

**CS FOR HOUSE BILL NO. 542 (RESOURCES)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION**

BY THE HOUSE RESOURCES COMMITTEE

**Offered: 4/27/92
Referred: Finance**

Sponsor(s): REPRESENTATIVE CHOQUETTE

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
2 (1) , except as otherwise provided in this section, adopt regulations to implement
3 this section;
4 (2) establish a fee for vessel inspections conducted under this section.
5 (g) In this section,
6 (1) "commissioner" means the commissioner of environmental conservation;
7 (2) "department" means the Department of Environmental Conservation.
8 * Sec. 2. AS 16.05.490 is amended by adding a new subsection to read:
9 (f) A vessel license, or renewal of a vessel license, for a vessel engaged in a commercial
10 fishery, but not including a vessel used exclusively in charter service for recreational taking of
11 fish and shellfish, may not be issued if the applicant for the vessel license or renewal does not
12 provide proof of a valid certificate of compliance under AS 03.05.023 for the fishing vessel.
13 * Sec. 3. TRANSITION. (a) Notwithstanding AS 16.05.490(f), added by sec. 2 of this Act, in order
14 to obtain or renew a vessel license
15 (1) for 1993, proof of a valid certificate of compliance issued under AS 03.05.023 is
16 required only for vessels that at the time of licensing are intended to be used in a seine fishery;
17 (2) for 1994, proof of a valid certificate of compliance issued under AS 03.05.023 is
18 required only for vessels that at the time of licensing are intended to be used in a seine, drift gillnet, or
19 longline fishery; however, a certificate of compliance is not required for a vessel intended only for use
20 in drift gillnet or longline fisheries in the Arctic-Yukon-Kuskokwim region as defined by the Board of
21 Fisheries;
22 (3) for 1995, proof of a valid certificate of compliance issued under AS 03.05.023 is
23 required only for vessels that at the time of licensing are intended to be used in a seine, drift gillnet, set
24 gillnet, or longline fishery; however, a certificate of compliance is not required for a vessel that is
25 (A) intended only for use in drift gillnet or longline fisheries in the Arctic-Yukon-
26 Kuskokwim region as defined by the Board of Fisheries; or
27 (B) 28 feet or less in length and that is intended only for use in a set gillnet
28 fishery.
29 (b) The Alaska Commercial Fisheries Entry Commission may adopt regulations it considers
30 necessary to implement this section.
31 * Sec. 4. Section 3 of this Act is repealed December 31, 1995.