

Original sponsors: By the Rules Committee

Offered: 3/11/68
Referred: Finance

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

CS FOR HOUSE BILL NO. 526

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the sale of fish; and providing

7

for an effective date."

8

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

9

* Section 1. AS 16 is amended by adding a new chapter to read:

10

CHAPTER 50. SALE OF FISH.

11

Sec. 16.50.010. PAYMENT FOR FISH. A person who purchases fish from a fisherman shall pay the fisherman in cash, at the time of purchase, in an amount equal to the sale price of the fish, notwithstanding an agreement to the contrary between the two parties.

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

Sec. 16.50.020. EXCEPTIONS. The provisions of sec. 10 of this chapter shall not be applicable if the purchaser furnishes to the fisherman at the time of the first purchase in the calendar year

(1) a copy of an irrevocable \$50,000 bond, posted with and approved by the Department of Revenue, which is valid for the calendar year and is conditioned on the payment to the fisherman of the full purchase price of any fish purchased; or

(2) a copy of a certificate issued by the Department of Revenue for the calendar year verifying that the purchaser has filed with it a statement, under oath, which certifies that the purchaser owns real property in the state, giving its description and location, having an unencumbered value of at least \$150,000, exclusive of any property he may have relied upon to obtain another bond under a state statute, against which the sales price of the fish may be collected.

Sec. 16.50.030. PENALTIES. (a) A person who violates sec. 10 of

1 this chapter, upon conviction, is punishable,

2 (1) if the sale price of the fish is less than \$100, by a
3 fine of not more than \$1,000 or by imprisonment for not more than one
4 year, or by both; or

5 (2) if the sale price of the fish is \$100 or more, by a fine
6 of not more than \$5,000 or by imprisonment for not less than one year
7 nor more than three years, or by both.

8 (b) Each purchase of fish in violation of sec. 10 of this chapter
9 is a separate offense.

10 Sec. 16.50.040. DEFINITIONS. In this chapter unless the context
11 otherwise requires

12 (1) "cash" means legal tender of the United States or a
13 cashier's check or certified check payable to the fisherman payee and
14 drawn on a bank located in the United States, or the crediting of an
15 existing account of indebtedness owed by the fisherman to the purchaser;

16 (2) "fish" means any species of marine, anadromous, and
17 freshwater fish; amphibians, shellfish, and other invertebrates found
18 or introduced in the state; and includes eggs or parts of a "fish";

19 (3) "sale price" means the price agreed upon between the
20 fisherman and the person purchasing the fish or the fair market value
21 if there is no agreed price.

22 * Sec. 2. AS 43.75.095 is amended to read:

23 Sec. 43.75.095. SECURITY FOR COLLECTION OF TAXES. Each applicant
24 for a license under this chapter shall in or with his application state
25 under oath the amount of each of the products which he expects to
26 produce during the license year. The applicant shall further state
27 the unencumbered value [EXTENT] of the [LIENABLE] real property owned
28 by the applicant in the state against which the tax may be collected
29 and other information with respect to description, location and value

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

of the property which the department prescribes. If the unencumbered [LIENABLE] value of the real property is not equal to three times the amount of the tax for which the applicant will probably be liable under this section, the department may not issue the license until the applicant files with the department a surety bond approved by the attorney general in a penal sum equal to twice the probable amount of the tax for which the applicant will be liable, conditioned upon payment of the tax in full when due, with interest if not paid before delinquency [HOWEVER, IF THE APPLICANT PURCHASES SALMON FOR EXPORT FROM ALASKA IN THE ROUND, THE AMOUNT OF THE BOND SHALL BE \$50,000 UNLESS THE APPLICANT IS THE OWNER OF LIENABLE REAL PROPERTY IN THE STATE OF A VALUE OF AT LEAST \$50,000, AND THE BOND SHALL BE CONDITIONED UPON PAYMENT TO THE FISHERMAN OF THE FULL PURCHASE PRICE FOR THE SALMON AND THE PAYMENT OF THE TAX IN FULL WHEN DUE]. The department may waive the bond required under this section [REQUIREMENT] if the applicant posts other security in the form of collateral acceptable to the department or prepays the estimated tax.

* Sec. 3. This Act takes effect on May 1, 1968.