

H B

6 3 7

COMMITTEE REPORT

SENATE

5/8/82

FURTHER: None

Date: May 15, 1982

Mr. President:

The Committee on JUDICIARY has had CSHB 637(Fin) on regulation of the taking, purchase, or sale of certain fishery resources

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HR 027 same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

**MEMBERS SIGNING
DO PASS**

W. B. Anderson

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

CHAIRMAN

Original sponsor: Chuckwuk

Offered: 5/8/82
Referred: Judiciary

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2

SENATE CS FOR 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 the taking, purchase, or sale of
7 certain fishery resources; and providing for an effective
8 date."

9

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

10

* Section 1. AS 16.05 is amended by adding a new section to read:

11

Sec. 16.05.253. OPERATION OF STATIONARY FISHING GEAR. The Board

12

*Discretionary
Necessary* → of Fisheries may require a person who holds a limited entry permit or an
13 interim-use permit under AS 16.43 to be physically present during the
14 operation of net gear or other stationary fishing gear operated from a
15 beach or riparian site, except when the permit holder is traveling to
16 and from the site of a sale of fish caught in the gear.

17

* Sec. 2. AS 16.10 is amended by adding 3 new sections to read:

18

Sec. 16.10.265. PURCHASE OF FISH FROM PERMIT HOLDERS. (a) It is

19

unlawful for an individual while acting as a fish processor or primary
20 fish buyer, or as an agent, director, officer, member, or employee of a
21 fish processor, of a primary fish buyer, or of a cooperative corporation
22 organized under AS 10.15 to intentionally or knowingly make an original
23 purchase of fish from a seller who does not hold an entry permit or an
24 interim-use permit issued or transferred to the seller in accordance
25 with AS 16.43.

26

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

27

(1) upon a first conviction, guilty of a class B misdemeanor,

28

and shall be sentenced to a fine of not less than \$1,000 nor more than
29 \$5,000, and may be sentenced to a definite term of imprisonment of not

1 more than 90 days;

2 (2) upon a second conviction, guilty of a class A misdemeanor
3 and shall be sentenced to a fine of not less than \$5,000 nor more than
4 \$10,000, and may be sentenced to a definite term of imprisonment of not
5 more than one year;

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

10 (c) The commissioner of revenue shall impose upon a fish processor,
11 primary fish buyer, or cooperative corporation organized under AS 10.15,
12 a civil fine equal to the value of fish purchased in violation of this
13 section by (1) the fish processor or primary fish buyer if the fish
14 processor or primary fish buyer is not a corporation; or (2) a director,
15 officer, or employee in a policy-making position of the fish processor,
16 of the primary fish buyer, or of the cooperative corporation. Value is
17 based on the average price paid to fishermen at the time of the viola-
18 tion.

19 (d) The commissioner of revenue may suspend or revoke a business
20 license issued under AS 43.70.020 or a license to engage in the business
21 of processing or buying raw fish if the licensee or an officer, director,
22 or employee in a policy-making position of the licensee has been con-
23 victed of three [or more] offenses under this section. Proceedings to
24 suspend or revoke a license are governed by the Administrative Procedure
25 Act (AS 44.62).

26 (e) An organization may not be criminally prosecuted under (a) of
27 this section. 11-16-130

28 (f) As used in this section, "individual" means a natural person.
29 Sec. 16.10.267. POSSESSION OF PERMIT AND IDENTIFICATION BY SELLER.

Can Revenue impose this?
Why Revenue?

DEATH?

Corporation?

16.10.060 (7)
Pitman

1 (a) When a fisherman sells fish, the fisherman shall possess

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

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

9 (b) If requested by the purchaser of the fish or by a peace
10 officer, the fisherman shall present for inspection the identification
11 card, entry permit, interim-use permit, or other document required to be
12 in the fisherman's possession under (a) of this section.

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

16 (d) An individual who violates ~~or~~ assists in the violation of this
17 section is, upon conviction, guilty of a ~~misdemeanor~~ ^B and is punishable
18 by a fine of not more than \$5,000 for a first conviction, and a fine of
19 not more than \$10,000 for a second or third conviction. (Upon a third
20 conviction, the person forfeits 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 as well as a loss of eligibility for future issuance or transfer of
26 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 for
28 a period of not more than three years.)

29 Sec. 16.10.268. NOTICE OF LIABILITY. (a) The commissioner of

11.16.110
Complicity
11.81.250(1)?

1 labor shall print posters that contain notice of the requirements of
2 AS 16.10.265. The commissioner shall distribute the posters to fish
3 processors, primary fish buyers, and cooperative corporations organized
4 under AS 10.15 for the purpose of buying fish.

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

9 * Sec. 3. AS 16.10.296 is amended to read:

10 Sec. 16.10.296. DEFINITIONS. In AS 16.10.265 - 16.10.296 [AS 16.-
11 10.270 - 16.10.296], unless the context otherwise requires,

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

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

17 (3) "fish processor" means a person engaging or attempting to
18 engage in a business for which a license is required under AS 43.75.-
19 010 - 43.75.090;

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

24 * Sec. 4. AS 16.43.360(a) is amended to read:

25 (a) A person who violates or assists in the violation of a provi-
26 sion of this chapter or a regulation promulgated under this chapter is,
27 upon conviction, guilty of misdemeanor and is punishable by a fine of
28 not more than \$5,000 for a first conviction, and a fine of not more than
29 \$10,000 for a second or third conviction. Upon a third conviction, the

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

11 * Sec. 5. AS 16.43.360 is amended by adding new subsections to read:

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

13 (1) upon a first conviction, guilty of a class B misdemeanor
14 and may be sentenced to a definite term of imprisonment of not more than
15 90 days, or forfeiture of the person's fishing vessel, or both, and
16 shall be sentenced to a fine of not less than \$5,000 nor more than
17 \$10,000 and loss of commercial fishing privileges for a period of one
18 year after the date of conviction;

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

25 (3) upon a third or subsequent conviction, guilty of a class
26 A misdemeanor and may be sentenced to a definite term of imprisonment of
27 not more than one year, and shall be sentenced to a fine of not less
28 than \$20,000 nor more than \$50,000, forfeiture of the person's fishing
29 vessel, and loss of commercial fishing privileges for a period of five

1 years after the date of conviction.

2 (h) A person convicted of violating the provisions of AS 16.43.-
3 140(a) forfeits the value of the fishery resources found on board the
4 person's vessel at the time of the violation.

5 * Sec. 6. AS 34.35 is amended by adding a new section to read:

6 ARTICLE 7A. FISHERMEN'S LIEN.

7 Sec. 34.35.391. FISHERMEN'S LIEN. (a) A person who sells fish to
8 a fish processor as defined in AS 16.10.296, or to a primary fish buyer
9 as defined in AS 16.10.296, or to a cooperative corporation organized
10 under AS 10.15, and receives a fish ticket or a record of purchase as
11 described in AS 16.05.690 has a lien upon the property of the fish
12 processor, primary fish buyer, or cooperative corporation for the value
13 of the fish.

14 (b) A person who claims the benefit of this section shall, within
15 90 days of the date the fish are sold, file a claim of lien in the
16 recorder's office of the recording district where the fish were sold.

17 (c) The lien provided in this section is preferred, prior, and
18 superior to a mortgage, attachment, claim, or demand made or filed in
19 the recording district in which the property is located after the date
20 on which the fish are delivered to the buyer of the fish.

21 * Sec. 7. This Act takes effect immediately in accordance with AS 01.10.-
22 070(c).



Alaska State Legislature

SENATE Resources Committee

POUCH V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

Official Business

BETTYE FAHRENKAMP, Chairman
VIC FISCHER, Vice-Chairman
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLISS STURGULEWSKI

MEMBERS PRESENT

Senator Fahrenkamp
Senator Eliason
Senator Gilman
Senator Mulcahy
Senator Sturgulewski

April 30, 1982
1:35 p.m.

Beltz Room
Capitol - Room 211

Hearing:

- CSHB 637 Relating to the regulation of the taking, purchase, or sale or certain fishery resources; and providing for an effective date.
- SB 835 Establishing a National Petroleum Reserve, Alaska, trust fund account and providing for uses of the money placed in the account; and providing for an effective date.
-

CSHB 637

Tom Sofo, Legal Counsel, Legal Services Division, discussed a proposed amendment that would establish a statutory lien under state law to protect the fisherman if the fish purchaser goes bankrupt. This lien would be given priority right behind judicial liens.

Rodger Painter, Executive Director, United Fishermen of Alaska, supports the concept of the amendment, as fishermen are currently unsecured creditors and at the end of the line to get assets in the event of purchaser bankruptcy, but feels there are some questions that need to be answered. Painter expressed support for CSHB 637, as there are currently no penalties against a buyer for knowingly purchasing fish from someone who doesn't have a Limited Entry permit. He stated that the bill provides good protection for processors who unknowingly purchase from a non-permitted fisherman, and that penalties are heavier on the fisherman than on the processor.

Rick Lauber, Pacific Seafood Processors Association, objects to the concept of CSHB 637, as he thinks it will not discourage illegal fishing. He believes the solution is adequate law enforcement by the Department of Public Safety. Lauber also expressed concern over the proposed amendment, stating that the mere holding of the fish ticket is a lien. The lien established in CSHB 637 might discourage a banker from extending loans beyond the processor's initial line of credit.

Senator Fahrenkamp stated that CSHB 637 would be held in Committee for further work.

SB 835

Senator Fahrenkamp stated that the Attorney General, North Slope officials, and Committee staff worked together and the Committee Substitute is the result of their efforts.

Senator Gilman suggested that a letter be sent with the bill to the Finance Committee, asking them to look at the priority uses of the 50% of the funds not going to the communities.

Senator Gilman moved the adoption of the Committee Substitute for SB 835. He then moved CSSB 835, subject to the above mentioned letter, with individual recommendations.

The meeting was adjourned at 2:20 p.m.

SENATOR
DON GILMAN

Juneau Ph.
(907) 465-4934



HOME ADDRESS
P.O. BOX 630
KENAI, ALASKA 99611
(907) 283-1182

DURING SESSION
POUCH V
JUNEAU, ALASKA 99811

State Senate

May 3, 1982

MEMORANDUM

To: Senator Gilman
Members of Senate Resources

From: Bob Berry

Subject: Fishermen's Lien Amendment to CSHB 637

1. By phone conversation with Larry Bach of Ranier State Bank and Al Hughs, Legal Counsel to Ranier State Bank, I am given to understand that Ranier State, as a representative of lending institutions servicing canneries and fish buyers, do not have major objections to this bill. They would, however, prefer to see language requiring a filing of lien which is now incorporated in subsection b of the amendment.

2. Definition of buyer. In Section (a), Tom Sofo, the drafter of this amendment, reported that in researching the area that the records division of Fish and Game, which is responsible for issuance and regulations of fish tickets, says AS 16.05.690 identifies and defines buyer. The issuance of the tickets at this particular citation identifies a buyer in an operative manner for their department. Sofo feels that unless there is intent to limit or expand the category of buyers, the present language is adequate.



Alaska State Legislature

SENATE Resources Committee

POUCH V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

Official Business

BETTYE FAHRENKAMP, Chairman
VIC FISCHER, Vice-Chairman
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLISS STURGULEWSKI

MEMBERS PRESENT

Senator Fahrenkamp
Senator Fischer
Senator Bradley
Senator Eliason
Senator Gilman
Senator Mulcahy
Senator Sturgulewski

May 6, 1982
8:10 a.m.

Beltz Room
Capitol - 211

Hearing:

CSHB 637 Relating to the regulation of the taking, purchase, or sale
of certain fishery resources.
CSHB 2 Relating to land.

CSHB 637

Senator Mulcahy moved the adoption of the Resources Committee Substitute
for CSHB 637. He then moved SCSCSHB 637 (Res) with individual
recommendations.

CSHB 2

Senator Mulcahy moved that the Commissioner be required to keep all
exploration data and its derivations confidential. There was no
objection.

Larry Wavra, Union Oil of California, reiterated the possibility of
litigation if the seismic amendment is adopted, particularly if the
effective date is January 1, 1982, and quoted from Chapter .01
regarding Retroactive Statutes.

Senator Mulcahy stated that he believes the State should share the
cost of obtaining the data.

John Katz, Commissioner, Department of Natural Resources, stated that
the Department would try to develop a sequence for obtaining the
data that would reduce the possibility of litigation.

Jim Dale, Exxon, Alaska Division Attorney, suggested that the State be
allowed to obtain raw and first run data on group shoots, but only
raw data on proprietary shoots.

Katz suggested an approach that would consist of listing the permutations
suggested by Dale and the Department, and allow the Commissioner to use

For Senate Judiciary Committee minutes for:

April 12, 1982

April 13, 1982

See Sen. Jud. '82 file on HB2.

JAT 9/82

Received
5/3/82

THE LEGISLATURE OF THE STATE OF ALABAMA
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 | 3.2 | .2 | .2 | .2 | .3 | .3 |
| 400 COMMODITIES | | | | | | |
| 500 EQUIPMENT | | | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS, ETC. | | | | | | |
| TOTAL | 3.2 | .2 | .2 | .2 | .3 | .3 |

FUNDING (Thousands of Dollars)

| | FY 82 | FY 83 | FY 84 | FY 85 | FY 86 | FY 87 |
|------------------------|-------|-------|-------|-------|-------|-------|
| GENERAL FUND | 3.2 | .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 \$.70 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 known)
33-001 (Rev. 12/81)

Received
5/3/82

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 identification 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 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 |
| 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 [Signature]
AGENCY Public Safety - Motor Vehicles
Original: Legislative Finance PHONE 465-4355
cc: Budget and Management
Prime Sponsor (First Legislator Name)
33-001 (Rev. 12/81)

HB 637Proposed Amendment

HOUSE

HOUSE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWELFTH LEGISLATURE - SECOND SESSION

A BILL

Act entitled: "An Act establishing a lien for the value of fish sold to a buyer."

ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

Section 1. AS 34.35 is amended by adding a new section to read:

ARTICLE 7A. FISHERMEN'S LIEN.

Sec. 34.35.391. FISHERMEN'S LIEN. (a) A person who sells fish to a buyer of fish and receives a fish ticket or a record of purchase as described in AS 16.05.690 has a lien upon the property of the buyer for the value of the fish.

(b) The lien provided in this section is preferred, prior, and superior to a mortgage, attachment, claim, or demand made or filed in the recording district in which the property is located after the date in which the fish are delivered to the buyer.

HOUSE RESOURCES
STANDING COMMITTEE
March 2, 1982
5:30 p.m.

Members Present: Rep. Sutcliffe, Chairman
Rep. Halford
Rep. Grussendorf
Rep. Fanning

Members Absent: Rep. Barnes
Rep. Carney
Rep. Vaska

COMMITTEE CALENDAR

HB 400 "Relating to maximum length salmon seine/ seines"

HB 637 "Relating to limited entry"

WITNESS REGISTER

Rep. Joe Chuckwuk
Sixteenth District
Pouch
Juneau, Alaska 99811
(907)465-3892
Position Statement: To speak on HB 637

Lt. Conrad Seibel
Department of Public Safety
Juneau, Alaska
(907)789-3141
Position Statement: To speak on HB 637

Bill Brown
Division of Motor Vehicles
Juneau, Alaska
(907)465-4333
Position Statement: To speak on HB 637

Ken Parker
Alaska Department of Fish and Game
P.O. Box 3-2200
Juneau, Alaska
(907)465-4210
Position Statement: To speak on HB 637

Rodger Painter
United Fishermen of Alaska

(907)586-2820

Position Statement: To speak on HB 657/EB 400

Rick Lauber

PSPA

Box 1525

Juneau, Alaska 99801

(907)586-6366

Position Statement: To testify on HB 637

Rep. Ivory Gardiner

Pouch V

Juneau, Alaska 99811

(907)465-4944

Position Statement: To testify on HB 400

Rep. Haugen

Pouch V

Juneau, Alaska 99811

(907)465-5712

Position Statement: To testify on HB 400

PREVIOUS ACTION

HB 637

Previous action unavailable

HB 400

Previous action unavailable

ACTION NARRATIVE

Tape #104
Recording
Number 003

The meeting of the House Resource Committee was called to order by Chairman Sutcliffe at 3:00 p.m. Committee members present were: Reps. Halford, Grussendorf, Fanning and Sutcliffe; Reps. Vasna, Barnes and Carney were absent.

Number 010

Rep. Joe Chuckvuk: This bill is an attempt to lessen use of permits. 1) Processors will not be able to buy fish from a non-permitted fisherman. 2) Requires picture identification.

Number 032

Rep. Fanning: Asked for definition of "buyer" - page 3, lines 14 and 18.

Number 89

Rep. Sutcliffe: What would happen in the event the permit is lost? Loss could cause severe hardship.

Rep. Sutcliffe stated that the permit is held as a means of livelihood.

Side Two
Number 001

Ken Parker: No specific testimony on bill. Support any effort to make "limited entry" more effective. Permit cards have been used illegally in the past and makes management difficult.

Number 046

Lt. Seibel: Available for questions.

Number 050

Rep. Sutcliffe: Asked Lt. Seibel to read Col. Stickles' suggestions into the record. Summary of that letter: 1) Picture on limited entry card itself. 2) Specified word changes. 3) Tied in with fish ticket bill.

Number 111

Rep. Sutcliffe: Asked why Limited Entry objected to picture requirement. Their reply: They felt any picture I.D. should suffice.

Number 133

Rep. Grussendorf: Could be more effective on permit but would be quite a cost expenditure.

Number 141

Bill Brown: Motor vehicles sees no reason for new I.D. card. Feels additional card would be extra work. Wants deleted beginning of line 18, page 2, through line 6, page 3.

Number 215

Rodger Painter: Considered bill a couple of weeks ago at a meeting. In favor of bill. Had some concerns of the I.D. If I. D. section will cause problems, we prefer it be left out. Other I. D. is available. Wants help in making "limited entry" stronger. Allegations of widespread entry abuse in Bristol Bay. Problems with enforcement. Is critical to get penalties for processors. Would even support further penalties to fishermen for fishing without permit.

Another problem, it will be difficult to get everyone equipped in the rural areas with new I.D. We are against the pre-stamping of fish tickets. It is a matter of convenience. Causes problems in enforcing a bill like this.

Number 348

Rick Lauber: When "limited entry" was

passed, it was sold to the legislature as being cost free, to be paid for by fees collected. That has now been dropped. Enforcement has been dumped into an

inappropriate area. Could work as a hardship to legal fishermen.

Finds unbelievable: That fine to processor is substantially higher than to the fishermen. Should have penalties for person violating. Beefed up enforcement. Confiscation of boat and catch. There will be confusion in meeting the requirements. This will penalize legitimate fishermen.

Number 567

Rep. Grussendorf: There will be illegal fishermen as long as they can find a place to sell their catch. The best way to control the problem is through the processor.

Tape #105
Number 221

Rodger Painter: Would in favor of heavier penalties.

Number 119

Rep. Haugen: Legislation was introduced as a result of requests from fishermen. Would allow boat to purchase a permit and enter into salmon fishery. It would also bring permits that are outside, back into Alaska. Most fishermen are in favor. Those against, for the most part, are concerned about monetary devaluation in value of boat.

Number 184

Rep. Grussendorf: What was original reason for length designation?

Number 192

Rep. Haugen: It was an early form of "limited entry". A concession to the Alaskan fleet.

Number 227

Rep. Terry Gardiner: In favor of the bill. Important to develop other fisheries.

It gives fishermen choice to select boat size best suited to his needs. Original sponsor of bill has decided law is no longer needed. At least change in this area, so people don't need to own two boats.

Number 307

Rep. Stuccliffe to Rep. Gardiner: Since crabbing has been so bad, many crab boats are looking at other ways to make money. Do

you think this will encourage them to try a limited entry permit and get into salmon fishing?

- Number 340 Rep. Gardiner: Modifications to the boats would be very costly. 70-80 foot boats maybe. Others just burn too much fuel to be effective.
- Number 376 Rep. Sutcliffe: I don't feel you are right about the economics of crab boats to salmon fishing. Not a time to be buying larger boats. Especially, if they want to borrow money from the State to purchase that new boat.
- Number 422 Rep. Sutcliffe: Could the bill be rewritten to exclude S.E. Alaska?
- Number 435: Rep. Gardiner: There was such an amendment written. The A.G.'s office felt there would be a problem. I don't see that a problem exists, but they did.
- Number 457 Rep. Grussendorf: Spoke of Title 16 repeal. Why did Fish and Game want that change? Reasons that existed are no longer valid.
- Number 503 Ken Parker: No justification for retention of limit. Limited entry will keep gear at a fixed amount. If law was repealed, Board would receive testimony by users to determine best way to handle it. In favor of repeal.
- Number 546 Rep. Sutcliffe: Don't see as a conservation tool. To crabbers, the prospect of bottomfishing doesn't look appealing. I think salmon fishing would be much more desirable to them. If left to logic and the Board, I feel it would be eliminated. Concerned the repeal could do something we don't want done.
- Number 624 Rep. Grussendorf: There is such a thing as regional bias. I think removing it in S.E. would be acceptable. Fishermen need more options made available to them. We certainly have procedure for it.
- Number 696 Rep. Sutcliffe: Repeal should not be a Board decision. I feel this should be a legislative action. He asked Mr. Parker :

look for draft of bill that repealed law in
S.E. (He said he would.)

Number 732

Ken Parker: Due to many factors, big boats
would not function well in the salmon
fishery.

Bill No.

House Bill 637

Date

January 15, 1982

Title

"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."

Contact:

Judy Knight
465-2700
Dale Cheek
465-4870

JAN 25 1982

The department's position is neutral.

This bill would have no programmatic effects upon the department's responsibility under AS 16.10.290-296, Security for collection of wages and payment for raw fish.

This bill should contain a requirement that the Department of Labor be notified when the Department of Revenue has suspended or revoked the license of a fish processor or primary fish buyer under AS 16.10.265(d)(4). This action would be necessary because the Department of Labor is the holder of bonding or surety for the fish buyer or processor under AS 16.10.290.

POSITION PAPER/Department of Labor



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

| | | |
|--|--|---|
| Department Public Safety | Sponsor (Principal) Chuckwuk | Bill Number HB 637 |
| Department Position Support with amendments. | | |
| Division Director Colonel Robert J. Stickles | Date 1/18/82 | Commissioner's Signature William R. Nix |
| | | Date 1-19-82 |

| | | |
|---|----|------|
| GOVERNOR'S OFFICE USE | | |
| Comments: | | |
| <input type="checkbox"/> Position Noted | By | Date |

| | |
|--|---|
| SUMMARY | |
| 1. a) Related Bills (Similar or Conflicting) SB 51 | 1. b) Other Agencies Affected by Bill DMV, CFEC, Dept. of Revenue |
| 2. a) Organizational Support for Bill Unk | 2. b) Organizational Opposition to Bill Unk |

3. Program Effects of Bill
Bill is intended to provide penalties aimed at reducing misuse of limited entry permits. Higher penalties would apply to both processors and fishermen. Bill also requires a separate I.D. card in addition to the Limited Entry permit. Separate I.D. card will be of limited value in reducing misuse of permits.

4. Fiscal Impact: None Fiscal Note Attached (to be provided by DMV)

5. Amendments Proposed:
1. Amend 16.10.265(d) - page 2, line .. Delete the word wilful. If wilful remains we will have to prove intent. This type of provision should be a strict liability statute.
2. Amend 16.10.255(d) - page 1, lines 3 - 11. The fines in subsections (See attached)

6. Comments:
The intent of this bill is good and with the amendments proposed will aid in reducing illegal fish sales. In order to enforce this bill adequately the Division of F&WP must have access to fish tickets. The fish ticket is the proof that a sale did take place and who sold and purchased the fish. SB 47 is before the legislature this year and if passed would give the much needed authority to inspect fish tickets without a court order.
Although a separate I.D. card bearing a photo of the individual may reduce use of limited entry permits it is a second choice. The first choice is to affix a photo of the individual on the limited entry card. This is also one of the recommendations made by the Legislative Audit Division during their recent audit of the Commercial Fisheries Entry Commission. The legislature may wish to incorporate some of the recommendations made by Legislative Audit into this bill as the subject matter is similar and the goals almost identical.

Amendments Proposed: (Continued)

1 through 3 should be in addition to the value of the fish produced at the time of the violation. If a processor caught fish having a value of \$20,000 to the processor the penalties alone would not be a deterrent.

We would recommend a two year suspension of a processor's right to operate upon a second conviction within five years and permanent loss of a processor's right to operate upon a third conviction.

3. Amend 16.10.267(a) page 2, line 22. We recommend the word may be changed to shall.
4. Amend 16.10.267(c) page 3, line 2. This should be a class C felony as other fraudulent applications are currently classified.
5. Amend 16.10.267(d & e) page 3, lines 3 & 6. These should be a class C felony. Current penalty in AS 16 is higher than a class B misdemeanor. A class C felony is recommended because we are dealing with fraud involving high sums of money.
6. Amend 16.10.296 (2) page 3 line 11. Amend the definition of "fish" to include after life cycle parts such as fertilized or unfertilized eggs. Some courts have ruled that fish eggs are not "parts of fish" once separated from the carcass.
7. Amend 16.10.296 (4) page 3, line 17. Amend this definition by eliminating the words "other than a cooperative corporation organized under AS 10.15." There is no valid reason for authorizing these organizations to purchase fish from illegal fishermen. As written the definition offsets the goal of the legislation which is to eliminate places where illegal fish can be sold.
8. Amend 16.43.360(g) page 4, lines 10 and 11. Amend this section by deleting [caught by the person in the course of the violation] and add found on board at the time. We will usually not be able to prove which fish were caught in the course of the violation and which were caught prior to or after the violation.



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

| | | |
|----------------------------------|---------------------------------|---|
| Department Fish and Game | Sponsor (Principal) Chuckwak | Bill Number H.B. No. 637 |
| Department Position Neutral | | |
| Division Director C. Bennoyer | Date 1/20/97 | Comments <i>[Signature]</i> 1-20-97 |

| GOVERNOR'S OFFICE USE | | |
|--|----|------|
| Comments: | | |
| <input type="checkbox"/> Position Held | By | Date |

| SUMMARY | |
|--|--|
| 1. a) Related Bills (Similar or Conflicting) HB 530, SB 391 & 392, SSHB 630 | 1. b) Other Agencies Affected by Bill Dept. of Public Safety, Fish & Wildlife Prot. |
| 2. a) Organizational Support for Bill | 2. b) Organizational Opposition to Bill |
| 3. Program Effects of Bill Would not affect the Department of Fish and Game fishery management program. | |
| 4. Fiscal Impact: <input type="checkbox"/> None <input type="checkbox"/> Fiscal Note Attached | |
| 5. Amendments Proposed: None | |
| 6. Comments: The context of this bill is taken out of HB 630 (1991). This bill would aid the Commercial Fisheries Entry Commission and Fish and Wildlife Protection Division in some enforcement controls. It would not directly affect the Department of Fish and Game. The Department should be supportive of this bill but go on the record as neutral. This bill should act to decrease the incidence of fishermen fishing without a permit or allowing the misuse of another person's permit. It will place some minor additional burden on fishermen, processors, although the advantages would probably outweigh the encumbrances. | |

by Sutcliffe

CSHB 637 (resources)

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 accomplice.

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 farms, 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-stakes 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.

(pass out audits)

HB 637 - LIMITED ENTRY

THIS BILL IS INTENDED TO REDUCE MISUSE OF LIMITED ENTRY PERMITS.

FIRST, THE BILL WILL MAKE IT AGAINST THE LAW FOR A PROCESSOR TO BUY FISH FROM A NON-PERMITTED FISHERMAN. THIS WILL CLOSE THE GAP IN THE REGULATIONS THAT NOW EXISTS -IT IS AGAINST THE LAW FOR A NON-PERMITTED PERSON TO SELL FISH, BUT IT ISN'T AGAINST THE LAW FOR A PROCESSOR TO BUY THE FISH -

SECONDLY, THIS BILL WILL REQUIRE A PICTURE IDENTIFICATION CARD FOR LIMITED ENTRY PERMIT HOLDERS. ON PAGE 6 UNDER RECOMENDATION NO. 1 SECTION A, YOU WILL NOTICE THIS WAS A RECOMENDATION OF THE AUDITORS, YOU WILL ALSO NOTICE THAT IS NOT JUST A RECOMENDATION OF MINE, BUT ALSO ENDORSED BY PROTECTION OFFICERS, BIOLOGISTS AND MEMBERS OF THE BOARD OF FISH.

LEGISLATION SUMMARY

CSHB 637 (Fin) am: "An Act relating to the regulation of the taking, purchase, or sale of certain fishery resources; and providing for an effective date."

Sec. 1: Amends existing law regarding fisheries and fishing regulations, .265 adding new language making the knowing or intentional original purchase of fish by a representative of a fish processor, primary fish buyer, or cooperative corporation from a seller who does not hold an entry or interim-use permit illegal.

Establishes penalties for violations of the above provision: first conviction--class B misdemeanor, minimum \$1000 and maximum \$5000 fine, maximum 90 days imprisonment; second conviction--class A misdemeanor, minimum \$5000 and maximum \$10,000 fine, maximum 1 year imprisonment; subsequent convictions--class A misdemeanor, minimum \$10,000 and maximum \$25,000 fine, maximum 1 year imprisonment.

Requires the commissioner of revenue to impose a civil fine equal to the value of the fish illegally purchased by a representative of a fish processor, primary fish buyer, or cooperative corporation upon the fish processor, primary fish buyer, or cooperative corporation. Establishes the value of the fish as the average price paid to fishermen at the time of the violation.

Authorizes the commissioner of revenue to suspend or revoke the business license of a licensee or if a representative of the licensee in a policy-making position has been convicted of three or more violations of this section. Requires that revocation and suspension proceedings be governed by the Administrative Procedure Act.

Prohibits the criminal prosecution of organizations for violations of this section.*

Defines "individual" (representative) to mean a natural person under this section.

.267 Requires fishermen to have an entry or interim-use permit, or another document authorized by regulation to serve as a permit, and a state or federal photo identification card in their possession when selling fish.

Requires fishermen to display these documents to a fish purchaser or peace officer upon request.

Provides examples of suitable identification cards: an Alaskan driver's license or a Department of Public Safety identification card.

Legislation Summary - CSRS 0-7 (11) am. p. 1

Sec. 1: Establishes that an individual who violates or assists in the violation of this section is subject to the following penalties:
.267
(cont.) first conviction--misdemeanor, maximum \$5000 fine; second or third conviction--misdemeanor, maximum \$10,000 fine, and a third conviction also results in a three year ineligibility to hold a entry or interim-use permit. Authorizes the courts to, in their discretion, order a three year ineligibility to hold a permit.

.268 Requires the commissioner of labor to print and distribute to fish processors, primary fish buyer, and cooperative corporations organized for the purpose of buying fish, posters containing notice of the requirements of sec. 265.

Requires the processors, buyers and cooperative corporations to prominently display the posters in their place of business.

Sec. 2: Amends existing law regarding definitions in this chapter to include the new sections in this bill, and to include fish eggs under the definition of "fish".

Sec. 3: Amends existing law regarding penalties for violations of fisheries entry regulations, changing the language that violators, upon their third conviction, "shall forfeit" to "forfeits" all permits, neutering the gender of personal pronouns, and adding language that the third conviction permit forfeiture does not apply to violations of the statutory requirement for a permit.

Sec. 4: Amends existing law regarding penalties for violation of fisheries entry violations, adding new language regarding penalties for violating the statutory requirement for a permit: first conviction--class B misdemeanor, maximum 90 day sentence, and/or forfeiture of the fishing vessel, minimum \$5,000 and maximum \$10,000 fine, 1 year permit revocation; second conviction--class A misdemeanor, maximum 1 year imprisonment, minimum \$10,000 and maximum \$20,000 fine, forfeiture of the fishing vessel, two year permit revocation; subsequent conviction--class A misdemeanor, maximum 1 year imprisonment, minimum \$20,000 and maximum \$50,000 fine, forfeiture of the vessel, and a five year permit revocation. Requires the forfeiture by the violator of the value of the fishery resources found on board.

Sec. 5: Immediate effective date.

*The term "organization" is not specifically defined in Title 16. The Black's Law Dictionary definition reads: "Organization includes a corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, or any other legal or commercial entity."

PRIME SPONSOR: Finance

ORIGINAL SPONSOR: Chuckwuk

(pass out audits)

HB 637 - LIMITED ENTRY

THIS BILL IS INTENDED TO REDUCE MISUSE OF LIMITED ENTRY PERMITS.

FIRST, THIS BILL WILL MAKE IT AGAINST THE LAW FOR A PROCESSOR TO WILLFULLY BUY FISH FROM A NON-PERMITTED FISHERMAN. THIS WILL CLOSE THE GAP IN THE REGULATIONS THAT NOW EXISTS -IT IS AGAINST THE LAW FOR A NON-PERMITTED PERSON TO SELL FISH, BUT IT ISN'T AGAINST THE LAW FOR A PROCESSOR TO BUY THE FISH -

SECONDLY, THIS BILL WILL REQUIRE A PICTURE IDENTIFICATION CARD FOR LIMITED ENTRY PERMIT HOLDERS. ON PAGE 6 UNDER RECOMENDATION NO. 1 SECTION A, YOU WILL NOTICE THIS WAS A RECOMENDATION OF THE AUDITORS, YOU WILL ALSO NOTICE THAT IS NOT JUST A RECOMENDATION OF MINE, BUT ALSO ENDORSED BY PROTECTION OFFICERS, BIOLOGISTS AND MEMBERS OF THE BOARD OF FISH.

RP

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 "Haze and Sun" 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



1

MEMORANDUM

State of Alaska

TO: The Honorable Joseph Chukwuk
House of Representatives
MAIL STOP: 3100

DATE: January 21, 1982

FILE NO:

TELEPHONE NO:

FROM: Robert J. Simon *R. Simon*
Chairman
Commercial Fisheries Entry
Commission

SUBJECT: HB 637: An Act Relating to
Limited Entry

As requested by your administrative assistant, the following comments are offered by the Entry Commission regarding the above-referenced bill. The Commission believes that legislation of the nature of HB 637 is necessary to achieve the enforcement goals which are implied in the bill. We would be most happy to provide whatever additional assistance you deem appropriate.

Proposed AS 16.10.265(b)(1) references "or any emergency transfer slip completed in accordance..." There are several such forms like the emergency transfer form which are described in Commission regulations and which, like an emergency transfer slip, can be legal substitutes for permit cards. Rather than reference the entire list of such forms, we suggest that you consider the use of a generalized term for these various substitutes. The bill could contain an addition to the definitions section (* Sec 2) which would describe the various substitutes for permit cards. (If this suggestion is followed, appropriate changes to the bill title could also be made.)

Proposed AS 16.10.265(c) requires the presentation of an identification card or emergency transfer slip. It would appear that your intent was that the permit holder present both a permit card (or a legal substitute) and identification card.

Proposed AS 16.10.267(a) suggests that a fisherman's ID contain the permit serial number on the card. We believe this suggestion to be unnecessary and possibly unworkable. The value of ID cards is partly related to the length of time that such ID's could remain valid. Unlike an entry permit card which is reissued each year (and gets considerable use during the course of a fishing season), a separate ID could be useable and valid for several years. During that several-year period, the permit holder might enter and exit from several different fisheries, making the reference to a permit serial number obsolete long before the ID itself would need replacement.

We have one comment of a general nature which relates to difficulties that might be experienced by operators of stationary gear. Present law requires that the permit holder be present at the time and place his gear is being operated. Passage of this legislation would require him to be present also at the time and place his fish are

Rep. Joseph Chuckwuk

(2)

January 21, 1982

delivered to a buyer. In the event that the sale does not occur at the point where stationary gear (such as set net gear) is being operated, permit holders might be required to remove their gear from the water in order to make a delivery. We unfortunately do not have a specific suggestion to overcome this situation that appears likely to penalize a permit holder by requiring him to forego fishing while making a delivery during an open period.

RJS:nlg