

Chapter 116. COMMON PROPERTY FISHERY ASSESSMENT

15 AAC 116 is amended by adding a new section to read:

15 AAC 116.405. Notice of election to conduct common property fishery. The commissioner of fish and game shall notify the commissioner of revenue of the results of an election held by a hatchery permit holder's board to harvest surplus salmon through a common property fishery under AS 16.10.455. The notice shall include

- (1) certification of the election,
- (2) a description of the common property fishery assessment area where the common property fishery will be conducted,
- (3) the time of year the common property fishery will be conducted, and
- (4) identification of each salmon species subject to the common property fishery assessment.

Authority: AS 16.10.455

15 AAC 116 is amended by adding a new section to read:

15 AAC 116.410. Hatchery reporting requirements. (a) Hatchery permit holders electing to harvest surplus salmon through a common property fishery under AS 16.10.455 must provide the following:

- (1) audited financial statements for the permit holder for the 3 most recent years;
- (2) the permit holder's projected current-year costs; and
- (3) the number of salmon, by species, that returned to the hatchery in the 3 most recent years and the number of salmon projected to return to the hatchery in the current year.

(b) The information required under (a) of this section must be filed with the department no later than 30 days following the date the commissioner of fish and game certifies the common property fishery election results under 15 AAC 116.405.

Authority: AS 16.10.455

15 AAC 116 is amended by adding a new section to read:

15 AAC 116.415. Common property fishery assessment rate. (a) A person subject to the common property fishery assessment under AS 16.10.455, shall pay an assessment at a rate determined by the department annually under (d) of this section, on the value of the salmon.

(b) The common property fishery assessment rate is a fraction,

(1) the numerator of which is the projected assessment revenue for the current year
and

(2) the denominator of which is the total pounds of salmon projected to return to the hatchery in the current year that will be subject to the common property fishery assessment, multiplied by the projected regional price per pound of salmon for the current year that will be subject to the common property fishery assessment.

(c) The department may consult with the Department of Commerce, Community and Economic Development for assistance in identifying current-year market conditions and salmon market trends. The department may consult with the hatchery permit holder to ensure the projected assessment revenue includes all cost components identified under AS 16.10.455(d). The department may consult with representatives of affected commercial fishermen for assistance in determining the projected regional price per pound of salmon subject to the common property fishery assessment.

(d) The common property fishery assessment rate for the calendar year 2012 for Hidden Falls Hatchery is 3%.

Authority: AS 16.10.455

15 AAC 116 is amended by adding a new section to read:

15 AAC 116.420. Liability for common property fishery assessment. (a) A person participating in a common property fishery under AS 16.43 shall pay a common property fishery assessment at the rate established by the department under this chapter on salmon harvested in an area and during the time of year designated by the commissioner of fish and game as a common property fishery under AS 16.10.455.

(b) Except as provided under (c) of this section, a buyer who acquires salmon from a person that is subject to a common property fishery assessment under AS 16.10.455 shall collect the assessment at the time of purchase.

(c) A person who transfers salmon to a buyer who is not a fisheries business licensed under AS 43.75 is liable for the payment of the common property fishery assessment imposed under this chapter if, at the time possession of the salmon is transferred to a buyer, the common property fishery assessment has not been collected.

Authority: AS 16.10.455

15 AAC 116 is amended by adding a new section to read:

15 AAC 116.425. Annual report and remittance of tax. (a) A buyer responsible for the collection of the common property fishery assessment under 15 AAC 116.420 shall file an annual report for each business location on a form or in a format prescribed by the department,

reporting the federal employer identification number (EIN) or social security number and other information required by the department.

(b) If a person other than the buyer is liable for payment of the common property fishery assessment under 15 AAC 116.420(c), the person shall comply with the requirements under (a) of this section.

(c) The annual report required under this section must be submitted to the department, together with all assessments required to be collected, by October 31 of the year the common property fishery was conducted.

Authority: AS 16.10.455

15 AAC 116 is amended by adding a new section to read:

15 AAC 116.430. Reporting of bonus or other additional payments. (a) A buyer making bonus or other additional payments to a person after October 31 for salmon purchased in the previous reporting period shall collect the assessment on and file a report of the additional payments made. The buyer shall file a report on a form or in a format prescribed by the department, reporting the year in which the salmon were initially reported, the additional value paid for the salmon acquired in a previous year and other information required by the department.

(b) The common property fishery assessment report of bonus or other additional payments must be filed and the assessment paid no later than the last day of the month following the month in which the additional payment was made.

Authority: AS 16.10.455

15 AAC 116 is amended by adding a new section to read:

15 AAC 116.435. Report by department upon failure to make report or making false or fraudulent report. If a person fails to file a report at the time prescribed under this chapter or makes, wilfully or otherwise, a false or fraudulent report, the department shall make the report from the information it obtains. A return made by the department is prima facie good and sufficient for all legal purposes.

Authority: AS 16.10.455

15 AAC 116 is amended by adding a new section to read:

15 AAC 116.500. Definitions. Unless the context indicates otherwise, in this chapter

(1) “buyer” means a person who purchases or otherwise acquires salmon from a person who participates in a common property salmon fishery, and includes a person required to obtain a license under AS 43.75.011, but does not include a person acquiring salmon for personal consumption or a tender acquiring salmon on behalf of a person required to obtain a license under AS 43.75.011;

(2) “department” means the department of revenue;

(3) “person” means an individual, partnership, association, limited liability company, corporation, or any group or combination acting as a unit;

(4) “projected assessment revenue” means an estimate of the hatchery permit holder’s

(A) annual debt service to the state,

(B) reasonable operating expenses for the year,

(C) reasonable maintenance expenses for the year, plus

(D) required revenue necessary to develop or maintain a reserve fund up to 100 percent of the hatchery permit holder’s annual operating costs;

(5) “projected regional price” means the average price of salmon reported to the department in the prior year on fisheries business tax returns that reflect processing activity in the area nearest to the terminal harvest area where the common property fishery assessment will be imposed, adjusted up or down after taking into account current-year market conditions and salmon market trends;

(6) “salmon” means Pacific salmon and Pacific salmon byproducts such as roe if sold separately by the limited entry permit holder.

Authority: AS 16.10.455