

Original sponsor: Rules Committee By Request
of the Governor

Offered: 2/11/77
Referred: Rules

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

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CS FOR SENATE BILL NO. 49

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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TENTH LEGISLATURE - FIRST SESSION

5

A BILL

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For an Act entitled: "An Act relating to the full utilization of herring;

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and providing for an effective date."

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

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* Section 1. AS 16.10 is amended by adding new sections in Article 3 to

10 read:

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Sec. 16.10.172. LEGISLATIVE POLICY ON UTILIZATION OF HERRING. The

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legislature finds the following: (1) extensive and valuable herring

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populations are available for harvest in waters subject to the juris-

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diction of the state; (2) commercial markets are available for herring

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processed in several forms; (3) one processing technique presently em-

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ployed involves deliberately permitting decomposition of the herring

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carcass to allow for removal and subsequent sale of the roe product,

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with the consequence that the flesh is unusable and discarded. The

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legislature declares that the process referred to in (3) of this section

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is wasteful and does not constitute utilization of this resource for the

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maximum benefit of the people. Therefore, it is the policy of the

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legislature that this process should be eliminated to the fullest extent

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possible.

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Sec. 16.10.173. UTILIZATION OF COMMERCIALY TAKEN HERRING. (a)

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It is unlawful for a person, as defined in AS 01.10.060 and including

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a joint venture, to waste or to cause to be wasted any commercially

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taken herring.

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(b) As used in this section, "waste" means the failure to use the

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flesh of commercially taken herring for reduction to meal, production of

1 fish food, human, consumption, food for domestic animals, scientific or
2 educational purposes, or round herring bait. Normal, inadvertent loss
3 of flesh associated with the uses described in this subsection which
4 cannot be prevented by practical means does not constitute waste. The
5 commissioner may authorize other uses of commercially taken herring not
6 inconsistent with the intent of this section and sec. 172 of this chap-
7 ter at his discretion upon receipt of a request accompanied by a
8 detailed justification.

9 (c) For purposes of this section, "flesh" means all muscular body
10 tissue surrounding the bony skeleton of the herring.

11 (d) The Board of Fisheries may adopt regulations under the
12 Administrative Procedure Act (AS 44.62) it considers necessary for im-
13 plementation of this section. The board may delegate its authority
14 under this section to the commissioner.

15 (e) The provisions of this section do not apply to herring taken
16 commercially in the Bering Sea (including appurtenant bays, sounds,
17 estuaries, and water of the state) north of 56° North Latitude, until
18 January 1, 1979.

19 * Sec. 2. This Act takes effect January 1, 1978.