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Original Sponsor: McGill

Offered: 3/28/66  
Referred: Resources

1 IN THE HOUSE.

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 362

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act providing for the creation of the  
7 Alaska Fishermen's Research Board to  
8 facilitate the abolition of high seas  
9 fishing; providing for an assessment on  
10 salmon processors in the state to finance  
11 this Act; and providing for an effective  
12 date."

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

14 \* Section 1. AS 18 is amended by adding a new chapter to  
15 read:

16 CHAPTER 95. ALASKA FISHERMEN'S RESEARCH BOARD.

17 Sec. 18.95.010. PURPOSE. In view of the serious ad-  
18 verse effects which high seas salmon fishing is having upon  
19 one of the major industries of this state, the legislature  
20 finds that there is a pressing need to establish and  
21 support a board which will perform appropriate research re-  
22 garding means by which high seas salmon fishing may be  
23 further controlled or, preferably, abolished and which will  
24 use the product of this vital research to advocate the  
25 further control or abolition of high seas salmon fishing as  
26 a desirable national policy.

27 Sec. 18.95.020. BOARD CREATED. (a) There is created  
28 in the Department of Fish and Game the Alaska Fishermen's  
29 Research Board, which consists of eight members appointed

1 by the governor and confirmed by a majority of the legisla-  
2 ture meeting in joint session. Members of the board must  
3 be residents of the state. Three members of the board must  
4 be engaged in business as processors and five members of  
5 the board must be commercial fishermen who actively engage  
6 in that occupation in this state and are licensed to do so.

7 (b) The governor shall appoint the fishermen members  
8 of the board by selecting one member from each of the  
9 following geographical areas:

10 (1) Area One is the coastal area from Hidden Inlet  
11 northwest to, but not including, Petersburg;

12 (2) Area Two is Petersburg northwest to, but not  
13 including, Yakutat;

14 (3) Area Three is Yakutat northwest to, but not  
15 including, Port Chatham;

16 (4) Area Four is Port Chatham west to Attu, on  
17 the south side of the Alaska Peninsula;

18 (5) Area Five is the area north of the south side  
19 of the Alaska Peninsula.

20 (c) The term of board members is five years, except  
21 that the initial terms of members of the board are: the  
22 Area One member and one processor for one year; the Area  
23 Two member for two years; the Area Three member and one  
24 processor for three years; the Area Four member for four  
25 years; and the Area Five member and one processor for five  
26 years.

27 (d) The commissioner of fish and game is an ex officio  
28 member of the board and shall execute those duties in support  
29 of the board's functions which are prescribed in this chapter

1           Sec. 18.95.030. QUORUM AND MEETINGS. (a) Five  
2 members of the board are a quorum.

3           (b) The board shall elect a chairman annually and  
4 shall hold at least five regular meetings a year. The  
5 board shall meet at the call of the chairman or upon written  
6 request of five members of the board.

7           Sec. 18.95.040. COMPENSATION. Board members receive  
8 no salary but are entitled to per diem and travel expenses  
9 authorized by law for other boards and commissions.

10          Sec. 18.95.050. DUTIES. The board shall

11           (1) undertake research projects regarding policies  
12 and methods to control or abolish high seas salmon fishing;

13           (2) make representations, based upon its research,  
14 before appropriate agencies of the federal government to  
15 encourage and support the implementation of policies and  
16 treaties at the national level for the further control or  
17 abolition of high seas salmon fishing;

18           (3) hold regular hearings throughout the state  
19 for the purpose of acquiring current information about the  
20 problems facing the commercial salmon fishing industry;

21           (4) undertake appropriate programs to inform the  
22 public of the results of its research and activities and  
23 to educate the public on the dangers posed to the state's  
24 economy unless high seas salmon fishing is further control-  
25 led or abolished;

26           (5) submit an annual report to the legislature in  
27 January which summarizes the board's activities during the  
28 past year.

29          Sec. 18.95.060. PERSONNEL. The board shall employ an

1 executive director and may employ those professional and  
2 clerical personnel which it considers necessary to support  
3 the duties of the board. Professional and clerical personnel  
4 employed by the board are in the exempt service under  
5 AS 39.25.110. The board shall establish the salaries of the  
6 professional and clerical personnel which it hires.

7 Sec. 18.95.070. LIST OF PROCESSORS. (a) Within 30  
8 days after the effective date of this chapter, the commis-  
9 sioner shall prepare a list of processors as defined in sec.  
10 130(3) of this chapter for use in carrying out procedures  
11 prescribed in this chapter. To enable the commissioner to  
12 prepare a complete list of processors, he may require all  
13 persons who operated as processors in the 12-month period  
14 immediately preceding the effective date of this chapter to  
15 file with him a statement properly certified showing

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

18 (2) the number of cases of salmon packed by the  
19 processor during the 12-month period immediately preceding  
20 the effective date of this chapter.

21 (b) The information contained in the individual reports  
22 of processors filed with the commissioner under this section  
23 shall not be made public by the commissioner in that form,  
24 but the information contained in the reports may be prepared  
25 in combined form for use by the commissioner, his agents, or  
26 other authorized persons, but shall not be made available  
27 for private purposes. The list shall constitute a complete  
28 and conclusive list of the processors of salmon in this  
29 state for the purposes of the written assent provided for in

1 this section.

2 (c) The board shall not make effective the research  
3 and other provisions of this chapter unless and until the  
4 annual budget for those programs is assented to in writing  
5 by not less than 51 per cent of the processors by number and  
6 by the processors of not less than 51 per cent of the salmon  
7 packed in the state by all processors qualified to assent.

8 Sec. 18.95.080. ASSESSMENT. (a) To defray the costs  
9 of administration of this chapter, and to initiate the pro-  
10 gram contained in it, there shall be an assessment of 10  
11 cents per case on the 1965 salmon pack for the 1966 budget  
12 of the board. Thereafter, the board shall propose increases  
13 or decreases in the assessment which are appropriate to carry  
14 out the purposes of this chapter, but no increase or decrease  
15 shall take effect until assented to in writing as set out in  
16 sec. 70(c) of this chapter. The assessment shall not be  
17 levied or collected more than once upon a case of salmon  
18 processed.

19 (b) This section is not applicable upon retailers,  
20 restaurants or other similar retail establishments.

21 (c) After the board has proposed and the salmon pro-  
22 cessors have approved an assessment, the commissioner shall  
23 give notification in writing by mail of the assessment to  
24 all processors concerned whose names are on record in the  
25 department. Assessments shall be paid in accordance with  
26 assessment forms prepared or issued by the commissioner for  
27 that purpose.

28 Sec. 18.95.090. FAILURE TO PAY ASSESSMENT. Failure  
29 to pay an assessment levied under this chapter is a

1 misdemeanor and is punishable by a fine of not to exceed  
2 double the amount of the assessment for each instance of the  
3 violation. The commissioner, with the concurrence of the  
4 board, may establish the amount of the fine to be imposed.

5 Sec. 18.95.100. MONEY COLLECTED. All money collected  
6 by the commissioner under this chapter shall be deposited in  
7 the general fund. The commissioner shall report to the  
8 legislature the amount of money collected and deposited in  
9 the general fund under this chapter during the preceding  
10 fiscal year. The report will be filed with the finance  
11 committees of the legislature within five days after it con-  
12 venes. Either finance committee may require additional  
13 information about the money collected under this chapter  
14 which it considers necessary.

15 Sec. 18.95.110. MONEY EXPENDED. Appropriations for  
16 expenses of the board shall not exceed the amount of money  
17 collected under this chapter through assessments and contri-  
18 butions.

19 Sec. 18.95.120. REGULATIONS. The commissioner may  
20 promulgate regulations regarding the collection of the  
21 assessments prescribed in this chapter.

22 Sec. 18.95.130. DEFINITIONS. In this chapter

23 (1) "salmon" includes all species commonly packed  
24 in this state and marketed under that appellation;

25 (2) "retailer" means a person engaged in the act  
26 of selling or distributing salmon to the final consumer;

27 (3) "processor" means a person cooking, canning,  
28 or otherwise preparing salmon in this state for human con-  
29 sumption;

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(4) "board" means the Alaska Fisherman's Research Board;

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

Sec. 18.95.140. SHORT TITLE. This chapter may be cited as the Alaska Fishermen's Research Act.

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