

Rec'd 4/19/82
After bill etc HFC

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE
REVENUES

I. REQUEST
Bill/Resolution No. CS HB 637 (Finance)
Title An Act relating to the regulation of the taking, purchase, or sale of
Requested by _____ Date _____

II. FISCAL DETAIL
Agency Affected Department of Public Safety
Program Category Affected Life and Property Protection
BRU, Program, Or Subprogram(s) Affected Driver/Vehicle Services
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	25.0	1.3	1.3	1.3	1.3	1.3
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

Unrestricted Revenue collected from the sale of ID cards deposited into the General Fund.

FY 82 - 5,000 cards @ 5.00 = \$25,000
FY 83 - 250 cards @ 5.00 = 1,250

IV. DATE April 14, 1982 PREPARED BY Bill Brown

AGENCY Public Safety - Motor Vehicles

Original: Legislative Finance PHONE 465-4335 *(mhw)*

cc: Budget and Management
Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE
EXPENDITURE

I. REQUEST
Bill/Resolution No. CS HB 637 (Finance)
Title An Act relating to the regulation of the taking, purchase, or sale of
Requested by _____ Date _____

II. FISCAL DETAIL
Agency Affected Department of Public Safety
Program Category Affected Life and Property Protection
BRU, Program, Or Subprogram(s) Affected Driver/Vehicle Services
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL	3.9	.2	.2	.2	.3	.3
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	3.9	.2	.2	.2	.3	.3

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	3.9	.2	.2	.2	.3	.3
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME	0	0	0	0	0	0
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

Basic assumption of fiscal note is applicants for photographic IDs are required to use existing facilities of the Department.

Fiscal note based on estimate of 50,000 fishermen, of which 10% do not currently have photographic identification. Therefore, 5,000 would have to obtain same. Film for issuance of 5,000 ID cards, at \$.78 each, equals \$3,900.00.

If bill is not effective until FY83, then the \$3,900 would not be required until FY83 instead of FY82.

For FY 83-87, an estimated 250 duplicate or new ID cards will be issued annually.

IV. DATE 4-14-82 PREPARED BY Bill Brown
AGENCY Division of Motor Vehicles
Original: Legislative Finance PHONE Dept of Public Safety 465-4335
cc: Budget and Management
Prime Sponsor (First Legislator Named) *Mike*
33-001 (Rev. 12/81)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. CSHB 637 (Fin)
 Title An Act Relating to Limited Entry
 Requested by _____ Date _____

II. FISCAL DETAIL
 Agency Affected Dept. of Public Safety
 Program Category Affected NRMEC
 BRU, Program, Or Subprogram(s) Affected _____
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
	0	0	0	0	0	0
TOTAL						


FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
	0	0	0	0	0	0

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						
	0	0	0	0	0	0

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

IV. DATE 4/12/82 PREPARED BY Colonel Robert J. Stickles
 AGENCY Dept. of Public Safety
 Original: Legislative Finance PHONE 269-5532
 cc: Budget and Management
 Prime Sponsor (First Legislator Named) 
 33-001 (Rev. 12/81)

Rec'd 4/28/82
After bill r.o.

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE
FISCAL NOTE

I. REQUEST

Bill/Resolution No. Committee Substitute for House bill 637 (Finance)
 Title "An Act relating to limited entry and providing penalties for the taking"
 Requested by Senate Resources Date 4/23/82

II. FISCAL DETAIL

Agency Affected Labor
 Program Category Affected Public Protection
 BRU, Program, or Subprogram(s) Affected Labor Standards and Safety

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL	1.0	0	0	0	0	0
400 COMMODITIES	.2	0	0	0	0	0
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	1.2	0	0	0	0	0

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	1.2	0	0	0	0	0
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME	0	0	0	0	0	0
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Assumes effective date of June 1, 1982.

Assumes requirement for mass mailing is one-time only.

Contractual includes printing of 1,600 notices and letters and postage for mailing - \$995.

Commodities include envelopes and mailing labels - \$195.

IV. DATE 4/23/82 PREPARED BY Nico Bus
 AGENCY Department of Labor
 PHONE 455-2720
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

COMMITTEE REPORT

HOUSE

FURTHER:

(11)

4/1/82

Date: 4/5/82

(Finance referral added 4/1/82)

Mr. Speaker:

The Committee on FINANCE has had HB 637

"An Act relating to limited entry and providing penalties for the taking and sale of fish without an entry permit, interim-use permit, or emergency transfer slip, and an identification card."

under consideration and reports it back as follows:

- [] do pass [] do not pass
[] do pass with attached amendments(s)
[X] replace with CS for HB 637 (FIN) [] same title
[] new title
and recommends do pass
[] AND attaches a "Letter of Intent" [] New Fiscal Note
[] reports it back without recommendation
[] referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

CHAIRMAN

Original sponsor: Chuckwuk

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 637 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the regulation of the taking,
7 purchase, or sale of certain fishery resources; and
8 providing for an effective date."

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

10 * Section 1. AS 16.10 is amended by adding new sections to read:

11 Sec. 16.10.265. PURCHASE OF FISH FROM PERMIT HOLDERS. (a) It is
12 unlawful for an individual while acting as a fish processor or primary
13 fish buyer, or as an agent, director, officer, member, or employee of a
14 fish processor, of a primary fish buyer, or of a cooperative corporation
15 organized under AS 10.15 to intentionally or knowingly purchase raw fish
16 from a seller who does not hold an entry permit or an interim-use permit
17 issued or transferred to the seller in accordance with AS 16.43.

18 (b) An individual who violates (a) of this section is

19 (1) upon a first conviction, guilty of a class B misdemeanor
20 and shall be sentenced to a fine of not less than \$1,000 nor more than
21 \$5,000, and may be sentenced to a definite term of imprisonment of not
22 more than 90 days;

23 (2) upon a second conviction, guilty of a class A misdemeanor
24 and shall be sentenced to a fine of not less than \$5,000 nor more than
25 \$10,000, and may be sentenced to a definite term of imprisonment of not
26 more than one year;

27 (3) upon a third or subsequent conviction, guilty of a
28 class A misdemeanor and shall be sentenced to a fine of not less than
29 \$10,000 nor more than \$25,000, and may be sentenced to a definite term

1 of imprisonment of not more than one year.

2 (c) The commissioner of revenue shall impose upon a fish processor,
3 primary fish buyer, or cooperative corporation organized under AS 10.15,
4 a civil fine equal to the value of fish purchased in violation of this
5 section by (1) the fish processor or primary fish buyer if the fish
6 processor or primary fish buyer is not a corporation; or (2) an agent,
7 director, officer, member, or employee of the fish processor, of the
8 primary fish buyer, or of the cooperative corporation. Value is based
9 on the average price paid to fishermen at the time of the violation.

10 (d) The commissioner of revenue may suspend or revoke a business
11 license issued under AS 43.70.020 or a license to engage in the business
12 of processing or buying raw fish if the licensee or an officer, director,
13 or employee in a policy-making position of the licensee has been con-
14 victed of three or more offenses under this section. Proceedings to
15 suspend or revoke a license are governed by the Administrative Procedure
16 Act (AS 44.62).

17 (e) An organization may not be criminally prosecuted under (a) of
18 this section.

19 (f) As used in this section, "individual" means a natural person.

20 Sec. 16.10.267. POSSESSION OF PERMIT AND IDENTIFICATION BY SELLER.

21 (a) When a fisherman sells fish the fisherman shall possess

22 (1) an entry permit or interim-use permit issued or trans-
23 ferred to the fisherman under AS 16.43, or other document authorized by
24 regulation to be used in place of an entry permit or interim-use permit;
25 and .

26 (2) an identification card that has been issued to the fisher-
27 man by a state or federal agency and that bears a photograph of the
28 fisherman.

29 (b) If requested by the purchaser of the fish or by a peace

1 officer, the fisherman shall present for inspection the identification
2 card, entry permit, interim-use permit, or other document required to be
3 in the fisherman's possession under (a) of this section.

4 (c) Examples of a suitable identification card required under
5 (a)(2) of this section are a motor vehicle operator's license issued
6 under AS 28.15.111 and an identification card issued under AS 18.65.310.

7 (d) An individual who violates or assists in the violation of this
8 section is, upon conviction, guilty of a misdemeanor and is punishable
9 by a fine of not more than \$5,000 for a first conviction, and a fine of
10 not more than \$10,000 for a second or third conviction. Upon a third
11 conviction, the person forfeits all interim-use and entry permits held
12 by him and loses eligibility for future issuance or transfer of interim-
13 use or entry permits for a period of three years. Upon a first or
14 second conviction under this section, the court may in its discretion
15 order a forfeiture of interim-use or entry permits held by the person,
16 as well as a loss of eligibility for future issuance or transfer of
17 interim-use or entry permits, or order a suspension of fishing rights
18 under interim-use or entry permits held or to be held by the person for
19 a period of not more than three years.

20 Sec. 16.10.268. NOTICE OF LIABILITY. (a) The commissioner of
21 labor shall print posters that contain notice of the requirements of
22 AS 16.10.265. The commissioner shall distribute the posters to fish
23 processors, primary fish buyers, and cooperative corporations organized
24 under AS 10.15 for the purpose of buying raw fish.

25 (b) A fish processor, primary fish buyer, or cooperative corpora-
26 tion organized under AS 10.15 for the purpose of buying raw fish shall
27 display in a prominent place on its business premises posters provided
28 by the commissioner of labor under (a) of this section.

29 * Sec. 2. AS 16.10.296 is amended to read:

1 Sec. 16.10.296. DEFINITIONS. In AS 16.10.265 - 16.10.296 [AS 16.-
2 10.270 - 16.10.296], unless the context otherwise requires,

3 (1) "commissioner" means the commissioner of labor;

4 (2) "fish" means any species of aquatic finfish, inverte-
5 brates and amphibians, shellfish, or any other raw fishery resource, in
6 any stage of its life cycle, found in or introduced into the state, and
7 includes fish eggs;

8 (3) "fish processor" means a person engaging or attempting to
9 engage in a business for which a license is required under AS 43.75.-
10 010 - 43.75.090;

11 (4) "primary fish buyer" means a person, other than a co-
12 operative corporation organized under AS 10.15, engaging or attempting
13 to engage in the business of originally purchasing or buying any raw
14 fishery resource in intrastate, interstate, or foreign commerce.

15 * Sec. 3. AS 16.43.360(a) is amended to read:

16 (a) A person who violates or assists in the violation of a provi-
17 sion of this chapter or a regulation promulgated under this chapter is,
18 upon conviction, guilty of a misdemeanor and is punishable by a fine of
19 not more than \$5,000 for a first conviction, and a fine of not more than
20 \$10,000 for a second or third conviction. Upon a third conviction, the
21 person forfeits [SHALL FORFEIT] all interim-use and entry permits held
22 by him and loses eligibility for future issuance or transfer of interim-
23 use or entry permits for a period of three years. Upon a first or
24 second conviction under this section, the court may in its discretion
25 order a forfeiture of interim-use or entry permits held by the person,
26 [HIM] as well as a loss of eligibility for future issuance or transfer
27 of interim-use or entry permits, or order a suspension of fishing rights
28 under interim-use or entry permits held or to be held by the person
29 [HIM] for a period of not more than three years. This subsection does

1 not apply to violations of AS 16.43.140(a).

2 * Sec. 4. AS 16.43.360 is amended by adding new subsections to read:

3 (g) A person who violates the provisions of AS 16.43.140(a) is

4 (1) upon a first conviction, guilty of a class B misdemeanor
5 and may be sentenced to a definite term of imprisonment of not more than
6 90 days, or forfeiture of the person's fishing vessel, or both, and
7 shall be sentenced to a fine of not less than \$5,000 nor more than
8 \$10,000 and loss of commercial fishing privileges for a period of one
9 year after the date of conviction;

10 (2) upon a second conviction, guilty of a class A misdemeanor
11 and may be sentenced to a definite term of imprisonment of not more than
12 one year, and shall be sentenced to a fine of not less than \$10,000 nor
13 more than \$20,000, forfeiture of the person's fishing vessel, and loss
14 of commercial fishing privileges for a period of two years after the
15 date of conviction;

16 (3) upon a third or subsequent conviction, guilty of a class
17 A misdemeanor and may be sentenced to a definite term of imprisonment of
18 not more than one year, and shall be sentenced to a fine of not less
19 than \$20,000 nor more than \$50,000, forfeiture of the person's fishing
20 vessel, and loss of commercial fishing privileges for a period of five
21 years after the date of conviction.

22 (h) A person convicted of violating the provisions of AS 16.43.-
23 140(a) forfeits the value of the fishery resources found on board the
24 person's vessel at the time of the violation.

25 * Sec. 5. This Act takes effect immediately in accordance with AS 01.10.-
26 070(c).

EFFECT OF AMENDMENTS

by Rep. Chuskawik

Page 1, Line 11 & Line 12 Amendments

Makes the violation penalties apply to only those acting on behalf of those mentioned in Section A.

(An individual who is not employed in one of these positions will not be subject to criminal penalty under this section or while off duty.)

Page 2, Line 6

This section imposes a fine on processor, buyer or co-op equal to the value of the fish purchased in violation.

The amendment explains the list of people whose action may result in corporate liability.

Page 2, Line 12

Defines what businesses may have their licenses suspended or revoked.

Amendment includes businesses processing or buying raw fish rather than limiting it to those who are primary buyers.

Page 2, Line 14

Amendment changes the amount of convictions from four to three before suspension or revocation of a license may take place.

Page 3, Line 19

Amendment is housekeeping. Section no longer applies criminal liability.

Page 5, Line 13

Amendment inserts consistent wording of what fishing privileges are forfeited. Commercial Fishing Privileges.

These are also mentioned on Line 7 and Line 19 of Page 5.

April 5, 1982

AMENDMENTS TO CSHB 637 (Resources)

Page 1, Line 11	Delete "who is" Insert "while acting as"
Page 1, Line 12	Before "an agent" Insert "as"
Page 2, Line 6	Delete "or employee in a policy-making position" Insert "employee, agent or member"
Page 2, Line 12	Delete "fish processing or primary fish buying" Insert "processing or buying raw fish"
Page 2, Line 14	Delete "four" Insert "three"
Page 3, Line 19	Delete "CRIMINAL"
Page 5, Line 13	After the first "of" Insert "commercial"

Although current regulations require a fisherman to have his limited entry or interim-use permit with him when he sells fish, there is no penalty to the buyer for knowingly purchasing fish from someone who does not have a permit. In fact, a buyer working on a commission basis may have little incentive to check permits and wouldn't need to see one if the fisherman had a prestamped fish ticket. (In order to speed up sales transactions, a buyer may prestamp a quantity of fish tickets with a fisherman's limited entry card. The tickets are then kept by the fisherman who presents one when he sells a load of fish. The practice allows fishermen without permits to sell fish if they gain possession of prestamped tickets.) Buyers not working on a commission basis can increase their profits by buying fish from fishermen without limited entry cards who are willing to accept lower prices. Buyers working for a processor on a salary basis may be offered bribes from illegal fishermen. There is little risk of getting caught, and only the fisherman is liable.

With passage of this bill, the fish buyer would be penalized by a fine and possible jail sentence if it can be proven that he knowingly bought fish from someone who was not a holder of a limited entry or interim-use permit. For the buyer's protection, this bill requires fishermen to carry picture identification cards. HB 637 also increases the penalties to persons who have not been issued permits who are convicted of fishing illegally.

Sec. 1, page 1. A buyer may be penalized if found guilty of knowingly purchasing fish from someone without a permit. A "buyer" in this section refers to an individual who purchases fish for business purposes. No part of this bill places responsibility on members of the general public who buy fish for personal consumption. The term "natural person" means "an individual" and is used instead of "person" which in legal terms means a corporation or company. It was the Resources Committee's intent not to penalize businesses for the actions of their employees. Companies have little control over their employees in the field who might accept bribes from illegal fishermen. The liability of this section falls solely on the individual buying the fish unless others are implicated as accomplices.

Sec. 1(b), page 1. Establishes penalties for the buyer.

First conviction: class B misdemeanor, \$1000 - \$5000 fine.

Second conviction: class A misdemeanor, \$5000 - \$10,000 fine.

Third conviction: class A misdemeanor, \$10,000 - \$25,000 fine.

Sec. 1(c), page 2. Imposes a fine on the company if the company is an individual or if an officer, director or person in a policy making position is found guilty of knowingly buying fish from a person who does not hold a permit or is implicated in the transaction. The fine would be levied by the Commissioner of Revenue and would equal the value of the fish at the time of the sale. Sec. 3(h), page 5, levies the same fine against the fisherman.

Sec. 1(d), page 2. Allows the Commissioner of Revenue to suspend or revoke the business license of a fish processor or buyer if the licensee or an officer, director, or an employee in a policy making position has been convicted four or more times of knowingly buying fish from a person who does not hold a permit.

Sec. 1(e), page 2. Further clarifies the level of liability in Sec. 1(a). This subsection eliminates company responsibility for the actions of its employees.

Sec. 16.10.267(a-c), pages 2 and 3. At the time of a sale, the fisherman must have in his possession his limited entry card and a picture I.D., and he must present them at the request of the fish buyer. The I.D. is to enable the buyer to make a positive identification of the seller. Suitable picture I.D.'s are drivers' licenses, state personal identification cards or federal I.D.'s which have a picture.

Sec. 16.10.267(d), page 3. Establishes penalties for the fisherman who does not have a limited entry card or I.D. in his possession:

First conviction: Class B misdemeanor, fine up to \$5000, possible loss of limited entry or interim-use permit for up to three years.

Second conviction: Class A misdemeanor, fine up to \$10,000, possible loss of limited entry or interim-use permit for up to three years.

Third conviction: Same as second conviction and loss of limited entry or interim-use permits for three years.

Sec. 16.10.268, page 3. In order to inform employees of their liability, the Department of Labor will send posters to all processors and primary fish buyers who have filed intent to operate forms, and the companies shall display the notices in a prominent place.

Sec. 16.10.296, pages 3 and 4. DEFINITIONS.

Sec. 3. AS 16.43.360(a). Page 4. De-sexes subsection and removes penalties for violations of AS 16.43.140(a) from this subsection.

Sec. 3. AS 16.43.360(g). Increases the penalties for fishing without having been issued a permit.

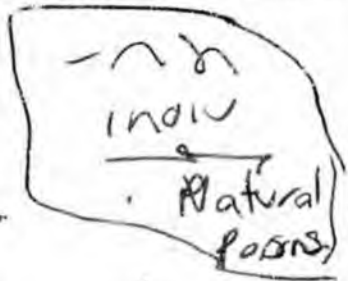
First conviction: Class B misdemeanor
possible 90 days in jail
possible loss of boat
mandatory \$5000 - \$10,000 fine
mandatory loss of commercial fishing privileges
for 1 year.

Second conviction: Class A misdemeanor
possible 1 year in jail
mandatory \$10,000 - \$20,000 fine
mandatory loss of boat
mandatory loss of fishing privileges for 2 years.

Third conviction: Class A misdemeanor
possible 1 year in jail
mandatory \$20,000 - \$50,000 fine
mandatory loss of boat
mandatory loss of fishing privileges for 5
years.

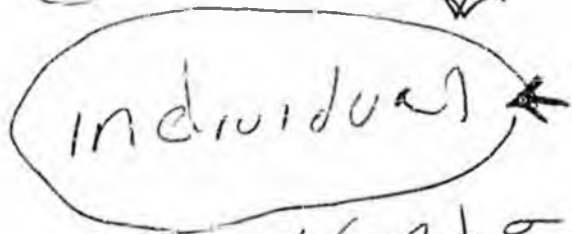
(h) For all convictions, the fisherman must forfeit the value of the fish found on board at the time of the violation.

2452



"natural person"

1 of



indiv + add & F

Final
corrections
Pages 1, 2, 3 + 5

Original sponsor: Chuckwuk

Offered: 4/1/82
Referred: Finance

1 IN THE HOUSE

Finance
BY THE RESOURCES COMMITTEE

2

CS FOR HOUSE BILL NO. 637 (~~Resources~~)
Finance

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TWELFTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to limited entry; and providing for an effective date."

7

8

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

9

* Section 1. AS 16.10 is amended by adding new sections to read:

10

Sec. 16.10.265. PURCHASE OF FISH FROM PERMIT HOLDERS. (a) It is unlawful for a natural person ^{while acting as} ~~who is~~ a fish processor or primary fish buyer, or ^{as} an agent, director, officer, member, or employee of a fish processor, of a primary fish buyer, or of a cooperative corporation organized under AS 10.15 to intentionally or knowingly purchase raw fish from a seller who does not hold an entry permit or an interim-use permit issued or transferred to the seller in accordance with AS 16.43.

11

12

13

14

15

16

17

(b) A natural person who violates (a) of this section is

18

19

20

21

(1) upon a first conviction, guilty of a class B misdemeanor and shall be sentenced to a fine of not less than \$1,000 nor more than \$5,000, and may be sentenced to a definite term of imprisonment of not more than 90 days;

22

23

24

25

(2) upon a second conviction, guilty of a class A misdemeanor and shall be sentenced to a fine of not less than \$5,000 nor more than \$10,000, and may be sentenced to a definite term of imprisonment of not more than one year;

26

27

28

29

(3) upon a third or subsequent conviction, guilty of a class A misdemeanor and shall be sentenced to a fine of not less than \$10,000 nor more than \$25,000, and may be sentenced to a definite term of imprisonment of not more than one year.

1 (c) The commissioner of revenue shall impose upon a fish processor,
2 primary fish buyer, or cooperative corporation organized under AS 10.15,
3 a civil fine equal to the value of fish purchased in violation of this
4 section by (1) the fish processor or primary fish buyer if the fish
5 processor or primary fish buyer is not a corporation; or (2) an officer,
6 director, ~~or employee in a policy-making position~~ ^{employee, agent or member} of the fish processor,
7 of the primary fish buyer, or of the cooperative corporation. Value is
8 based on the average price paid to fishermen at the time of the viola-
9 tion.

10 (d) The commissioner of revenue may suspend or revoke a business
11 license issued under AS 43.70.020 or a license to engage in the business
12 of ~~fish processing or primary fish buying~~ ^{processing or buying raw fish} if the licensee or an officer,
13 director, or employee in a policy-making position of the licensee has
14 been convicted of ~~four~~ ^{three} or more offenses under this section. Proceedings
15 to suspend or revoke a license are governed by the Administrative Pro-
16 cedure Act (AS 44.62).

17 (e) An organization may not be criminally prosecuted under (a) of
18 this section.

19 Sec. 16.10.267. POSSESSION OF PERMIT AND IDENTIFICATION BY SELLER.

20 (a) When a fisherman sells fish the fisherman shall possess

21 (1) an entry permit or interim-use permit issued or trans-
22 ferred to the fisherman under AS 16.43, or other document authorized by
23 regulation to be used in place of an entry permit or interim-use permit;
24 and

25 (2) an identification card that has been issued to the fisher-
26 man by a state or federal agency and that bears a photograph of the
27 fisherman.

28 (b) If requested by the purchaser of the fish or by a peace
29 officer, the fisherman shall present for inspection the identification

1 card, entry permit, interim-use permit, or other document required to be
2 in the fisherman's possession under (a) of this section.

3 (c) Examples of a suitable identification card required under
4 (a)(2) of this section are a motor vehicle operator's license issued
5 under AS 28.15.111 and an identification card issued under AS 18.65.310.

6 (d) An individual who violates or assists in the violation of this
7 section 19, upon conviction, guilty of a misdemeanor and is punishable
8 by a fine of not more than \$5,000 for a first conviction, and a fine of
9 not more than \$10,000 for a second or third conviction. Upon a third
10 conviction, the person forfeits all interim-use and entry permits held
11 by him and loses eligibility for future issuance or transfer of interim-
12 use or entry permits for a period of three years. Upon a first or
13 second conviction under this section, the court may in its discretion
14 order a forfeiture of interim-use or entry permits held by the person,
15 as well as a loss of eligibility for future issuance or transfer of
16 interim-use or entry permits, or order a suspension of fishing rights
17 under interim-use or entry permits held or to be held by the person for
18 a period of not more than three years.

19 Sec. 16.10.268. NOTICE OF CRIMINAL LIABILITY. (a) The commis-
20 sioner of labor shall print posters that contain notice of the require-
21 ments of AS 16.10.265. The commissioner shall distribute the posters to
22 fish processors, primary fish buyers, and cooperative corporations
23 organized under AS 10.15 for the purpose of buying raw fish.

24 (b) A fish processor, primary fish buyer, or cooperative corpora-
25 tion organized under AS 10.15 for the purpose of buying raw fish shall
26 display in a prominent place on its business premises posters provided
27 by the commissioner of labor under (a) of this section.

28 * Sec. 2. AS 16.10.296 is amended to read:

29 Sec. 16.10.296. DEFINITIONS. In AS 16.10.265 - 16.10.296 [AS 16.-

1 10.270 - 16.10.296], unless the context otherwise requires,

2 (1) "commissioner" means the commissioner of labor;

3 (2) "fish" means any species of aquatic finfish, inverte-
4 brates and amphibians, shellfish, or any other raw fishery resource, in
5 any stage of its life cycle, found in or introduced into the state, and
6 includes fish eggs;

7 (3) "fish processor" means a person engaging or attempting to
8 engage in a business for which a license is required under AS 43.75.-
9 010 - 43.75.090;

10 (4) "primary fish buyer" means a person, other than a co-
11 operative corporation organized under AS 10.15, engaging or attempting
12 to engage in the business of originally purchasing or buying any raw
13 fishery resource in intrastate, interstate, or foreign commerce.

14 * Sec. 3. AS 16.43.360(a) is amended to read:

15 (a) A person who violates or assists in the violation of a provi-
16 sion of this chapter or a regulation promulgated under this chapter is,
17 upon conviction, guilty of a misdemeanor and is punishable by a fine of
18 not more than \$5,000 for a first conviction, and a fine of not more than
19 \$10,000 for a second or third conviction. Upon a third conviction, the
20 person forfeits [SHALL FORFEIT] all interim-use and entry permits held
21 by him and loses eligibility for future issuance or transfer of interim-
22 use or entry permits for a period of three years. Upon a first or
23 second conviction under this section, the court may in its discretion
24 order a forfeiture of interim-use or entry permits held by the person,
25 [HIM] as well as a loss of eligibility for future issuance or transfer
26 of interim-use or entry permits, or order a suspension of fishing rights
27 under interim-use or entry permits held or to be held by the person
28 [HIM] for a period of not more than three years. This subsection does
29 not apply to violations of AS 16.43.140(a).

1 * Sec. 4. AS 16.43.360 is amended by adding new subsections to read:

2 (g) A person who violates the provisions of AS 16.43.140(a) is

3 (1) upon a first conviction, guilty of a class B misdemeanor
4 and may be sentenced to a definite term of imprisonment of not more than
5 90 days, or forfeiture of the person's fishing vessel, or both, and
6 shall be sentenced to a fine of not less than \$5,000 nor more than
7 \$10,000 and loss of commercial fishing privileges for a period of one
8 year after the date of conviction;

9 (2) upon a second conviction, guilty of a class A misdemeanor
10 and may be sentenced to a definite term of imprisonment of not more than
11 one year, and shall be sentenced to a fine of not less than \$10,000 nor
12 more than \$20,000, forfeiture of the person's fishing vessel, and loss
13 of ^{commercial} fishing privileges for a period of two years after the date of con-
14 viction;

15 (3) upon a third or subsequent conviction, guilty of a class
16 A misdemeanor and may be sentenced to a definite term of imprisonment of
17 not more than one year, and shall be sentenced to a fine of not less
18 than \$20,000 nor more than \$50,000, forfeiture of the person's fishing
19 vessel, and loss of commercial fishing privileges for a period of five
20 years after the date of conviction.

21 (h) A person convicted of violating the provisions of AS 16.43.-
22 140(a) forfeits the value of the fishery resources found on board the
23 person's vessel at the time of the violation.

24 * Sec. 5. This Act takes effect immediately in accordance with AS 01.10.-
25 070(c).

Original sponsor: Chuckwuk

Offered: 4/1/82
Referred: Finance

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 637 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to limited entry; and providing for an
7 effective date."

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

9 * Section 1. AS 16.10 is amended by adding new sections to read:

10 Sec. 16.10.265. PURCHASE OF FISH FROM PERMIT HOLDERS. (a) It is
11 unlawful for a natural person who is a fish processor or primary fish
12 buyer, or an agent, director, officer, member, or employee of a fish
13 processor, of a primary fish buyer, or of a cooperative corporation
14 organized under AS 10.15 to intentionally or knowingly purchase raw fish
15 from a seller who does not hold an entry permit or an interim-use permit
16 issued or transferred to the seller in accordance with AS 16.43.

17 (b) A natural person who violates (a) of this section is

18 (1) upon a first conviction, guilty of a class B misdemeanor
19 and shall be sentenced to a fine of not less than \$1,000 nor more than
20 \$5,000, and may be sentenced to a definite term of imprisonment of not
21 more than 90 days;

22 (2) upon a second conviction, guilty of a class A misdemeanor
23 and shall be sentenced to a fine of not less than \$5,000 nor more than
24 \$10,000, and may be sentenced to a definite term of imprisonment of not
25 more than one year;

26 (3) upon a third or subsequent conviction, guilty of a class A
27 misdemeanor and shall be sentenced to a fine of not less than \$10,000
28 nor more than \$25,000, and may be sentenced to a definite term of
29 imprisonment of not more than one year.

1 (c) The commissioner of revenue shall impose upon a fish processor,
2 primary fish buyer, or cooperative corporation organized under AS 10.15,
3 a civil fine equal to the value of fish purchased in violation of this
4 section by (1) the fish processor or primary fish buyer if the fish
5 processor or primary fish buyer is not a corporation; or (2) an officer,
6 director, or employee in a policy-making position of the fish processor,
7 of the primary fish buyer, or of the cooperative corporation. Value is
8 based on the average price paid to fishermen at the time of the viola-
9 tion.

10 (d) The commissioner of revenue may suspend or revoke a business
11 license issued under AS 43.70.020 or a license to engage in the business
12 of fish processing or primary fish buying if the licensee or an officer,
13 director, or employee in a policy-making position of the licensee has
14 been convicted of four or more offenses under this section. Proceedings
15 to suspend or revoke a license are governed by the Administrative Pro-
16 cedure Act (AS 44.62).

17 (e) An organization may not be criminally prosecuted under (a) of
18 this section.

19 Sec. 16.10.267. POSSESSION OF PERMIT AND IDENTIFICATION BY SELLER.

20 (a) When a fisherman sells fish the fisherman shall possess

21 (1) an entry permit or interim-use permit issued or trans-
22 ferred to the fisherman under AS 16.43, or other document authorized by
23 regulation to be used in place of an entry permit or interim-use permit;
24 and

25 (2) an identification card that has been issued to the fisher-
26 man by a state or federal agency and that bears a photograph of the
27 fisherman.

28 (b) If requested by the purchaser of the fish or by a peace
29 officer, the fisherman shall present for inspection the identification

1 card, entry permit, interim-use permit, or other document required to be
2 in the fisherman's possession under (a) of this section.

3 (c) Examples of a suitable identification card required under
4 (a)(2) of this section are a motor vehicle operator's license issued
5 under AS 28.15.111 and an identification card issued under AS 18.65.310.

6 (d) An individual who violates or assists in the violation of this
7 section is, upon conviction, guilty of a misdemeanor and is punishable
8 by a fine of not more than \$5,000 for a first conviction, and a fine of
9 not more than \$10,000 for a second or third conviction. Upon a third
10 conviction, the person forfeits all interim-use and entry permits held
11 by him and loses eligibility for future issuance or transfer of interim-
12 use or entry permits for a period of three years. Upon a first or
13 second conviction under this section, the court may in its discretion
14 order a forfeiture of interim-use or entry permits held by the person,
15 as well as a loss of eligibility for future issuance or transfer of
16 interim-use or entry permits, or order a suspension of fishing rights
17 under interim-use or entry permits held or to be held by the person for
18 a period of not more than three years.

19 Sec. 16.10.268. NOTICE OF CRIMINAL LIABILITY. (a) The commis-
20 sioner of labor shall print posters that contain notice of the require-
21 ments of AS 16.10.265. The commissioner shall distribute the posters to
22 fish processors, primary fish buyers, and cooperative corporations
23 organized under AS 10.15 for the purpose of buying raw fish.

24 (b) A fish processor, primary fish buyer, or cooperative corpora-
25 tion organized under AS 10.15 for the purpose of buying raw fish shall
26 display in a prominent place on its business premises posters provided
27 by the commissioner of labor under (a) of this section.

28 * Sec. 2. AS 16.10.296 is amended to read:

29 Sec. 16.10.296. DEFINITIONS. In AS 16.10.265 - 16.10.296 [AS 16.-

1 10.270 - 16.10.296], unless the context otherwise requires,

2 (1) "commissioner" means the commissioner of labor;

3 (2) "fish" means any species of aquatic finfish, inverte-
4 brates and amphibians, shellfish, or any other raw fishery resource, in
5 any stage of its life cycle, found in or introduced into the state, and
6 includes fish eggs;

7 (3) "fish processor" means a person engaging or attempting to
8 engage in a business for which a license is required under AS 43.75.-
9 010 - 43.75.090;

10 (4) "primary fish buyer" means a person, other than a co-
11 operative corporation organized under AS 10.15, engaging or attempting
12 to engage in the business of originally purchasing or buying any raw
13 fishery resource in intrastate, interstate, or foreign commerce.

14 * Sec. 3. AS 16.43.360(a) is amended to read:

15 (a) A person who violates or assists in the violation of a provi-
16 sion of this chapter or a regulation promulgated under this chapter is,
17 upon conviction, guilty of a misdemeanor and is punishable by a fine of
18 not more than \$5,000 for a first conviction, and a fine of not more than
19 \$10,000 for a second or third conviction. Upon a third conviction, the
20 person forfeits [SHALL FORFEIT] all interim-use and entry permits held
21 by him and loses eligibility for future issuance or transfer of interim-
22 use or entry permits for a period of three years. Upon a first or
23 second conviction under this section, the court may in its discretion
24 order a forfeiture of interim-use or entry permits held by the person,
25 [HIM] as well as a loss of eligibility for future issuance or transfer
26 of interim-use or entry permits, or order a suspension of fishing rights
27 under interim-use or entry permits held or to be held by the person
28 [HIM] for a period of not more than three years. This subsection does
29 not apply to violations of AS 16.43.140(a).

1 * Sec. 4. AS 16.43.360 is amended by adding new subsections to read:

2 (g) A person who violates the provisions of AS 16.43.140(a) is

3 (1) upon a first conviction, guilty of a class B misdemeanor
4 and may be sentenced to a definite term of imprisonment of not more than
5 90 days, or forfeiture of the person's fishing vessel, or both, and
6 shall be sentenced to a fine of not less than \$5,000 nor more than
7 \$10,000 and loss of commercial fishing privileges for a period of one
8 year after the date of conviction;

9 (2) upon a second conviction, guilty of a class A misdemeanor
10 and may be sentenced to a definite term of imprisonment of not more than
11 one year, and shall be sentenced to a fine of not less than \$10,000 nor
12 more than \$20,000, forfeiture of the person's fishing vessel, and loss
13 of fishing privileges for a period of two years after the date of con-
14 viction;

15 (3) upon a third or subsequent conviction, guilty of a class
16 A misdemeanor and may be sentenced to a definite term of imprisonment of
17 not more than one year, and shall be sentenced to a fine of not less
18 than \$20,000 nor more than \$50,000, forfeiture of the person's fishing
19 vessel, and loss of commercial fishing privileges for a period of five
20 years after the date of conviction.

21 (h) A person convicted of violating the provisions of AS 16.43.-
22 140(a) forfeits the value of the fishery resources found on board the
23 person's vessel at the time of the violation.

24 * Sec. 5. This Act takes effect immediately in accordance with AS 01.10.-
25 070(c).

AP
James Polley
626 NW 182nd.
Seattle, WA 98177

RECEIVED
MAR 26 1982
COMMERCIAL FISHERIES
ENTRY COMMISSION

State of Alaska
Commercial Fisheries Entry Commission
Pouch KB
Juneau, Alaska, 99811

Dear Sirs:

As you are no doubt already aware, there are a number of individuals who plan on fishing this year in Bristol Bay without a valid license. It is my understanding that some have made agreements with floating processors who will use one license to buy fish from several vessels, and in return for this service will pay the fisherman a substantially lower price for his fish. Others, who have worked partnerships with permit holders in the past, this year are planning on "just taking their chances", particularly in the outlying districts. Apparently they feel that the Ostrosky Case affords them the opportunity to violate the law with minimal risk.

In view of the tremendous fisheries problems which developed in Washington State once the door to "Rape and Run" fishing was cracked open, I consider this potential problem in Bristol Bay as a serious threat to my livelihood.

As you are making your enforcement plans with the Department Of Public Safety for the 1982 season, please consider the following suggestions:

- 1) A \$5,000. fine is grossly inadequate as a deterrent. It should be increased and also include crew members.
- 2) A more positive means of license identification should be developed immediately.
- 3) Boats should be checked as they deliver their catches, and stiff penalties levied against processors who cooperate in illegal sales.

Thankyou for giving this letter your consideration. I appreciate your on-going efforts to bring orderly management to our fisheries.

Sincerely

James Polley
James Polley

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. HB 637 *No. 1*
 Title "An Act relating to limited entry..."
 Requested by Representative Joseph Chuckwuk Date 1/20/82

II. FISCAL DETAIL
 Agency Affected Department of Public Safety
 Program Category Affected Life & Property Protection
 BRU, Program, Or Subprogram(s) Affected Driver/Vehicle Services
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	25.0	1.3	1.3	1.3	1.3	1.3
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

Unrestricted Revenue collected from the sale of ID cards deposited into the General Fund.

FY 82 - 5,000 cards @ \$5 = \$25,000
 FY 83 - 250 cards @ \$5 = 1,250

IV. DATE March 30, 1982

PREPARED BY *Michael Orelove* Michael Orelove

AGENCY Department of Public Safety

Original: Legislative Finance

PHONE 465-4349

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. CS HB 637 *no. 2*
 Title An Act Relating to limited entry....
 Requested by House Resources Date 3-26-82

II. FISCAL DETAIL
 Agency Affected Department of Public Safety
 Program Category Affected Life and Property Protection
 BRU, Program, Or Subprogram(s) Affected Driver/Vehicle Services
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL	4.0	.2	.2	.2	.3	.3
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	4.0	.2	.2	.2	.3	.3

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	4.0	.2	.2	.2	.3	.3
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME	0	0	0	0	0	0
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

Basic assumption of fiscal note is applicants for photographic ID cards are required to use existing facilities of the Department.

Fiscal note based on estimate of 50,000 fishermen, of which 10% do not currently have photographic identification. Therefore, 5,000 would have to obtain ID cards. Film for issuance of 5,000 ID cards, at \$.79 each, equals \$3,950.00.

If bill is not effective until FY83, then the \$3,950 would not be required until FY83 instead of FY82.

For FY 83-87, an estimated 250 duplicate or new ID cards will be issued annually.

IV. DATE 3-26-82 PREPARED BY *Bill Brown*
Bill Brown
 AGENCY Division of Motor Vehicles
 PHONE 465-4335 Department of Public Safety
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Committee Substitute for House bill 637 (Resources) *No. 3*
 Title "An Act relating to limited entry and providing penalties for the taking"
 Requested by House Resources Date 3/24/82

II. FISCAL DETAIL

Agency Affected Labor
 Program Category Affected Public Protection
 BRU, Program, or Subprogram(s) Affected Labor Standards and Safety
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL	1.0	0	0	0	0	0
400 COMMODITIES	.2	0	0	0	0	0
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	1.2	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND	1.2	0	0	0	0	0
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME	0	0	0	0	0	0
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Assumes effective date of June 1, 1982.

Assumes requirement for mass mailing is one-time only.

Contractual includes printing of 1,600 notices and letters and postage for mailing - \$995.

Commodities include envelopes and mailing labels - \$195.

IV. DATE 3/24/82

PREPARED BY Nico Bus
 AGENCY Department of Labor
 PHONE 465-2720

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE
REVENUE

I. REQUEST

Bill/Resolution No. SS HB 637 (RES)
Title "An Act relating to limited entry..."
Requested by Representative Joseph Chuckwuk Date 1/20/82

II. FISCAL DETAIL

Agency Affected Department of Public Safety
Program Category Affected Life & Property Protection
BRU, Program, Or Subprogram(s) Affected Driver/Vehicle Services
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	25.0	1.3	1.3	1.3	1.3	1.3
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

Unrestricted Revenue collected from the sale of ID cards deposited into the General Fund.

FY 82 - 5,000 cards @ \$5 = \$25,000
FY 83 - 250 cards @ \$5 = 1,250

IV. DATE March 30, 1982

PREPARED BY Michael Orelove
AGENCY Department of Public Safety

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)
33-001 (Rev. 12/81)

PHONE 465-4349

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE
EXPENDITURE

I. REQUEST
Bill/Resolution No. CS HB 637 (REG)
Title An Act Relating to limited entry....
Requested by House Resources Date 3-26-82

II. FISCAL DETAIL
Agency Affected Department of Public Safety
Program Category Affected Life and Property Protection
BRU, Program, Or Subprogram(s) Affected Driver/Vehicle Services
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL	4.0	.2	.2	.2	.3	.3
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	4.0	.2	.2	.2	.3	.3

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	4.0	.2	.2	.2	.3	.3
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME	0	0	0	0	0	0
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section 111)

Basic assumption of fiscal note is applicants for photographic ID cards are required to use existing facilities of the Department.

Fiscal note based on estimate of 50,000 fishermen, of which 10% do not currently have photographic identification. Therefore, 5,000 would have to obtain ID cards. Film for issuance of 5,000 ID cards, at \$.79 each, equals \$3,950.00.

If bill is not effective until FY83, then the \$3,950 would not be required until FY83 instead of FY82.

For FY 83-87, an estimated 250 duplicate or new ID cards will be issued annually.

IV. DATE 3-26-82 PREPARED BY Bill Brown
AGENCY Division of Motor Vehicles
Original: Legislative Finance PHONE 465-4335 Department of Public Safety
cc: Budget and Management
Prime Sponsor (First Legislator Named)
33-001 (Rev. 12/81)

Original sponsor: Chuckwuk

Offered: 4/1/82
Referred: Finance

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2

CS FOR HOUSE BILL NO. 637 (Resources)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TWELFTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to limited entry; and providing for an effective date."

7

8

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

9

* Section 1. AS 16.10 is amended by adding new sections to read:

10

Sec. 16.10.265. PURCHASE OF FISH FROM PERMIT HOLDERS. (a) It is unlawful for a natural person who is a fish processor or primary fish buyer, or an agent, director, officer, member, or employee of a fish processor, of a primary fish buyer, or of a cooperative corporation organized under AS 10.15 to intentionally or knowingly purchase raw fish from a seller who does not hold an entry permit or an interim-use permit issued or transferred to the seller in accordance with AS 16.43.

11

12

13

14

15

16

17

(b) A natural person who violates (a) of this section is

18

19

20

21

(1) upon a first conviction, guilty of a class B misdemeanor and shall be sentenced to a fine of not less than \$1,000 nor more than \$5,000, and may be sentenced to a definite term of imprisonment of not more than 90 days;

22

23

24

25

(2) upon a second conviction, guilty of a class A misdemeanor and shall be sentenced to a fine of not less than \$5,000 nor more than \$10,000, and may be sentenced to a definite term of imprisonment of not more than one year;

26

27

28

29

(3) upon a third or subsequent conviction, guilty of a class A misdemeanor and shall be sentenced to a fine of not less than \$10,000 nor more than \$25,000, and may be sentenced to a definite term of imprisonment of not more than one year.

1 (c) The commissioner of revenue shall impose upon a fish processor,
2 primary fish buyer, or cooperative corporation organized under AS 10.15,
3 a civil fine equal to the value of fish purchased in violation of this
4 section by (1) the fish processor or primary fish buyer if the fish
5 processor or primary fish buyer is not a corporation; or (2) an officer,
6 director, or employee in a policy-making position of the fish processor,
7 of the primary fish buyer, or of the cooperative corporation. Value is
8 based on the average price paid to fishermen at the time of the viola-
9 tion.

10 (d) The commissioner of revenue may suspend or revoke a business
11 license issued under AS 43.70.020 or a license to engage in the business
12 of fish processing or primary fish buying if the licensee or an officer,
13 director, or employee in a policy-making position of the licensee has
14 been convicted of four or more offenses under this section. Proceedings
15 to suspend or revoke a license are governed by the Administrative Pro-
16 cedure Act (AS 44.62).

17 (e) An organization may not be criminally prosecuted under (a) of
18 this section.

19 Sec. 16.10.267. POSSESSION OF PERMIT AND IDENTIFICATION BY SELLER.

20 (a) When a fisherman sells fish the fisherman shall possess

21 (1) an entry permit or interim-use permit issued or trans-
22 ferred to the fisherman under AS 16.43, or other document authorized by
23 regulation to be used in place of an entry permit or interim-use permit;
24 and

25 (2) an identification card that has been issued to the fisher-
26 man by a state or federal agency and that bears a photograph of the
27 fisherman.

28 (b) If requested by the purchaser of the fish or by a peace
29 officer, the fisherman shall present for inspection the identification

1 card, entry permit, interim-use permit, or other document required to be
2 in the fisherman's possession under (a) of this section.

3 (c) Examples of a suitable identification card required under
4 (a)(2) of this section are a motor vehicle operator's license issued
5 under AS 28.15.111 and an identification card issued under AS 18.65.310.

6 (d) An individual who violates or assists in the violation of this
7 section is, upon conviction, guilty of a misdemeanor and is punishable
8 by a fine of not more than \$5,000 for a first conviction, and a fine of
9 not more than \$10,000 for a second or third conviction. Upon a third
10 conviction, the person forfeits all interim-use and entry permits held
11 by him and loses eligibility for future issuance or transfer of interim-
12 use or entry permits for a period of three years. Upon a first or
13 second conviction under this section, the court may in its discretion
14 order a forfeiture of interim-use or entry permits held by the person,
15 as well as a loss of eligibility for future issuance or transfer of
16 interim-use or entry permits, or order a suspension of fishing rights
17 under interim-use or entry permits held or to be held by the person for
18 a period of not more than three years.

19 Sec. 16.10.268. NOTICE OF CRIMINAL LIABILITY. (a) The commis-
20 sioner of labor shall print posters that contain notice of the require-
21 ments of AS 16.10.265. The commissioner shall distribute the posters to
22 fish processors, primary fish buyers, and cooperative corporations
23 organized under AS 10.15 for the purpose of buying raw fish.

24 (b) A fish processor, primary fish buyer, or cooperative corpora-
25 tion organized under AS 10.15 for the purpose of buying raw fish shall
26 display in a prominent place on its business premises posters provided
27 by the commissioner of labor under (a) of this section.

28 * Sec. 2. AS 16.10.296 is amended to read:

29 Sec. 16.10.296. DEFINITIONS. In AS 16.10.265 - 16.10.296 [AS 16.-

1 10.270 - 16.10.296], unless the context otherwise requires,

2 (1) "commissioner" means the commissioner of labor;

3 (2) "fish" means any species of aquatic finfish, inverte-
4 brates and amphibians, shellfish, or any other raw fishery resource, in
5 any stage of its life cycle, found in or introduced into the state, and
6 includes fish eggs;

7 (3) "fish processor" means a person engaging or attempting to
8 engage in a business for which a license is required under AS 43.75.-
9 010 - 43.75.090;

10 (4) "primary fish buyer" means a person, other than a co-
11 operative corporation organized under AS 10.15, engaging or attempting
12 to engage in the business of originally purchasing or buying any raw
13 fishery resource in intrastate, interstate, or foreign commerce.

14 * Sec. 3. AS 16.43.360(a) is amended to read:

15 (a) A person who violates or assists in the violation of a provi-
16 sion of this chapter or a regulation promulgated under this chapter is,
17 upon conviction, guilty of a misdemeanor and is punishable by a fine of
18 not more than \$5,000 for a first conviction, and a fine of not more than
19 \$10,000 for a second or third conviction. Upon a third conviction, the
20 person forfeits [SHALL FORFEIT] all interim-use and entry permits held
21 by him and loses eligibility for future issuance or transfer of interim-
22 use or entry permits for a period of three years. Upon a first or
23 second conviction under this section, the court may in its discretion
24 order a forfeiture of interim-use or entry permits held by the person,
25 [HIM] as well as a loss of eligibility for future issuance or transfer
26 of interim-use or entry permits, or order a suspension of fishing rights
27 under interim-use or entry permits held or to be held by the person
28 [HIM] for a period of not more than three years. This subsection does
29 not apply to violations of AS 16.43.140(a).

1 * Sec. 4. AS 16.43.360 is amended by adding new subsections to read:

2 (g) A person who violates the provisions of AS 16.43.140(a) is

3 (1) upon a first conviction, guilty of a class B misdemeanor
4 and may be sentenced to a definite term of imprisonment of not more than
5 90 days, or forfeiture of the person's fishing vessel, or bot', and
6 shall be sentenced to a fine of not less than \$5,000 nor more than
7 \$10,000 and loss of commercial fishing privileges for a period of one
8 year after the date of conviction;

9 (2) upon a second conviction, guilty of a class A misdemeanor
10 and may be sentenced to a definite term of imprisonment of not more than
11 one year, and shall be sentenced to a fine of not less than \$10,000 nor
12 more than \$20,000, forfeiture of the person's fishing vessel, and loss
13 of fishing privileges for a period of two years after the date of con-
14 viction;

15 (3) upon a third or subsequent conviction, guilty of a class
16 A misdemeanor and may be sentenced to a definite term of imprisonment of
17 not more than one year, and shall be sentenced to a fine of not less
18 than \$20,000 nor more than \$50,000, forfeiture of the person's fishing
19 vessel, and loss of commercial fishing privileges for a period of five
20 years after the date of conviction.

21 (h) A person convicted of violating the provisions of AS 16.43.-
22 140(a) forfeits the value of the fishery resources found on board the
23 person's vessel at the time of the violation.

24 * Sec. 5. This Act takes effect immediately in accordance with AS 01.10.-
25 070(c).

Introduced: 1/11/82
Referred: Resources

1 IN THE HOUSE

BY CHUCKWUK

2 HOUSE BILL NO. 637

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to limited entry and providing penal-
7 ties for the taking and sale of fish without an entry
8 permit, interim-use permit, or emergency transfer slip,
9 and an identification card."

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

11 * Section 1. AS 16.10 is amended by adding new sections to read:

12 Sec. 16.10.265. PURCHASE OF FISH FROM PERMIT HOLDERS. (a) A
13 licensed fish processor or primary fish buyer may purchase raw fish only
14 from a seller who holds an entry permit or an interim-use permit issued
15 or transferred to the seller in accordance with AS 16.43.

16 (b) When a fisherman sells fish to a fish processor or primary
17 fish buyer, the fisherman shall have in his possession

18 (1) an entry permit or interim-use permit issued or trans-
19 ferred to him under AS 16.43, or an emergency transfer slip completed in
20 accordance with AS 16.43.180 and regulations adopted under that section;
21 and

22 (2) an identification card issued by a local, state, or
23 federal agency that bears a photograph of the person to whom the card is
24 issued.

25 (c) If requested by a fish processor or primary fish buyer or by a
26 peace officer, the fisherman shall present for inspection the identifi-
27 cation card or emergency transfer slip required to be in his possession
28 under (b) of this section.

29 (d) A licensed fish processor or primary fish buyer who purchases

1 raw fish in wilful violation of this section is subject to the following
2 penalties:

3 (1) a fine of not less than \$1,000 nor more than \$5,000 upon
4 the first conviction;

5 (2) a fine of not less than \$5,000 nor more than \$10,000 upon
6 the second conviction;

7 (3) a fine of not less than \$10,000 nor more than \$25,000
8 upon the third conviction;

9 (4) upon the fourth or subsequent violation, the commissioner
10 of revenue may suspend or permanently revoke the person's license to
11 engage in the business of fish processing or primary fish buying.

12 (e) Proceedings to suspend or revoke a license under (d)(4) of
13 this section are governed by the Administrative Procedure Act (AS 44.-
14 62).

15 (f) Examples of a suitable identification card required under
16 (b)(2) of this section are a motor vehicle operator's license issued
17 under AS 28.15.111, an identification card issued under AS 18.65.310,
18 and a fisherman's identification card issued under AS 16.10.267.

19 Sec. 16.10.267. FISHERMAN'S IDENTIFICATION CARD. (a) Upon pay-
20 ment of a \$5 fee, the Department of Public Safety shall issue a
21 fisherman's identification card identical to the identification card
22 provided for in AS 18.65.310, except that the card may include the
23 serial number of each entry permit issued or transferred under AS 16.43
24 to the person identified on the card.

25 (b) A person may obtain a fisherman's identification card by
26 applying to the Department of Public Safety on forms and in the manner
27 prescribed by the Department of Public Safety.

28 (c) A person who knowingly makes a fraudulent written statement or
29 application for a fisherman's identification card concerning age, race,

1 sex, entry permit number, or other identifying characteristics, is
2 guilty of a class A misdemeanor.

3 (d) It is a class B misdemeanor for a person to possess, use,
4 produce, or manufacture a fraudulent fisherman's identification card.

5 (e) It is a class B misdemeanor for a person to allow a fisher-
6 man's identification card issued to him to be used by another person.

7 * Sec. 2. AS 16.10.296 is amended to read:

8 Sec. 16.10.296. DEFINITIONS. In AS 16.10.265 - 16.10.296 [AS 16.-
9 10.270 - 16.10.296], unless the context otherwise requires,

10 (1) "commissioner" means the commissioner of labor;

11 (2) "fish" means any species of aquatic fin fish, inverte-
12 brates and amphibians, shellfish, or any other raw fishery resource, in
13 any stage of its life cycle, found in or introduced into the state;

14 (3) "fish processor" means a person engaging or attempting to
15 engage in a business for which a license is required under AS 43.75.-
16 010 - 43.75.090;

17 (4) "primary fish buyer" means a person, other than a co-
18 operative corporation organized under AS 10.15, engaging or attempting
19 to engage in the business of originally purchasing or buying any raw
20 fishery resource in intrastate, interstate, or foreign commerce.

21 * Sec. 3. AS 16.43.360(a) is amended to read:

22 (a) A person who violates or assists in the violation of a provi-
23 sion of this chapter or a regulation promulgated under this chapter is,
24 upon conviction, guilty of a misdemeanor and is punishable by a fine of
25 not more than \$5,000 for a first conviction, and a fine of not more than
26 \$10,000 for a second or third conviction. Upon a third conviction, the
27 person forfeits [SHALL FORFEIT] all interim-use and entry permits held
28 by him and loses eligibility for future issuance or transfer of interim-
29 use or entry permits for a period of three years. Upon a first or

1 second conviction under this section, the court may in its discretion
2 order a forfeiture of interim-use or entry permits held by a person,
3 [HIM] as well as a loss of eligibility for future issuance or transfer
4 of interim-use or entry permits, or order a suspension of fishing rights
5 under interim-use or entry permits held or to be held by the person
6 [HIM] for a period of not more than three years. This subsection does
7 not apply to violations of AS 16.43.140(a).

8 * Sec. 4. AS 16.43.360 is amended by adding a new subsection to read:

9 (g) A person who violates the provisions of AS 16.43.140(a), upon
10 conviction, forfeits the value of the fish caught by the person in the
11 course of the violation. In addition, the person is subject to the
12 following penalties:

13 (1) a fine of not less than \$1,000 nor more than \$5,000 upon
14 the first conviction;

15 (2) a fine of not less than \$5,000 nor more than \$10,000 and
16 loss of all fishing privileges in the state, including subsistence,
17 sport and commercial fishing privileges, for two years after the date of
18 conviction upon the second conviction;

19 (3) forfeiture of the vessel and gear used in the violation
20 and imprisonment for a period of not less than three months nor more
21 than one year upon each conviction after the second.
22
23
24
25
26
27
28
29