

Original sponsor(s): Rules/Governor

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2

CS FOR HOUSE BILL NO. 400 (Finance)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the fisheries business tax and  
7 license, and to persons subject to the tax and the  
8 licensure requirement; establishing civil penalties  
9 for failure to obtain a fisheries business license;  
10 and providing for an effective date."

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

12 \* Section 1. AS 43.75.011 is amended to read:

13 Sec. 43.75.011. FISHERIES BUSINESS LICENSE. A person engaging  
14 or attempting to engage in a fisheries business or in an activity  
15 described in AS 43.75.100 shall first apply for and obtain a license  
16 as provided in AS 43.75.020.

17 \* Sec. 2. AS 43.75.011 is amended by adding a new subsection to read:

18 (b) The commissioner may assess a civil penalty against a person  
19 required to have a license under (a) of this section who fails to  
20 obtain the license. The civil penalty for a violation of (a) of this  
21 section may not exceed \$5,000 the first time a civil penalty is  
22 assessed, \$10,000 for a second assessment, \$15,000 for a third assess-  
23 ment, \$20,000 for a fourth assessment, and \$25,000 for a fifth or  
24 subsequent assessment. The commissioner may not assess a person more  
25 than one civil penalty for a violation of (a) of this section in a  
26 30-day period.

27 \* Sec. 3. AS 43.75.020 is amended to read:

28 Sec. 43.75.020. APPLICATION FOR LICENSE. (a) Application for a  
29 license shall be filed with the department and accompanied by an

1     annual [INITIAL] fee of \$25. A separate annual [INITIAL] fee is  
2     required for each plant specified in the application covered by the  
3     license. The application shall contain the name of the applicant, the  
4     line of business to be licensed, place of business, and other facts  
5     which the department prescribes. The applicant shall state that the  
6     applicant agrees to pay the [LICENSE] tax imposed by AS 43.75.015 or  
7     43.75.100, and that the applicant will make a return and pay the tax  
8     at the time provided by law.

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

11     \* Sec. 4. AS 43.75.100(a) is amended to read:

12             (a) A person taking, purchasing, or otherwise acquiring a fish-  
13     ery resource that [COVERED BY THIS CHAPTER WHICH] has not been subject  
14     to the tax imposed in AS 43.75.015 is subject to the tax levied in  
15     AS 43.75.015 on the value of the fishery resource if the person

16                 (1) transports the fishery resource to a point outside the  
17     taxing jurisdiction of the state for subsequent processing or sale  
18     outside the taxing jurisdiction of the state;

19                 (2) sells the fishery resource outside the taxing jurisdic-  
20     tion of the state; or

21                 (3) has the fishery resource processed by a fisheries  
22     business in the state.

23     \* Sec. 5. This Act takes effect January 1, 1991.