

LAWS OF ALASKA 2010

Source<u>HB 365</u>

Chapter No.

AN ACT

Relating to sharing records regarding fish purchased by fish processors with certain federal agencies, to requirements to obtain and maintain a fisheries business license, and to payment of industry fees required of fish processors; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

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- 2 agencies, to requirements to obtain and maintain a fisheries business license, and to payment
- 3 of industry fees required of fish processors; and providing for an effective date.

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

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

- records and reports set out in this subsection to the recipients identified in this subsection if the recipient, other than a recipient under (5) (9) of this subsection, agrees to maintain the confidentiality of the records and reports. The department and the Alaska Commercial Fisheries Entry Commission may release
- (1) any of the records and reports to the National Marine Fisheries Service and the professional staff of the North Pacific Fishery Management Council as required for preparation and implementation of the fishery management plans of the North Pacific Fishery Management Council within the exclusive economic zone;
- (2) any of the records and reports to the professional staff of the Pacific States Marine Fisheries Commission who are employed in the Alaska Fisheries Information Network project for the purpose of exchanging information with users authorized by the department;
- (3) any of the records and reports to the Department of Revenue to assist the department in carrying out its statutory responsibilities;
- (4) records or reports of the total value purchased by each buyer to a municipality that levies and collects a tax on fish, shellfish, or fishery products if the municipality requires records of the landings of fish, shellfish, or fishery products to be submitted to it for purposes of verification of taxes payable;
- (5) such records and reports as necessary to be in conformity with a court order:
- (6) on request, the report of a person to the person whose fishing activity is the subject of the report, or to a designee of the person whose fishing activity is the subject of the report;
- (7) on request, annual statistical reports of a fisherman, buyer, or processor to the fisherman, buyer, or processor whose activity is the subject of the report, or to a designee of the fisherman, buyer, or processor whose activity is the subject of the report;
- (8) any of the records and reports to the Department of Public Safety for law enforcement purposes;
- (9) fish tickets, fish ticket information, records required of sport 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.

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^{*} Sec. 4. This Act takes effect immediately under AS 01.10.070(c).