

# Fiscal Note

State of Alaska  
2016 Legislative Session

Bill Version:	HB 4001
Fiscal Note Number:	1
(H) Publish Date:	5/23/2016

Identifier: DOR-TAX-05-22-16  
 Title: OMNIBUS TAXES & CREDITS; MINING  
 LICENSES  
 Sponsor: RLS BY REQUEST OF THE GOVERNOR  
 Requester: Governor

Department: Department of Revenue  
 Appropriation: Taxation and Treasury  
 Allocation: Tax Division  
 OMB Component Number: 2476

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates					
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
<b>OPERATING EXPENDITURES</b>	<b>150.0</b>	<b>0.0</b>	<b>150.0</b>	<b>150.0</b>	<b>150.0</b>	<b>150.0</b>	<b>150.0</b>	<b>150.0</b>
Personal Services	150.0		150.0	150.0	150.0	150.0	150.0	150.0
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
<b>Total Operating</b>	<b>150.0</b>	<b>0.0</b>	<b>150.0</b>	<b>150.0</b>	<b>150.0</b>	<b>150.0</b>	<b>150.0</b>	<b>150.0</b>

**Fund Source (Operating Only)**

1004 Gen Fund	150.0		150.0	150.0	150.0	150.0	150.0	150.0
<b>Total</b>	<b>150.0</b>	<b>0.0</b>	<b>150.0</b>	<b>150.0</b>	<b>150.0</b>	<b>150.0</b>	<b>150.0</b>	<b>150.0</b>

**Positions**

Full-time	1.0		1.0	1.0	1.0	1.0	1.0
Part-time							
Temporary							

<b>Change in Revenues</b>	95,300.0		238,900.0	344,750.0	349,850.0	355,950.0	361,400.0
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**Estimated SUPPLEMENTAL (FY2016) cost:** 200.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2017) cost:** 500.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? yes  
 If yes, by what date are the regulations to be adopted, amended or repealed? 01/01/17

**Why this fiscal note differs from previous version:**

Original fiscal note for special session bill. This bill incorporates elements of multiple bills that did not pass during the 2nd session of the 29th legislature.

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Division: Tax Division	Date: 05/22/2016 05:00 PM
Approved By: Jerry Burnett, Deputy Commissioner	Date: 05/22/16
Agency: Department of Revenue	

## FISCAL NOTE ANALYSIS

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## Analysis

**Bill Analysis**Income Tax

The bill establishes a personal income tax based on 6% of the taxpayer's federal tax liability. The tax is payable by both Alaska residents and non-residents. The tax on non-residents is calculated based on the portion of their calendar year income derived from a source in the State.

To qualify as "from a source in the state," income is broadly defined to include regular compensation, as well as income and rents from property, business, and other assets within Alaska. Business income, including partnership income and earnings from subchapter-S corporations transacting business in Alaska will also be subject to this tax.

The bill provides for withholding of income by employers, with regular remittance to the state. Employers must also provide annual income statements analogous to the federal W-2. The annual tax return would be due at the same time as the federal return. This portion of the bill has a delayed effective date, applying to income earned after January 1, 2018. At full implementation, revenue will be about \$200 million / year.

Motor Fuel Tax

Alaska has had an excise tax on motor fuel since 1945, which is charged and collected monthly. The highway tax rate was last increased in 1970; marine rate in 1977; aviation and jet fuel rates in 1994. The last major changes to the program were in 2008 when the motor fuel tax was suspended effective September 1, 2008 to August 31, 2009.

The primary change in this legislation would be to increase the tax rates of all categories of motor fuel. The tax rate for highway fuel would rise from \$0.08 to \$0.16 per gallon; for marine fuel, from \$0.05 to \$0.10 per gallon; for jet fuel, from \$0.032 to \$0.065 per gallon; and for aviation gasoline, from \$0.047 to \$0.07 per gallon. The increases take effect on July 1, 2016.

DOR estimates that increasing the motor fuel tax rates approximately double tax collections, with additional revenue of approximately \$43 million per year. Of this, approximately \$0.2 million would be shared with municipally owned airports.

Tobacco Tax

Currently, there are two separate taxes on cigarettes—the base tax of 38 mills per cigarette and the additional tax of 62 mills. Revenue from the base rate is deposited in the School Fund. Revenue from the additional tax is General Fund., other than the 8.9% of that revenue deposited into the Tobacco Use Education and Cessation Fund.

This bill would increase the additional tax on cigarettes from 62 mills to 112 mills (a tax increase of 5 cents per cigarette). This bill also increases the tax on tobacco products other than cigarettes from 75% of the wholesale value to 100%. It also creates a tax on electronic smoking products at 75% of wholesale value. Electronic cigarettes aren't currently taxed. Additional revenue is estimated between \$25 and \$30 million / year.

Alcohol Tax

Alaska has had an excise tax on wholesale alcoholic beverages since 1933. Over the years, the tax rate has increased to account for inflation, public need, and in line with increases made in other states. The alcoholic beverage tax is charged and collected monthly.

The last major changes to the program were in 2002, during another period of large budget deficits when the taxes were raised to the current "dime a drink." In the actual statutory change made at that time, tax was set to equal 10 cents for each one ounce of distilled spirits, five ounces of wine, or 12 ounces of beer. For small craft breweries, the tax is reduced to 3.3 cents per 12 ounce portion.

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The primary change in this legislation would be to double the tax rates on all forms of alcoholic beverages, to a total of 20 cents per drink portion, with the rate increased to 6.6 cents for small craft breweries. The bill maintains the current statutory formula, in which 50% of the alcoholic beverage tax is deposited into the Alcohol and Other Drug Abuse Treatment and Prevention Fund, supporting various programs within the Mental Health budget. Total additional revenue is about \$40 million / year.

Mining Tax

Alaska levies a Mining License Tax on mining net income and royalties received in connection with mining properties and activities in Alaska. Mining licensees file annual tax returns. The mining license tax dates back to 1913 and the rate structure as it exists today was adopted in 1955. In 1951, the legislature authorized a 3 ½ year exemption for new mining operations.

The primary change in this legislation would be to increase the highest tax rate from 7% to 9% of the amount of net taxable income over \$100,000 and to reduce the exemption from paying tax from 3 ½ years to 2 years after production begins for new mining operations. The tax brackets for income levels below \$100,000 are unchanged. Because of the annual tax structure, the state will not see the impact of the increase until the returns that are filed after the first full year after the effective date. Therefore, this tax change shows no fiscal impact until FY 2018. Additional revenue is about \$7 million / year.

Fisheries Taxes

The Fisheries Business Tax is generally paid by seafood processors, although it is also paid by fisherman if they market and sell their fish directly. The rate varies from 1% to 5% depending on the location and type of processing and the condition of the fishery (onshore / offshore; canning / other processing; developing / mature fishery.) The Fisheries Landing Tax is generally paid by offshore processors, usually working in federal fisheries, who bring their product through Alaska ports.

These are the only two fisheries taxes that generate unrestricted general funds; any others are dedicated special purpose levies. Currently both these taxes are split 50/50 with the municipality in which the activity takes place.

This legislation would increase the tax rates for all established fishery categories within both the Fisheries Business Tax (FBT) and the Fisheries Landing Tax (FLT). The tax rates for developing fisheries are unchanged. This legislation would also alter the municipal sharing formula so that the state receives the first 1% of the value of each fishery, for both Fisheries Business Tax and Fisheries Landing Tax, before any funds are shared with municipalities. The tax changes result in additional revenue to the state of about \$18 million / year.

The bill also removes the "cap" on the formula which establishes the annual fee for a limited entry permit from the Commercial Fisheries Entry Commission, which currently cannot be more than \$3,000. This removal is estimated to raise an additional \$2 million in annual revenue.

Marijuana Taxes

The Marijuana excise tax was established via the 2014 initiative that legalized recreational marijuana in Alaska. The first tax collections will occur in FY2017. This legislation clarifies several authorities of the Department of Revenue, with an indeterminate revenue impact. In practice, revenue will be gained in two ways. First, there will be certain tax penalties levied through the enforcement of these statutes. Second, we believe there will be substantial deterrent effect, which will result in a larger percentage of Alaska's marijuana growers to choose to seek legal status through the MCB's licensing process, and a larger percentage of retailers to purchase their product from licensed sources. Ultimately, the success of Alaska's legal marijuana industry will depend in large part on our ability to minimize or eliminate the illegal black market economy that has traditionally existed for this product.

**Analysis Continued**

**Implementation Cost (other than Income Tax)**

This legislation would require the Department of Revenue to update its Tax Revenue Management System (TRMS) and Revenue Online (ROL) which allows a taxpayer to file their return online, for reach of the tax types impacted in this legislation. The update would consist of reprogramming both systems, updating the return rules in TRMS and testing both systems thoroughly to verify that they function as expected. We would also need to update the current tax return forms.

The supplemental fiscal note figure of \$200.0 in FY16 is to cover the costs of having our contractor update the systems for the impacted (existing) taxes. We do not anticipate any continuing costs or additional staff needs.

**Implementation Cost (Income Tax)**

Additionally, the Department is requesting \$500.0 in FY17 capital funds to begin the process of planning for the 2018 implementation of the individual income tax component. With these funds, we will engage with outside expertise with experience building an individual income tax at the state level. We will also begin the outreach to Alaska’s business community to prepare for wage withholding. The essential deliverable of the outside contract will be an implementation plan that includes staffing, infrastructure, and additional outreach needs. The full cost of implementing this tax will be brought to the legislature during the 2017 regular session. We are also requesting one new employee, an Income and Excise Specialist (Range 25A) to lead the project.

**Revenue Detail**

**Revenue from Omnibus Special Session Tax Bill**

	FY17	FY18	FY19	FY20	FY21	FY22
<b>Component</b>						
Income Tax	-	100,000.0	205,000.0	210,000.0	215,000.0	220,000.0
Motor Fuel	42,800.0	42,800.0	42,800.0	42,800.0	42,800.0	42,800.0
Tobacco	29,100.0	28,400.0	27,750.0	27,250.0	26,850.0	26,400.0
Alcohol	4,000.0	40,900.0	41,800.0	42,800.0	43,700.0	44,700.0
Mining	-	7,000.0	7,200.0	6,400.0	6,600.0	6,000.0
Fisheries- Tax	17,400.0	17,800.0	18,200.0	18,600.0	19,000.0	19,500.0
Fisheries- CFEC	2,000.0	2,000.0	2,000.0	2,000.0	2,000.0	2,000.0
Marijuana	-	-	-	-	-	-
<b>Total Additional Revenue</b>	<b>95,300.0</b>	<b>238,900.0</b>	<b>344,750.0</b>	<b>349,850.0</b>	<b>355,950.0</b>	<b>361,400.0</b>
<b>Revenue by Fund</b>						
Unrestricted General Fund	73,000.0	216,150.0	321,650.0	326,350.0	332,000.0	337,050.0
Alcohol and other Drug Abuse Treatment & Prevention	20,000.0	20,450.0	20,900.0	21,400.0	21,850.0	22,350.0
Tobacco Use Education and Cessation	2,100.0	2,100.0	2,000.0	1,900.0	1,900.0	1,800.0
Aviation Shared Taxes	200.0	200.0	200.0	200.0	200.0	200.0
<b>Total Additional Revenue</b>	<b>95,300.0</b>	<b>238,900.0</b>	<b>344,750.0</b>	<b>349,850.0</b>	<b>355,950.0</b>	<b>361,400.0</b>