the ballot to be used in the election; and

17 (3) the registration and voting procedure for the approval, amendment,
18 or termination of the salmon fishery assessment.

19 (b) The salmon fishery assessment is levied under AS 43.76.220 in a fishery
20 on the effective date stated on the ballot if

21 (1) the assessment is approved by a two-thirds majority vote of the
22 eligible interim-use permit and entry permit holders in the fishery; and

23 (2) the election results are certified by the commissioner of fish and
24 game.

25 (c) In conducting an election under this section, a qualified salmon fishery
26 association shall adopt the following procedures:

27 (1) the qualified salmon fishery association for the fishery shall make
28 copies of the articles of incorporation and bylaws of the association available to all
29 interim-use permit and entry permit holders in the fishery;

30 (2) the qualified salmon fishery association for the fishery shall hold at
31 least one public meeting not less than 30 days before the date on which ballots must be

1 postmarked to be counted in the election to explain, as appropriate, the reason for
2 approval or amendment of the proposed salmon fishery assessment, the reason for the
3 proposed rate of the salmon fishery assessment, or the reason for termination of the
4 salmon fishery assessment, and to explain the registration and voting procedure to be
5 used in the election; the qualified salmon fishery association shall provide notice of
6 the meeting by

7 (A) mailing the notice to each eligible interim-use permit and
8 entry permit holder;

9 (B) posting the notice in at least three public places in the
10 administrative area in which the fishery occurs; and

11 (C) publishing the notice in at least one newspaper of general
12 circulation in the administrative area in which the fishery occurs at least once a
13 week for two consecutive weeks before the meeting;

14 (3) the qualified salmon fishery association shall mail two ballots to
15 each eligible interim-use permit and entry permit holder; the first ballot shall be
16 mailed not more than 45 days before the date ballots must be postmarked to be
17 counted in the election; the second ballot shall be mailed not less than 15 days before
18 the date ballots must be postmarked to be counted in the election; the qualified salmon
19 fishery association shall adopt procedures to ensure that only one ballot from each
20 eligible interim-use permit and entry permit holder is counted in the election;

21 (4) the ballot must

22 (A) state that all salmon sold in the fishery are subject to the
23 salmon fishery assessment;

24 (B) state the rate of the assessment to be levied under
25 AS 43.76.220;

26 (C) ask the question whether the salmon fishery assessment
27 addressed on the ballot shall be approved, amended, or terminated, as
28 appropriate;

29 (D) indicate the fishery for which the salmon fishery
30 assessment will be levied or terminated;

31 (E) provide an effective date for the approval, amendment, or

1 termination of the salmon fishery assessment; and

2 (F) indicate the date on which returned ballots must be
3 postmarked in order to be counted;

4 (5) the ballots shall be returned by mail and shall be counted by an
5 auditor selected by the qualified salmon fishery association and approved by the
6 commissioner of fish and game; the qualified salmon fishery association shall pay the
7 costs of counting the ballots.

8 (d) The commissioner of fish and game shall certify the results of an election
9 under this section if the commissioner determines that the requirements of (a) and (c)
10 of this section have been satisfied.

11 (e) A qualified salmon fishery association may employ or contract with
12 another person to administer an election under this section subject to the supervision
13 of the association.

14 (f) Except as otherwise provided under AS 43.76.240 and 43.76.250, an
15 election to amend the rate of a salmon fishery assessment or to terminate a salmon
16 fishery assessment shall be conducted under the same procedures established under
17 (a), (c), and (d) of this section for an election to approve a salmon fishery assessment.

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

25 **Sec. 43.76.240. Amendment of salmon fishery assessment.** (a) The rate of
26 the salmon fishery assessment levied on salmon under AS 43.76.220 may be amended
27 by the commissioner of revenue upon a two-thirds majority vote at an election held
28 under AS 43.76.230 among the eligible permit holders for the fishery in which the
29 salmon fishery assessment is levied.

30 (b) The commissioner of revenue shall amend the rate of a salmon fishery
31 assessment under (a) of this section following an election among the eligible permit

1 holders for the fishery if

2 (1) a petition that is signed by at least 25 percent of the interim-use
3 permit and entry permit holders in the fishery that is the subject of the petition is
4 presented to the commissioner of fish and game requesting amendment of the rate of
5 the salmon fishery assessment; the petition must state the proposed rate of the salmon
6 fishery assessment to be levied under AS 43.76.220; only a person who holds an
7 interim-use permit or entry permit for the fishery at the time of signing the petition
8 may validly sign the petition;

9 (2) an election is held in accordance with AS 43.76.230; the ballot
10 must ask the question whether the salmon fishery assessment on salmon sold in the
11 fishery shall be amended and must state the salmon fishery assessment to be levied
12 under AS 43.76.220 if the assessment is amended; the ballot must be worded so that a
13 "yes" vote is for amendment of the salmon fishery assessment and a "no" vote is for
14 continuation of the current salmon fishery assessment;

15 (3) a two-thirds majority of the eligible interim-use permit and entry
16 permit holders in the fishery casts a ballot for the amendment of the salmon fishery
17 assessment; in this paragraph, "eligible interim-use permit and entry permit holder"
18 has the meaning given in AS 43.76.230; and

19 (4) the qualified salmon fishery association provides notice of the
20 election in accordance with AS 43.76.230 within six months after receiving notice
21 from the commissioner of fish and game that a valid petition under (1) of this
22 subsection has been received.

23 **Sec. 43.76.250. Termination of salmon fishery assessment.** (a) The salmon
24 fishery assessment levied under AS 43.76.220 shall be terminated by the
25 commissioner of revenue upon a two-thirds majority vote at an election held under
26 AS 43.76.230 among the eligible permit holders for the fishery in which the salmon
27 fishery assessment is levied.

28 (b) The commissioner of revenue shall terminate a salmon fishery assessment
29 under (a) of this section following an election among the eligible permit holders for
30 the fishery if

31 (1) a petition that is signed by at least 25 percent of the interim-use

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permit and entry permit holders in the fishery that is the subject of the petition is presented to the commissioner of fish and game requesting termination of the salmon fishery assessment; only a person who holds an interim-use permit or entry permit for the fishery at the time of signing the petition may validly sign the petition;

(2) an election is held in accordance with AS 43.76.230; the ballot must ask the question whether the salmon fishery assessment shall be terminated; the ballot must be worded so that a "yes" vote is for continuation of the salmon fishery assessment and a "no" vote is for termination of the salmon fishery assessment;

(3) a two-thirds majority of the eligible interim-use permit and entry permit holders in the fishery casts a ballot for the termination of the salmon fishery assessment; in this paragraph, "eligible interim-use permit and entry permit holder" has the meaning given in AS 43.76.230; and

(4) the qualified salmon fishery association provides notice of the election in accordance with AS 43.76.230 within six months after receiving notice from the commissioner of fish and game that a valid petition under (1) of this subsection has been received.

Sec. 43.76.260. Collection of assessment. (a) A buyer who acquires salmon that is subject to a salmon fishery assessment levied under AS 43.76.220 shall collect the salmon fishery assessment at the time of purchase and shall remit the total salmon fishery assessment collected during each month to the department by the last day of the next month.

(b) A buyer who collects the salmon fishery assessment shall maintain records of the value of salmon that is subject to the assessment that is purchased in each salmon fishery of the state.

(c) The owner of salmon removed from the state is liable for payment of the salmon fishery assessment levied under AS 43.76.220 if, at the time the salmon is removed from the state, the assessment payable on the salmon has not been collected by a buyer. If the owner of the salmon is liable for payment of the salmon fishery assessment under this subsection, the owner shall comply with the requirements under (a) and (b) of this section to remit the assessment to the department and to maintain records.

Consistent w/ ASMI Salmon enhancement



1 (d) The salmon fishery assessment collected under this section shall be
2 deposited in the state treasury.

3 **Sec. 43.76.270. Funding for qualified salmon fishery associations.** (a) The
4 legislature may make appropriations of revenue collected under AS 43.76.260 to the
5 Department of Fish and Game for funding of the qualified salmon fishery association
6 for the fishery in which the assessment was collected. Funds received under this
7 section by a qualified salmon fishery association may be expended in accordance with
8 the annual operating plan developed under (b) of this section.

9 (b) The Department of Fish and Game may assist a salmon fishery association
10 in developing an annual operating plan. The annual operating plan must describe the
11 activities for which the association intends to expend the funding received under this
12 section, including consolidation of the fishing fleet in the salmon fishery, financial
13 assistance to permit holders in the fishery to promote consolidation of the fishing fleet
14 for the fishery, and administrative activities of the association.

15 (c) A qualified salmon fishery association receiving funding under this section
16 shall submit an annual report to the Department of Fish and Game and to the members
17 of the association describing the activities of the association and how those activities
18 are consistent with the articles of incorporation and bylaws of the association.

19 (d) This section does not establish a dedication of a state tax or license.

20 (e) This section does not restrict or qualify the authority of the Department of
21 Fish and Game or the Board of Fisheries under AS 16.

22 **Sec. 43.76.280. Definitions.** In AS 43.76.220 - 43.76.280,

23 (1) "administrative area" means an area established by the Alaska
24 Commercial Fisheries Entry Commission under AS 16.43.200 for regulating and
25 controlling entry into salmon fisheries;

26 (2) "buyer" has the meaning given in AS 43.76.040;

27 (3) "fishery" has the meaning given in AS 16.43.990;

28 (4) "qualified salmon fishery association" means an association that is
29 qualified under AS 16.40.250;

30 (5) "salmon" means salmon sold under the authority of a limited entry
31 permit or interim-use permit issued under AS 16.43 for salmon;

1
2
3
4

(6) "sold" means the transfer of ownership of salmon from an interim-use permit or entry permit holder to a buyer at the first point of sale;

(7) "value" has the meaning given in AS 43.75.290.

* Sec. 5. This Act takes effect immediately under AS 01.10.070(c).



UNITED FISHERMEN OF ALASKA

February 20, 2002

211 Fourth Street, Suite 110
Juneau, Alaska 99801-1172
(907) 586-2820
(907) 463-2545 Fax
E-Mail: ufa@ufa-fish.org
www.ufa-fish.org

Representative Drew Scalzi
Representative Beverly Masek
Co-Chairs
House Resources Committee
Alaska State Legislature
State Capitol (MS 3100)
Juneau, AK 99801-1182

Re: HB 286 Ownership Of More Than One Fishery Permit

Dear Co-Chairs:

United Fishermen of Alaska supports passage of this bill to allow fishery permit stacking for the purpose of fleet reduction. Specifically, we support allowing:

- A natural person to own up to two permits in a salmon fishery
- Formation of regional non-profit associations to facilitate funding.
- A 2/3 majority vote by permit holders to authorize a self assessment of up to 5% of ex-vessel value

As you are aware, the Alaska salmon industry is facing challenges due to imports of farmed fish, the value of the Japanese yen, the lagging Japanese economy, and inefficiencies in the present harvesting structure. It is important that fishermen have a self-directed means of removing excess capacity without the use of state funds and in a manner that is constitutionally viable.

We discussed expanding this permit-stacking program to fisheries other than salmon, but do not feel there has been adequate discussion with other non-salmon fisheries of this option at the present time.

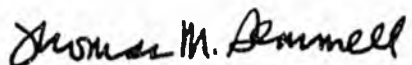
MEMBER ORGANIZATIONS

Alaska Longline Fishermen's Association • Alaska Trollers Association • At-sea Processors Association • Bristol Bay Reservo
Chignik Regional Aquaculture Association • Concerned Area "M" Fishermen • Cook Inlet Aquaculture Association
Copper River Salmon Producers Association • Cordova District Fishermen United • Douglas Island Pink and Chum
Kona Peninsula Fishermen's Association • Kodiak Regional Aquaculture Association • Kodiak Seiners Association • North Pacific Fisheries Association
Northern Southeast Regional Aquaculture Association • Old Harbor Fisherman's Association • Petersburg Vessel Owners Association
Prince William Sound Aquaculture Corporation • Purse Seine Vessel Owners Association • Seafood Producers Cooperative
Southeast Alaska Regional Diver Fisheries Association • Southeast Alaska Seiners Association • Southern Southeast Regional Aquaculture Association
United Cook Inlet Drift Association • United Salmon Association • United Southeast Alaska Gillnetters

The twenty-nine member groups of UFA would appreciate your support in passing this bill.

If you have any questions about our position or if you need additional information, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Thomas M. Gemmell".

Thomas M. Gemmell
Executive Director

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB 286
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Fish and Game
Title Authorizing persons to hold more than one limited BRU Administration and Support
entry fishing permit Component Boards of Fisheries and Game
Sponsor Representative Scalzi
Requester House Fisheries Component No. 2048

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Gordy Williams Phone 465-6143
Division: Commissioner's Office Date/Time 1/31/02 2:00 PM
Approved by: Gordy Williams for Commissioner Frank Rue Date 1/31/2002
Agency: Fish and Game



Alaska State Legislature

Official Business

REPRESENTATIVE DREW SCALZI
State Capitol
Juneau, Alaska 99801-1192

(907) 465-2689; (800) 665-2689
FAX: (907) 465-3472

Representative_Drew_Scalzi@legis.state.ak.us

Sponsor Statement

HB286: "An Act allowing a person to hold two commercial fishing entry permits for a salmon fishery for the purpose of consolidating the fishing fleet for a salmon fishery; relation to salmon fishery associations and to salmon fishery assessments; and providing for an effective date."

The health of the salmon industry should be of the utmost importance to the state of Alaska as it directly impacts the economic health of the state. While nearly 175 million salmon were landed last summer, the fishermen's take was only \$216 million -- less than half of what they got 15 years ago. The upside is that global demand for salmon is exploding with the world consumption at almost 4 billion pounds last year, three times the amount of 20 years earlier. With a refocusing of fisheries management, the state should be able to regain its strong foothold in the worldwide market.

The goal of this bill is to voluntarily reduce the fleet size where desired and deemed necessary to promote greater economic incentives in a manner that would leave sufficient harvest capacity for large fish returns. With HB286, salmon limited entry and interim use permit holders will be allowed to hold no more than two permits; the provision applies exclusively to salmon fisheries.

Holders of two permits will not be granted any special fishing privileges over the holder of one permit; the Board of Fish would be prohibited from enacting regulations that would grant these privileges. This measure will facilitate removing a vessel and gear from a fishery; however, permits are not permanently removed from the system. If conditions improve, permits can be added back into fisheries, allowing each administrative area to address its particular difficulties by gear type.

HB286 provides the means for fishermen to tax (assess) themselves to assist fleet consolidation, thereby improving the fisheries for all participants. Fishermen are not asking the legislature to appropriate money for permit buybacks; they are seeking solutions from within the industry. This bill would provide the vehicle for collection of the self-assessment and the appropriation back to the association formed by the holders who wish to consolidate. Two-thirds of gear-type in an administrative area must approve the assessment; thus this measure ensures voluntary participation and approval from the majority of the permit holders. The assessment can be no greater than 5% of the ex-vessel value of the salmon landed by the permit holder; hence the value and assessment would vary from year to year. Some fisheries may feel they can only afford ¼%, while others may feel secure in voting for 5%; allowing the individual needs of each fishery to be met.

The bill clearly delineates the assessment process with all checks and balances adequately addressed to ensure the intent of the measure is correctly administered.

2/4/02

Cordova District Fishermen United

Celebrating 65 Years of Service to Commercial Fishermen in Cordova, Alaska
P.O. Box 939 Cordova, Alaska 99574 / phone (907) 424-3447 / fax (907) 424-3430 /
e-mail cdfu@ptialaska.net

February 9, 2002

House Resources Committee
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

SENT VIA FACSIMILE TO 907.465.3472

RE: CS for HB 286 - Permit Stacking for Fleet Reduction Purposes

Dear Members,

Cordova District Fishermen United, representing the fishing fleets of Area E-- Prince William Sound and the Copper River--supports the CS for HB 286. The salmon industry in Alaska is reeling from the impacts of low-cost farmed fish and a weakened Japanese economy, and must utilize a variety of mechanisms aimed at decreasing costs and increasing efficiencies. Harvesters in our industry need the ability to remove excess capacity, where desirable, so that their investments in efficiencies and decreased costs are not mooted by reactivation of present latent licenses once industry viability increases.

Additionally, we are in full support of the assessment mechanism that provides fleets, regionally and voluntarily, to assess themselves to accomplish their fleet reduction goals. The 2/3rd majority of the permit holders of any gear group that is required prior to any assessment provides an important safeguard.

This is thoughtful, responsible legislation that provides an extremely significant tool for salmon fishermen to utilize as they attempt to find viability in today's volatile salmon industry. We urge your full support of CS for HB 286.

Sincerely,



Sue Aspelund
Executive Director

Sectional Analysis

CS for HB 286(FSH)

“An Act allowing a person to hold two commercial fishing entry permits for a salmon fishery for the purpose of consolidating the fishing fleet for a salmon fishery; relating to salmon fishery association and to salmon fishery assessments; and providing for an effective date.”

Section 1. Salmon Fishery Associations

- The commissioner of the Alaska Department of Fish and Game shall assist and encourage the formation of salmon fishery associations if a fishery desires to form such an association
- Allows for the voluntary formation of salmon fishery associations **for the purpose of fleet consolidation**
- The associations would be comprised of entry permit holders by fishery (gear type) within administrative areas
- The association must be incorporated as a nonprofit corporation under Alaska law (AS 10.20); represent the salmon interim-use and entry permit holders within the designated fishery; and, have a board of directors representative of these individuals
- The association must develop by-laws and articles of incorporation

Section 2.

- Adds a new section to existing law (AS 16.43.140©) to allow an individual to hold two entry permits, but a person who holds two entry permits for a salmon fishery **is not afforded additional fishing privileges for the second permit**
- Upon passage of this bill, a salmon interim-use or entry permit holder may purchase a second permit in the same fishery
- The creation of an association or a vote on an assessment **is not required** before an individual may purchase a second permit in the same fishery

Section 3.

- Provides the assessment receipts flow for the budget process

Section 4.

Salmon Fishery Assessment

- Provides the mechanism and legal process for salmon fishermen to levy an assessment on themselves
- To proceed with a proposed assessment in a fishery it is a **voluntary action** of the salmon fishermen within a particular fishery (gear type)

Definitions

- The definitions contained in this section are consistent with those for the Department of Revenue and the Department of Fish and Game already contained in law

Effective Date

- There is an immediate effective date under AS 01.10.070©

CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Central Microfilm Services
Department of Education & Early Development
State of Alaska

Sectional Analysis

CS for HB 286(FSH)

“An Act allowing a person to hold two commercial fishing entry permits for a salmon fishery for the purpose of consolidating the fishing fleet for a salmon fishery; relating to salmon fishery association and to salmon fishery assessments; and providing for an effective date.”

Section 1. Salmon Fishery Associations

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Section 3.

- Provides the assessment receipts flow for the budget process

Section 4.

Salmon Fishery Assessment

- Provides the mechanism and legal process for salmon fishermen to levy an assessment on themselves
- To proceed with a proposed assessment in a fishery it is a **voluntary action** of the salmon fishermen within a particular fishery (gear type)

- They must first create a qualified salmon fishery association meeting the qualifications outlined in Section 1
- The value voted upon **cannot exceed 5%** of the ex-vessel (first wholesale) value
- Salmon fisherman choosing to proceed with an assessment vote will by fishery (gear type) determine through an election of all the interim-use and entry permit holders in the fishery if they want to assess themselves
- They also determine the rate of the assessment **“not to exceed five percent”** of the ex-vessel value
- **Passage requires a 2/3 majority vote of all interim-use and entry permit holders in the fishery (gear type)**

Amendment or Termination of a Salmon Fishery Assessment

- If salmon fishermen vote to approve an assessment, there is a process for them to amend the rate of the assessment or to terminate the assessment
- A petition for amending the rate or for terminating the assessment requires 25% of the interim-use or entry permit holders in the fishery that is the subject of the petition to propose either an amended assessment or termination of the assessment
- **To pass it still requires a 2/3 majority** of the eligible interim-use or entry permit holders and utilizes the public notice process and time line utilized for adopting an assessment

Collection of Assessment

- The collection of an approved assessment follows the same process as all other fishery taxes recorded, reported and collected by the Department of Revenue at the first point of sale

Funding for Qualified Salmon Fishery Associations

- All approved assessments collected by the Department of Revenue are appropriated to the Department of Fish and Game for funding the qualified salmon fishery association for the fishery in which the assessment was collected
- The assessment is appropriated to the salmon fishery association for the purposes outlined in its annual operating plan
- These purposes include consolidation of the fishing fleet in the salmon fishery, financial assistance to permit holders in the fishery to promote consolidation of the fishing fleet for the fishery, and for the administrative activities of the association
- An association receiving funding under this section is required to submit an annual report to both the Department of Fish and Game and its members (the entire gear type) describing their activities and how they are consistent with their articles of incorporation and bylaws

Definitions

- The definitions contained in this section are consistent with those for the Department of Revenue and the Department of Fish and Game already contained in law

Effective Date

- There is an immediate effective date under AS 01.10.070©

HB

287

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSHB287(FSH)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Fish & Game
Title Exemption of commercial fishing entry permits BRU Comm Fish Entry Commission
from claims of creditors Component Comm Fish Entry Commission
Sponsor Rep. Scalzi
Requester House Fisheries Component No. 471

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0
Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact

Prepared by: Roger Kolden Phone 790-6950
Division: Commercial Fisheries Entry Commission Date/Time 3/4/02 12:16 PM
Approved by: Mary McDowell, Commissioner Date 03/04/2002
Agency: Commercial Fisheries Entry Commission



Official Business

Alaska State Legislature

REPRESENTATIVE DREW SCALZI

State Capitol

Juneau, Alaska 99801-1182

(907)465-2689; (800)666-2689

FAX: (907)465-3472

Representative_Drew_Scalzi@legis.state.ak.us

Sponsor Statement

HB287 "An Act relating to the exemption of commercial fishing entry permits from claims of creditors, to loans to satisfy past due federal tax obligations of commercial fishing entry permit holders, and to loan origination charges for loans made by the commercial fishing loan program to refinance a debt obligation; and providing for an effective date."

Recent developments in law require a clear statement of the principle embodied in the original Limited Entry Act that limited entry permits are not property subject to the claims of creditors.

The long-term crisis facing the Alaska salmon industry due to dramatic increases in world salmon production coupled with equally dramatic reductions in salmon prices make this principle all the more important. If Alaska fishermen are forced out of the water because creditors take their limited fishing privileges, everyone in Alaska loses.

In this same spirit, this bill would extend the existing tax obligation loan program portion of the commercial fishing loan program now scheduled to sunset.

This bill continues the Division of Investments existing loan program for satisfying past due tax obligations. It keeps the same limit of \$30,000, but allows an individual to apply for a secured loan under this program more than once and removes the one-half percent refinancing fee.

This bill does not alter any current claim exemptions, but simply strengthens and clarifies the exemptions.

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CS HB 287 (FSH)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: DCED
Title Exempt Entry Permits from Creditor Claims BRU Investments (122)
Component Investments
Sponsor Representative Scalzi
Requester House Resources Component No. 383

Expenditures/Revenues (Thousands of Dollars)
Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (21608)	(21.8)	(15.2)	(15.2)	(15.2)	(15.2)	(15.2)
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0
Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
Section 2 of HB 287 removes the one-half percent refinancing fee and that will result in a reduction of income to the Commercial Fishing Revolving Loan Fund (CFRLF). Interest rates are currently at record lows and as a result, the Division anticipates that the majority of borrowers eligible to refinance will do so prior to the effective date of this legislation. We expect approximately 100 refinancing applications in FY 03 and then approximately 70 applications per year thereafter. This will result in a reduction to the fund in FY 03 of \$21,750 and a reduction of \$15,225 each year thereafter through FY 08. These reductions were calculated as follows:

100 loans X \$43,500 (average loan size) = \$4,350,000 X .005 = \$21,750
70 loans X \$43,500 = \$3,045,000 X .005 = \$15,225

These calculations are based interest rates remaining relatively flat or increasing gradually through FY 08.

Prepared by: Greg Winegar, Director Phone 465-2510
Division Investments Date/Time 3/5/02 10:40 AM
Approved by: Deborah B. Sedwick, Commissioner Date 3/5/2002
Agency Department of Community & Economic Development

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3167 or 465-2450
FAX (907) 465-2029
Mail Stop 3111

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 28, 2002

SUBJECT: Sectional summary of CSHB 287(), An Act relating to the exemption of commercial fishing entry permits from claims of creditors, to loans to satisfy past due federal tax obligations of commercial fishing entry permit holders, to the legal status of limited entry permits, and to loan origination charges for loans made by the commercial fishing loan program to refinance a debt obligation (draft version J) (Work Order No. 22-LS1106/J)

TO: Representative Drew Scalzi
Attn: Pat Hartley

FROM: George Utermohle *GU*
Legislative Counsel

You have requested a sectional summary of CSHB 287() (draft version J), An Act relating to the exemption of commercial fishing entry permits from claims of creditors, to loans to satisfy past due federal tax obligations of commercial fishing entry permit holders, to the legal status of limited entry permits, and to loan origination charges for loans made by the commercial fishing loan program to refinance a debt obligation.

As a preliminary matter, note that a sectional summary of a bill is not an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Section 1 of the bill amends AS 09.38.015(a) to provide that limited entry permits are not exempt property for purposes of AS 09.38 which relates to property that is exempt from execution to satisfy claims of creditors.

Section 2 of the bill amends AS 16.10.310(a) to amend provisions of the commercial fishing loan program relating to the past due federal tax obligation loan program and relating to the collection of a refinancing loan origination charge. Under sec. 9(a) of the bill, this section does not take effect if the past due federal tax obligation program is repealed before this bill takes effect.

Section 3 of the bill amends AS 16.10.310(a), as it would read after August 1, 2002, to repeal the authority of the Department of Community and Economic Development to collect a refinancing loan origination charge. On August 1, 2002, the past due federal tax obligation loan program will be repealed.

Sectional analysis

Representative Drew Scalzi
February 28, 2002
Page 2

Section 4 of the bill amends AS 16.10.310(e) to eliminate the requirement that a person may receive only one past due federal tax obligation loan during the person's lifetime and to provide that a person may only receive one past due federal tax obligation loan during a calendar year.

Section 5 of the bill amends AS 16.43.150(e) to provide that a commercial fishing entry permit issued under AS 16.43 is not property.

Section 6 of the bill amends AS 16.43.170(g) to provide that the subsection applies to the transfer of an entry permit due to execution on a permit holder's interest in the permit if the execution is to enforce a lien to collect child support that is recorded with the commission under AS 25.27.230(c).

Section 7 of the bill adds a new section (16.43.945) to AS 16.43 to provide that commercial fishing privileges, including entry permits, are exempt from claims of creditors. Only claims of the commercial fishing loan program under AS 16.10.333 - 16.10.338, claims to collect child support obligations under AS 16.43.170(g), and claims of the Commercial Fishing and Agriculture Bank under provisions of AS 44.81 may be asserted against commercial fishing privileges and entry permits.

Section 8 of the bill repeals secs. 3, 4, and 6, ch. 127, SLA 2000. If this section takes effect before August 1, 2002 the past due federal tax obligation loan program will not be repealed. Section 9(a) of the bill controls whether this section takes effect.

Section 9 of the bill provides which sections of the bill will take effect based on the date that the bill takes effect. If this bill does not take effect before the past due federal tax obligation loan program is repealed by secs. 3, 4, and 6, ch. 127, SLA 2000, on August 1, 2002, then secs. 2, 4, and 8 of the bill do not take effect and sec. 3 of the bill does take effect. If this bill does take effect before the past due federal tax obligation loan program is repealed, then secs. 2, 4, and 8 of the bill take effect and sec. 3 of the bill does not take effect.

Section 10 of the bill provides that the bill takes effect immediately under AS 01.10.070(c).

GU:med
02-237.med

Draft CS HB 287 (22-LS1106\J)

Major goals of the bill:

- Amend several statutes to make state laws more firm, clear and consistent on the point that commercial fishing entry permits are not property, and instead, constitute a “use privilege” that the legislature may change or revoke without compensation.
- Make changes to DCED Division of Investments Fisheries Revolving Loan Program
 - Eliminate loan origination charge on refinancing loans.
 - Extend existence of Federal Tax Obligation Loan Program within the Fisheries Loan Program. (Currently scheduled to sunset in August, 2002. Bill removes sunset clause.)
 - Increase number of loans a person could obtain under the tax obligation program from one per lifetime to no more than one per year.

CS HB 287 presents an important opportunity at a critical time:

- Hard times in Alaska’s salmon industry likely to push more fishermen into financial trouble.
 - The need to firm up what Alaska has always contended, that permits constitute a use privilege and not property, has never been greater.
 - The Tax Obligation Loan Program provides critical assistance to some fishing families.
- A recent federal maritime case (*Quality One*) has heightened the need to firm up the legal status of limited entry permits. Federal legislation may be introduced soon in response to the ruling in that case to state clearly in federal law that the federal government shall honor the legal status bestowed upon fishing permits by the governmental entity issuing the permits. Thus, clarity and consistency in state law will be more important and significant than ever. Passage of this bill will put Alaska in a much better position to fully benefit from such federal legislation.
- The provisions of CSHB 287 are consistent with the positions the state has taken in the past with regard to the legal status of limited entry permits as a use privilege, including the state’s strong stand against efforts by creditors, such as the IRS, to seize Alaska limited entry permits.

Bill explanation

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 27, 2002

SUBJECT: Technical drafting issues generated by the looming repeal of the federal tax obligation loan program (CSHB 287() ; draft version J)

TO: Representative Drew Scalzi
Attn: Pat Hartley

FROM: George Utermohle *GU*
Legislative Counsel

Enclosed is the draft of CSHB 287(), draft version J, that you requested. In addition to the changes that you requested, the CS contains a new section that is necessary to address a technical drafting issue.

The federal tax obligation loan program under AS 16.10.310(a) is due to be repealed August 1, 2002. If HB 287 takes effect before August 1, then the repeal of the federal tax obligation loan program will not occur because HB 287 would repeal the law that repeals the loan program. Even though HB 287 currently has an immediate effective date, there is the possibility that it will not take effect in time to prevent the repeal of the federal tax obligation loan program.

In order to take into consideration the possibility that the federal tax obligation loan program will be repealed before HB 287 takes effect, a new section (Sec. 3) has been added to the draft CS. This new bill section (Sec. 3) contains the amendment that is made to AS 16.10.310(a)(10) to delete the loan origination charge to refinance a commercial fishing loan which is also contained in Sec. 2 of the bill. If Sec. 2 does not take effect because of the repeal of the federal tax obligation loan program, the amendment to the loan origination charge for loan refinancing will also be lost. The effect of Sec. 3 is to allow the amendment to the loan origination charge for loan refinancing to take effect even if the federal tax obligation loan program is repealed.

Section 19 of the CS HB 287 () controls whether Sec. 2 or Sec. 3 of the bill takes effect based on whether HB 287 takes effect before the federal tax obligation loan program is repealed. If HB 287 takes effect before the federal tax obligation loan program is repealed, then Sec. 2 will take effect and Sec. 3 will not. But if HB 287 takes effect after the federal tax obligation loan program is repealed, then Sec. 3 will take effect and Sec. 2 will not.

If I may be of further assistance, please advise.

GU:med
02-220.med

Enclosure

**Provisions for federal
tax obligation loan
program sunset**

Testimony for HB 390 by Barbara Belknap, Executive Director, Alaska Seafood Marketing Institute

March 6, 2002

The Alaska Seafood Marketing Institute is supported by industry assessments and federal grants. The salmon fishermen's 1% amounted to \$2 million for this fiscal year. The .3% processor tax on all seafood contributed \$2.8 million this fiscal year. ASMI uses these funds for marketing as well as for matching federal grants.

The 1% was instituted in 1993 and renewed in 1998. When the tax was written into law, the intent was to open up the US market for Alaska salmon. We have done that. There is more salmon going into the domestic market than there was in 1993. ASMI has been aggressive in promoting fresh, frozen and canned salmon in the US. We also have a federal grant specifically for salmon in the United States that is in its second year.

However, the overseas markets are very important for Alaska salmon. There are new opportunities in Europe with salmon buyers who want something different than farmed salmon. We only have \$1 million for the entire European Union. We cannot ignore Japan, which is still one of our oldest and biggest customers. The Norwegians have budgeted \$7 million for Japan alone, while ASMI has \$700,000 for Bristol Bay's biggest frozen sockeye market. Our export budget this year is \$2.7 million for 21 countries.

The ASMI Board of Directors voted to support removing the restriction on the 1% and would like to have the ability to follow the markets. This in no way implies that ASMI would slight the US market. ASMI has a track record of leveraging industry assessment money to get federal grants. Having the ability to use part of the 1% as match for our export program will come back to the industry in added marketing clout.

The Salmon Marketing Committee is prescribed in the 1% statute. This committee is charged with overseeing the expenditure of the 1% money. The Salmon Marketing Committee voted to support lifting the restriction on the funds and also stated their position that the Board of Directors should have full budgeting authority as they do now. They did not support giving the committee direct budget allocation, but preferred to maintain the current arrangement.

While the sunset date is June 30 of next year, it is important to the continuity of our salmon marketing program that it be renewed this fiscal year. In 1998, the tax was not renewed until the last day of the session and all our summer salmon activities were in jeopardy. This not only creates planning problems, it also sends a message to the retailers and restaurant operators that they can't consistently count on ASMI for marketing support. For program continuity, we are asking that the tax be renewed this fiscal year.

HB

288

HOUSE COMMITTEE REPORT

(9)
Date Referred to Committee: February 6, 2002

FURTHER REFERRALS: Finance

Date of Committee Action: 2/13/02

The RESOURCES Committee considered:

HB 288

HOUSE BILL NO. 288

LIMITED ENTRY BUY-BACK PROGRAM

"An Act relating to commercial fisheries limited entry permit buy-back programs."

Recommends it be replaced with CS HB 288 (RES) [] Same Title [] New Title
For Senate Bills with new title: [] Technical Title [✓] New Title: HCR _____

[] attach amendments

[] add new referral to _____ Committee

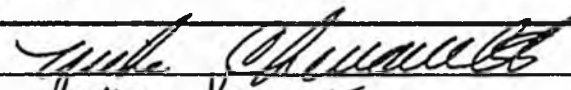
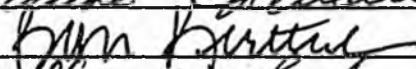
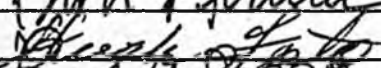

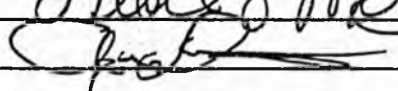

[] Letter of Intent _____ Committee

List of
Abbrev.
for
Depts.:

- ADM
- CED
- COR
- CRT
- EED
- DEC
- DFG
- GOV
- HSS
- LAA
- LAW
- LWF
- MVA
- DNR
- DPS
- REV
- DOT
- UA

NEW FISCAL NOTES				
*For Chief Clerk's Office Use Only				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero

PREVIOUS FISCAL NOTES				
List by Dept(s):	FN#	Fiscal	Indet.	Zero
DFG				✓

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
	Chevalier	✓			
	Kerthue	✓			
	Fate	✓			
	McGuire	✓			
	[unclear]	✓			
Co Chair: 	SCALZ	✓			
Chair: _____					

22-LS1108L
Utermohle
2/13/02

CS FOR HOUSE BILL NO. 288()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES SCALZI, Stevens, Hudson, Fate, Dyson, Wilson

A BILL
FOR AN ACT ENTITLED

1 "An Act relating to commercial fishing limited entry permit buy-back programs and to
2 relinquishment of commercial fishing permits; and defining 'optimum number'."

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

4 * Section 1. AS 16.43.150(f) is amended to read:

5 (f) Except for permits that are not transferable under AS 16.43.170(e)
6 [AS 16.43.170(c) OR (e)], an entry permit survives the death of the holder.

7 * Sec. 2. AS 16.43.150 is amended by adding a new subsection to read:

8 (i) The holder of a transferable or nontransferable entry permit or of an
9 interim-use permit may relinquish the permit to the commission.

10 * Sec. 3. AS 16.43.170(b) is amended to read:

11 (b) Except as provided in [(c) AND] (e) of this section, the holder of an entry
12 permit may transfer the permit to another person or to the commission upon 60 days
13 notice of intent to transfer under regulations adopted by the commission. No sooner
14 than 60 days nor later than 12 months from the date of notice to the commission, the

1 holder of an entry permit may transfer the permit. If the proposed transferee, other
2 than the commission, can demonstrate the present ability to participate actively in the
3 fishery and the transfer does not violate any provision of this chapter or regulations
4 adopted under this chapter [IT], and if a certificate for the permit under
5 AS 16.10.333(b)(1) - (2), 16.10.338, or AS 44.81.231(a) is not in effect, the
6 commission shall approve the transfer and reissue the entry permit to the transferee
7 provided that neither party is prohibited by law from participating in the transfer.

8 * Sec. 4. AS 16.43.170(e) is amended to read:

9 (e) The [BEFORE THE DETERMINATION, UNDER AS 16.43.290 AND
10 16.43.300, OF THE OPTIMUM NUMBER OF ENTRY PERMITS FOR A
11 FISHERY, THE] holder of an entry permit who qualified for that entry permit in a
12 priority classification designated under AS 16.43.250(c) may not transfer that permit
13 [UNLESS THE COMMISSION ESTIMATES THAT THE OPTIMUM NUMBER
14 FOR THAT FISHERY WILL BE EQUAL TO OR GREATER THAN THE
15 NUMBER OF OUTSTANDING ENTRY PERMITS AND INTERIM-USE
16 PERMITS].

17 * Sec. 5. AS 16.43.310 is repealed and reenacted to read:

18 **Sec. 16.43.310. Establishment of buy-back funds.** When the optimum
19 number of entry permits is less than the number of entry permits outstanding in a
20 fishery, the commission may establish a buy-back program and a buy-back fund for
21 that fishery. If the commission establishes a buy-back program for a fishery, the
22 commission shall request the legislature to appropriate money to capitalize the buy-
23 back fund. The commission shall expend money in a buy-back fund for the purpose of
24 reducing the number of entry permits in the fishery to the optimum number, at a rate to
25 be established by the commission.

26 * Sec. 6. AS 16.43.320 is repealed and reenacted to read:

27 **Sec. 16.43.320. Administration of the buy-back program.** The commission
28 shall adopt regulations providing for the purchase of transferable entry permits with
29 money in the buy-back fund for each fishery. The buy-back program for a fishery
30 shall terminate when the number of entry permits for the fishery is reduced to the
31 optimum. The unexpended balance of appropriations made to the buy-back fund for a

1 fishery shall lapse back into the fund from which the money was appropriated at the
2 end of the fiscal year in which the buy-back program is terminated.

3 * Sec. 7. AS 16.43.990 is amended by adding a new paragraph to read:

4 (10) "optimum number" includes an optimum range of numbers.

5 * Sec. 8. AS 16.43.170(c) is repealed.

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HB 288
 (H) Publish Date: 2/6/02

Revision Date/Time (Note if correction): _____ Dept. Affected: Fish & Game
 Title Commercial fisheries entry permit buy-back BRU Comm Fish Entry Commission
programs Component Comm Fish Entry Commission
 Sponsor Rep. Scalzi
 Requester House Fish Component No. 471

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact

Prepared by: Roger Kolden Phone 790-6950
 Division Commercial Fisheries Entry Commission Date/Time 2/1/02 9:08 AM
 Approved by: Mary McDowell, Commissioner Date 02/01/2002
 Agency Commercial Fisheries Entry Commission

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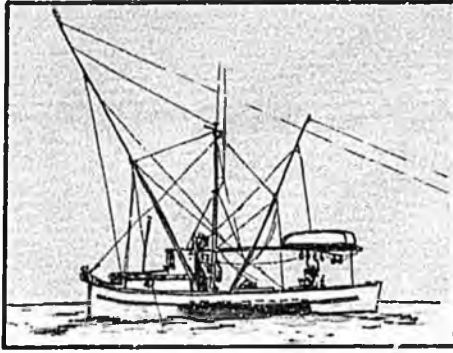
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Agency Commercial Fisheries Entry Commission



Alaska Trollers Association

130 Seward St., No. 505
Juneau, Alaska 99801
(907) 586-9400
(907) 586-4473 Fax

February 7, 2002

Representative Beverly Masek, Co-Chair
Representative Drew Scalzi, Co-Chair
House Resources Committee
Alaska State Legislature
Juneau, AK 99811

Dear Resources Committee Members:

The Alaska Trollers Association supports HB 288, relating to commercial fisheries limited entry permit buy-back programs. ATA thinks this legislation is necessary to provide an appropriate tool for those fleets that believe buyback is a viable option.

We ask for your support of HB 288.

Respectfully,

A handwritten signature in cursive script that reads "Dale Kelley". The signature is written in dark ink and is positioned above the printed name and title.

Dale Kelley
Executive Director

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES



United Southeast Alaska Gillnetters
 PO Box 22427
 Juneau, Alaska 99802
 (907) 586-5860 Fax (907) 586-0167
 E-mail: usag@gci.net

February 6, 2002

Representative Peggy Wilson
 Representative Gary Stevens
 Co-Chairs
 House Special Committee on Fisheries
 Alaska State Legislature
 State Capitol (MS 3100)
 Juneau, AK 99801-1182

Dear Co-Chairs,

Re: HB 288 Limited Entry Buy-Back Program

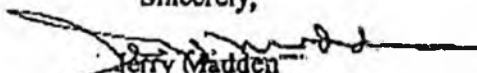
United Southeast Alaska Gillnetters (USAG) supports passage of this bill to clean up existing statutory language that impedes effective and timely implementation of a limited entry permit buyback program, should it become necessary

Specifically, we support language that allows for an optimum numbers study to be completed without automatically triggering a buyback. We believe that it is prudent to conduct the optimum study and they allow the permit holders to assess their options before they move ahead with a state buyback. A second issue of concern is that a better mechanism is needed to ensure that funds provide by fishermen for the buyback are used specifically for that purpose.

The 100 plus members of USAG urge your support in passing this bill.

If you have any questions about our position or if you need additional information, please feel free to contact me.

Sincerely,


 Jerry Madden
 Executive Director



UNITED FISHERMEN OF ALASKA

211 Fourth Street, Suite 110
Juneau, Alaska 99801-1172
(907) 586-2820
(907) 463-2545 Fax
E-Mail: ufa@ufa-fish.org
www.ufa-fish.org

February 4, 2002

Representative Peggy Wilson
Representative Gary Stevens
Co-Chairs
House Special Committee on Fisheries
Alaska State Legislature
State Capitol (MS 3100)
Juneau, AK 99801-1182

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The twenty-nine members groups of UFA would appreciate your support in passing this bill.

If you have any questions about our position or if you need additional information, please feel free to contact me.

Sincerely,

Thomas M. Gemmell
Executive Director

MEMBER ORGANIZATIONS

Alaska Longline Fisherman's Association • Alaska Trollers Association • At-sea Processors Association • Bristol Bay Reserve
Chignik Regional Aquaculture Association • Concerned Area "M" Fisherman • Cook Inlet Aquaculture Association
Copper River Salmon Producers Association • Cordova District Fishermen United • Douglas Island Pink and Chum
Kona Peninsula Fisherman's Association • Kodiak Regional Aquaculture Association • Kodiak Seiners Association • North Pacific Fisheries Association
Northern Southeast Regional Aquaculture Association • Old Harbor Fisherman's Association • Petersburg Vessel Owners Association
Prince William Sound Aquaculture Corporation • Purse Seine Vessel Owners Association • Seafood Producers Cooperative
Southeast Alaska Seiners Association • Southern Southeast Regional Aquaculture Association
United Cook Inlet Drift Association • United Salmon Association • United Southeast Alaska Gillnetters

Cordova District Fishermen United

Celebrating 65 Years of Service to Commercial Fishermen in Cordova, Alaska
P.O. Box 939 Cordova, Alaska 99574 / phone (907) 424-3447 / fax (907) 424-3430 /
e-mail cdfu@ptialaska.net

February 9, 2002

House Resources Committee
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

SENT VIA FACSIMILE TO 907.465.3472

RE: CS for HB 288 - CFEC Buyback

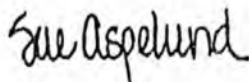
Dear Members,

Cordova District Fishermen United, representing the fishing fleets of Area E-- Prince William Sound and the Copper River--strongly supports HB 288. The existing buyback statute is inefficient, inflexible and needs to be cleaned up for consistency with other State law. HB 288 accomplishes that.

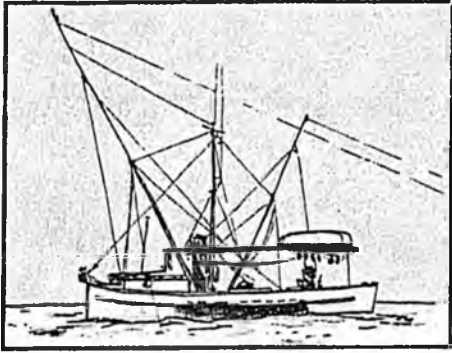
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We support this legislation and urge your positive consideration.

Sincerely,



Sue Aspelund
Executive Director



Alaska Trollers Association

130 Seward St., No. 505
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Dale Kelley
Executive Director



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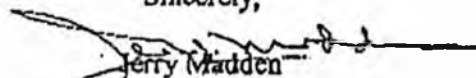
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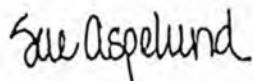
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Sue Aspelund
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Official Business

Alaska State Legislature

REPRESENTATIVE DREW SCALZI
State Capitol
Juneau, Alaska 99801-1182

(907) 465-2689; (800) 665-2689
FAX: (907) 465-3472

Representative_Drew_Scalzi@legis.state.ak.us

Sponsor Statement

HB288: "An Act relating to commercial fisheries limited entry permit buy-back programs."

Efficiencies in commercial fishery harvest practices have increased since the inception of the limited entry program. Arguably more permits were originally issued than necessary to effectively harvest the resource for sustained yield in some areas. Alaska presently has approximately 12,000 commercial fishing permits, with about three-fourths of those owned by Alaskans. The limited entry program instituted in the early 1970s worked well for those times; however, with low prices and an excess of harvesters, it is apparent that what worked thirty years ago is splitting the pie into minute portions today.

With the advent of foreign-farmed fish, members from the Alaska commercial fishing industry are now looking at ways to consolidate efforts, maximize efficiencies, and promote better quality. One such method of consolidation is a buy-back or buy-down program.

The provision currently in statute allowing for a buy-back, requires purchase of the fishing vessel, skiff, nets, and related equipment involved in an individual's fishing operation as well as the permit. This last requirement can be cumbersome, costly, and an inherent disincentive to effectively promote a desired buy-back plan. This bill would allow for a buy-back plan that would incorporate the purchase of *permits only*, thus making it easier to clarify the costs associated with implementing such a plan. While the legislature would need to appropriate the funding to capitalize the buy-backs, the source of the funds could originate from several sources such as federal grants and permit holder self-assessment.

In no way does this legislation imply or change in existing statute the status of voluntary participation in any such buy-back.

HB

299

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4/11/02

~~CS FOR HOUSE BILL NO. 299()~~

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

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE DYSON

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A BILL

FOR AN ACT ENTITLED

1 "An Act providing for the naming and renaming of Alaska geographic features."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA.

3 * Section 1. AS 41.35.350(a) is amended to read:

4 (a) The duties of the commission are to

5 (1) survey, evaluate, and catalog Alaska prehistory and history
6 materials now in print;

7 (2) ascertain and register what Alaska prehistory and history work is
8 now in progress;

9 (3) identify the existing gaps in the coverage of Alaska's past in
10 presently available published works and establish priorities for bridging them;

11 (4) prepare a thematic study of Alaska's history for historic
12 preservation;

13 (5) identify the sources of Alaska's history;

14 (6) coordinate the production and publication of works that will
15 adequately present all aspects of Alaska's past;

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1 (7) cooperate with the federal government in programs relating to
2 history and archaeology;

3 (8) develop criteria for the evaluation of state monuments and historic
4 sites and all real and personal property that may be considered to be of historic,
5 prehistoric, or archeological significance as would justify their acquisition and
6 ownership by the state;

7 (9) cooperate with the department in formulating and administering a
8 statewide historic sites survey under 16 U.S.C. 470-470n (P.L. 89-665, National
9 Historic Preservation Act of 1966);

10 (10) review those surveys and historic preservation plans that may be
11 required, and approve properties for nomination to the National Register as provided
12 for in 16 U.S.C. 470-470n (P.L. 89-665, National Historic Preservation Act of 1966);

13 (11) provide necessary assistance to the governor and the legislature
14 for achieving balanced and coordinated state policies and programs for the
15 preservation of the state's historic, prehistoric, and archeological resources;

16 (12) consult with local historical district commissions regarding the
17 establishment of historical districts under AS 29.55.010 - 29.55.020 and the approval
18 of project alterations under AS 45.98.040; recommend, if appropriate, the formulation
19 of additional criteria for the designation of historical districts under AS 29.55.020(b);
20 approve plans for and evaluate the suitability of specific structures for purposes of
21 loan eligibility and continuance under the historical district revolving loan fund
22 (AS 45.98); and consult with the Department of Community and Economic
23 Development relative to the adoption of regulations for historical district loans under
24 AS 45.98;

25 (13) determine the correct and most appropriate names of the lakes,
26 streams, places, and other geographic features in the state and their spelling;

27 (14) pass upon and give names to lakes, streams, places, and other
28 geographic features in the state for which no single generally acceptable name has
29 been in use;

30 (15) cooperate with local subdivisions of government and, with their
31 approval, change the names of lakes, streams, places, and other geographic features to

1 eliminate duplication of names in the state;

2 (16) prepare and publish an official state dictionary of geographic
3 names and publish it for sale, either as a complete whole or in parts when ready; and

4 (17) serve as the state representatives of the United States Board on
5 Geographic Names and cooperate with that board; where the official state and
6 federal names of a lake, stream, place, or other geographic feature differ, the
7 commission shall propose to the board that the board change the federal name to
8 match the state name [SO THAT THERE IS NO CONFLICT BETWEEN THE
9 STATE AND FEDERAL DESIGNATIONS OF GEOGRAPHIC FEATURES IN
10 THE STATE].

11 * Sec. 2. AS 41.35.350(b) is amended to read:

12 (b) In carrying out its duties to name geographic features under this section,
13 the commission shall select names that have a direct connection with Alaska or
14 Alaska's peoples. The commission shall review requests for changes to existing
15 official names of geographic features to identify the names that do not have a
16 direct connection with Alaska or Alaska's peoples, review alternative names that
17 have been used for the places, and rename the places with names that have a
18 direct connection with Alaska or Alaska's peoples. The commission shall consider
19 using Alaska Native place names for geographic features in the state [THAT HAVE
20 NOT PREVIOUSLY BEEN NAMED], using Native language writing systems
21 accepted by the Alaska Native Language Center of the University of Alaska at
22 Fairbanks. For purposes of this subsection, a name that has a direct connection
23 with Alaska or Alaska's peoples

24 (1) commemorates a person who was present in and had a
25 significant role in the area of the feature being named;

26 (2) has been used in the region of the geographic feature or by
27 local Alaska Natives;

28 (3) is particularly descriptive of the geographic feature; or

29 (4) describes a significant event that happened in the vicinity of the
30 geographic feature.

31 * Sec. 3. AS 41.35.350(c) is amended to read:

1 (c) When the commission gives a name to a lake, stream, place, or other
 2 geographic feature in the state, the name is the official name of the geographic feature
 3 and shall be used in all maps, records, documents, and other publications issued by the
 4 state or its departments and political subdivisions. ^{The commission use the} The commission shall establish a
 5 policy regarding the use of English translations of non-English words and
 6 whether translations, where included, should be considered a part of the official
 7 name. When the official name under this section differs from the official federal
 8 name, both official names shall be used, with the federal name in parentheses.

note
 copy
 for
 clear
 names.
 ↑
 add
 sentence
 before
 underline

~~Rep. Bask~~
 Conceptual
 AM
 - use original (native) name
 in original language.
 "shall use the original native language name"

HB299
Amendment 1
Offered By Rep. Kerttula

(c) When the commission gives a name to a lake, stream, place, or other 1
geographic feature in the state, the name is the official name of the geographic feature 2
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state or its departments and political subdivisions. The commission shall use the native
language for the chosen names. And The commission shall establish a 4
policy regarding the use of English translations of non-English words and 5
whether translations, where included, should be considered a part of the official 6
name. When the official name under this section differs from the official federal 7
name, both official names shall be used, with the federal name in parentheses. 8

Did
they pass
this?

2 yea
3 nay

CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Central Microfilm Services
Department of Education & Early Development
State of Alaska

1
2
3
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8

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Lays
for
closed
names.



add
sentence
before
underline

Rep. Beck
Conceptual
AM
- use original (native) name
in original language.
"shall use the original native language name"

Kopsner Q. zeroed fixed? How will the AK HX commission alert people that names have been changed?

Q- private contributors?
A- no

She wants to keep native names as well,
with native pronunciations.

Judy Bittner - opposed

Rep. Felt Q. - would this require 2 names?
never intended duplicate documents
- Federal name in parentheses

Jan Linn AK HX Commission.

Felt (Hold nation)

Around Rep. Bittner 1984 List

Belt Q. - how will zero FD affect you?

→ do best we can.

HB299
Amendment 1
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Did
they pass
this?

2 year
3 year