

**CS FOR HOUSE BILL NO. 118(FSH)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE SPECIAL COMMITTEE ON FISHERIES

Offered: 2/22/96

Referred: Labor and Commerce, Finance

Sponsor(s): REPRESENTATIVE AUSTERMAN

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to seafood marketing, to the definition of 'seafood' for purposes  
2 of the Alaska Seafood Marketing Institute, to an aquatic farm product marketing  
3 assessment, and to the salmon marketing tax; and providing for an effective  
4 date."

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

6 \* **Section 1.** AS 16.51.090 is amended to read:

7           Sec. 16.51.090. POWERS OF BOARD. In carrying out the powers of the  
8 institute, the board may

- 9                           (1) adopt, alter, and use a corporate seal;  
10                          (2) prescribe, adopt, amend, and repeal bylaws;  
11                          (3) sue and be sued in the name of the institute;  
12                          (4) enter into any agreements necessary to the exercise of its powers and  
13 functions;  
14                          (5) cooperate with a public or private board, organization, or agency

1 engaged in work or activities similar to the work or activities of the institute, including  
2 entering into contracts for joint programs of consumer education, sales promotion, quality  
3 control, advertising, and research in the production, processing, or distribution of  
4 seafood;

5 (6) conduct, or contract for, scientific research to develop and discover  
6 health, dietetic, or other uses of seafood harvested and processed in the state;

7 (7) receive contributions of money from persons;

8 (8) establish offices in the state and otherwise incur expenses incidental  
9 to the performance of its duties;

10 (9) appear on behalf of the institute before boards, commissions,  
11 departments, or other agencies of municipal, state, or federal government;

12 (10) acquire, hold, lease, sell, or otherwise dispose of property, but such  
13 property is limited to that which is necessary to the administrative functioning of the  
14 office of the institute;

15 (11) establish and maintain one or more bank accounts for the transaction  
16 of the institute's business;

17 (12) prepare market research and product development plans for the  
18 promotion of any species of seafood and their by-products that may be harvested in the  
19 state and processed for sale;

20 (13) establish committees related to the marketing of seafood [SALMON]  
21 and seafood [SALMON] products; the board shall, to the extent practicable, appoint  
22 equal numbers of seafood processors and persons engaged in commercial fishing to the  
23 committees.

24 \* **Sec. 2.** AS 16.51 is amended by adding a new section to read:

25 Sec. 16.51.161. DEFINITION FOR AS 16.51.120 - 16.51.161. In  
26 AS 16.51.120 - 16.51.161, "seafood" has the meaning given in AS 16.51.180, but does  
27 not include aquatic farm products.

28 \* **Sec. 3.** AS 16.51 is amended by adding a new section to read:

29 Sec. 16.51.165. AQUATIC FARM PRODUCT MARKETING ASSESSMENT.

30 (a) A person who holds an aquatic farm permit under AS 16.40.100 shall pay an  
31 aquatic farm product marketing assessment of three-tenths of one percent of the value  
32 of aquatic farm products sold by the permit holder.

1 (b) A permit holder shall remit to the Department of Revenue by April 1 of  
2 each year the total amount of the aquatic farm product marketing assessment owed on  
3 the value of aquatic farm products sold by the permit holder in the previous calendar  
4 year.

5 (c) In this section,

6 (1) "permit holder" means a person who holds an aquatic farm permit  
7 under AS 16.40.100;

8 (2) "value" means the actual price received by a permit holder for the  
9 sale of aquatic farm products.

10 \* **Sec. 4.** AS 16.51.170 is amended to read:

11 Sec. 16.51.170. ENFORCEMENT OF ASSESSMENTS. The provisions of  
12 AS 43.05 and AS 43.10 apply for the enforcement and collection of

13 (1) the seafood marketing assessment; and

14 (2) the aquatic farm product marketing assessment.

15 \* **Sec. 5.** AS 16.51.180(5) is amended to read:

16 (5) "seafood" means finfish, shellfish, and fish by-products, including but  
17 not limited to salmon, halibut, herring, flounder, crab, clam, cod, shrimp, [AND] pollock,  
18 and [BUT DOES NOT INCLUDE] aquatic farm products [AS DEFINED IN  
19 AS 16.40.199];

20 \* **Sec. 6.** AS 16.51.180 is amended by adding a new paragraph to read:

21 (7) "aquatic farm product" has the meaning given in AS 16.40.199.

22 \* **Sec. 7.** AS 43.76.110 is amended to read:

23 Sec. 43.76.110. SALMON MARKETING TAX. A person holding a limited  
24 entry permit, [OR] interim-use permit, or special harvest area entry permit under  
25 AS 16.43 shall pay a salmon marketing tax at the rate of one percent of the value, as  
26 defined in AS 43.75.290, of salmon that the person removes from the state or transfers  
27 to a buyer in the state. The buyer shall collect the salmon marketing tax at the time  
28 the salmon is acquired by the buyer.

29 \* **Sec. 8.** This Act takes effect immediately under AS 01.10.070(c).