

HOUSE BILL NO. 154

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE SCALZI

Introduced: 2/28/01

Referred: House Special Committee on Fisheries, Resources, Finance

A BILL

FOR AN ACT ENTITLED

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

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

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

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

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

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

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

18 **(4) either**

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

22 **(B) provides the department with proof that** [UNLESS] the
 23 applicant is the owner of lienable real property in the state of a value of at least
 24 **\$100,000.**

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

31 **(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 is amended by adding a new subsection to read:

6 (d) A person who is liable for a tax imposed under this chapter may make
7 payments of estimated taxes and penalties in accordance with regulations adopted by
8 the department.