

Introduced: 3/14/63
Referred: Finance and
Resources

1 IN THE SENATE BY THE RULES COMMITTEE

2 SENATE BILL NO. 174

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act taxing fish and fisheries products;
7 and providing for an effective date."

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

9 * Section 1. AS 43 is amended by adding a new chapter to read:

10 CHAPTER 76. FISHERIES TAXES.

11 Sec. 43.76.010. STATEMENT OF PURPOSE. The purpose of
12 this chapter is to levy a tax on all fish and fisheries
13 products taken or severed in the State of Alaska or its
14 waters, or landed in Alaska for processing within Alaska in
15 order to insure that every fishing effort in Alaska or its
16 waters will contribute monies for the maintenance and
17 preservation of Alaska fisheries resources.

18 Sec. 43.76.020. INCIDENCE OF TAX. The severing of fish
19 or fisheries products from the waters of the State of Alaska
20 for commercial purposes or the delivering of fish or
21 fisheries products taken outside of Alaska to a receiver
22 within Alaska is subject to the taxes provided in this
23 chapter.

24 Sec. 43.76.030. COLLECTION OF TAX. The taxes provided
25 in this chapter shall be collected by the receiver if the
26 receiver engages in fish buying or processing activities
27 within Alaska. In all other cases the fisherman or person
28 severing or taking fish shall be directly liable for
29 payment of the tax.

1 Sec. 43.76.040. MEASURE OF TAX. The measure of the
2 tax provided by Sec. 43.76.020 shall be as follows:

3 (a) Pink, Red and Chum Salmon. The tax on Pink
4 (Humpback), Red (Sockeye), and Chum (Dog) Salmon severed,
5 taken or landed is equal to six percent of the value of raw
6 salmon severed, taken or landed. The value of the raw
7 salmon is a dollar value equal to 50 percent of the average
8 wholesale price obtained for the finished product by
9 principal canned salmon brokers in Seattle, Washington,
10 during the months of August, September, October, November
11 and December, of the calendar year.

12 (b) White King, Red King and Silver Salmon. Tax on
13 White King, Red King and Silver (Coho) Salmon is equal to
14 one percent of the value of the fish. The value of the fish
15 is the actual price paid for the fish by the receiver,
16 either by cash or its equivalent.

17 (c) Raw Herring. The tax on raw herring severed,
18 taken or landed is equal to one percent of the value of the
19 raw herring. The value of the raw herring shall be the
20 actual price paid for the herring by the receiver, either
21 by cash or its equivalent.

22 (d) Raw Crabs. The tax on raw crabs severed, taken or
23 landed shall be equal to two percent of the value of the
24 raw crabs. The raw crab value for the purpose of this tax
25 shall be the actual price paid for same either by cash or
26 its equivalent.

27 (e) Raw clams other than butter clams. The tax on raw
28 clams other than butter clams severed, taken or landed is
29 equal to two percent of the value of the raw clams. The

1 raw clam value for the purpose of this tax shall be the
2 actual price paid for the clams either by cash or its
3 equivalent.

4 (f) Butter clams. The tax on butter clams severed,
5 taken or landed is equal to one percent of the value of the
6 raw clams. The raw clam value for the purpose of this tax
7 is the actual price paid for the clams either by cash or its
8 equivalent.

9 (g) Shrimp. The tax on shrimp severed, taken or
10 landed is equal to one percent of the value of the raw
11 shrimp. The raw shrimp value for the purpose of this tax is
12 the actual price paid for the shrimp either by cash or its
13 equivalent.

14 (h) Raw halibut, halibut livers and viscera, bottom
15 fish, shellfish and other fishing resource sold, delivered
16 or otherwise made available for processing through freezing,
17 salting or other method. The tax on halibut, halibut livers
18 and viscera, bottom fish, shellfish or other fishing
19 resource severed, taken or landed is equal to one percent of
20 the value of the raw material. The value of the raw
21 material under this tax is the actual price paid for same
22 either by cash or its equivalent.

23 Sec. 43.76.050. ADMINISTRATION. (a) The commissioner
24 may make rules and regulations necessary for the administra-
25 tion of this chapter.

26 (b) A person required to pay taxes under this chapter
27 shall make a return stating the quantity of fish severed
28 during the calendar year, computed as required by this
29 chapter, and such other information relevant to this chapter

1 as the commissioner prescribes. The return shall be signed
2 by the taxpayer or his authorized agent under the penalties
3 of perjury. If the receiver is made a collector by this
4 chapter, he is solely responsible for payment of the taxes
5 owing on the severed fish, and shall make a return as if the
6 tax were imposed upon him.

7 (c) Returns shall be made on the basis of the calendar
8 year to the commissioner before April 1 of the following
9 year. The commissioner may grant a reasonable extension of
10 time for filing returns under rules and regulations
11 prescribed by him.

12 (d) The tax imposed or required to be collected by this
13 chapter shall be paid before April 1 for the preceding
14 calendar year.

15 (e) Every person required to pay or collect the tax
16 levied by this chapter shall keep records, make statements
17 and returns, and comply with rules as the commissioner
18 prescribes.

19 (f) The commissioner may require any person to make a
20 return or statement, or keep and display to him sufficient
21 records to show the amount of tax the person is liable for
22 or liable for the collection of under this chapter. If a
23 person fails to file a return at the time prescribed by law
24 or regulation, or makes, wilfully or otherwise, a false or
25 fraudulent return, the commissioner shall make the return
26 from his own knowledge and from such information as he can
27 obtain. A return so made and subscribed by the commissioner
28 is prima facie sufficient for all legal purposes.

29 Sec. 43.76.060. VIOLATIONS AND PENALTIES. (a) A

1 person required under this chapter to pay or collect a tax,
2 to make a return, or to keep or display records, or supply
3 information, who wilfully fails to do so is, in addition to
4 other penalties provided by law, guilty of a misdemeanor,
5 and upon conviction is punishable by a fine of not more than
6 \$1,000, or by imprisonment for not more than one year, or
7 by both, together with the cost of prosecution.

8 (b) If a person fails to make a return as required by
9 this chapter, unless the failure is excusable, five percent
10 shall be added to the tax owing, if the failure is for less
11 than 30 days, and an additional five percent for each
12 additional 30 days or fraction thereof until the tax is paid,
13 not exceeding 25 percent in the aggregate. The amount so
14 added to the tax shall be collected as a part of the tax
15 unless the tax has been paid before discovery of the neglect,
16 in which case the amount added shall be collected in the same
17 manner as the tax.

18 (c) If part of a deficiency in the tax is due to
19 negligence or intentional disregard of regulations but with-
20 out intent to defraud, an additional amount equal to five
21 percent of the total amount of the deficiency shall be
22 assessed, collected, and paid as if it were a deficiency,
23 except that (e) of this section does not apply.

24 (d) If part of a deficiency in the tax results from
25 fraud with intent to evade the tax, or the collection of the
26 tax, then an additional amount equal to 100 percent of the
27 total amount of the deficiency shall be assessed and
28 collected.

29 (e) Interest on a deficiency in the tax levied or

1 required to be collected shall be assessed at the same time
2 as the deficiency, paid upon notice and demand by the
3 commissioner, and collected as a part of the tax at a rate
4 of six percent a year from the time the tax is due until it
5 is paid.

6 (f) All taxes required to be collected or paid under
7 this chapter and the penalties and interest on them are a
8 lien prior, paramount, and superior to all other liens,
9 mortgages, hypothecations, conveyances, and assignments
10 upon the property of the person, and upon the property used
11 with the permission of the owner thereof, in the
12 prosecution of the business. The special remedy provided in
13 this chapter for the recovery of taxes is not exclusive of
14 any other remedy, civil or criminal, now provided by law for
15 the recovery of taxes. No lien accrues upon the property of
16 a person for fish severed as to taxes not collected by a
17 receiver required to collect taxes under this chapter, nor
18 shall a person be considered in debt to the state because of
19 a wrongful failure on the part of the receiver to collect
20 and pay over such taxes. However, a lien and debt exist as
21 to the property of agents of an out-of-state principal who
22 has not paid the tax due.

23 Sec. 43.76.070. PAYMENTS TO MUNICIPALITIES, SCHOOL
24 DISTRICTS, AND LOCAL GOVERNMENT UNITS. The commissioner
25 shall pay annually to each local unit of government in the
26 state in which a receiver is located 10 percent of the
27 amount of revenue from this tax collected in the local unit
28 of government. If a receiver is located in an area which is
29 under the jurisdiction of more than one local unit of

1 government, the 10 percent appropriation shall be divided
2 equally among the local units of government in which the
3 receiver is located.

4 Sec. 43.76.80. EFFECT OF REPEAL OF PRIOR LAW. The
5 repeal of prior law by this chapter does not affect any
6 right accrued or established, or any taxes, liabilities, or
7 penalties incurred under the provisions of such a law
8 before the effective date of this chapter.

9 Sec. 43.76.090. DEFINITIONS. In this chapter, unless
10 the context otherwise requires,

11 (1) "receiver" means a fish buyer, fish
12 processing plant, cold storage, freezing plant, freezer
13 ship, chilled brine plant or ship, cannery, saltery, or any
14 other vessel or installation for the processing,
15 preservation, or shipping of fish;

16 (2) "commissioner" means the commissioner of
17 revenue;

18 (3) "value" of fish or fisheries products shall
19 include indirect considerations paid for the fish or
20 fisheries products such as fuel or supplies furnished by
21 receivers or offsets to the cash value for gear furnished to
22 fishermen.

23 * Sec. 2. AS 43.75 is repealed.

24 * Sec. 3. This Act takes effect January 1, 1964.

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