

HOUSE BILL NO.

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

BY

**Introduced:
Referred:**

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the authority of the Board of Fisheries to allocate salmon to salmon**
2 **harvesting cooperatives."**

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

4 *** Section 1.** AS 16.05 is amended by adding a new section to article 5 to read:

5 **Sec. 16.05.740. Salmon harvesting cooperatives.** (a) The Board of
6 Fisheries may not allocate salmon taken in a commercial salmon fishery to a salmon
7 harvesting cooperative established on or after the effective date of this section unless

8 (1) the bylaws or other rules governing the cooperative provide

9 (A) that the members of the cooperative are not entitled to and
10 do not receive any of the proceeds received by the cooperative from the sale of
11 salmon if the member

12 (i) does not actively participate in the harvesting,
13 processing, tendering, marketing, administrative, or management
14 activities of the cooperative; or

1 (ii) is not a salaried administrator of the cooperative;

2 (B) a fair and equal opportunity for all commercial fishermen
3 who hold commercial fishing permits for the fishery to become members of the
4 cooperative; and

5 (2) the requirements of (b) of this section have been satisfied.

6 (b) The board may not take action to allocate salmon taken in a commercial
7 salmon fishery to one or more salmon harvesting cooperatives established on or after
8 the effective date of this section unless the board has first received

9 (1) a request to establish a management plan that allows for allocation
10 of salmon to one or more cooperatives that is signed by at least two-thirds of the
11 commercial fishing permit holders in the fishery for which the allocation is proposed;
12 and

13 (2) an affidavit signed by a person who signed the request to establish
14 the management plan stating that a reasonable attempt had been made to notify all
15 commercial fishing permit holders in the fishery of the request to establish the
16 management plan.

17 (c) Unless the board determines that an allocation of more than 50 percent of
18 the salmon harvest in a commercial salmon fishery to a single salmon harvesting
19 cooperative is practicable and appropriate, the board may not allocate more than 50
20 percent of the salmon harvest in a fishery to a single cooperative.

21 (d) A commercial fishing permit holder who is a member of a salmon
22 harvesting cooperative that has received an allocation under this section may not
23 participate in another commercial salmon fishery as a permit holder or crewmember
24 during the time period when a member of the cooperative is physically engaged in
25 fishing on behalf of the cooperative.

26 (e) The board shall adopt regulations as it considers necessary to implement
27 this section.

28 (f) In this section, "salmon harvesting cooperative" means an association, in
29 whatever form authorized by law, of commercial fishing permit holders in a
30 commercial salmon fishery who have agreed to act together for the purpose of
31 collectively harvesting, processing, handling, or marketing salmon taken in the fishery

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by the members of the association.