

SENATE BILL NO. 255

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY SENATORS OLSON, Egan

Introduced: 2/3/10

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to sharing records regarding fish purchased by fish processors with**
2 **certain federal agencies, to requirements to obtain and maintain a fisheries business**
3 **license, and to payment of industry fees required of fish processors; and providing for**
4 **an effective date."**

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

6 *** Section 1.** AS 16.05.815(a) is amended to read:

7 (a) Except as provided in (b) and (c) of this section, records required by
8 regulations of the department concerning the landings of fish, shellfish, or fishery
9 products, and annual statistical reports of fishermen, buyers, and processors required
10 by regulation of the department are confidential and may not be released by the
11 department or by the Alaska Commercial Fisheries Entry Commission except as set
12 out in this subsection. The department may release the records and reports set out in
13 this subsection to the Alaska Commercial Fisheries Entry Commission. The
14 department and the Alaska Commercial Fisheries Entry Commission may release the

1 records and reports set out in this subsection to the recipients identified in this
2 subsection if the recipient, other than a recipient under (5) - (9) of this subsection,
3 agrees to maintain the confidentiality of the records and reports. The department and
4 the Alaska Commercial Fisheries Entry Commission may release

5 (1) any of the records and reports to the National Marine Fisheries
6 Service and the professional staff of the North Pacific Fishery Management Council as
7 required for preparation and implementation of the fishery management plans of the
8 North Pacific Fishery Management Council within the exclusive economic zone;

9 (2) any of the records and reports to the professional staff of the
10 Pacific States Marine Fisheries Commission who are employed in the Alaska Fisheries
11 Information Network project for the purpose of exchanging information with users
12 authorized by the department;

13 (3) any of the records and reports to the Department of Revenue to
14 assist the department in carrying out its statutory responsibilities;

15 (4) records or reports of the total value purchased by each buyer to a
16 municipality that levies and collects a tax on fish, shellfish, or fishery products if the
17 municipality requires records of the landings of fish, shellfish, or fishery products to
18 be submitted to it for purposes of verification of taxes payable;

19 (5) such records and reports as necessary to be in conformity with a
20 court order;

21 (6) on request, the report of a person to the person whose fishing
22 activity is the subject of the report, or to a designee of the person whose fishing
23 activity is the subject of the report;

24 (7) on request, annual statistical reports of a fisherman, buyer, or
25 processor to the fisherman, buyer, or processor whose activity is the subject of the
26 report, or to a designee of the fisherman, buyer, or processor whose activity is the
27 subject of the report;

28 (8) any of the records and reports to the Department of Public Safety
29 for law enforcement purposes;

30 (9) fish tickets, fish ticket information, records required of sport
31 fishing guides, and annual statistical reports of fishermen, buyers, and processors and

1 information in those reports to the law enforcement personnel of the National Marine
 2 Fisheries Service and the National Oceanic and Atmospheric Administration for the
 3 purpose of enforcing fishery laws in waters of this state and in waters of the exclusive
 4 economic zone adjacent to this state;

5 (10) fish tickets, fish ticket information, and records required of sport
 6 fishing guides regarding halibut to the International Pacific Halibut Commission;

7 (11) any of the records and reports to the child support services agency
 8 created in AS 25.27.010, or the child support enforcement agency of another state, for
 9 child support purposes authorized under law; [AND]

10 (12) any of the records and reports to the Department of Natural
 11 Resources to assist the department in carrying out its statutory responsibilities in
 12 regard to sport fishing operations and sport fishing guides within the Kenai River
 13 Special Management Area under AS 41.21.500 - 41.21.514; **and**

14 **(13) fish ticket information and records or reports of the total**
 15 **value purchased by each fisherman, buyer, or processor to the National Marine**
 16 **Fisheries Service for the purpose of enforcing the industry fee system of a fishing**
 17 **capacity reduction program under 16 U.S.C. 1861a (Magnuson-Stevens Fishery**
 18 **Conservation and Management Act).**

19 * **Sec. 2.** AS 43.75.020(a) is amended to read:

20 (a) Application for a license shall be filed with the department and
 21 accompanied by an annual fee of \$25. A separate annual fee is required for each plant
 22 specified in the application covered by the license. The application must contain the
 23 name of the applicant, the line of business to be licensed, place of business, and other
 24 facts that the department prescribes. The applicant shall state that the applicant, as a
 25 condition of obtaining and maintaining the license, agrees to pay

26 (1) the taxes levied under this title, and that the applicant will make a
 27 return and pay the taxes at the time provided by law;

28 (2) any seafood marketing assessment levied under AS 16.51;

29 (3) contributions imposed under AS 23.20 (Alaska Employment
 30 Security Act);

31 (4) any administrative penalties assessed under AS 18.60.093 for a

1 violation of a provision of AS 18.60.010 - 18.60.105; [AND]

2 (5) any applicable fishery sales, use, or severance taxes imposed by a
3 municipality in the state; **and**

4 **(6) any industry fee levied under a fishing capacity reduction**
5 **program authorized under 16 U.S.C. 1861a (Magnuson-Stevens Fishery**
6 **Conservation and Management Act).**

7 * **Sec. 3.** AS 43.75.020(b) is amended to read:

8 (b) Upon receipt of an application in proper form under (a) or (c) of this
9 section, accompanied by the annual fee, the department shall issue the license if the

10 (1) applicant has paid in full, including interest and penalties, the
11 following:

12 (A) taxes levied under this title; and

13 (B) any assessments under AS 16.51;

14 (2) department has not received notification from the Department of
15 Labor and Workforce Development that the applicant has failed to pay in full

16 (A) an assessment of delinquent contributions that is final
17 under AS 23.20.205(c) or 23.20.220(c); or

18 (B) an administrative penalty that is final under AS 18.60.093
19 or 18.60.097; and

20 (3) department has not received a copy of

21 (A) a final judgment obtained against the applicant for unpaid
22 fishery sales, use, or severance taxes imposed by a municipality in the state;
23 [OR]

24 (B) a final administrative determination against the applicant
25 from a municipality in the state for unpaid fishery sales, use, or severance taxes
26 imposed by the municipality; the administrative determination must be
27 accompanied by a certification by the municipality that the municipal
28 administrative process is consistent with constitutional requirements of due
29 process and that the applicant has exhausted all administrative remedies under
30 the applicable municipal administrative process; **or**

31 **(C) a final administrative determination against the**

1 applicant from the National Marine Fisheries Service for unpaid industry
2 fees levied under a fishing capacity reduction; the administrative
3 determination must be accompanied by a certification by the National
4 Marine Fisheries Service that the federal administrative process is
5 consistent with constitutional requirements of due process and that the
6 applicant has exhausted all applicable administrative remedies.

7 * **Sec. 4.** This Act takes effect immediately under AS 01.10.070(c).