SENATE CS FOR CS FOR HOUSE BILL NO. 363(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 4/15/00
Referred: Rules

Sponsor(s): REPRESENTATIVES AUSTERMANN, Harris, Smalley, James

A BILL

FOR AN ACT ENTITLED

"An Act relating to salmon product reports and to the sale of fish; and providing for an effective date."

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

* Section 1. AS 16.05.680 is amended by adding a new subsection to read:

(b) A person may not sell salmon that was not harvested under the authority of the entry permit, interim-use permit, or landing permit under which the salmon is sold.

* Sec. 2. AS 16.05.690(a) is amended to read:

(a) Each buyer of fish shall keep a record of each purchase showing the name or number of the vessel from which the catch involved is taken, the date of landing, vessel license number, pounds purchased of each species, number of each species, and the Department of Fish and Game [WHERE POSSIBLE,] statistical area in which the fish were taken, and other information the department requires. Records may be kept on forms provided by the department. Each person charged with keeping the
records shall report them to the department in accordance with regulations adopted by
the department [IT].

* Sec. 3. AS 43.80.050(a) is amended to read:

(a) A fish processor engaged in the business of selling [THERMALLY PROCESSED] salmon products at wholesale and whose business sells more than
1,000,000 [240,000] pounds of [THERMALLY PROCESSED] salmon products at
wholesale during a calendar year shall submit to the department during the following
calendar year, on a form provided by the department, reports of the prices received for
and quantity of salmon products sold at wholesale by the processor or an affiliate
of the processor [FOR THE SALE OF THERMALLY PROCESSED SALMON]. Not
later than May 31 of each reporting year, a processor shall submit a report for the
period January 1 through April 30 of the reporting year. Not later than September 30
of each reporting year, a processor shall submit a report for the period May 1 through
August 31 of the reporting year. Not later than January 31 of each reporting year, a
processor shall submit a report for the period September 1 through December 31 of the
reporting year.

* Sec. 4. AS 43.80.050(b) is repealed and reenacted to read:

(b) A report submitted by a processor under (a) or (c) of this section must include

(1) the requested information for the following salmon product forms:

(A) thermally processed salmon products;
(B) fresh headed and gutted salmon products;
(C) fresh fillet salmon products;
(D) frozen headed and gutted salmon products;
(E) frozen fillet salmon products;
(F) salmon roe products;

(2) the requested information regarding the total quantity of each
salmon product form sold by providing the total number of
(A) each size of container in which thermally processed salmon
products were sold by the processor or its affiliate; and
(B) pounds for each of the other salmon product forms sold by
the processor or its affiliate; and

(3) for sales to buyers that are not affiliates of the processor, the total quantity of each salmon product form sold by area of production by species, and the wholesale price received.

* Sec. 5. AS 43.80.050(c) is amended to read:

(c) A sale to an affiliate of the processor may not be included in a report submitted under this section by a processor. However, the processor shall report sales by an affiliate at wholesale of [THERMALLY PROCESSED] salmon products that were [WAS] obtained from the processor. The report must include a description of the products and the total quantity of each salmon product form sold by the affiliate by area of production by species and [BY THE SIZE OF THE CONTAINER IN WHICH THE SALMON IS SOLD AND] the wholesale prices received by the affiliate.

* Sec. 6. AS 43.80.050 is amended by adding a new subsection to read:

(f) Each fish processor who submits a report under (a) of this section during a reporting year shall also submit an annual report of the quantity of salmon products produced by the processor or an affiliate of the processor between January 1 and December 31 of the reporting year. The report shall be submitted to the department not later than January 31 of the following reporting year. The report must include

(1) a description of the products and the total quantity of each salmon product form produced by area of production by species for each of the salmon product forms listed in (b)(1) of this section; and

(2) the requested information regarding the total quantity of each salmon product form produced by providing the total number of

(A) each size of container in which thermally processed salmon products were produced by the processor or its affiliate; and

(B) pounds for each of the other salmon product forms produced by the processor or its affiliate.

* Sec. 7. AS 43.80.055 is amended to read:

Sec. 43.80.055. Wholesale price averages; Alaska salmon price report. (a) Based on the information provided in reports submitted under AS 43.80.050, the
department shall determine the [STATEWIDE] average wholesale prices paid to fish processors and their affiliates for the sale of [THERMALLY PROCESSED] salmon products.

(b) The department shall determine under this section the monthly and annual wholesale price averages for

(1) each species of [THERMALLY PROCESSED] salmon for each size of the container in which thermally processed [THE] salmon products are [IS] sold;

(2) each pound of other salmon products by area of production by species by product form.

* Sec. 8. AS 43.80.055 is amended by adding a new subsection to read:

(c) The department shall publish the average wholesale prices paid for salmon products in a report entitled the "Alaska Salmon Price Report."

* Sec. 9. AS 43.80.060 is amended to read:

Sec. 43.80.060. Report to the legislature. Not later than March 15 [THE 15TH DAY] of each year [REGULAR LEGISLATIVE SESSION], the department shall make available to the legislature a report of [STATEWIDE] average wholesale [THERMALLY PROCESSED SALMON] prices paid for salmon products and a report of the quantity of salmon products produced during the preceding calendar year. The department shall notify the legislature that the report is available.

* Sec. 10. AS 43.80.100(5) is amended to read:

(5) "reporting year" means the calendar year after the calendar year in which a fish processor's business sells more than 1,000,000 [240,000] pounds of [THERMALLY PROCESSED] salmon products at wholesale;

* Sec. 11. AS 43.80.100(7) is amended to read:

(7) "wholesale price" includes all receipts, whether in the form of money, credits, or other consideration, from the sale of a [FINISHED THERMALLY PROCESSED] salmon product at wholesale [LESS THAN RETAIL], without deduction for the costs of property sold, materials used, insurance, labor, services, labeling, transportation, storage, interest, taxes, losses, or any other expense [EXCEPT (A) CASH DISCOUNTS ALLOWED ON SALES, NOT TO EXCEED TWO PERCENT; AND
(B) COMMISSIONS ACTUALLY PAID TO INDEPENDENT BROKERS, NOT TO EXCEED FIVE PERCENT].

* Sec. 12. AS 43.80.100 is amended by adding new paragraphs to read:

(8) "area of production" means the area in which a salmon product was processed by a fish processor; in this paragraph, "area" means one of the following areas:

(A) Southeastern and Yakutat;
(B) Prince William Sound;
(C) Cook Inlet;
(D) Kodiak;
(E) Chignik;
(F) Aleutian Islands, Atka-Amlia Islands, and Alaska Peninsula;
(G) Bristol Bay; or
(H) Kuskokwim, Yukon-Northern, Norton Sound-Port Clarence, and Kotzebue;

(9) "produce" means to process salmon into a salmon product;
(10) "wholesale" means the first sale of a salmon product at wholesale after the fishery business tax was paid or became payable on the salmon from which the salmon product was produced.

* Sec. 13. The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION. The first report required by AS 43.80.050, as amended by secs. 3 - 5 of this Act, is due January 31, 2001, must cover the period of September 1, 2000, through December 31, 2000, and must be filed by a fish processor whose business sold more than 1,000,000 pounds of salmon products at first wholesale during the 12-month period ending August 31, 2000.

* Sec. 14. This Act takes effect September 1, 2000.