

by the Federal Food Stamp Act of 1964 (P.L. 88-525);

(5) "household" means a group of related or nonrelated individuals who are not residents of an institution or boarding house, but are living as one economic unit sharing common cooking

facilities and for whom food is customarily purchased in common, or a single individual living alone who has cooking facilities and who purchases and prepares food for home consumption.

Sec. 2. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved May 6, 1965

## CHAPTER 114

### AN ACT

**Relating to the stabilization, maintenance, quality control and development of the king crab industry of the state; creating the Alaska King Crab Marketing and Quality Control Board; and providing for an assessment on king crab processors in the state to finance this Act; and providing for an effective date.**

(2d C.S.S.B. 112)

**Be It Enacted by the Legislature of the State of Alaska:**

Section 1. **Purpose.** The legislature declares that this chapter is enacted in the exercise of the police power of this state for the purposes of protecting and furthering the public health and welfare. It is further declared that the king crab industry of this state is affected with a public interest, in that, among other things:

(1) the production, processing and distribution of king crab constitutes an important industry of this state which not only provides substantial and required revenues for the state and its political subdivisions, and employment and a means of livelihood for many of its population, but also furnishes essential food that is vital to the public health and welfare;

(2) the stabilization, maintenance, quality control and development of the king crab industry of Alaska, and the expansion of the king crab market at the state, national and international levels are necessary to assure the consuming public an adequate supply of king crab; to provide and maintain an adequate standard of living for a great segment of the people of this state; and to maintain proper wage scales for those engaged in

the king crab industry and to maintain existing employment.

Sec. 2. AS 18 is amended by adding a new chapter to read:

### **Chapter 90. Alaska King Crab Marketing and Quality Control Act.**

#### **Article 1.**

Sec. 18.90.010. **Purpose.** The purposes of this chapter are:

(1) to enable the Alaska king crab industry, with the aid of the state, to maintain the quality and purity of king crab and to maintain and develop all markets for king crab produced, processed or distributed in Alaska;

(2) in aid, but not in limitation of the other purposes of this chapter, to authorize and enable the board to formulate and effectuate directly or in cooperation with other agencies and instrumentalities, research and sales stimulation and consumer or other educational programs designed to increase the use and consumption of king crab and their products and to maintain their quality and purity;

(3) to provide funds for the administration and enforcement of this chapter.

Sec. 18.90.020. **Authority of Commis-**

**sioner.** The commissioner of fish and game shall be an ex officio member of the board and enforce this chapter.

### Article 2.

Sec. 18.90.040. **Board Created.** (a) There is created the Alaska King Crab Marketing and Quality Control Board, which consists of six members appointed by the governor and confirmed by a majority of the legislature meeting in joint session. Members of the board shall be citizens and residents of this state, and all of them shall be king crab processors or designated representatives of a corporation or partnership or representatives of any other business entities who perform the functions of a king crab processor in this state.

(b) Members shall serve terms of three years. Initial appointments of members are two members for one year, two for two years and two for three years.

(c) Members of the king crab industry may make recommendations of processors to serve on the board. The governor shall make his appointments to the board from the list of persons recommended by the industry.

(d) Four members of the board are a quorum.

(e) The board shall elect a chairman annually and shall hold at least two regular meetings a year. The board shall meet at the call of the chairman or upon the written request of three members of the board.

(f) Board members receive no salary, but are entitled to per diem and travel expenses authorized by law for other boards and commissions.

Sec. 18.90.050. **Meeting Public.** Meetings of the board are open and public.

Sec. 18.90.060 **Duties.** (a) The duties of the board are to

(1) conduct programs of education, research, advertising or sales promotion designed to accomplish the purposes of this chapter;

(2) establish standards of quality and purity for king crab;

(3) make contracts and other agreements which may be proper to promote

the sale of king crabs and their products produced, processed or distributed on either a local, state, national or international basis;

(4) cooperate with any other local, state or national board, organization or agency, whether voluntary or created by state or federal law, and engaged in work or activities similar to the work and activities of the Alaska King Crab Marketing and Quality Control Board and make contracts and agreements with those organizations or agencies for carrying on joint programs of consumer education, sales promotion, quality control, advertising and research in the production, processing or distribution of king crab;

(5) conduct or contract to have conducted, scientific research to develop and discover the health, food, dietetic or other uses of king crab;

(6) prepare annually a budget of proposed expenses of the board to be incurred in carrying out this chapter, and to make modifications of the budget whenever advisable;

(7) promulgate regulations relating to the administration and enforcement of this chapter;

(8) investigate all matters affecting the administration of this chapter, and to report violations to the commissioner;

(9) employ at its pleasure an executive director and other employees it considers necessary and prescribe their duties and fix their compensation; and

(10) establish offices and incur expenses incidental to the establishment; present facts to, and negotiate with local state or federal governmental agencies on matters affecting quality, production, processing or distribution of king crab.

(b) The commissioner shall implement programs as the board formulates for the quality control and promotion of king crab which are

(1) reasonably calculated to attain the objectives sought in this chapter;

(2) in conformity with this chapter and within the applicable limitations and restrictions set out in this chapter and will tend to effectuate the declared purposes and policies of this chapter; and

(3) reasonably calculated to protect the interests of consumers of king crab, in that the powers of this chapter are being exercised only to the extent necessary to attain the objectives of this chapter.

**Sec. 18.90.070. False or Unwarranted Claims.** No program or activity conducted or sponsored under this chapter may make false or unwarranted claims, or disparage the quality, value, use or sale of any commodity authorized by law to be marketed in this state, nor shall the programs be conducted to promote directly a private brand or trade name.

**Sec. 18.90.080. Lobbying.** No member, agent or employee of the board shall appear before any legislative committee of the state or federal government as a representative of the board unless requested to do so by the committee, nor shall the person lobby in any manner as a representative of the board, nor shall funds collected under this chapter be used for political contributions.

**Sec. 18.90.090 Annual Statements.** The board shall prepare annually and make available to all king crab processors and the legislature, summarized statements of the activities in which it has been engaged in the previous annual period, and of the activities in which it proposes to engage in the ensuing annual period.

**Sec. 18.90.100. Records and Accounts.** The board shall keep books, records, and accounts of all its transactions, dealings, contracts, agreements, funds and expenditures as it considers necessary, and the books, records, and accounts shall be open at all times to inspection or auditing by the commissioner and the legislative auditor.

**Sec. 18.90.110 Regulations.** The board may establish, consistent with this chapter, regulations covering the administration and enforcement of this chapter which may be necessary to carry out the purposes and attain the objectives of this chapter. No regulation is effective until the termination of a period of 15 days from the date of its adoption. The commissioner shall mail a copy of the notice of the issuance to all persons directly affected by the regulations whose names and addresses may be on file in the office of the commissioner and shall supply a copy of the regulation to every person

who files in the office of the director a written request for the notices.

**Sec. 18.90.120. List of Processors.** (a) Before June 6, 1965, the commissioner shall prepare a list of processors as defined in sec. 220 of this chapter for use in carrying out procedures prescribed in this chapter. To enable the commissioner to prepare a complete list of processors, he may require all persons who operate as processors in the 12-month period immediately preceding May 7, 1965 to file with him a statement properly certified showing

(1) the correct name and address of the processor; and

(2) the gross dollar value paid to the fisherman during the 12-month period immediately preceding May 7, 1965.

(b) The information contained in the individual reports of processors filed with the commissioner under this section shall not be made public by the commissioner in that form, but the information contained in the reports may be prepared in combined form for use by the commissioner, his agents, or other authorized persons, in the formulation, administration and enforcement of a quality control order, or may be made available under court order but shall not be made available to anyone for private purposes. The list shall constitute a complete and conclusive list of the processors of king crab in this state for the purposes of the written assent provided for in this section.

(c) The board shall not make effective the promotion, research, quality control and other provisions of this chapter unless and until the annual budget for those programs is assented to in writing by not less than 51 per cent of the processors by number and by the processors of not less than 51 per cent of the king crab poundage processed in the state by all processors qualified to assent. Gross dollar value paid to the fishermen shall be based upon the gross dollar value paid to the fishermen obtained by the commissioner under (a) of this section.

### Article 3.

**Sec. 18.90.140. Assessment.** (a) To defray the costs of administration and enforcement of this chapter, and to initiate the program contained in it, there shall

be an assessment of one per cent on the 1964 pack for the 1965 budget. The rate shall be made applicable upon a uniform basis on each processor in proportion to the purchases made by such processor, based upon the gross dollar value paid by the processor to the fisherman for the previous calendar year. Thereafter, the board shall propose such increases or decreases in the assessment as are appropriate to carry out this chapter, but no increase or decrease shall take effect until assented to in writing as set out in sec. 120(c) of this chapter. The assessment shall not be levied or collected more than once upon any lot of king crab processed.

(b) This section shall not be applicable upon retailers, restaurants or other similar retail establishments.

(c) After the board has proposed and the industry has approved an assessment, the commissioner shall give notification in writing by mail of the assessment to all processors concerned whose names are on record in the department. Assessments shall be paid in accordance with assessment forms prepared or issued by the commissioner for that purpose.

Sec. 18.90.150. **Failure to Pay Assessment.** Failure to pay an assessment levied under this chapter is a misdemeanor and may be punishable by a fine of not to exceed double the amount of the assessment for each instance of the violation. The commissioner, with the concurrence of the board, may recommend the amount of the fine to be imposed.

Sec. 18.90.160. **Money Collected.** All money collected by the commissioner under this chapter shall be deposited in the general fund. The commissioner shall report to the legislature the amount of money collected and deposited in the general fund under this chapter during the preceding fiscal year. The report will be filed with the finance committees of the legislature within five days after it convenes. Either finance committee may require additional information about the money collected under this chapter which it considers necessary.

Sec. 18.90.170 **Money Expended.** Appropriations for expenses of the board shall not exceed the amount of money collected under this chapter through assessments and contributions.

#### Article 4.

Sec. 18.90.200. **Administrative Procedure Act.** The Administrative Procedure Act (AS 44.62) does not apply to this chapter.

Sec. 18.90.210. **Penalty.** (a) The commissioner, with the concurrence of the board, may order the closure of any king crab processing plant in which a provision of this chapter relating to quality control or a regulation relating to the same is being violated. The order shall specially itemize the reasons for the closure and the closure shall not take place until 30 days after receipt of the order by the owner or operator of the plant. If before the expiration of the 30 days, there is no longer any violation as set out in the order, the plant shall not be closed. The plant may not reopen until there is full compliance with the law and regulations referred to in this section.

(b) An order under (a) of this section may be suspended or set aside, in whole or in part, through injunction proceedings brought by a party in interest against the commissioner and the board in the superior court.

Sec. 18.90.220. **Definitions.** In this chapter

(1) "king crab" includes all species commonly marketed under that appellation, especially paralithodes, camtschatic and paralithodes platypus;

(2) "retailer" means a person engaged in an act of selling or distributing king crab to the final consumer;

(3) "processors" means a person cooking, canning, freezing or otherwise preparing king crabs commercially for human consumption;

(4) "board" means the Alaska King Crab Marketing and Quality Control Board;

(5) "commissioner" means the commissioner of fish and game.

Sec. 18.90.230. **Short Title.** This chapter may be cited as the Alaska King Crab Marketing and Quality Control Act.

Sec. 2. **Effective Date.** This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.