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23-LS1368VA
Utermohle
10/30/03

SENATE BILL NO.
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY

Introduced:
Referred:

A BILL
FOR AN ACT ENTITLED

1 **"An Act relating to the seafood marketing assessment."**

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

3 *** Section 1.** AS 16.51.120 is amended to read:

4 **Sec. 16.51.120. Seafood marketing assessment.** (a) A seafood marketing
5 assessment shall be levied on the value of seafood products produced in Alaska as
6 provided in (b), (c), (d), [OR] (e), (f), or (g) of this section if an election is held under
7 AS 16.51.140 at which the assessment is approved by eligible processors who together
8 produce at least 51 percent of the value of seafood products produced in Alaska in the
9 calendar year.

10 (b) Each processor shall pay a seafood marketing assessment of .1 percent of
11 the value of seafood products produced in Alaska by the processor.

12 (c) Each processor shall pay a seafood marketing assessment of .2 percent of
13 the value of seafood products produced in Alaska by the processor.

14 (d) Each processor shall pay a seafood marketing assessment of .3 percent of
15 the value of seafood products produced in Alaska by the processor.

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(c) Each processor shall pay a seafood marketing assessment of .4 percent of the value of seafood products produced in Alaska by the processor.

(f) Each processor shall pay a seafood marketing assessment of .5 percent of the value of seafood products produced in Alaska by the processor.

(g) Each processor shall pay a seafood marketing assessment of .6 percent of the value of seafood products produced in Alaska by the processor.

(h) An election under (a) of this section shall be held if the proposed election for the levying of an assessment under (b), (c), (d), [OR] (e), (f), or (g) of this section is approved by a majority of the whole membership of the board at a regularly scheduled meeting.

(i) [(g)] Notwithstanding (a) - (g) [(a) - (e)] of this section and AS 16.51.150(c), a processor is not subject to, or liable for payment of, an assessment under this section on the value of the seafood products produced in Alaska if the value of seafood products produced in Alaska by the processor is less than \$50,000 in a calendar year. This subsection does not exempt a processor from liability for payment of taxes imposed under AS 43.75 or AS 43.77.

* Sec. 2. AS 16.51.130(a) is amended to read:

(a) A seafood marketing assessment levied under AS 16.51.120(b), (c), (d), [OR] (e), (f), or (g) shall be terminated by the commissioner of revenue if

(1) an election is held under AS 16.51.140 in which the termination is approved by eligible processors who together produce at least 51 percent of the total value of seafood products produced in Alaska during the calendar year; or

(2) the board, at a regularly scheduled meeting, adopts a resolution approved by two-thirds of the voting membership of the board requesting the commissioner of revenue to terminate the assessment.

* Sec. 3. AS 16.51.140(b) is amended to read:

(b) In conducting the election under this section, the institute shall adopt the following procedures:

(1) the proposed levy or termination of the assessment shall be adopted at a regularly scheduled meeting of the board held not less than 60 days before the date on which the ballots must be postmarked to be counted unless the election is for

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election is to terminate the assessment, whether the assessment shall be terminated.

(5) the ballots shall be returned by mail and shall be counted by the director of elections or a representative.

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1 termination of the assessment and has been initiated by a petition under
2 AS 16.51.130(b)(2);

3 (2) the institute shall hold at least one meeting, not less than 30 days
4 before the date on which ballots must be postmarked to be counted, to explain the
5 reason for the proposed seafood marketing assessment or termination of the
6 assessment and to explain the voting procedure to be used in the election; the institute
7 shall provide notice of the meeting by

8 (A) mailing the notice to each eligible processor; and

9 (B) publishing the notice in at least one newspaper of general
10 circulation in each region of the state at least two weeks before the meeting;

11 (3) the institute shall mail ballots to each eligible processor not more
12 than 45 days before the date specified as the date ballots must be postmarked;

13 (4) the ballot must

14 (A) indicate whether the assessment is to be levied under
15 AS 16.51.120(b), (c), (d), [OR] (e), (f), or (g) and must state the percentage of
16 the assessment;

17 (B) indicate the effective date of the levy of the assessment or
18 termination of the assessment;

19 (C) ask whether the assessment shall be levied or, if the
20 election is to terminate the assessment, whether the assessment shall be
21 terminated;

22 (5) the ballots shall be returned by mail and shall be counted by the
23 director of elections or a representative.