

Introduced: 2/6/67
Referred: Resources, State
Affairs and Finance

1 IN THE HOUSE

BY MOGILL

2 HOUSE BILL NO. 125

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

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

13 CHAPTER 95. ALASKA FISHERMEN'S RESEARCH BOARD.

14 Sec. 18.95.010. PURPOSE. In view of the serious adverse effects
15 which high seas salmon fishing is having upon one of the major in-
16 dustries of this state, the legislature finds that there is a pressing
17 need to establish and support a board which will perform appropriate
18 research regarding means by which high seas salmon fishing may be
19 further controlled or, preferably, abolished and which will use the
20 product of this vital research to advocate the further control or
21 abolition of high seas salmon fishing as a desirable national policy.

22 Sec. 18.95.020. BOARD CREATED. (a) There is created in the
23 Department of Fish and Game the Alaska Fishermen's Research Board,
24 which consists of eight members appointed by the governor and confirmed
25 by a majority of the legislature meeting in joint session. Members of
26 the board must be residents of the state. Three members of the board
27 must be engaged in business as processors and five members of the
28 board must be commercial fishermen who actively engage in that occupa-
29 tion in this state and are licensed to do so.

1 (b) The governor shall appoint the fishermen members of the
2 board by selecting one member from each of the following geographical
3 areas:

4 (1) Area One is the coastal area from Hidden Inlet north-
5 west to, but not including, Petersburg;

6 (2) Area Two is Petersburg northwest to, but not including,
7 Yakutat;

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

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

12 (5) Area Five is the area north of the south side of the
13 Alaska Peninsula.

14 (c) The term of board members is five years, except that the
15 initial terms of members of the board are: the Area One member and
16 one processor for one year; the Area Two member for two years; the
17 Area Three member and one processor for three years; the Area Four
18 member for four years; and the Area Five member and one processor for
19 five years.

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

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

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

28 Sec. 18.95.040. COMPENSATION. Board members receive no salary
29 but are entitled to per diem and travel expenses authorized by law for

1 other boards and commissions.

2 Sec. 18.95.050. DUTIES. The board shall

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

5 (2) make representations, based upon its research, before
6 appropriate agencies of the federal government to encourage and sup-
7 port the implementation of policies and treaties at the national level
8 for the further control or abolition of high seas salmon fishing;

9 (3) hold regular hearings throughout the state for the
10 purpose of acquiring current information about the problems facing the
11 commercial salmon fishing industry;

12 (4) undertake appropriate programs to inform the public of
13 the results of its research and activities and to educate the public
14 on the dangers posed to the state's economy unless high seas salmon
15 fishing is further controlled or abolished;

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

18 Sec. 18.95.060. PERSONNEL. The board shall employ an executive
19 director and may employ those professional and clerical personnel
20 which it considers necessary to support the duties of the board.
21 Professional and clerical personnel employed by the board are in the
22 exempt service under AS 39.25.110. The board shall establish the
23 salaries of the professional and clerical personnel which it hires.

24 Sec. 18.95.070. LIST OF PROCESSORS. (a) Within 30 days after
25 the effective date of this chapter, the commissioner shall prepare a
26 list of processors as defined in sec. 130(3) of this chapter for use
27 in carrying out procedures prescribed in this chapter. To enable the
28 commissioner to prepare a complete list of processors, he may require
29 all persons who operated as processors in the 12-month period

1 immediately preceding the effective date of this chapter to file
2 with him a statement properly certified showing

3 (1) the correct name and address of the processor; and
4 (2) the number of cases of salmon packed by the processor
5 during the 12-month period immediately preceding the effective date of
6 this chapter.

7 (b) The information contained in the individual reports of pro-
8 cessors filed with the commissioner under this section shall not be
9 made public by the commissioner in that form, but the information
10 contained in the reports may be prepared in combined form for use by
11 the commissioner, his agents, or other authorized persons, but shall
12 not be made available for private purposes. The list shall constitute
13 a complete and conclusive list of the processors of salmon in this
14 state for the purposes of the written assent provided for in this
15 section.

16 (c) The board may not make effective the research and other pro-
17 visions of this chapter unless and until the annual budget for those
18 programs is assented to in writing by not less than 51 per cent of the
19 processors by number and by the processors of not less than 51 per
20 cent of the salmon packed in the state by all processors qualified to
21 assent.

22 Sec. 18.95.080. ASSESSMENT. (a) To defray the costs of admin-
23 istration of this chapter, and to initiate the program contained in
24 it, there shall be an assessment of two cents per case on the 1966
25 salmon pack for the 1967 budget of the board. Thereafter, the board
26 shall propose increases or decreases in the assessment which are
27 appropriate to carry out the purposes of this chapter, but no increase
28 or decrease may take effect until assented to in writing as set out
29 in sec. 70(c) of this chapter. The assessment may not be levied or

1 collected more than once upon a case of salmon processed.

2 (b) This section is not applicable to retailers, restaurants or
3 other similar retail establishments.

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

10 Sec. 18.95.090. FAILURE TO PAY ASSESSMENT. Failure to pay an
11 assessment levied under this chapter is a misdemeanor and is punishable
12 by a fine of not to exceed double the amount of the assessment for
13 each instance of the violation. The commissioner, with the concurrence
14 of the board, may establish the amount of the fine to be imposed.

15 Sec. 18.95.100. MONEY COLLECTED. All money collected by the
16 commissioner under this chapter shall be deposited in the general fund.
17 The commissioner shall report to the legislature the amount of money
18 collected and deposited in the general fund under this chapter during
19 the preceding fiscal year. The report will be filed with the finance
20 committees of the legislature within five days after it convenes.
21 Either finance committee may require additional information about the
22 money collected under this chapter which it considers necessary.

23 Sec. 18.95.110. MONEY EXPENDED. Appropriations for expenses of
24 the board may not exceed the amount of money collected under this
25 chapter through assessments and contributions.

26 Sec. 18.95.120. REGULATIONS. The commissioner may promulgate
27 regulations regarding the collection of the assessments prescribed in
28 this chapter.

29 Sec. 18.95.130. DEFINITIONS. In this chapter

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

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

(3) "processor" means a person cooking, canning, or otherwise preparing salmon in this state for human consumption;

(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 approval.