

(LIMITED RUN SHOWING ALL ADDITIONAL SPONSORSHIPS)

**CS FOR HOUSE BILL NO. 154(FSH)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE SPECIAL COMMITTEE ON FISHERIES

Offered: 3/22/01

Referred: Resources, Finance

Sponsor(s): REPRESENTATIVES SCALZI, Dyson

**A BILL**

**FOR AN ACT ENTITLED**

1   **"An Act relating to security for the payment of fishery business taxes and to payment of**  
2   **the fisheries resource landing tax."**

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

4    \* **Section 1.** AS 43.75.055 is amended to read:

5           **Sec. 43.75.055. Security for collection of taxes. (a)** An applicant for a  
6           license under this chapter shall, in or with the application, state under oath the amount  
7           of each of the products that the applicant expects to produce during the license year.  
8           The applicant shall further state the extent of lienable real property owned by the  
9           applicant in the state against which the tax may be collected and other information  
10          with respect to description, location, and value of the property that the department  
11          prescribes.

12           **(b) Except as provided in (c) and (e) of this section, if** [IF] the lienable  
13          value of the property is not equal to three times the amount of the tax for which the  
14          applicant will probably be liable under this section, the department may not issue the

license until the applicant files with the department a surety bond approved by the attorney general in a penal sum equal to twice the probable amount of the tax for which the applicant will be liable, conditioned upon payment of the tax in full when due, with interest and penalties if not paid before delinquency.

**(c) An applicant that does not process a fishery resource in the state may elect to avoid the requirements of (a) and (b) of this section if the applicant**

**(1) notwithstanding AS 43.75.030(d), pays the taxes due under this chapter on or before the 15th day of the month following the month in which liability for the payment of the taxes was incurred;**

**(2) pays the taxes and assessments for which the applicant is liable under AS 16.51, AS 43.76, and AS 43.77 on or before the 15th day of the month following the month in which the liability for the payment of the taxes or assessments was incurred;**

**(3) remits to the department the taxes and assessments that the applicant is required to collect under AS 43.76 on or before the 15th day of the month following the month in which the taxes or assessments were required to be collected; and**

**(4) either**

**(A) files a bond in** [HOWEVER, IF THE APPLICANT PURCHASES SALMON FOR EXPORT FROM ALASKA IN THE ROUND,] the amount of [THE BOND IS] \$50,000; **or**

**(B) provides the department with proof that** [UNLESS] the applicant is the owner of lienable real property in the state of a value of at least **\$100,000.**

**(d) A** [\$50,000, AND THE] bond **filed under (c) of this section** must be conditioned upon payment to the fisherman of the full purchase price for the **fishery resource** [SALMON] and the payment of the **taxes, interest, and penalties** [TAX] in full when due. **The provisions of (c) of this section do not apply to an applicant who has a relationship, as that term is defined under 26 U.S.C. 267(b), with a person that processes a fishery resource.**

**(e)** The department may waive the bond requirement **under (b) or (c) of this**

1        **section** if the applicant posts other security in the form of collateral acceptable to the  
 2        department or prepays the estimated tax.

3                **(f) An applicant that fails to pay amounts due under this section is subject**  
 4        **to civil penalties set out under AS 43.05.220.**

5        \* **Sec. 2.** AS 43.77.020(b) is amended to read:

6                (b) The return shall be made on the basis of the calendar year **and is due** [TO  
 7        THE DEPARTMENT AT JUNEAU] before April 1 after the close of the calendar  
 8        year, and **any unpaid** [THE] tax shall be paid with the return.

9        \* **Sec. 3.** AS 43.77.020 is amended by adding a new subsection to read:

10              (d) A person subject to the tax under this chapter shall make quarterly  
 11        payments of the tax estimated to be due for the year, as required under regulations  
 12        adopted by the department. A taxpayer will be subject to an estimated tax penalty,  
 13        determined by applying the interest rate specified in AS 43.05.225 to the  
 14        underpayment for each quarter, unless the taxpayer makes estimated tax payments in  
 15        equal installments that total either

16                      (1) at least 90 percent of the taxpayer's tax liability under this chapter  
 17        for the tax year; or

18                      (2) at least 100 percent of the taxpayer's tax liability under this chapter  
 19        for the prior tax year.