

SENATE BILL NO. 164

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/26/18

Referred: State Affairs, Resources

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the confidentiality of certain records on animals and crops; and**
2 **providing for an effective date."**

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

4 * **Section 1.** AS 03.05 is amended by adding a new section to read:

5 **Sec. 03.05.095. Confidentiality of certain information; exceptions.** (a)

6 Notwithstanding AS 03.05.010(a)(2), records maintained by the Department of
7 Environmental Conservation and the Department of Natural Resources are
8 confidential and not subject to disclosure under AS 40.25.100 - 40.25.295 (Alaska
9 Public Records Act) if the records

10 (1) are animal or crop importation records that identify a particular
11 animal, crop, business, or individual;

12 (2) contain animal or crop test results or samples for disease or a
13 varietal and the owner, owner's agent, or representative of the animal or crop

14 (A) voluntarily submitted or directed the test results or samples

1 to be submitted to the Department of Environmental Conservation or the
2 Department of Natural Resources for testing; or

3 (B) was required by law to submit the test results or samples to
4 the Department of Environmental Conservation or the Department of Natural
5 Resources; or

6 (3) are trade secrets or proprietary business or financial information.

7 (b) Notwithstanding (a) of this section or any other provision of law, the
8 Department of Environmental Conservation and the Department of Natural Resources
9 may disclose any records that are subject to this section if the Department of
10 Environmental Conservation or the Department of Natural Resources determines there
11 is a threat to the health or safety of an animal, a crop, or the public.

12 (c) In this section, "varietal" means characteristic of, or forming a distinct
13 variety of organism.

14 * **Sec. 2.** The uncoded law of the State of Alaska is amended by adding a new section to
15 read:

16 TRANSITION: REGULATIONS. The Department of Environmental Conservation
17 and the Department of Natural Resources may adopt regulations necessary to implement this
18 Act. The regulations take effect under AS 44.62 (Administrative Procedures Act), but not
19 before the effective date of the law implemented by the regulation.

20 * **Sec. 3.** Section 2 of this Act takes effect immediately under AS 01.10.070(c).