

**CS FOR HOUSE BILL NO. 4006(FIN)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FOURTH SPECIAL SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 6/3/16

Referred: Rules

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the fisheries business tax and fishery resource landing tax; removing**  
2 **the minimum and maximum restrictions on the annual base fee for the reissuance or**  
3 **renewal of an entry permit or an interim-use permit; relating to refunds of the fisheries**  
4 **business tax and the fishery resource landing tax to local governments; and providing**  
5 **for an effective date."**

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

7 **\* Section 1.** AS 16.43.160(c) is amended to read:

8 (c) The annual base fee for issuance or renewal of an entry permit or an  
9 interim-use permit [MAY NOT BE LESS THAN \$30 OR MORE THAN \$3,000. THE  
10 ANNUAL BASE FEE] must reasonably reflect the different rates of economic return  
11 for different fisheries. In addition to the annual base fee established by the commission  
12 under this subsection, a nonresident shall pay an annual nonresident surcharge for the  
13 issuance or renewal of one or more entry permits or interim-use permits. The

1 commission shall establish the annual nonresident surcharge by regulation at an  
2 amount that is as close as is practicable to the maximum allowed by law.

3 \* **Sec. 2.** AS 43.75.015(a) is amended to read:

4 (a) A person engaged in a fisheries business is liable for and shall pay the tax  
5 levied by this section on the value of each of the following fisheries resources  
6 processed during the year at the rate set out after each:

7 (1) salmon canned at a shore-based fisheries business - **five** [FOUR]  
8 and one-half percent;

9 (2) salmon processed by a shore-based fisheries business, except  
10 salmon for which the tax is due under (1) of this subsection, and all other fisheries  
11 resources processed by a shore-based fisheries business - **four** [THREE] percent;

12 (3) fisheries resources processed by a floating fisheries business - **six**  
13 [FIVE] percent.

14 \* **Sec. 3.** AS 43.75.015(d) is amended to read:

15 (d) Instead of the taxes levied under (a) or (b) of this section, a person who  
16 processes a fishery resource under a direct marketing fisheries business license is  
17 liable for and shall pay a tax equal to

18 (1) one percent of the value of the developing commercial fish species  
19 processed during the year; and

20 (2) **four** [THREE] percent of the value of a commercial fish species  
21 not subject to (1) of this subsection.

22 \* **Sec. 4.** AS 43.75.030(b) is amended to read:

23 (b) The return shall be made on **a** [THE BASIS OF THE] calendar year **basis**  
24 **and submitted** to the department [AT JUNEAU] before April 1 after the close of the  
25 calendar year.

26 \* **Sec. 5.** AS 43.75.130(a) is amended to read:

27 (a) **The amount of tax revenue equal to one percent of the value of each**  
28 **fishery taxed under this chapter shall be deposited in the general fund.** Except as  
29 provided in (d) of this section, **and not including the revenue equal to one percent**  
30 **of the value of each fishery taxed under this chapter and deposited in the general**  
31 **fund under this subsection,** the commissioner shall pay

1 (1) to each unified municipality and to each city located in the  
2 unorganized borough, 50 percent of the amount of tax revenue collected in the  
3 municipality from taxes levied under this chapter;

4 (2) to each city located within a borough, 25 percent of the amount of  
5 tax revenue collected in the city from taxes levied under this chapter; and

6 (3) to each borough

7 (A) 50 percent of the amount of tax revenue collected in the  
8 area of the borough outside cities from taxes levied under this chapter; and

9 (B) 25 percent of the amount of tax revenue collected in cities  
10 located within the borough from taxes levied under this chapter.

11 \* **Sec. 6.** AS 43.77.010 is amended to read:

12 **Sec. 43.77.010. Landing tax.** A person who engages or attempts to engage in a  
13 floating fisheries business in the state and who owns a fishery resource that is not  
14 subject to AS 43.75 but that is brought into the jurisdiction of, and first landed in, this  
15 state is liable for and shall pay a landing tax on the value of the fishery resource. The  
16 amount of the landing tax is

17 (1) for a developing commercial fish species, as defined under  
18 AS 43.75.290, one percent of the value of the fishery resource at the place of landing;

19 (2) for a fish species other than a developing commercial fish species,  
20 **four** [THREE] percent of the value of the fishery resource at the place of the landing.

21 \* **Sec. 7.** AS 43.77.060(a) is amended to read:

22 (a) **The amount of tax revenue equal to one percent of the value of each**  
23 **fishery taxed under this chapter shall be deposited in the general fund.** Subject to  
24 appropriation by the legislature and except as provided in (b) of this section, **and not**  
25 **including the revenue equal to one percent of the value of each fishery taxed**  
26 **under this chapter and deposited in the general fund under this subsection,** the  
27 commissioner shall pay to each

28 (1) unified municipality and to each city located in the unorganized  
29 borough, 50 percent of the amount of tax revenue collected from taxes levied under  
30 this chapter on the fishery resource landed in the municipality and accounted for under  
31 AS 43.77.050(b);

1 (2) city located within a borough, 25 percent of the amount of the tax  
2 revenue collected from taxes levied under this chapter on fishery resources landed in  
3 the city and accounted for under AS 43.77.050(b); and

4 (3) borough

5 (A) 50 percent of the amount of the tax revenue collected from  
6 taxes levied under this chapter on fishery resources landed in the area of the  
7 borough outside cities and accounted for under AS 43.77.050(b); and

8 (B) 25 percent of the amount of the tax revenue collected from  
9 taxes levied under this chapter on fishery resources landed in cities located  
10 within the borough and accounted for under AS 43.77.050(b).

11 \* **Sec. 8.** AS 43.77.060(b) is amended to read:

12 (b) **The amount of tax revenue equal to one percent of the value of each**  
13 **fishery taxed under this chapter shall be deposited in the general fund.**  
14 Notwithstanding the provisions of (a)(2) and (a)(3)(B) of this section, and subject to  
15 appropriation by the legislature, **and not including the revenue equal to one percent**  
16 **of the value of each fishery taxed under this chapter and deposited in the general**  
17 **fund under this subsection,** the commissioner shall pay to each

18 (1) city that is located in a borough incorporated after January 1, 1994,  
19 the following percentages of the tax revenue collected from taxes levied under this  
20 chapter on fishery resources landed in the city and accounted for under  
21 AS 43.77.050(b):

22 (A) 45 percent of the tax revenue collected during the calendar  
23 year in which the borough is incorporated;

24 (B) 40 percent of the tax revenue collected during the first  
25 calendar year after the calendar year in which the borough is incorporated;

26 (C) 35 percent of the tax revenue collected during the second  
27 calendar year after the calendar year in which the borough is incorporated; and

28 (D) 30 percent of the tax revenue collected during the third  
29 calendar year after the calendar year in which the borough is incorporated; and

30 (2) borough that is incorporated after January 1, 1994, the following  
31 percentages of the tax revenue collected from taxes levied under this chapter on

1 fishery resources landed in the cities located within the borough and accounted for  
2 under AS 43.77.050(b):

3 (A) five percent of the tax revenue collected during the  
4 calendar year in which the borough is incorporated;

5 (B) 10 percent of the tax revenue collected during the first  
6 calendar year after the calendar year in which the borough is incorporated;

7 (C) 15 percent of the tax revenue collected during the second  
8 calendar year after the calendar year in which the borough is incorporated; and

9 (D) 20 percent of the tax revenue collected during the third  
10 calendar year after the calendar year in which the borough is incorporated.

11 \* **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to  
12 read:

13 **APPLICABILITY.** (a) AS 43.75.015(a) and (d), as amended by secs. 2 and 3 of this  
14 Act, apply to a fisheries resource processed on or after the effective date of secs. 2 and 3 of  
15 this Act.

16 (b) AS 43.77.010, as amended by sec. 6 of this Act, applies to a fisheries resource  
17 landed in the state on or after the effective date of sec. 6 of this Act.

18 \* **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to  
19 read:

20 **TRANSITION: REGULATIONS.** The Alaska Commercial Fisheries Entry  
21 Commission and the Department of Revenue may adopt regulations necessary to implement  
22 the changes made by this Act. The regulations take effect under AS 44.62 (Administrative  
23 Procedure Act), but not before the effective date of the law implemented by the regulation.

24 \* **Sec. 11.** Section 1 of this Act takes effect January 1, 2017.

25 \* **Sec. 12.** Section 10 of this Act takes effect immediately under AS 01.10.070(c).

26 \* **Sec. 13.** Except as provided in secs. 11 and 12 of this Act, this Act takes effect July 1,  
27 2016.