

HOUSE BILL NO. 267

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES EDGMON, Kreiss-Tomkins

Introduced: 1/16/18

Referred: Community and Regional Affairs, Resources

A BILL

FOR AN ACT ENTITLED

1 "An Act requiring the release of certain records relating to big game hunters, guided
2 hunts, and guided sport fishing activities to municipalities for verification of taxes
3 payable; and providing for an effective date."

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

5 * **Section 1.** AS 08.54.760(b) is amended to read:

6 (b) The department shall make hunt records received under this section, and
7 activity reports received under AS 08.54.650, available to state agencies, federal law
8 enforcement agencies, and other law enforcement agencies if requested, **and to a**
9 **municipality that levies a tax on those activities if the municipality requests the**
10 **records for the purpose of verifying taxes payable.** Aggregated data compiled from
11 hunt records and activity reports may be included in reports by the department. For all
12 other purposes, the hunt records and activity reports are confidential and are not
13 subject to inspection or copying under AS 40.25.110 - 40.25.125.

14 * **Sec. 2.** AS 16.05.815(a) is amended to read:

1 (a) Except as provided in (b) and (c) of this section, records required by
 2 regulations of the department concerning the landings of fish, shellfish, or fishery
 3 products, and annual statistical reports of fishermen, buyers, and processors required
 4 by regulation of the department are confidential and may not be released by the
 5 department or by the Alaska Commercial Fisheries Entry Commission except as set
 6 out in this subsection. The department may release the records and reports set out in
 7 this subsection to the Alaska Commercial Fisheries Entry Commission. The
 8 department and the Alaska Commercial Fisheries Entry Commission may release the
 9 records and reports set out in this subsection to the recipients identified in this
 10 subsection if the recipient, other than a recipient under **(6) - (10)** [(5) - (9)] of this
 11 subsection, agrees to maintain the confidentiality of the records and reports. The
 12 department and the Alaska Commercial Fisheries Entry Commission may release

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

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

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

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

27 (5) **records or reports of guided sport fishing activities filed by a**
 28 **guide to a municipality that levies a tax on those activities if the municipality**
 29 **requests the records for the purpose of verifying taxes payable;**

30 **(6)** such records and reports as necessary to be in conformity with a
 31 court order;

1 (7) [(6)] on request, the report of a person to the person whose fishing
2 activity is the subject of the report, or to a designee of the person whose fishing
3 activity is the subject of the report;

4 (8) [(7)] on request, annual statistical reports of a fisherman, buyer, or
5 processor to the fisherman, buyer, or processor whose activity is the subject of the
6 report, or to a designee of the fisherman, buyer, or processor whose activity is the
7 subject of the report;

8 (9) [(8)] any of the records and reports to the Department of Public
9 Safety for law enforcement purposes;

10 (10) [(9)] fish tickets, fish ticket information, records required of sport
11 fishing guides, and annual statistical reports of fishermen, buyers, and processors and
12 information in those reports to the law enforcement personnel of the National Marine
13 Fisheries Service and the National Oceanic and Atmospheric Administration for the
14 purpose of enforcing fishery laws in waters of this state and in waters of the exclusive
15 economic zone adjacent to this state;

16 (11) [(10)] fish tickets, fish ticket information, and records required of
17 sport fishing guides regarding halibut to the International Pacific Halibut Commission;

18 (12) [(11)] any of the records and reports to the child support services
19 agency created in AS 25.27.010, or the child support enforcement agency of another
20 state, for child support purposes authorized under law;

21 (13) [(12)] any of the records and reports to the Department of Natural
22 Resources to assist the department in carrying out its statutory responsibilities in
23 regard to sport fishing operations and sport fishing guides within the Kenai River
24 Special Management Area under AS 41.21.500 - 41.21.514; and

25 (14) [(13)] fish ticket information and records or reports of the total
26 value purchased by each fisherman, buyer, or processor to the National Marine
27 Fisheries Service for the purpose of enforcing the industry fee system of a fishing
28 capacity reduction program under 16 U.S.C. 1861a (Magnuson-Stevens Fishery
29 Conservation and Management Act).

30 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
31 read:

1 APPLICABILITY. (a) AS 08.54.760(b), as amended by sec. 1 of this Act, requires the
2 Department of Commerce, Community, and Economic Development to make a record
3 reported under AS 08.54.650 or 08.54.760(b) available to a requesting municipality that levies
4 a tax on the reported activity, regardless of whether the activity occurred before, on, or after
5 the effective date of this Act.

6 (b) AS 16.05.815(a), as amended by sec. 2 of this Act, requires the Department of
7 Fish and Game to make a record of guided sport fishing activity filed by a guide available to a
8 requesting municipality that levies a tax on the guided sport fishing activity, regardless of
9 whether the activity occurred before, on, or after the effective date of this Act.

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