



LAWS OF ALASKA

1980

Source

Chapter No.

HCS CSSB 346 am H

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AN ACT

Relating to reports and records of fishermen, fish buyers and fish processors, requiring the Department of Revenue to compute and report average wholesale prices for Alaska salmon, establishing procedures to secure information on the wholesale prices of Alaska salmon, and providing a penalty for failure to provide information on wholesale prices.

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

THE ACT FOLLOWS ON PAGE 1, LINE 14

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: June 12, 1980
Actual Effective Date: September 10, 1980

AN ACT

Relating to reports and records of fishermen, fish buyers and fish processors, requiring the Department of Revenue to compute and report average wholesale prices for Alaska salmon, establishing procedures to secure information on the wholesale prices of Alaska salmon, and providing a penalty for failure to provide information on wholesale prices.

* Section 1. AS 16.05.815 is amended to read:

Sec. 16.05.815. CONFIDENTIAL NATURE OF CERTAIN REPORTS AND RECORDS.

(a) Except as provided in (b) of this section, records [REPORTS] required by regulations of the department concerning the landings of fish, shellfish or fishery products, and annual statistical reports of buyers and processors required by regulation of the department are confidential and may [SHALL] not be released [IN THE FORM OF INDIVIDUAL RECORDS] by the department except that the department may release

(1) any of its records and reports to the National Marine Fisheries Service as required for preparation and implementation of the fishery management plans of the North Pacific Fishery Management Council within the fishery conservation zone; however, information released to the National Marine Fisheries Service under this paragraph may not disclose the identity of individual fishermen or their vessels;

(2) any of its records and reports to the Department of Revenue and to the Commercial Fisheries Entry Commission to assist

Chapter 66

1 them in carrying out their statutory responsibilities; [, OR]

2 (3) records or reports of the total value purchased by each
3 buyer to a municipality which levies and collects a tax on fish,
4 shellfish, or fishery products if the municipality

5 (A) requires records of the landings of fish, shellfish,
6 or fishery products to be submitted to it for purposes of verifica-
7 tion of taxes payable; and

8 (B) maintains the confidentiality of reports and re-
9 ports which it receives under this paragraph;

10 (4) such records and reports as necessary to be in conform-
11 ity with a court order; or

12 (5) on request, the report of a person to the person whose
13 fishing activity is the subject of the report.

14 (b) Records or reports received by the department which do not
15 identify individual fishermen, buyers, or processors or the specific
16 locations where fish have been taken are public information.

17 * Sec. 2. AS 43.80 is amended by adding a new section to read:

18 Sec. 43.80.035. REPORTING OF SALMON PRICES. (a) Except when the
19 requirement is suspended under (d) of this section, the commissioner
20 shall compute and report to the legislature not later than the 60th day
21 of each regular session the average wholesale prices obtained for canned
22 salmon by Alaska salmon canneries during the months of August, September
23 October, November, and December for the previous five years. In comput-
24 ing and reporting prices, the commissioner may require canneries to
25 provide information on wholesale price by species of salmon.

26 (b) The commissioner may

27 (1) issue subpoenas under AS 43.05.040 to compel the testi-
28 mony of witnesses and the production of records and documents necessary
29 to obtain and audit reports and information on wholesale prices of

salmon when required under (a) of this section;

(2) levy and collect a civil penalty for failure to report information on wholesale prices of salmon under (a) of this section.

(c) A person who fails to file a report containing information on the wholesale prices of salmon required by the commissioner under this section is liable for a civil penalty of \$5,000. The penalty shall be assessed and collected in the same manner as taxes are assessed and collected under this title.

(d) Computation and reporting of the average wholesale price of a species of salmon by the commissioner under (a) of this section is not required during a calendar year in which the commissioner does not receive at least one request jointly presented by a fish processor doing business in Alaska and an organization representing fishermen that they desire the report for a species of salmon under (a) of this section for purposes of price negotiation. If a joint request is not presented to the commissioner for a salmon species for a calendar year, information about the average wholesale price of that salmon species may not be collected by the commissioner for that calendar year, and the last report submitted by the commissioner under (a) of this section for that species is the final report of prices for that species required under this section.

(e) In this section,

(1) "commissioner" means the commissioner of revenue;

(2) "wholesale price" includes all receipts, whether in the form of money, credits or other consideration, received from the sale of the finished product without deduction for the cost of property sold, the cost of the material used, insurance costs, labor or service costs, label and labeling costs, transportation and storage cost, interest paid, taxes, losses, or any other expense except

Chapter 66

1 (A) cash discounts allowed on sales not to exceed one
2 and one-half percent;

3 (B) commissions actually paid to independent brokers not
4 to exceed five percent; and

5 (C) swell allowance not to exceed one-tenth of one
6 percent.