

1 IN THE HOUSE

BY NAVARRE

2

HOUSE BILL NO. 306

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act amending the license fee payable for a fish-  
7 eries business license, and establishing procedures  
8 to account for receipts from the license fees and  
9 their use; and imposing a penalty for engaging or  
10 attempting to engage in a fisheries business without  
11 a license; and providing for an effective date."

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

13 \* Section 1. AS 43.75.011 is amended by adding a new subsection to  
14 read:

15 (b) The commissioner may issue an order imposing a civil penalty  
16 against a person who engages or attempts to engage in a fisheries  
17 business without first obtaining a license under (a) of this section.  
18 The civil penalty is \$500 a day for every day the person engages or  
19 attempts to engage in a fisheries business without obtaining a li-  
20 cense. Before issuing an order under this section, the commissioner  
21 shall give reasonable notice of and an opportunity for a hearing. The  
22 commissioner's order may be appealed to the superior court. The  
23 commissioner may bring an action in the superior court to enforce  
24 compliance with the order.

25 \* Sec. 2. AS 43.75.020 is amended to read:

26 Sec. 43.75.020. APPLICATION FOR LICENSE. (a) Application for a  
27 license shall be filed with the department and accompanied by a [AN  
28 INITIAL] fee [OF \$25]. A separate [INITIAL] fee is required for each  
29 caninery, cold storage, freezer ship, processing plant, or other

1 facility [PLANT] specified in the application covered by the license.  
2 The application must [SHALL] contain the name of the applicant, the  
3 line of business to be licensed, place of business, and other informa-  
4 tion that [FACTS WHICH] the department prescribes. The applicant  
5 shall state that the applicant agrees to pay the [LICENSE] tax, and  
6 that the applicant will make a return and pay the tax at the time  
7 provided by law.

8 (b) Upon receipt of the application in proper form accompanied  
9 by the [INITIAL] fee the department shall issue the license.

10 \* Sec. 3. AS 43.75.020 is amended by adding new subsections to read:

11 (c) The fee payable by a floating fisheries business is

12 (1) \$50 if the estimated fair market value of the fishery  
13 resource to be processed is \$50,000 or less;

14 (2) \$500 if the estimated fair market value of the fishery  
15 resource to be processed is more than \$50,000 but not more than  
16 \$250,000;

17 (3) \$1,000 if the estimated fair market value of the fish-  
18 ery resource to be processed is more than \$250,000.

19 (d) The fee payable by a shore-based fisheries business is

20 (1) \$25 if the estimated fair market value of the fishery  
21 resource to be processed is \$50,000 or less;

22 (2) \$250 if the estimated fair market value of the fishery  
23 resource to be processed is more than \$50,000 but not more than  
24 \$250,000;

25 (3) \$500 if the estimated fair market value of the fishery  
26 resource to be processed is more than \$250,000.

27 (e) The fee for a license issued under this section shall be  
28 based upon the estimated fair market value of the fishery resource to  
29 be processed at the cannery, cold storage, freezer ship, processing

1 plant, or other facility during the calendar year. The commissioner  
2 may accept the applicant's estimate based upon a statement filed under  
3 AS 43.10.160(a) or based upon the estimated value computed with refer-  
4 ence to the probable amount of the tax determined under AS 43.75.055,  
5 or may require the applicant to submit an affidavit of the estimate  
6 under oath.

7 (f) A license is valid for the duration of the calendar year for  
8 which it is issued.

9 (g) The commissioner shall deposit the proceeds of the license  
10 fee into the general fund.

11 (h) The commissioner of administration shall separately account  
12 for all proceeds of the license fee deposited into the general fund.

13 (i) The legislature may appropriate the annual estimated balance  
14 of the account established under (h) of this section to the Department  
15 of Environmental Conservation to conduct inspections of fisheries  
16 businesses under AS 03.05.020(a)(1) and 03.05.040.

17 \* Sec. 4. AS 43.75.140 is amended by adding new paragraphs to read:

18 (12) "fee" means the fisheries business license fee under  
19 AS 43.75.020;

20 (13) "tax" means the fisheries business tax levied by  
21 AS 43.75.015.

22 \* Sec. 5. This Act takes effect January 1, 1990.