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HOUSE COMMITTEE REPORT

9)
Date Referred: March 17, 1989

FURTHER REFERRALS:

Date of Committee Action: 3-29-89

The RESOURCES Committee considered

HB 228

HOUSE BILL NO. 228 [IDENTIFICATION CARDS FOR FISHERMEN]
"An Act relating to identification cards required of fishermen."

RECOMMENDATIONS:

- be replaced with CSHB 228 (RES) the same title
- a new title
- have attached amendment(s)
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):
(Dept)

APPROVES PREVIOUS:
(Date/Dept)

- fiscal impact _____
- zero fiscal note _____
- zero with analysis _____

- fiscal note(s) _____
- zero fiscal note(s) _____
- zero fn/analysis _____

SIGNING DO PASS:

SIGNING:
(Check approp. column)

Cliff Davidson

Richard J. Kelly

Mike Hawane

Scott Sharp

Mike Dumb

Sam M...

Greg M...

	Do Not Pass	No Rec	Amend

Cliff Davidson

Chairman's signature

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Public Safety
 Title: Identification cards required BRU: Fish & Wildlife Protection
of fishermen
 Sponsor: Representative Hoffman Component: Enforcement
 Requestor: Representative Hoffman

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS : (Attach a separate page if necessary)

This bill requires the Department of Public Safety to "designate" those non-governmental organizations authorized to issue ID cards which can be used as identification by fishermen selling fish under the requirements of AS 16.10.267. It is believed that the additional duties imposed by this bill can be performed by present staff.

Prepared by: Colonel Jack W. Jordan, Director
 Division: Fish & Wildlife Protection

Phone: 269-5509
 Date: 3/22/89

Approved by Commissioner: Arthur English
 Agency: Department of Public Safety

Date: 3/24/89

STATE OF ALASKA



LYMAN F. HOFFMAN
REPRESENTATIVE

P. O. BOX 1
KUNEAU, ALASKA 99811
(907) 465-4530, 465-4453

HOUSE OF REPRESENTATIVES

DISTRICT 25

AKIACHAK
AKIAK
ATMAUTLUAK
BETHEL
CHEFORNAK
EEK
GOODNEWS BAY
KASIGLUK
KIPNUK
KONGIGANAK
KWETHLUK
KWIGILLINGOK
MEKORYUK
NAPAKIAK
NAPASKIAK
NEWTOK
NIGHTMUTE
NUNAPITCHUK
OSCARVILLE
PLATINUM
QUINHAGAK
TOKOOK BAY
TUNTUTLIAK
TUNUNAK

M E M O R A N D U M

TO: Representative Cliff Davidson, Co-Chairman
Representative Curt Menard, Co-Chairman
House Resources Committee

FROM: Representative Lyman Hoffman *L. Hoffman*

RE: House Bill 228, An Act Relating to Identification
Cards Required of Fishermen.

Attached please find back-up information for House Bill 228.

- 1) Sectional Summary from legislative counsel.
- 2) Letter from AVCP.
- 3) Memorandum from Laurie Otto to Commissioner English.

The intent of this legislation is to provide Alaskan Fishermen another means of proving identification during fishing periods.

My staff has requested the Department of Public Safety for a position paper on HB 228.

If there are questions concerning this legislation, please do not hesitate to contact my office at your convenience.

Thank you.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 21, 1989

SUBJECT: Sectional summary of HB 228; An Act
relating to identification cards required
of fishermen

TO: Representative Lyman Hoffman
Co-chair, House Finance Committee

FROM: George Utermohle *GU*
Legislative Counsel

This memorandum is a sectional summary of HB 228, as requested by Robert Herron of your staff.

A summary or analysis of a bill is not an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Section 1 of the bill amends AS 16.10.267(a) to allow a fisherman to use an identification card issued by organizations designated by the Department of Public Safety as proof of identity at the time of sale of fish.

GU:gc
WKG8/041

AVCP

Association of Village Council Presidents
P. O. Box 219 • Bethel, Alaska 99559 • Phone 543-3521

March 14, 1989

Representative Lyman Hoffman
P.O. Box V
Juneau, Ak. 99811

Dear Lyman:

During the AVCP Annual Convention in October, 1988 at Kipnuk, Ak., the discussion on identification cards was brought up in relation to commercial fishermen.

AVCP Tribal Operations, through its enrollment program, issued cards with photographs and necessary information such as birth dates and social security numbers.

One of the fisherman on the Yukon River showed the enrollment card last summer, but was told by the Fish and Wildlife Protection Officer that it was not a valid i.d. card.

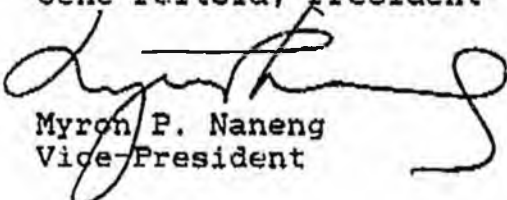
We have since contacted the Commissioner, Department of Public Safety and the Attorney General's office. The Attorney General's office is recommending that the section pertaining to i.d. cards, more particularly A.S. 16.10.267, (a) (2) be amended to include contractors of Federal or State agencies.

Attached is A.S. 16.10.267 and we've added what we feel would be sufficient to address our concern. But, knowing attorneys and consultants, they may add to the language which may end up being meaningless. However, we request that the legislation be introduced to amend the language.

Thank you in advance for your assistance.

Sincerely,

ASSOCIATION OF VILLAGE COUNCIL PRESIDENTS
Gene Peltola, President



Myron P. Naneng
Vice-President

MPN:cmh

MEMORANDUM

State of Alaska

Department of Law

TO: Arthur English
Commissioner
Department of Public Safety

DATE: March 6, 1989

FILE NO.: 663-89-0296

TEL. NO.: 465-3428

SUBJECT: Photo ID Cards
A.S. 16.10.267(a) (2)

MAR 7 1989

MAR 7 1989

FROM: Laurie H. Otto
Assistant Attorney General
Department of Law

You have asked whether photo identification cards issued by the Association of Village Council Presidents (AVCP), a non-profit corporation, are sufficient to meet the statutory requirement set out in A.S. 16.20.267(a) (2). The short answer to your question is no; a card issued by a non-profit corporate entity does not meet the requirement of the statute.

Under AS 16.10.267(a) (2), a fisherman selling fish must possess "an identification card that has been issued to the fisherman by a state or federal agency and that bears a photograph of the fisherman." The language of the statute is clear and unambiguous; an identification card must be issued by either a state or federal agency to meet the statutory requirement. Since AVCP is neither a state or federal agency, the tribal enrollment cards issued by AVCP are not legally sufficient identification.

In order to address the problem faced by rural villagers in obtaining the required identification, a change in statute is required.

cc: ✓ The Honorable Lyman Hoffman
The Honorable John Binkley
The Honorable Al Adams
The Honorable Kay Wallis
John P. Jores

LHO:me-2C

BILL NO: HB 228

DATE: March 24, 1989

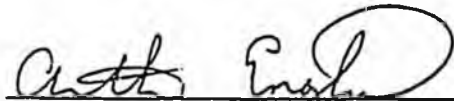
TITLE: Identification cards
required of fishermen

CONTACT: Colonel Jack Jordan
Director
Fish & Wildlife Protection
269-5509

DEPARTMENT OF
PUBLIC SAFETY

Present AS 16.10.267(a)(2) requires a fisherman selling fish to possess an identification card issued by a state or federal agency and showing a photograph of the fisherman. It is often difficult for residents of rural areas to obtain photo-bearing identification cards. The Division of Motor Vehicles (DMV) issues driver's licenses in a few of the larger towns, but that is the only state or federal agency providing that service. A villager who desires to fish commercially generally has to travel to a larger "hub" community to obtain the required photo identification. This bill would amend AS 16.10.267(a)(2) to allow the Department of Public Safety to "designate" other organizations (such as a native regional corporation or a non-profit agency) that could issue photo ID cards that would satisfy the requirements of the statute.

The Department supports this bill.


Arthur English
Commissioner

RECEIVED
MARCH 24 1989
DEPARTMENT OF PUBLIC SAFETY

Cross references. — For additional penalty provisions related to unlawful purchase of fish, see AS 16.05.680.

Effect of amendments. — The 1984 amendment substituted "who, in violation

of AS 16.43, does not hold a landing permit" for "who does not hold" in subsection (a) and deleted "issued or transferred to the seller in accordance with AS 16.43" at the end of that subsection.

Sec. 16.10.267. Possession of permit and identification by seller. (a) When a fisherman sells fish, the fisherman shall possess (1) a landing permit, entry permit or interim-use permit issued or transferred to the fisherman under AS 16.43, or other document authorized by regulation to be used in place of an entry permit or interim-use permit; and

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

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

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

(d) A person who violates this section is, upon conviction, guilty of a class B misdemeanor and may be sentenced to a definite term of imprisonment of not more than 90 days. In addition

(1) upon a first conviction for a violation of this section, the court may sentence the convicted person to pay a fine of not more than \$5,000 and may order the loss of commercial fishing privileges for a period of not more than three years from the date of conviction;

(2) upon a second conviction for a violation of this section, the court may sentence the convicted person to pay a fine of not more than \$10,000 and may order the loss of commercial fishing privileges for a period of not more than three years from the date of conviction;

(3) upon a third or subsequent conviction for a violation of this section, the court

(A) may sentence the convicted person to pay a fine of not more than \$10,000; and

(B) shall order that the convicted person lose commercial fishing privileges for a period of three years from the date of conviction. (§ 2 ch 94 SLA 1982; am § 4 ch 145 SLA 1984)

Effect of amendments. — The 1984 amendment substituted "a landing per-

mit, entry permit" for "an entry permit" at the beginning of paragraph (a)(1).

Sec. 16.10.268. shall print post 16.10.265. The c cessors, primary under AS 10.15

(b) A fish proc organized under in a prominent p commissioner of

Sec. 16.10.270 sor or primary fi: poundage of the f the fish unless b sample weighing weight of the fis (b) A person w and upon convicti one year, or by a SLA 1965; am §

Cited in Liberator v
ough, Sup. Ct. Op. 1
3365), 584 P.2d 1115

Sec. 16.10.275. lations to carry oi ch 18 SLA 1981)

Sec. 16.10.280. processors. In an one-third of the r estimated by the I mation available t be paid for salmon. before the opening sentative from the the dispute upon r § 1 ch 59 SLA 19

Revisor's notes. —
16.10.290. Renumbered
Effect of amendme