

Introduced: 3/19/75
Referred: Resources and
Judiciary

1 IN THE HOUSE

BY NAUGHTON

2 HOUSE BILL NO. 312

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to king crab marketing and control;
7 and providing for an effective date."

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

9 * Section 1. AS 18.90.140(a) is amended to read:

10 (a) Each processor who purchases in excess of 50,000 pounds of
11 unprocessed king crab shall pay an assessment to defray the costs of
12 administration and enforcement of this chapter. A uniform rate of
13 assessment of not less than .2 per cent shall be levied based on the
14 gross dollar value paid by the processor to fishermen for king crab
15 during the previous fiscal [CALENDAR] year. The board shall annually
16 propose, and announce by registered notice to each qualified processor,
17 an assessment appropriate to carry out this chapter and the assessment
18 becomes effective when assented to in writing by not less than 51 per
19 cent of responding processors by number and representing not less than
20 51 per cent of the king crab poundage processed in the state by all
21 processors qualified to assent. Processors qualified to assent shall
22 have 30 days in which to respond to the notice of proposed assessment.
23 Processors who have not paid the assessment levied under this chapter
24 for the previous year are not qualified to assent. The assessment
25 may not be levied or collected more than once upon any lot of king
26 crab processed.

27 * Sec. 2. AS 18.90.210(b) is amended to read:

28 (b) An order under (a) or (c) of this section may be suspended
29 or set aside, in whole or in part, through injunction proceedings

1 brought by a party in interest against the commissioner and the board
2 in the superior court.

3 * Sec. 3. AS 18.90.210 is amended by adding a new subsection to read:

4 (c) Notwithstanding (a) of this section, if the violation under
5 this chapter is the intentional processing of dead king crab, the
6 processing plant is subject to immediate closure, for not more than
7 24 hours, by order of the commissioner and a penalty of not less than
8 \$5,000. A processing plant found in violation of this subsection twice
9 in the same 30-day period is subject to immediate closure for not less
10 than 30 days and a penalty of not less than \$20,000. In this section,
11 "intentional" means a wilful and knowing act or a reckless disregard
12 of the consequences of one's actions, demonstrating behavior directly
13 jeopardizing the public health.

14 * Sec. 4. On June 30, 1976, assessments shall be levied under sec. 1 of
15 this Act based on the catch from January 1, 1975 to June 30, 1976; thereafter
16 assessments shall be based on the catch made during each full fiscal year.

17 * Sec. 5. This Act takes effect immediately in accordance with AS 01.010.
18 070(c).