

**HOUSE BILL NO. 542**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**SEVENTEENTH LEGISLATURE - SECOND SESSION**

**BY REPRESENTATIVE CHOQUETTE**

**Introduced: 2/18/92**

**Referred: Resources, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to a fishing vessel fish hold inspection and fisheries product quality**  
2 **control."**

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

4 **\* Section 1.** AS 03.05 is amended by adding a new section to read:

5           Sec. 03.05.023. FISHING VESSEL FISH HOLD INSPECTION AND QUALITY  
6 CONTROL PROGRAM. (a) In order to preserve the quality and wholesomeness of fisheries  
7 products produced in the state, the commissioner shall adopt by regulation minimum standards  
8 for

9                           (1) fishing vessels relating to

10   (A) fish and ice storage areas;

11   (B) fish handling equipment;

12   (C) fish chilling and freezing equipment; and

13   (D) other facilities, areas, and equipment on fishing vessels that affect the

14 quality and wholesomeness of fisheries products;

1                   (2) handling fish on board fishing vessels relating to  
2                               (A) use and maintenance of fish storage areas;  
3                               (B) use and maintenance of fish handling, chilling, and freezing  
4                   equipment; and  
5                               (C) other operations on board fishing vessels that affect the quality and  
6                   wholesomeness of fisheries products.  
7           (b) The department shall inspect fishing vessels for compliance with the standards for  
8           fishing vessels adopted under (a) of this section. The department shall perform the inspections  
9           annually, or at other intervals the department determines consistent with the purposes of this  
10           section. The department shall issue a certificate of compliance to the owner or operator of a  
11           fishing vessel that satisfies the standards at the time of inspection. A certificate of compliance  
12           is valid for the period determined appropriate by the department.  
13           (c) The department may issue a provisional certificate of compliance for a fishing vessel  
14           that does not otherwise qualify for a certificate if the condition of the vessel does not constitute  
15           a threat to public health and if requiring the vessel to be brought into immediate compliance  
16           would constitute an undue hardship on the vessel owner or operator. A provisional certificate  
17           of compliance is valid for not more than one year.  
18           (d) A person who is denied a certificate of compliance under this section may appeal the  
19           decision of the department to the commissioner within 15 days after the person is notified of the  
20           denial. The commissioner shall decide within 15 days after the receipt of the appeal of the denial  
21           whether the denial of the certificate of compliance was justified. The commissioner may require  
22           reinspection of the fishing vessel by an unbiased inspector before making a final decision to issue  
23           or deny issuance of the certificate. The person who appeals the decision of the department may  
24           request a fact finding hearing before a hearing officer appointed by the commissioner. The  
25           hearing officer, if appointed, shall recommend a decision to the commissioner. The  
26           commissioner shall adopt regulations consistent with due process to implement this subsection.  
27           A person who is denied a certificate of compliance by a final decision of the commissioner may  
28           appeal that decision to the superior court.  
29           (e) The department shall provide informational and educational materials regarding the  
30           standards for handling fish on board fishing vessels and shall encourage owners, operators, and  
31           crew members of fishing vessels to comply with the standards.

1 (f) The commissioner may, except as otherwise provided in this section, adopt regulations  
2 to implement this section.

3 (g) In this section,

4 (1) "commissioner" means the commissioner of environmental conservation;

5 (2) "department" means the Department of Environmental Conservation.

6 \* Sec. 2. AS 14.40 is amended by adding a new section to read:

7 Sec. 14.40.083. FISHERIES PRODUCT QUALITY CONTROL EDUCATIONAL  
8 PROGRAM. The University of Alaska may establish a fisheries product quality control  
9 educational program within the marine advisory program. The fisheries product quality control  
10 educational program shall educate fishermen in the proper handling and storage of fisheries  
11 products on board fishing vessels.

12 \* Sec. 3. AS 16.05.490 is amended by adding a new subsection to read:

13 (f) A vessel license, or renewal of a vessel license, for a vessel engaged in a commercial  
14 fishery, but not including a vessel used exclusively in charter service for recreational taking of  
15 fish and shellfish, may not be issued if the applicant for the vessel license or renewal does not  
16 provide proof of a valid certificate of compliance under AS 03.05.023 for the fishing vessel.

17 \* Sec. 4. AS 03.05.023, AS 14.40.083, and AS 16.05.490(f) are repealed three years after the  
18 effective date of this Act.