

HOUSE BILL NO. 24

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES SEATON AND GATTO

Introduced: 1/10/05

Referred: Community and Regional Affairs, Transportation, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to commercial passenger vessel operators; and providing for an**
2 **effective date."**

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

4 * **Section 1.** AS 43.52 is amended by adding new sections to read:

5 **Article 2. Excise Tax on Commercial Passenger Vessel Operators.**

6 **Sec. 43.52.100. Levy of excise tax.** There is imposed an excise tax on
7 overnight accommodations provided by a commercial passenger vessel operator on
8 and after January 1, 2006, aboard a commercial passenger vessel traveling in the
9 marine waters of the state. The tax represents a share of the costs attributable to the
10 commercial passenger vessel industry.

11 **Sec. 43.52.110. Rate of tax.** The tax imposed by AS 43.52.100 - 43.52.199 is
12 levied at a rate of \$75 a passenger a voyage.

13 **Sec. 43.52.120. Liability for payment of tax.** The operator of a commercial
14 common carrier that is a passenger vessel providing overnight accommodations in the

1 state is liable for the tax. The tax is due and payable to the department in the manner
2 and at the times required by the department by regulation.

3 **Sec. 43.52.130. Disposition of proceeds.** The proceeds from the tax on
4 overnight accommodations provided aboard commercial passenger vessels traveling in
5 the marine waters of the state shall be deposited in the general fund. The legislature
6 may appropriate one-third of the money collected under AS 43.52.100 - 43.52.199 for
7 the purposes of proportionate reimbursements to local governments that are ports of
8 call for the costs attributable to the commercial passenger vessel industry.

9 **Sec. 43.52.140. Administration.** (a) The department shall

10 (1) administer AS 43.52.100 - 43.52.199; and

11 (2) collect, and supervise and enforce the collection of, taxes due under
12 AS 43.52.100 - 43.52.199 and penalties as provided in AS 43.05.

13 (b) The department may adopt regulations to carry out the purposes of
14 AS 43.52.100 - 43.52.199.

15 **Sec. 43.52.199. Definitions.** In AS 43.52.100 - 43.52.199, unless the context
16 otherwise requires,

17 (1) "commercial passenger vessel" means a vessel that is used in the
18 common carriage of passengers in commerce; "commercial passenger vessel" does not
19 include a

20 (A) vessel with an overnight accommodation capacity for fewer
21 than 12 passengers;

22 (B) noncommercial vessel or a vessel operated by the state, the
23 United States, or a foreign government; or

24 (C) vessel licensed under AS 16.05.490;

25 (2) "commercial passenger vessel operator" means a person operating
26 a commercial passenger vessel;

27 (3) "marine waters of the state" means the marine bays, sounds, rivers,
28 inlets, straits, passages, canals, Pacific Ocean, Gulf of Alaska, Bering Sea, and Arctic
29 Ocean within the territorial limits of the state, and all other bodies of marine water that
30 are wholly or partially within the state or are under the jurisdiction of the state;

31 (4) "passenger" means a person who is accommodated overnight on a

1 commercial passenger vessel;

2 (5) "tax" means the tax levied by AS 43.52.100 - 43.52.199.

3 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
4 read:

5 TRANSITION: REGULATIONS. The Department of Revenue may proceed to adopt
6 regulations necessary to implement the provisions of sec. 1 of this Act. The regulations take
7 effect under AS 44.62 (Administrative Procedure Act), but not before the effective date of the
8 provision being implemented.

9 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
10 read:

11 REVISOR'S INSTRUCTION. The revisor of statutes shall substitute "AS 43.52.010 -
12 43.52.099" for "this chapter" wherever "this chapter" occurs in AS 43.52.010 - 43.52.099.

13 * **Sec. 4.** This Act takes effect immediately under AS 01.10.070(c).