

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 am H

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 fish processors, 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 that the department may release

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

28 (2) any of its records and reports to the Department of
29 Revenue and to the Commercial Fisheries Entry Commission to assist

1 them in carrying out their statutory responsibilities; [, OR]

2 (3) records or reports of the total value purchased by each
3 buyer to a municipality which levies and collects a tax on fish,
4 shellfish or fishery products if the municipality

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

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

10 (4) such records and reports as necessary to be in conform-
11 ity with a court order; or

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

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

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

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

26 (b) The commissioner may

27 (1) issue subpoenas under AS 43.05.040 to compel the testi-
28 mony of witnesses and the production of records and documents necessary
29 to obtain and audit reports and information on wholesale prices of

1 salmon when required under (a) of this section;

2 (2) levy and collect a civil penalty for failure to report
3 information on wholesale prices of salmon under (a) of this section.

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

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

22 (e) In this section,

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

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

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

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

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