

Section 4. There is hereby appropriated, out of monies in the Territorial Treasury not otherwise appropriated, the sum of \$250,000.00, or so much thereof as may be necessary to carry out the provisions of this Act. Appropriation.

Approved March 22, 1949.

## CHAPTER 82

### AN ACT

[H. B. 3]

Imposing license taxes upon salmon canneries and other businesses in Alaska's commercial fisheries; providing license requirements, defining violations, prescribing penalties; repealing paragraphs (a) to (g), inclusive, of subsection 7th of Section 35-1-11, Alaska Compiled Laws Annotated, 1949, and subsections 8th and 9th of the same section; and declaring an emergency.

*Be it enacted by the Legislature of the Territory of Alaska:*

Section 1. **BUSINESSES IN ALASKA FISHERIES REQUIRING LICENSES: AMOUNTS THEREOF.** Any person, firm or corporation prosecuting or attempting to prosecute any of the following lines of business in connection with Alaska's commercial fisheries shall first apply for and obtain, on the conditions hereinafter set forth, a license so to do on the basis of the following license taxes which are hereby levied: License required.

(a) Salmon canneries, both shore based and floating: An annual license tax equal to 4 percent of the value of the raw fish purchased or otherwise obtained for canning during the year. For the purpose of this license, such raw fish value of each kind of salmon shall be deemed to be a dollar value equal to 50 percent of the average Amount of tax.

Method of  
computation.

wholesale price obtained for the finished product by principal canned salmon brokers in Seattle, Washington, during the months of August, September, October, November and December, of the license year.

Salmon diverted  
to other purposes.

(1) Salmon received by salmon canneries and diverted for the purposes other than canning, would be valued at the average prevailing price on the fresh fish market for that fish and would be subject to an annual license tax of 1 percent of the value.

Herring tax rate.

(b) Herring processing plants in the business of canning, curing, salting, freezing or making meal or oil or other processed product including sale of bait herring by either processing plant or bait herring fisherman: An annual license tax equal to 1 percent of the value of the raw herring. The value of the raw material under this license shall be the actual price paid for same including indirect considerations such as fuel or supplies furnished by the processor or offsets to the cash value for gear furnished etc. Such value shall apply to herring caught in company owned or subsidized boats operated by employees of the processor or under lease or other agreement.

Crab canneries  
tax rate.

(c) Crab canneries, both shore based and floating: An annual license tax equal to 2 percent of the value of the raw crabs. The raw crab value for the purpose of this license shall be the actual price paid for same either by cash or its equivalent according to the provisions above set forth for herring processing plants.

Clam canneries  
tax rate.

(d) Clam canneries: A license tax equal to 2 percent of the value of the raw clams, with value to be determined according to the provisions above set forth for crab canneries will be levied on razor clams.

(1) Butter clams shall be taxed in the same manner at the rate of 1 percent of the value of raw clams.

Section 2. APPLICATION FOR AN ISSUANCE OF LICENSE: PAYMENT OF TAX. During any year, including the year 1949, before engaging in any business mentioned in Section 1 of this Act, application so to do must first be filed with the Territorial Tax Commissioner, accompanied by an initial fee of \$25.00. A separate initial fee shall be required for each plant specified in the application to be covered by the license. In such application, which may be made upon forms furnished by the Tax Commissioner, the applicant shall state his or its name, the line of business to be licensed, place or places where said business is to be carried on and such other facts as the Tax Commissioner prescribes. The applicant shall also state that he agrees to pay the license tax and will make a true return and will pay to the Tax Commissioner such tax on or before the fifteenth of the next ensuing January. Upon the receipt of the application in proper form accompanied by the initial fee, the Tax Commissioner shall issue the license as of the date the application is filed or mailed, and the applicant may carry on the business from and after the date the application was actually made.

Application  
for license.

Initial fee.

Section 3. TAXPAYER'S DUTY AS TO RETURNS, RECORDS, STATEMENTS, ETC.: TIME TO PAY TAX: TAX COMMISSIONER'S RETURN.

(a) Requirement for Making Returns: Any person, firm or corporation subject to taxes under this Act shall make a return stating the value of raw fisheries products processed during the license year, computed as required by this Act, and such other information for the purpose of carrying out the provisions of this Act as the Tax Commissioner may by regulations prescribe. The return shall show the license number and shall be signed by the taxpayer or his authorized agent, under the penalties of perjury. In cases where receivers, trustees, or assigns are operating the property or business, such receivers, trustees, or assigns shall make returns for the person,

Contents of tax  
return.

firm or corporation. Any tax due on the basis of such returns shall be collected in the same manner as if collected from the person, firm or corporation of whose business they have custody and control.

(b) Time and Place for Filing Returns:

Filing of return.

(1) Returns shall be made on the basis of the calendar year to the Tax Commissioner at Juneau, on or before the 15th day of January following the close of the year.

(2) The Tax Commissioner may grant a reasonable extension of time for filing returns, under such rules and regulations as he may prescribe.

Extension.

(c) Time for Payment: The total amount of tax imposed by this Act shall be paid on or before the 15th day of January following the close of the calendar year.

Time for payment.

(d) Records by the Taxpayer: Every person, firm or corporation prosecuting or attempting to prosecute or engaging in any business covered by this Act shall keep such records, render under oath such statements, make such returns, and comply with such rules and regulations, as the Tax Commissioner may from time to time prescribe.

Records to be kept.

(e) Whenever in the judgment of the Tax Commissioner it is necessary, he may require any person, firm or corporation, by notice served upon him, to make a return, render under oath such statements, or keep and display to him or his authorized deputy such records as he deems sufficient to show the amount such person is liable for as tax under this Act. If any person, firm or corporation fails to make and file a return at the time prescribed by law or by regulations made under authority of law, or makes, wilfully or otherwise, a false or fraudulent return, the Tax Commissioner shall make

Additional information under oath.

the return from his own knowledge and from such information as he can obtain through testimony and otherwise. Any return so made and subscribed by the Tax Commissioner shall be prima facie good and sufficient for all legal purposes.

Section 4. VIOLATIONS AND PENALTIES: DEFICIENCY IN TAX AND INTEREST THEREON: LIEN. Penalties.

(a) Failure to File Returns, to Obtain a License, Submit Information or pay Tax. Any person required under this Act to pay any tax, or required to make a return, keep or display any records, or supply any information, for the purposes of the computation, assessment, or collection of any tax imposed by this Act, who wilfully fails to obtain such license, pay such tax, make such return, keep or display such records, or supply such information, at the time or times required by law or regulations, shall, in addition to other penalties provided by law, be guilty of a misdemeanor, and, upon conviction thereof, be fined not more than \$1,000.00, or imprisoned for not more than one year, or both, together with the cost of prosecution. Failure to file.

(b) Perjury. Any person who wilfully makes and subscribes a return which he does not believe to be true and correct as to every material matter shall be guilty of a felony, and, upon conviction thereof, shall be subject to the penalties prescribed for perjury under the laws of the Territory of Alaska. Perjury.

(c) Person Defined. The term "person" as used in this section includes an officer, agent or employee of a corporation or a member, agent or employee of a partnership, who, as such officer, agent, employee or member, is under duty to perform the act in respect of which the violation occurs. Person defined.

(d) Failure to File Return. In case of any failure to make and file a return required by this Act within the time prescribed by law or prescribed by the Tax Commissioner in pursuance of law, unless it is shown that such failure is due to reasonable cause and not due to wilful neglect, there shall be added to the tax; 5 percent if the failure is for not more than 30 days, with an additional 5 percent for each additional 30 days or fraction thereof during which such failure continues, not exceeding 25 percent in the aggregate. The amount so added to any tax shall be collected at the same time and in the same manner and as a part of the tax, unless the tax has been paid before discovery of the neglect, in which case the amount so added shall be collected in the same manner as the tax.

Additional  
penalty.

(e) Negligence. If any part of any deficiency in the tax is due to negligence, or intentional disregard of rules and regulations but without intent to defraud, 5 percent of the total amount of the deficiency (in addition to such deficiency) shall be assessed, collected and paid in the same manner as if it were a deficiency, except that paragraph (g) relating to interest on deficiencies shall not be applicable.

Negligence.

(f) Fraud. If any part of any deficiency in the tax is due to fraud with intent to evade tax, then 50 percent of the total amount of the deficiency (in addition to such deficiency) shall be assessed and collected.

Fraud.

(g) Interest. Interest upon the amount determined as a deficiency in the tax shall be assessed at the same time as the deficiency, shall be paid upon notice and demand by the Tax Commissioner, and shall be collected as a part of the tax, at the rate of 6 percent per annum from the time prescribed for payment of the tax to the date the deficiency is paid.

Determination  
of interest due.

(h) Liens. All taxes levied or provided or accruing under the provisions of this Act, and the penalties and interest thereon, are hereby declared to be a lien prior, paramount and superior to all other liens, mortgages, hypothecations, conveyances and assignments, upon all the real and personal property of the person, firm or corporation liable therefor, and also upon all the real and personal property used with the permission of the owner thereof in prosecuting the business; Provided, however, that the special remedy provided for the recovery of license taxes, as herein set forth, shall not be deemed exclusive of any other remedy, civil or criminal, or both, now provided by law for the recovery of license taxes.

Section 5. SEVERABILITY CLAUSE. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the remainder of the Act and such application to other persons or circumstances shall not be affected thereby.

Section 6. Paragraphs (a) to (g), inclusive, of subsection 7th of Section 35-1-11, Alaska Compiled Laws Annotated, 1949, and subsections 8th and 9th of Section 35-1-11, Alaska Compiled Laws Annotated, 1949, are hereby repealed.

Section 7. An emergency is hereby declared to exist, and this Act shall take effect immediately upon its passage and approval.

Approved March 23, 1949.