

CS FOR HOUSE BILL NO. 192(FSH)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY THE HOUSE SPECIAL COMMITTEE ON FISHERIES

Offered: 4/11/13

Referred: Finance

Sponsor(s): REPRESENTATIVES MILLETT, Peggy Wilson, Kerttula, Kreiss-Tomkins

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the fishery resource landing tax; and providing for an effective
2 date."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 43.77.020(b) is amended to read:

5 (b) The return shall be made on the basis of the calendar year. The return
6 [AND] is due on the last day of the month following the month that the
7 department posts the statewide average fish price calculated by the Department
8 of Fish and Game for [BEFORE APRIL 1 AFTER THE CLOSE OF] the calendar
9 year for which the return is made, and any unpaid tax shall be paid with the return.

10 * **Sec. 2.** AS 43.77.020(d) is amended to read:

11 (d) A person subject to the tax under this chapter shall make quarterly
12 payments of the tax estimated to be due for the year, as required under (e) of this
13 section [REGULATIONS ADOPTED BY THE DEPARTMENT]. A taxpayer will be
14 subject to an estimated tax penalty, determined by applying the interest rate specified

1 in AS 43.05.225 to the underpayment for each quarter, unless the taxpayer makes
 2 estimated tax payments as required under (e) of this section [IN EQUAL
 3 INSTALLMENTS THAT TOTAL EITHER

4 (1) AT LEAST 90 PERCENT OF THE TAXPAYER'S TAX
 5 LIABILITY UNDER THIS CHAPTER FOR THE TAX YEAR; OR

6 (2) AT LEAST 100 PERCENT OF THE TAXPAYER'S TAX
 7 LIABILITY UNDER THIS CHAPTER FOR THE PRIOR TAX YEAR].

8 * **Sec. 3.** AS 43.77.020 is amended by adding new subsections to read:

9 (e) A person subject to tax under this chapter shall make estimated quarterly
 10 tax payments on or before March 31, June 30, September 30, and December 31 of
 11 each year in the following amounts:

12 (1) four equal installments the sum of which is at least equal to the
 13 taxpayer's tax liability under this chapter for the immediately preceding calendar year;

14 (2) four equal installments the sum of which equals at least 90 percent
 15 of the taxpayer's tax liability under this chapter for the current calendar year; or

16 (3) four installments, calculated in each quarter, equal to 90 percent of
 17 the sum of the number of pounds of unprocessed fish of each species landed in the
 18 state during the quarter that are subject to tax under this chapter, multiplied by the
 19 respective statewide average price for each species posted by the department in the
 20 immediately preceding calendar year, multiplied by the applicable tax rate under this
 21 chapter.

22 (f) By March 31 of each year, a taxpayer shall notify the department of the
 23 estimated payment method under (e) of this section that the taxpayer will use during
 24 that calendar year. Once a method is selected, the taxpayer may not change the
 25 estimated payment method until the following calendar year. If a taxpayer fails to
 26 make a payment by March 31, the department shall calculate the taxpayer's estimated
 27 liability under (e)(1) and (2) of this section, and apply the estimated payment method
 28 that results in the lowest tax liability to determine the taxpayer's underpayment and
 29 estimated tax penalty.

30 * **Sec. 4.** This Act takes effect January 1, 2014.