

HOUSE BILL NO. 363

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES AUSTERMAN, Harris, Smalley

Introduced: 2/11/00

Referred: House Special Committee on Fisheries, Finance

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 (1) the prices received **for and**
9 **quantity of salmon products sold at wholesale** by the processor or an affiliate of the
10 processor; **and (2) the quantity of salmon products produced by the processor or**
11 **an affiliate of the processor** [FOR THE SALE OF THERMALLY PROCESSED
12 SALMON]. Not later than May 31 of each reporting year, a processor shall submit
13 a report for the period January 1 through April 30 of the reporting year. Not later than
14 September 30 of each reporting year, a processor shall submit a report for the period
15 May 1 through August 31 of the reporting year. Not later than January 31 of each

1 reporting year, a processor shall submit a report for the period September 1 through
2 December 31 of the reporting year.

3 * **Sec. 2.** AS 43.80.050(b) is repealed and reenacted to read:

4 (b) A report submitted by a processor

5 (1) under (a)(1) or (c) of this section for sales to buyers that are not
6 affiliates of the processor, must include a description of the products, the total quantity
7 of each salmon product form sold by area of production by species, and the wholesale
8 price received;

9 (2) under (a)(2) of this section for salmon product production, must
10 include a description of the products and the total quantity of each salmon product
11 form produced by area of production by species;

12 (3) under (a)(1), (a)(2), or (c) of this section, must include the
13 requested information

14 (A) for the following salmon product forms:

15 (i) thermally processed salmon products;

16 (ii) fresh headed and gutted salmon products;

17 (iii) fresh fillet salmon products;

18 (iv) frozen headed and gutted salmon products;

19 (v) frozen fillet salmon products;

20 (vi) salmon roe products;

21 (B) regarding the total quantity of each salmon product form
22 sold or produced by providing

23 (i) the total number of each size of container in which
24 thermally processed salmon products were sold or produced by the
25 processor or its affiliate; and

26 (ii) the total number of pounds for each of the other
27 salmon product forms sold or produced by the processor or its affiliate.

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

29 (c) A sale to an affiliate of the processor may not be included in a report
30 submitted under this section by a processor. However, the processor shall report sales
31 by an affiliate at wholesale of [THERMALLY PROCESSED] salmon **products** that

1 were [WAS] obtained from the processor. The report must [SHALL] include a
 2 description of the products and the total quantity of each salmon product form sold
 3 by the affiliate by area of production by species and [BY THE SIZE OF THE
 4 CONTAINER IN WHICH THE SALMON IS SOLD AND] the wholesale prices
 5 received by the affiliate.

6 * **Sec. 4.** AS 43.80.055 is amended to read:

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

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

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

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

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

18 * **Sec. 5.** AS 43.80.055 is amended by adding a new subsection to read:

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

21 * **Sec. 6.** AS 43.80.060 is amended to read:

22 **Sec. 43.80.060. Report to the legislature.** Not later than the 15th day of each
 23 regular legislative session, the department shall make available to the legislature a
 24 report of [STATEWIDE] average wholesale [THERMALLY PROCESSED SALMON]
 25 prices paid for salmon products. The department shall notify the legislature that the
 26 report is available.

27 * **Sec. 7.** AS 43.80.100(5) is amended to read:

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

31 * **Sec. 8.** AS 43.80.100(7) is amended to read:

1 (7) "wholesale price" includes all receipts, whether in the form of
2 money, credits, or other consideration, from the sale of a finished [THERMALLY
3 PROCESSED] salmon product at less than retail, without deduction for the costs of
4 property sold, materials used, insurance, labor, services, labeling, transportation,
5 storage, interest, taxes, losses, or any other expense [EXCEPT

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

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

10 * **Sec. 9.** AS 43.80.100 is amended by adding a new paragraph to read:

11 (8) "area of production" means the commercial fishing management
12 area in which a salmon product was produced; in this paragraph, "commercial fishing
13 management area" means an area established by the Board of Fisheries by regulation
14 for the management of commercial fisheries in the Southeastern, Yakutat, Prince
15 William Sound, Cook Inlet, Kodiak, Chignik, Aleutian Islands, Atka-Amlia Islands,
16 Alaska Peninsula, Kuskokwim, Bristol Bay, Yukon-Northern, Norton Sound-Port
17 Clarence, and Kotzebue areas of the state.

18 * **Sec. 10.** Section 12, ch. 37, SLA 1998, is repealed.

19 * **Sec. 11.** The uncodified law of the State of Alaska is amended by adding a new section
20 to read:

21 TRANSITION. The first report required by AS 43.80.050, as amended by secs. 1 -
22 3 of this Act, is due September 30, 2000, must cover the period of May 1, 2000, through
23 August 31, 2000, and must be filed by a fish processor whose business sold more than
24 240,000 pounds of salmon products at wholesale during the 12-month period ending
25 August 31, 2000.

26 * **Sec. 12.** This Act takes effect September 1, 2000.