

HB

228

SENATE COMMITTEE REPORT

FURTHER

4/6/89

DATE TURNED INTO OFFICE

4/24/89

Mr. President:

RES

Committee considered

CSHB 228 (RES)

identification cards required of fishermen; efd

and recommended

- replace with _____ CS _____) same title
- or adopt _____ CS _____) new title
- attached amendment(s) and technical title change (HB only)
- _____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

FISCAL NOTE(S)

zero

fiscal impact

appropriation no FN

new

updated

previous

same as previous fiscal note(s) published _____

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

[Handwritten signatures]

[Handwritten signature] Do Pass
 Chairman signature and recommendation

Committee Backup attached

HB 228

STATE OF ALASKA



LYMAN F. HOFFMAN
REPRESENTATIVE

P. O. BOX V
JUNEAU, ALASKA 99811
(907) 465-4530, 465-4453

HOUSE OF REPRESENTATIVES

DISTRICT 25

- AKIACHAK
- AKIAK
- ATMAUTLUAK
- BETHEL
- CHEFORNAK
- EEK
- GOODNEWS BAY
- KASIGLUK
- KJPNUK
- KONGIGANAK
- KWETHLUK
- KWIGILLINGOK
- MEKORYUK
- NAPAKIAK
- NAPASKIAK
- NEWTOK
- NIGHTMUTE
- NUVAPITCIHUK
- OSCARVILLE
- PLATINUM
- QUINHAGAK
- TOKSOOK BAY
- TUNTUTLIAK
- TUNUNAK

M E M O R A N D U M

TO: Senator Bettye Fahrenkamp
Chairperson, Senate Resources Committee

FROM: Representative Lyman Hoffman *Lyman*

DATE: April 6, 1989

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

I respectfully request a public hearing on HB 228 at your earliest convenience.

This legislation passed the House Resources Committee with all "do pass" recommendations. Yesterday the bill passed the House with a 40 - 0 vote.

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

Thank you.

BILL NO: HB 228

DATE: March 24, 1989

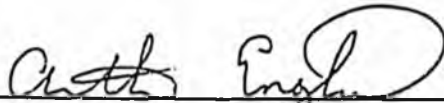
TITLE: Identification cards
required of fishermen

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

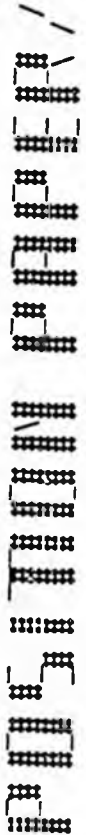
DEPARTMENT OF
PUBLIC SAFETY

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



FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Identification cards required
of fishermen
Sponsor: Representative Hoffman
Requestor: Representative Hoffman

Agency Affected: Public Safety
BRU: Fish & Wildlife Protection
Component: Enforcement

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
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

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
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 3, 1989

SUBJECT: Identification cards for fishermen
(Work Order No. 6-0950)

TO: Representative Lyman Hoffman
ATTN: Bob Herron

FROM: George Utermohle *GU*
Legislative Counsel

Enclosed is the bill that you requested to eliminate the requirement that fishermen possess an identification card issued by a state or federal agency. Under AS 16.10.267(a) as amended the fisherman is only required to have an identification card with a photograph of the fisherman.

You may also wish to amend AS 16.10.267(c) which provides examples of suitable identification cards. The state driver's license and the state identification card, which looks very much like a driver's license, are listed as examples of suitable identification cards under this subsection. You may insert in this subsection a description of other identification cards that would also serve as an example of a suitable card. You may also repeal this subsection to eliminate references to cards that look like driver's licenses, in which case any identification card with a photograph of the bearer would satisfy the requirement of AS 16.10.267(a).

GU:kb
wkk2/091

Enclosure

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

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

MAR 7 1989

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. Jones

LHO:me-20

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.

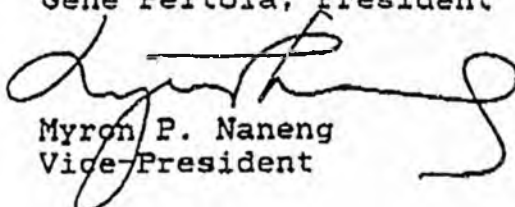
We have since contacted the Commissioner, Department of Public Safety and the Attorney General's office. The Attorney General's office is recommending that the section pertaining to i.d. cards, more particularly A.S. 16.10.267, (a) (2) be amended to include contractors of Federal or State agencies.

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

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. 16.10.266 shall print pos 16.10.265. The cessors, primar under AS 10.15 (b) A fish pro organized under in a prominent : commissioner of

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

Cited in Libera
ough. Sup. Ct. Op.
3365), 584 P.2d 1115

Sec. 16.10.275. lations to carry o ch 18 SLA 1981

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

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

HB 228

STATE OF ALASKA



LYMAN F. HOFFMAN
REPRESENTATIVE

P. O. BOX V
JUNEAU, ALASKA 99811
(907) 465-4530, 465-4453

HOUSE OF REPRESENTATIVES

DISTRICT 25

- AKIACHAK
- AKIAK
- ATMAUTLUAK
- BETHEL
- CHEFORNAK
- EEL
- GOODNEWS BAY
- KASIGLUK
- KIPNUK
- KONGIGANAK
- KWETHLUK
- KWIGILLINGOK
- MEKORYUK
- NAPAKIAK
- NAPASKIAK
- NEWTOK
- NIGHTMUTE
- NUNAPIITCHUK
- OSCARVILLE
- PLATINUM
- QUINHAGAK
- TOKSOOK BAY
- TUNTUTLIAK
- TUNUNAK

M E M O R A N D U M

TO: Senator Bettye Fahrenkamp
Chairperson, Senate Resources Committee

FROM: Representative Lyman Hoffman *Lyman*

DATE: April 6, 1989

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

I respectfully request a public hearing on HB 228 at your earliest convenience.

This legislation passed the House Resources Committee with all "do pass" recommendations. Yesterday the bill passed the House with a 40 - 0 vote.

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

Thank you.