

Original sponsors: Kerttula and Tillion

Offered: 5/20/80  
For Today's Calendar

1 IN THE SENATE

BY THE RULES COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 346

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to reports and records of fishermen,  
7 fish buyers and fishprocessors, requiring the Depart-  
8 ment of Revenue to compute and report average wholesale  
9 prices for Alaska salmon, establishing procedures to  
10 secure information on the wholesale prices of Alaska  
11 salmon, and providing a penalty for failure to provide  
12 information on wholesale prices."

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

14 \* Section 1. AS 16.05.815 is amended to read:

15 Sec. 16.05.815. CONFIDENTIAL NATURE OF CERTAIN REPORTS AND RECORDS.

16 (a) Except as provided in (b) of this section, records [REPORTS] re-  
17 quired by regulations of the department concerning the landings of fish,  
18 shellfish or fishery products, and annual statistical reports of buyers  
19 and processors required by regulation of the department are confidential  
20 and may [SHALL] not be released [IN THE FORM OF INDIVIDUAL RECORDS] by  
21 the department except

22 (1) to the National Marine Fisheries Service as required for  
23 preparation and implementation of the fishery management plans of the  
24 North Pacific Fishery Management Council within the fishery conservation  
25 zone; however, information released to the National Marine Fisheries  
26 Service under this paragraph may not disclose the identity of individual  
27 fishermen or their vessels;

28 (2) to the Department of Revenue and to the Commercial Fish-  
29 eries Entry Commission to assist them in carrying out their statutory

1 responsibilities; [, OR]

2 (3) to a municipality which levies and collects a tax on  
3 fish, shellfish or fishery products if the municipality

4 (A) requires records of the landings of fish, shellfish  
5 or fishery products to be submitted to it for purposes of verifica-  
6 cation of taxes payable; and

7 (B) maintains the confidentiality of reports and re-  
8 ports which it receives under this paragraph;

9 (4) in conformity with a court order; or

10 (5) on request, the report of a person to the person whose  
11 fishing activity is the subject of the report.

12 (b) Records or reports received by the department which do not  
13 identify individual fishermen, buyers, or processors or the specific  
14 locations where fish have been taken are public information.

15 \* Sec. 2. AS 43.80 is amended by adding a new section to read:

16 Sec. 43.80.035. REPORTING OF SALMON PRICES. (a) Except when the  
17 requirement is suspended under (d) of this section, the commissioner  
18 shall compute and report to the legislature not later than the 60th day  
19 of each regular session the average wholesale prices obtained for canned  
20 salmon by Alaska salmon canneries during the months of August, September,  
21 October, November, and December for the previous five years. In comput-  
22 ing and reporting prices, the commissioner may require canneries to  
23 provide information on wholesale price by species of salmon.

24 (b) The commissioner may

25 (1) issue subpoenas under AS 43.05.040 to compel the testi-  
26 mony of witnesses and the production of records and documents necessary  
27 to obtain and audit reports and information on wholesale prices of  
28 salmon when required under (a) of this section;

29 (2) levy and collect a civil penalty for failure to report

1 information on wholesale prices of salmon under (a) of this section.

2 (c) A person who fails to file a report containing information on  
3 the wholesale prices of salmon required by the commissioner under this  
4 section is liable for a civil penalty of \$5,000. The penalty shall be  
5 assessed and collected in the same manner as taxes are assessed and  
6 collected under this title.

7 (d) Computation and reporting of the average wholesale price of a  
8 species of salmon by the commissioner under (a) of this section is not  
9 required during a calendar year in which the commissioner does not re-  
10 ceive at least one request jointly presented by a fish processor doing  
11 business in Alaska and an organization representing fishermen that they  
12 desire the report for a species of salmon under (a) of this section for  
13 purposes of price negotiation. If a joint request is not presented to  
14 the commissioner for a salmon species for a calendar year, information  
15 about the average wholesale price of that salmon species may not be  
16 collected by the commissioner for that calendar year, and the last  
17 report submitted by the commissioner under (a) of this section for that  
18 species is the final report of prices for that species required under  
19 this section.

20 (e) In this section,

21 (1) "commissioner" means the commissioner of revenue;

22 (2) "wholesale price" includes all receipts, whether in the  
23 form of money, credits or other consideration, received from the sale of  
24 the finished product without deduction for the cost of property sold,  
25 the cost of the material used, insurance costs, labor or service costs,  
26 label and labeling costs, transportation and storage cost, interest  
27 paid, taxes, losses, or any other expense except

28 (A) cash discounts allowed on sales not to exceed one  
29 and one-half percent;

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(B) commissions actually paid to independent brokers not to exceed five percent; and

(C) swell allowance not to exceed one-tenth of one percent.