

**SENATE BILL NO. 171 am**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY SENATOR HALFORD

Amended: 5/12/99

Introduced: 5/7/99

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the release of certain records and reports required by the  
2 Department of Fish and Game regarding fish, shellfish, or fishery products and  
3 reports of fish buyers and processors; relating to the transfer of land to the  
4 state; and providing for 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 buyers and processors required by regulation  
10 of the department are confidential and may not be released by the department **or by**  
11 **the Alaska Commercial Fisheries Entry Commission** except as set out in this  
12 subsection. The department may release the records and reports set out in this  
13 subsection to **the Alaska Commercial Fisheries Entry Commission.** **The**  
14 **department and the Alaska Commercial Fisheries Entry Commission may release**

1 **the 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) - (8)** [(4) - (6)] of this  
 3 subsection, agrees to maintain the confidentiality of the records and reports. The  
 4 department **and the Alaska Commercial Fisheries Entry Commission** may release

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

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

14 (3) [(2)] any of **the** [ITS] records and reports to the Department of  
 15 Revenue [AND TO THE ALASKA COMMERCIAL FISHERIES ENTRY  
 16 COMMISSION] to assist **the Department of Revenue** [THEM] in carrying out **its**  
 17 [THEIR] statutory responsibilities;

18 (4) [(3)] records or reports of the total value purchased by each buyer  
 19 to a municipality that levies and collects a tax on fish, shellfish, or fishery products  
 20 if the municipality requires records of the landings of fish, shellfish, or fishery  
 21 products to be submitted to it for purposes of verification of taxes payable;

22 (5) [(4)] such records and reports as necessary to be in conformity with  
 23 a court order;

24 (6) [(5)] on request, the report of a person to the person whose fishing  
 25 activity is the subject of the report;

26 (7) [(6)] fish tickets and fish ticket information to the division of fish  
 27 and wildlife protection, Department of Public Safety;

28 (8) **fish tickets and fish ticket information to the law enforcement**  
 29 **personnel of the National Marine Fisheries Service and the National Oceanic and**  
 30 **Atmospheric Administration for the purpose of enforcing fishery laws in waters**  
 31 **of this state and in waters of the exclusive economic zone adjacent to this state;**

1                    **(9)** [(7)] fish tickets and fish ticket information regarding halibut to the  
2 International Pacific Halibut Commission; and

3                    **(10)** [(8)] any of **the** [ITS] records and reports to the child support  
4 enforcement agency created in AS 25.27.010, or the child support enforcement agency  
5 of another state, for child support purposes authorized under law.

6 \* **Sec. 2.** AS 16.20.041(e) is amended to read:

7                    (e) The department and the Department of Natural Resources

8                    (1) may not enter into sales of land within the McNeil River State  
9 Game Refuge;

10                    (2) may enter into leases within the McNeil River State Game Refuge  
11 if the commissioner finds that activity conducted under the lease is compatible with  
12 the purposes for which the refuge is established;

13                    **(3) may not accept transfer of state selected land from the federal**  
14 **government, or conveyance of other land, within the refuge if the land is subject**  
15 **to**

16                    **(A) a lease, easement, or other right to operate or maintain**  
17 **a private facility on the land or to conduct a private enterprise on the**  
18 **land; or**

19                    **(B) a continuing trespass by an unauthorized private facility**  
20 **or private enterprise.**

21 \* **Sec. 3.** AS 16.20.162(c) is amended to read:

22                    (c) The department and the Department of Natural Resources

23                    (1) may not enter into sales of land within the McNeil River State  
24 Game Sanctuary;

25                    (2) may enter into leases within the McNeil River State Game  
26 Sanctuary if the commissioner finds that activity conducted under the lease is  
27 compatible with the purposes for which the sanctuary is established;

28                    **(3) may not accept transfer of state selected land from the federal**  
29 **government, or conveyance of other land, within the sanctuary if the land is**  
30 **subject to**

31                    **(A) a lease, easement, or other right to operate or maintain**

1                   a private facility on the land or to conduct a private enterprise on the  
2                   land; or

3                                   (B) a continuing trespass by an unauthorized private facility  
4                   or private enterprise.

5   \* **Sec. 4.** AS 38.95 is amended by adding a new section to read:

6                   **Article 8. Transfer of Certain Federal Land to the State.**

7                   **Sec. 38.95.310. Legislative Approval of Certain Land Transfers to the**  
8                   **State.** The state may not accept transfer from the federal government of land  
9                   containing or reasonably suspected of containing significant environmental  
10                  contamination or pollution unless the legislature approves the acceptance of the land  
11                  by law.

12   \* **Sec. 5.** This Act takes effect immediately under AS 01.10.070(c).