

CS FOR HOUSE BILL NO. 363(FSH)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE SPECIAL COMMITTEE ON FISHERIES

Offered: 3/8/00

Referred: Finance

Sponsor(s): REPRESENTATIVES AUSTERMAN, Harris, Smalley

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to salmon product reports; and providing for an effective date."

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

3 * **Section 1.** AS 43.80.050(a) is amended to read:

4 (a) A fish processor engaged in the business of selling [THERMALLY
5 PROCESSED] salmon products at wholesale and whose business sells more than
6 240,000 pounds of [THERMALLY PROCESSED] salmon products at wholesale
7 during a calendar year shall submit to the department during the following calendar
8 year, on a form provided by the department, reports of the prices received **for and**
9 **quantity of salmon products sold at wholesale** by the processor or an affiliate of the
10 processor [FOR THE SALE OF THERMALLY PROCESSED SALMON]. Not later
11 than May 31 of each reporting year, a processor shall submit a report for the period
12 January 1 through April 30 of the reporting year. Not later than September 30 of each
13 reporting year, a processor shall submit a report for the period May 1 through
14 August 31 of the reporting year. Not later than January 31 of each reporting year, a
15 processor shall submit a report for the period September 1 through December 31 of the

1 reporting year.

2 * **Sec. 2.** AS 43.80.050(b) is repealed and reenacted to read:

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

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

6 (A) thermally processed salmon products;

7 (B) fresh headed and gutted salmon products;

8 (C) fresh fillet salmon products;

9 (D) frozen headed and gutted salmon products;

10 (E) frozen fillet salmon products;

11 (F) salmon roe products;

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

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

16 (B) pounds for each of the other salmon product forms sold by
17 the processor or its affiliate; and

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

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

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

30 * **Sec. 4.** AS 43.80.050 is amended by adding a new subsection to read:

31 (f) Each fish processor who submits a report under (a) of this section during

1 a reporting year shall also submit an annual report of the quantity of salmon products
 2 produced by the processor or an affiliate of the processor between January 1 and
 3 December 31 of the reporting year. The report shall be submitted to the department
 4 not later than January 31 of the following reporting year. The report must include

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

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

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

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

14 * **Sec. 5.** AS 43.80.055 is amended to read:

15 **Sec. 43.80.055. Wholesale price averages; Alaska salmon price report.** (a)

16 Based on the information provided in reports submitted under AS 43.80.050, the
 17 department shall determine the [STATEWIDE] average wholesale prices paid to fish
 18 processors and their affiliates for the sale of [THERMALLY PROCESSED] salmon
 19 **products.**

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

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

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

26 * **Sec. 6.** AS 43.80.055 is amended by adding a new subsection to read:

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

29 * **Sec. 7.** AS 43.80.060 is amended to read:

30 **Sec. 43.80.060. Report to the legislature.** Not later than **March 15** [THE
 31 15TH DAY] of each **year** [REGULAR LEGISLATIVE SESSION], the department

1 shall make available to the legislature a report of [STATEWIDE] average wholesale
 2 [THERMALLY PROCESSED SALMON] prices **paid for salmon products and a**
 3 **report of the quantity of salmon products produced during the preceding calendar**
 4 **year**. The department shall notify the legislature that the report is available.

5 * **Sec. 8.** AS 43.80.100(5) is amended to read:

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

9 * **Sec. 9.** AS 43.80.100(7) is amended to read:

10 (7) "wholesale price" includes all receipts, whether in the form of
 11 money, credits, or other consideration, from the sale of a [FINISHED THERMALLY
 12 PROCESSED] salmon product at **wholesale** [LESS THAN RETAIL], without
 13 deduction for the costs of property sold, materials used, insurance, labor, services,
 14 labeling, transportation, storage, interest, taxes, losses, or any other expense [EXCEPT

15 (A) CASH DISCOUNTS ALLOWED ON SALES, NOT TO
 16 EXCEED TWO PERCENT; AND

17 (B) COMMISSIONS ACTUALLY PAID TO INDEPENDENT
 18 BROKERS, NOT TO EXCEED FIVE PERCENT].

19 * **Sec. 10.** AS 43.80.100 is amended by adding new paragraphs to read:

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

23 (A) Southeastern and Yakutat;

24 (B) Prince William Sound;

25 (C) Cook Inlet;

26 (D) Kodiak;

27 (E) Chignik;

28 (F) Aleutian Islands, Atka-Amlia Islands, and Alaska Peninsula;

29 (G) Bristol Bay; or

30 (H) Kuskokwim, Yukon-Northern, Norton Sound-Port Clarence,

31 and Kotzebue;

1 (9) "produce" means to process salmon into a salmon product;

2 (10) "wholesale" means the first sale of a salmon product at wholesale
3 after the fishery business tax was paid or became payable on the salmon from which
4 the salmon product was produced.

5 * **Sec. 11.** Section 12, ch. 37, SLA 1998, is repealed.

6 * **Sec. 12.** The uncodified law of the State of Alaska is amended by adding a new section
7 to read:

8 TRANSITION. The first report required by AS 43.80.050, as amended by secs. 1 -
9 3 of this Act, is due September 30, 2000, must cover the period of May 1, 2000, through
10 August 31, 2000, and must be filed by a fish processor whose business sold more than
11 240,000 pounds of salmon products at first wholesale during the 12-month period ending
12 August 31, 2000.

13 * **Sec. 13.** This Act takes effect September 1, 2000.