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Referred: Resources
and Finance

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MULCAHY AND RODEY

1 IN THE SENATE

2

SENATE BILL NO. 279

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to wholesale prices for canned
7 salmon; and providing for an effective date."

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

9 * Section 1. AS 43.80 is amended by adding new sections to read:

10 Sec. 43.80.050. REPORTING OF WHOLESALE CANNED SALMON PRICES.

11 (a) A fish processor engaged in the business of selling canned salmon
12 products at wholesale shall submit to the department, on a form pro-
13 vided by the department, a semi-annual report of the prices received
14 by the processor or an affiliate of the processor for the sale of
15 canned salmon. Not later than April 30 of each year a processor shall
16 submit a report for the period October 1 - March 31. Not later than
17 October 31 of each year a processor shall submit a report for the
18 period April 1 - September 30.

19 (b) A report submitted under this section shall specify for each
20 sale to a buyer that is not an affiliate of the processor the name of
21 the buyer; a description of the product sold, including the species of
22 salmon and the unit-of-sale category; the quantity sold; and the
23 wholesale price received. If a processor sells no canned salmon
24 products during a reporting period the report for that period shall
25 include only a statement of that fact.

26 (c) A sale to an affiliate of the processor may not be included
27 in a report submitted under this section by a processor. However, a
28 processor shall report each sale by an affiliate at wholesale of
29 canned salmon that was obtained from the processor. The report

1 shall specify the name of the affiliate's buyer; a description of the
2 product sold by the affiliate, including the species of salmon and the
3 unit-of-sale category; the quantity sold by the affiliate; and the
4 wholesale price received by the affiliate.

5 (d) Information shall be reported for the following unit-of-sale
6 categories:

7 (1) 48-pound case of one-pound cans (48 cans);

8 (2) 48-pound case of one-half-pound cans (96 cans);

9 (3) 48-pound case of one-quarter-pound cans (192 cans); and

10 (4) 48-pound case of four-pound cans (12 cans).

11 (e) A person excluded from the fisheries business tax under
12 AS 43.75.017 is exempt from the requirements of this section.

13 Sec. 43.80.055. WHOLESALE PRICE AVERAGES. (a) Based on the
14 information provided in reports submitted under AS 43.80.050, the
15 department shall determine the statewide average wholesale prices paid
16 to fish processors and their affiliates for the sale of canned salmon.

17 (b) The department shall determine under this section the month-
18 ly and annual wholesale price averages for each species of canned
19 salmon in each unit-of-sale category. An annual average is for a
20 calendar year.

21 Sec. 43.80.060. REPORT TO LEGISLATURE. Not later than the 60th
22 day of each regular legislative session the department shall submit to
23 the legislature a report of statewide average wholesale canned salmon
24 prices.

25 Sec. 43.80.065. CONFIDENTIALITY OF REPORTS. Information in
26 reports submitted under AS 43.80.050, and price averages calculated by
27 the department from the information in the reports, are public infor-
28 mation, except that information that identifies or could be used to
29 identify a particular fish processor is confidential and may be

1 released only to the Commercial Fisheries Entry Commission for the
2 purpose of carrying out the official business of the commission.

3 Sec. 43.80.095. PENALTY. The department may levy and collect a
4 civil penalty of \$50 per day on a fish processor that fails to submit
5 a report as required under AS 43.80.050.

6 Sec. 43.80.100. DEFINITIONS. In this chapter,

7 (1) "affiliate of the seller" means a person that directly
8 or indirectly, through one or more intermediaries, controls, is con-
9 trolled by, or is under common control with, the seller;

10 (2) "control" means

11 (A) owning directly or indirectly, or having the power
12 to vote, not less than 10 percent of any class of voting securi-
13 ties of a corporation; or

14 (B) influencing or affecting in any substantive manner
15 the election of a majority of the directors or trustees of a
16 corporation;

17 (3) "department" means the Department of Revenue;

18 (4) "fish processor" means a person engaging or attempting
19 to engage in a business for which a license is required under AS 43.-
20 75.010 - 43.75.055;

21 (5) "wholesale price" includes all receipts, whether in the
22 form of money, credits, or other consideration, from the sale of a
23 finished canned salmon product at less than retail, without deduction
24 for the costs of property sold, materials used, insurance, labor,
25 services, labeling, transportation, storage, interest, taxes, losses,
26 or any other expense except

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

29 (B) commissions actually paid to independent brokers,

1 not to exceed five percent.

2 * Sec. 2. AS 43.80.035 is repealed.

3 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-

4 10.070(c).