



# LAWS OF ALASKA

## 2001

**Source**

CSHB 194(FIN)

**Chapter No.**

27

**AN ACT**

Relating to fees for commercial fishing licenses and permits; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

**Approved by the Governor:** May 9, 2001

**Actual Effective Date:** Sections 1 and 7 take effect January 1, 2002; remainder of Act takes effect May 10, 2001

AN ACT

1 Relating to fees for commercial fishing licenses and permits; and providing for an effective  
2 date.

3

4 \* **Section 1.** AS 16.05.480(a) is repealed and reenacted to read:

5 (a) A person engaged in commercial fishing shall obtain a commercial fishing  
6 license and shall retain the license in possession and readily available for inspection  
7 during fishing operations. An entry permit or interim-use permit entitles the holder to  
8 participate as a gear operator in the fishery for which the permit is issued and to  
9 participate as a crewmember in any fishery. A crewmember fishing license is not  
10 transferable and entitles the holder to participate as a crewmember in any fishery.

11 \* **Sec. 2.** AS 16.05.480 is amended by adding new subsections to read:

12 (g) For a crewmember fishing license issued for calendar year 2002 and  
13 following years, a resident engaged in commercial fishing who is 11 years of age or  
14 older and who does not hold an entry permit or an interim-use permit shall pay an

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1 annual fee of \$60. For a crewmember fishing license issued for calendar year 2002  
2 and following years, a resident engaged in commercial fishing who is less than 11  
3 years of age and who does not hold an entry permit or an interim-use permit shall pay  
4 an annual fee of \$5.

5 (h) For a crewmember fishing license issued for calendar year 2002 and  
6 following years, a nonresident engaged in commercial fishing who is 11 years of age  
7 or older and who does not hold an entry permit or an interim-use permit shall pay an  
8 annual base fee of \$60 plus an amount, established by the department by regulation,  
9 that is as close as is practicable to the maximum allowed by law. For a crewmember  
10 fishing license issued for calendar year 2002 and following years, a nonresident  
11 engaged in commercial fishing who is less than 11 years of age and who does not hold  
12 an entry permit or an interim-use permit shall pay an annual base fee of \$5 plus an  
13 amount, established by the department by regulation, that is as close as is practicable  
14 to the maximum allowed by law.

15 (i) In this section, "commercial fishing license" includes an entry permit and  
16 an interim-use permit issued under AS 16.43 and a crewmember fishing license.

17 \* Sec. 3. AS 16.43.100(a) is amended to read:

18 (a) To accomplish the purposes set out in AS 16.43.010, the commission shall

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

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

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

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

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

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

31 (7) issue entry permits to qualified applicants;

1 (8) issue interim-use permits as provided in AS 16.43.210, 16.43.220,  
2 and 16.43.225;

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

5 (10) administer the buy-back program provided for in AS 16.43.310  
6 and 16.43.320 to reduce the number of outstanding entry permits to the optimum  
7 number of entry permits;

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

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

13 (13) establish and administer the collection of the annual fees  
14 provided for in AS 16.43.160;

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

17 (15) issue educational entry permits to applicants who qualify under  
18 the provisions of AS 16.43.340 - 16.43.390;

19 (16) establish reasonable user fees for services;

20 (17) issue landing permits under AS 16.05.675 and regulations adopted  
21 under that section;

22 (18) establish and collect annual fees for the issuance of landing  
23 permits that reasonably reflect the costs incurred in the administration and  
24 enforcement of provisions of law related to landing permits; and

25 (19) establish a moratorium on entry into commercial fisheries as  
26 provided in AS 16.43.225.

27 \* Sec. 4. AS 16.43.160(a) is amended to read:

28 (a) The commission shall establish annual fees for the issuance and annual  
29 renewal of entry permits or interim-use permits. [THE AMOUNT PAID BY A  
30 PERMIT HOLDER UNDER THE PROVISIONS OF AS 16.05.480 SHALL BE  
31 CREDITED BY THE COMMISSION TOWARD PAYMENT OF THE FEE

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1 CHARGED UNDER THIS SECTION. NO MORE THAN ONE CREDIT MAY BE  
2 OBTAINED ANNUALLY BY A PERSON.]

3 \* Sec. 5. AS 16.43.160 is amended by adding new subsections to read:

4 (e) For an entry permit or an interim-use permit issued for calendar year 2002  
5 and following years, the annual base fee may not be less than \$10 or more than \$300.  
6 The annual base fee must reasonably reflect the different rates of economic return for  
7 different fisheries. The fee for a nonresident entry permit or a nonresident interim-use  
8 permit shall be higher than the annual base fee by an amount, established by the  
9 commission by regulation, that is as close as is practicable to the maximum allowed by  
10 law. The amount of the fee for a nonresident entry permit or a nonresident interim-use  
11 permit may reflect

12 (1) the costs incurred by the state that are directly attributable to  
13 participation of nonresidents in the commercial fisheries of the state;

14 (2) the costs incurred by the state for

15 (A) direct operating expenditures for ongoing management,  
16 support, and regulation of the commercial fishing industry, including relevant  
17 expenditures of the

18 (i) Office of the Governor - Alaska coastal management  
19 program;

20 (ii) Department of Environmental Conservation - air  
21 and water quality permitting activities and seafood inspection activities;

22 (iii) Department of Community and Economic  
23 Development - commercial fishing loan program, Alaska Seafood  
24 Marketing Institute, and community development quota program;

25 (iv) Department of Fish and Game - division of  
26 commercial fisheries, division of habitat and restoration, board support  
27 section, division of administrative services, division of sport fish,  
28 commissioner's office, and Alaska Commercial Fisheries Entry  
29 Commission;

30 (v) Department of Labor - wage and hour enforcement,  
31 mechanical inspections, occupational safety and health activities, and

1 fishermen's fund;

2 (vi) Department of Law;

3 (vii) Department of Natural Resources;

4 (viii) Department of Public Safety - commercial  
5 fisheries enforcement;

6 (ix) Department of Revenue - fisheries business tax  
7 program, fishery resource landing tax program, salmon enhancement  
8 tax program, salmon marketing tax program, and dive fishery  
9 management assessment program;

10 (x) University of Alaska - Fisheries Industrial  
11 Technology Center, Institute of Marine Science, Marine Advisory  
12 Program, Sea Grant College Program, and School of Fisheries and  
13 Ocean Sciences;

14 (xi) Legislature;

15 (xii) Alaska Court System;

16 (B) indirect operating expenditures for general overhead  
17 attributable to supporting the commercial fishing industry, including  
18 expenditures for general overhead attributable to components of agencies that  
19 have direct operating expenditures identified under (A) of this paragraph and to  
20 components of agencies for which direct operating expenditures related to the  
21 ongoing management, support, and regulation of the commercial fishing  
22 industry cannot be readily determined;

23 (C) general government expenditures for government services  
24 that are used by a portion of the population attributable to the presence of the  
25 commercial fishing industry, including government services provided by the  
26 Department of Administration, Department of Corrections, Department of  
27 Education and Early Development, Department of Health and Social Services,  
28 Department of Military and Veterans' Affairs, and Department of  
29 Transportation and Public Facilities;

30 (D) capital expenditures to support the commercial fishing  
31 industry as measured by annual depreciation of public facilities and

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1 infrastructure; and

2 (E) expenditures to subsidize the construction and operation of  
3 salmon hatcheries; and

4 (3) the amount of revenue foregone by the state due to the current  
5 management system for commercial fisheries in the state.

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

12 \* Sec. 6. AS 23.35.060(a) is amended to read:

13 (a) There is created a fund, designated as the "fishermen's fund." The  
14 Department of Revenue is the custodian of the fund, and the Department of Labor and  
15 Workforce Development shall administer it. The fund shall be composed of

16 (1) 39 percent of the money derived by the state from all commercial  
17 fishermen's licenses, **not to exceed a maximum of \$50 for each license holder for**  
18 **each year;** and

19 (2) money appropriated to carry out the purpose of this chapter.

20 \* Sec. 7. AS 16.05.480(f); AS 16.43.160(b), and 16.43.160(c) are repealed.

21 \* Sec. 8. Sections 2 - 6 of this Act take effect immediately under AS 01.10.070(c).

22 \* Sec. 9. Sections 1 and 7 of this Act take effect January 1, 2002.