

1 IN THE HOUSE

BY JUDICIARY COMMITTEE

2 COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 48

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-THIRD SESSION

5 A BILL

6 For an Act entitled: "An Act providing for the levy of a tax  
7 on salmon; providing for the collection  
8 thereof; giving authority to the Territorial  
9 Tax Commissioner; defining violations;  
10 prescribing penalties."

11 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

12 Section 1. Definitions: For the purpose of this Act;

13 (a) The word "salmon" shall include all species of  
14 commercial salmon caught in the waters of the Territory of Alaska.

15 (b) The word "fisherman" shall include any person,  
16 firm, corporation, trustee, receiver, partnership, joint venture,  
17 syndicate, association, trust or other group engaging in com-  
18 mercial fishing either personally or through paid employees.

19 (c) The words "Tax Commissioner" shall mean to include  
20 any of his authorized deputies.

21 (d) The word "Territory" means the Territory of Alaska.

22 Section 2. The legal ownership of the salmon as it is caught  
23 or landed in the Territory shall determine the responsibility for  
24 payment of this tax.

25 Section 3. Levy of tax. Every fisherman shall pay, in ad-  
26 dition to all other taxes imposed by law, the following taxes  
27 based on the value of the salmon caught by any type of gear or  
28 landed by him in the Territory each year as hereinafter set  
29 forth.

1	\$	0.00 - to \$20,000.00	tax free
2		20,001.00 -	30,000.00 at the rate of 2%
3		30,001.00 -	35,000.00 at the rate of 2½%
4		35,001.00 -	40,000.00 at the rate of 2¾%
5		40,001.00 -	45,000.00 at the rate of 3%
6		45,001.00 -	50,000.00 at the rate of 3½%
7		50,001.00 -	55,000.00 at the rate of 4½%
8		55,001.00 -	60,000.00 at the rate of 5%
9		60,001.00 -	and over at the rate of 6%

10 The value of the salmon under this tax shall be the actual  
11 amount received by the fisherman.

12 Section 4. Explanation of levy. If two or more fishermen  
13 catch or land salmon on the share basis, the value shall be divided  
14 among the fishermen concerned on a prorata basis. Each fisherman  
15 shall report his proportionate share of the value for tax purposes  
16 if such value is in excess of \$20,001.00.

17 If one fisherman, as defined, catches or lands salmon from  
18 two or more vessels or units of gear, taxes shall be levied on  
19 the total value of the combined catches.

20 Section 5. Taxpayer's duty as to returns, records, statements,  
21 etc.; Fine to pay tax; Tax Commissioner's return.

22 (a) Every fisherman whose catch is in excess of  
23 \$20,001.00 is subject to taxes under this Act shall make a return  
24 stating the number of each specie and total value of all salmon  
25 caught or landed by him in the Territory during the year, computed  
26 as required by this Act, and such other information for the  
27 purposes of carrying out the provisions of this Act as the Tax  
28 Commissioner may by regulations prescribe. The return shall be  
29 signed by the taxpayer or his authorized agent, under the

1 penalty of perjury.

2 (b) Time and place for filing returns.

3 (1) Returns shall be made on the basis of the  
4 calendar year to the Tax Commissioner at Juneau, on or  
5 before the 15th day of January following the close of the  
6 year.

7 (2) The Tax Commissioner may grant a reasonable  
8 extension of time for filing returns, under such rules and  
9 regulations as he may prescribe.

10 (c) Time for payment. The total amount of tax imposed  
11 by this Act shall be paid on or before the 15th day of January  
12 following the close of the calendar year.

13 (d) Records by the taxpayer. Every fisherman covered  
14 by this Act shall keep such records, render under oath such  
15 statements, make such returns and comply with such rules and  
16 regulations, as the Tax Commissioner may from time to time  
17 prescribe.

18 (e) Whenever the Tax Commissioner has evidence that a  
19 fisherman, as defined in this Act, is evading or attempting to  
20 evade tax liability hereunder, he may then require of any such  
21 fisherman, by notice served upon him, to make a return, render  
22 under oath such statement, or keep and display to him or his  
23 authorized deputy such records as he deems sufficient to show the  
24 amount such person is liable for as tax under this Act. If any  
25 fisherman fails to make and file a return at the time prescribed  
26 by law or by regulations made under authority of law, or makes,  
27 willfully a false or fraudulent return, the Tax Commissioner shall  
28 make the return based upon evidence in his possession.

29 Section G. Violations and penalties; deficiency in tax and

1 interest thereon; lien.

2 (a) Failure to file return, submit information or pay  
3 tax. Any fisherman required under this Act to pay any tax, or  
4 required to make a return, keep or display any record, or  
5 supply any information, for the purposes of the computation,  
6 assessment, or collection of any tax imposed by this Act, who  
7 wilfully fails to pay such tax, make such return, keep or display  
8 such records, or supply such information, at the time or times  
9 required by law or regulation, shall, in addition to other  
10 penalties provided by law, be guilty of a misdemeanor, and, upon  
11 conviction thereof, be fined not more than \$1,000.00 or im-  
12 prisoned for not more than one year, or both, together with the  
13 cost of prosecution.

14 (b) Perjury. Any fisherman, as defined herein, who  
15 shall wilfully swear or affirm falsely in regard to any material  
16 matter so required by this Act, shall be deemed guilty of perjury,  
17 and, upon conviction thereof, shall be subject to the penalties  
18 prescribed for perjury under the laws of the Territory of Alaska.

19 (c) Failure to file return. In case of any failure  
20 to make and file a return required by this Act within the time  
21 prescribed by law or prescribed by the Tax Commissioner in  
22 pursuance of law, unless it is shown that such failure is due to  
23 reasonable cause and not due to wilful neglect, there shall be  
24 added to the tax: 5 percent if the failure is for not more than  
25 30 days; with an additional 5 percent for each additional 30 days  
26 or fraction thereof during which such failure continues, not  
27 exceeding 25 percent in the aggregate. The amount so added to  
28 any tax shall be collected at the same time and in the same  
29 manner and as a part of the tax, unless the tax has been paid

1 before discovery of the neglect, in which case the amount so  
2 added shall be collected in the same manner as the tax.

3 (d) Negligence. If any part of any deficiency in the  
4 tax is due to negligence, or intentional disregard of rules and  
5 regulations but without intent to defraud, 5 percent of the total  
6 amount of the deficiency (in addition to such deficiency) shall  
7 be assessed, collected and paid in the same manner as if it were  
8 a deficiency, except that paragraph (f) relating to interest on  
9 deficiencies shall not be applicable.

10 (e) Fraud. If any part of any deficiency in the tax  
11 is due to fraud with intent to evade tax, then 50 percent of the  
12 total amount of the deficiency (in addition to such deficiency)  
13 shall be assessed and collected.

14 (f) Interest. Interest upon the amount determined as  
15 a deficiency in the tax shall be assessed at the same time as  
16 the deficiency, shall be paid upon notice and demand by the Tax  
17 Commissioner, and shall be collected as a part of the tax, at  
18 the rate of 6 percent per annum from the time prescribed for  
19 payment of the tax to the date the deficiency is paid.

20 Section 7. All revenue derived hereunder shall be covered  
21 into the General Fund of the Treasury of the Territory of Alaska.

22 Section 8. Saving clause. If any provisions of this Act, or  
23 the application thereof to any person or circumstances is held  
24 invalid, the remainder of the Act and such application to persons  
25 or circumstances shall not be affected thereby.

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