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Referred: Resources and
Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE LEGISLATIVE
COUNCIL (for the Interim
Committee on Bottomfish)

1 IN THE HOUSE

2 HOUSE BILL NO. 42

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act establishing the Alaska Underutilized Fish
7 Species Board."

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

9 * Section 1. PURPOSES. The purposes of this chapter are to

10 (1) encourage the Alaska fishing industry to make greater use of
11 the ocean resources off the coast of Alaska;

12 (2) expand the range of species harvested by the Alaska fishing
13 industry;

14 (3) enable the Alaska fishing industry to maintain the quality of
15 underutilized fish species caught and placed on the market by Alaska fisher-
16 men and processors;

17 (4) enable the Alaska fishing industry to formulate and effectuate
18 directly or in cooperation with other agencies and instrumentalities research
19 and sales stimulation and consumer or other educational programs designed to
20 increase the use and consumption of underutilized fish species.

21 * Sec. 2. AS 16 is amended by adding a new chapter to read:

22 CHAPTER 47. ALASKA UNDERUTILIZED FISH SPECIES ACT.

23 Sec. 16.47.005. BOARD ESTABLISHED. (a) There is established in
24 the Department of Fish and Game the Alaska Underutilized Fish Species
25 Board, which consists of seven members. Six members shall be appointed
26 by the governor and confirmed by a majority of the members of the legis-
27 lature meeting in joint session. The commissioner of fish and game or
28 his designee is an ex officio member of the board and shall enforce this
29 chapter. Members of the board appointed by the governor shall be resi-

1 dents of this state and shall be processors or fishermen of under-
2 utilized fish species.

3 (b) Members shall serve terms of three years. Initial appoint-
4 ments of members are two members serving for one year, two members
5 serving for two years, and two members serving for three years.

6 (c) Members of the fishing industry may make recommendations of
7 persons to serve on the board. The governor shall make his appointments
8 to the board from the list of persons recommended by the industry.

9 (d) Four members of the board constitute a quorum.

10 (e) The board shall elect a chairman annually and shall hold at
11 least one regular meeting a year. The board shall meet at the call of
12 the chairman or upon the written request of two members of the board.

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

15 Sec. 16.47.010. ADMINISTRATIVE PROCEDURE ACT APPLICABLE. The
16 board is subject to the provisions of the Administrative Procedure Act
17 (AS 44.62).

18 Sec. 16.47.015. POWERS. The board may

19 (1) make contracts and other agreements which may be proper
20 to promote the sale of underutilized fish species and their products
21 produced, processed or distributed on either a local, state, national or
22 international basis;

23 (2) cooperate with any other local, state or national board,
24 organization or agency, whether voluntary or created by state or federal
25 law, engaged in work or activities similar to the work and activities of
26 the Alaska Underutilized Fish Species Board and make contracts and
27 agreements with those organizations or agencies for carrying on joint
28 programs of consumer education, sales promotion, quality control,
29 advertising and research in the production, processing or distribution

1 of underutilized fish species;

2 (3) conduct, or contract to have conducted, scientific re-
3 search to develop and discover health, dietetic or other uses of under-
4 utilized fish species;

5 (4) adopt regulations relating to the administration and
6 enforcement of this chapter;

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

10 (6) establish offices and incur expenses incidental to the
11 performance of its duties;

12 (7) present facts to, and negotiate with local, state or
13 federal agencies on matters affecting quality, production, processing or
14 distribution of underutilized fish species.

15 Sec. 16.47.020. DUTIES. (a) The duties of the board are to

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

18 (2) establish standards of quality and purity for under-
19 utilized fish species;

20 (3) prepare annually a budget of proposed expenses of the
21 board to be incurred in carrying out this chapter, and to make modifi-
22 cations of that budget whenever advisable;

23 (4) investigate all matters affecting the administration of
24 this chapter, and to report violations to the commissioner or his
25 designee.

26 (b) The commissioner shall

27 (1) define by regulation "underutilized fish species" for the
28 purposes of this chapter; and

29 (2) implement programs formulated by the board which are

1 reasonably calculated to effectuate the purposes and policies of this
2 chapter and are reasonably calculated to protect the interests of con-
3 sumers of underutilized fish species;

4 (3) exercise power under this chapter only to the extent
5 necessary to enforce the requirements of this chapter and attain the
6 objectives of this chapter.

7 Sec. 16.47.025. FALSE OR UNWARRANTED CLAIMS. No program or
8 activity conducted or sponsored under this chapter may make false or
9 unwarranted claims or disparage the quality, value, use or sale of any
10 commodity authorized by law to be marketed in this state, nor shall the
11 programs be conducted to promote directly a private brand or trade name.

12 Sec. 16.47.030. LOBBYING. No member, agent or employee of the
13 board may appear before any legislative committee of the state or
14 federal government as a representative of the board unless requested to
15 do so by the committee, nor may the person lobby in any manner as a
16 representative of the board.

17 Sec. 16.47.035. ANNUAL STATEMENTS. The board shall prepare
18 annually and make available to all underutilized fish species processors
19 and the legislature summarized statements of the activities in which it
20 has been engaged in the previous year, and of the activities in which it
21 proposes to engage in the ensuing year.

22 Sec. 16.47.040. RECORDS AND ACCOUNTS. The commissioner shall keep
23 books, records, and accounts of all board transactions, dealings, con-
24 tracts, agreements, funds, and expenditures. The books, records, and
25 accounts shall be open at all times to the legislative auditor.

26 Sec. 16.47.045. LIST OF PROCESSORS. (a) The commissioner shall
27 prepare annually a list of underutilized fish species processors for use
28 in carrying out the purposes of this chapter. The commissioner may
29 require all persons who operated as processors in the preceding year to

1 file with him a certified statement showing

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

3 (2) the gross dollar value paid for underutilized fish
4 species during the preceding calendar year.

5 (b) The information contained in the individual reports of pro-
6 cessors filed with the commissioner under this section may not be made
7 public by the commissioner in that form, but the information contained
8 in the reports may be prepared in combined form for use by the commis-
9 sioner, his agents, or other authorized persons, in the formulation,
10 administration and enforcement of a quality control order, or may be
11 made available under court order; however, the information may not be
12 made available to anyone for private purposes.

13 Sec. 16.47.050. PENALTY. (a) The commissioner, with the con-
14 currence of the board, may order the closure of any processing plant
15 which violates a provision of this chapter or a regulation adopted under
16 this chapter. The order shall specifically state the reasons for the
17 closure, and the closure may not take place until 30 days after receipt
18 of the order by the owner or operator of the plant. If the violations
19 stated in the order are corrected before the expiration of the 30 days,
20 the plant may not be closed. A plant closed under this section may not
21 reopen until there is full compliance with this chapter.

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

26 Sec. 16.47.055. DEFINITIONS. In this chapter

27 (1) "board" means the Alaska Underutilized Fish Species
28 Board;

29 (2) "commissioner" means the commissioner of fish and game;

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(3) "underutilized fish species" includes those species of fish designated by the commissioner in accordance with AS 16.47.020(b) as subject to the provisions of this chapter;

(4) "underutilized fish species processors" or "processors" means a person cooking, canning, freezing or otherwise preparing underutilized fish species commercially for human consumption.

* Sec. 2. AS 39.50.200(9) is amended by adding a new subparagraph to read:

(QQ) Underutilized Fish Species Board (AS 16.47.005).

* Sec. 3. AS 44.62.330(a) is amended by adding a new paragraph to read:

(46) Underutilized Fish Species Board.