



# LAWS OF ALASKA

2018

**Source**  
HB 354

**Chapter No.**  
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## AN ACT

Relating to dive fishery management assessment procedures.

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

THE ACT FOLLOWS ON PAGE 1



AN ACT

1 Relating to dive fishery management assessment procedures.

2 \_\_\_\_\_  
3 \* **Section 1.** AS 43.76.160(b) is amended to read:

4 (b) The dive fishery management assessment is levied under AS 43.76.150(b),  
5 (c), (d), (e), (f), (g), or (h), **amended under AS 43.76.170, or terminated under**  
6 **AS 43.76.180** in an administrative area on the effective date stated on the ballot if

7 (1) the **levy, amendment, or termination** [ASSESSMENT] is  
8 approved by a majority [VOTE] of the eligible interim-use permit and entry permit  
9 holders voting in **the** [AN] election [HELD IN THE ADMINISTRATIVE AREA  
10 UNDER THIS SECTION]; [AND]

11 (2) **at least 25 percent of the eligible interim-use permit and entry**  
12 **permit holders vote in the election; and**

13 **(3)** the election results are certified by the commissioner of fish and  
14 game.

15 \* **Sec. 2.** AS 43.76.160(f) is amended to read:

1 (f) Except as otherwise provided under AS 43.76.170 and 43.76.180, an  
2 election to amend the rate of a dive fishery management assessment or to terminate a  
3 dive fishery management assessment shall be conducted under the same procedures  
4 established under **(a) - (d)** [(a), (c), AND (d)] of this section for an election to approve  
5 a dive fishery management assessment.

6 \* **Sec. 3.** AS 43.76.170(b) is amended to read:

7 (b) The commissioner of revenue shall amend the rate of a dive fishery  
8 management assessment under (a) of this section following an election in an  
9 administrative area if

10 (1) a petition [,] that is signed by at least **75** [25] percent of the **board**  
11 **members of the qualified regional dive fishery development association**  
12 **established for the administrative area under AS 16.40.240** [NUMBER OF  
13 PERSONS WHO VOTED UNDER AS 43.76.160 IN THE MOST RECENT  
14 ELECTION APPROVING OR AMENDING THE DIVE FISHERY  
15 MANAGEMENT ASSESSMENT ON THE SPECIES OF FISHERY RESOURCES  
16 IN THE ADMINISTRATIVE AREA THAT ARE THE SUBJECT OF THE  
17 PETITION,] is presented to the commissioner of fish and game requesting amendment  
18 of the rate of the dive fishery management assessment on a species of fishery  
19 resources; the petition must state whether the proposed rate of the dive fishery  
20 management assessment is to be levied under AS 43.76.150(b), (c), (d), (e), (f), (g), or  
21 (h); [ONLY A PERSON WHO WOULD BE ELIGIBLE TO VOTE IN AN  
22 ELECTION TO AMEND THE RATE OF THE ASSESSMENT MAY VALIDLY  
23 SIGN THE PETITION;]

24 (2) an election is held in accordance with AS 43.76.160; the ballot  
25 must ask the question whether the dive fishery management assessment on a species of  
26 fishery resources taken in the administrative area shall be amended and must state  
27 whether the dive fishery management assessment on the species of fishery resources is  
28 to be levied under AS 43.76.150(b), (c), (d), (e), (f), (g), or (h) if the assessment is  
29 amended; the ballot must be worded so that a "yes" vote is for amendment of the dive  
30 fishery management assessment and a "no" vote is for continuation of the current dive  
31 fishery management assessment;

1 (3) a majority of the eligible interim-use permit and entry permit  
2 holders who vote in the election cast a ballot for the amendment of the dive fishery  
3 management assessment; in this paragraph, "eligible interim-use permit and entry  
4 permit holders" has the meaning given in AS 43.76.160; and

5 (4) the qualified regional dive fishery development association  
6 provides notice of the election in accordance with AS 43.76.160 within two months  
7 after receiving notice from the commissioner of fish and game that **the petition**  
8 **submitted by the qualified regional dive fishery development association** [A  
9 VALID PETITION] under (1) of this subsection has been received **and is valid.**

10 \* **Sec. 4.** AS 43.76.180(b) is amended to read:

11 (b) The commissioner of revenue shall terminate a dive fishery management  
12 assessment under (a) of this section following an election in an administrative area if

13 (1) a petition [,] that is signed by at least **75** [25] percent of the **board**  
14 **members of the qualified regional dive fishery development association**  
15 **established for the administrative area under AS 16.40.240** [NUMBER OF  
16 PERSONS WHO VOTED UNDER AS 43.76.160 IN THE MOST RECENT  
17 ELECTION APPROVING OR AMENDING THE DIVE FISHERY  
18 MANAGEMENT ASSESSMENT ON THE SPECIES OF FISHERY RESOURCES  
19 IN THE ADMINISTRATIVE AREA THAT ARE THE SUBJECT OF THE  
20 PETITION,] is presented to the commissioner of fish and game requesting termination  
21 of the dive fishery management assessment on a species of fishery resources; [ONLY  
22 A PERSON WHO WOULD BE ELIGIBLE TO VOTE IN AN ELECTION TO  
23 REPEAL THE ASSESSMENT MAY VALIDLY SIGN THE PETITION;]

24 (2) an election is held in accordance with AS 43.76.160; the ballot  
25 must ask the question whether the dive fishery management assessment on a species of  
26 fishery resources taken in the administrative area shall be terminated; the ballot must  
27 be worded so that a "yes" vote is for continuation of the dive fishery management  
28 assessment and a "no" vote is for termination of the dive fishery management  
29 assessment;

30 (3) a majority of the eligible interim-use permit and entry permit  
31 holders who vote in the election cast a ballot for the termination of the dive fishery

1 management assessment; in this paragraph, "eligible interim-use permit and entry  
2 permit holders" has the meaning given in AS 43.76.160; and

3 (4) the qualified regional dive fishery development association  
4 provides notice of the election in accordance with AS 43.76.160 within two months  
5 after receiving notice from the commissioner of fish and game that **the petition**  
6 **submitted by the qualified regional dive fishery development association** [A  
7 VALID PETITION] under (1) of this subsection has been received **and is valid.**