

LEGISLATIVE COUNCIL

1 IN THE HOUSE

BY MESSRS. FAGERSTROM AND GREUEL

2 HOUSE BILL NO. 13

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act to increase the motor fuel tax; to
7 provide refunds for taxes paid on fuel not
8 used on highways; amending Section 48-5-2,
9 ACLA, 1949, as amended, and amending Sec. 1
10 Chap. 84, SLA, 1949; and repealing Sub-
11 section A., 4., Sec. 14, Ch. 123, SLA, 1949."

12 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

13 Section 1. Subsections (a), (b) and (c) of Section 48-5-2,
14 Alaska Compiled Laws Annotated, 1949, as amended, are hereby
15 amended so as to read as follows:

16 (a) There is hereby levied a tax of [TWO]
17 cents (¢) [2¢] per gallon on all motor fuel sold and
18 delivered, or otherwise transferred, within the Territory
19 of Alaska.

20 (b) There is hereby levied a tax of [TWO]
21 cents (¢) [2¢] per gallon on all motor fuel consumed
22 by any user as above set forth.

23 (c) The monies herein collected under the provisions
24 of this Act shall be deposited in the General Fund [COVERED
25 INTO A SPECIAL FUND IN THE TERRITORIAL TREASURY TO BE KNOWN
26 AS "ROADS, AIRFIELDS, WATER AND HARBOR FACILITIES FUND", AND
27 SHALL BE EXPENDED BY THE HIGHWAY ENGINEER AS NEARLY AS
28 PRACTICABLE AMONG THE FOUR JUDICIAL DIVISIONS, AND BE EX-
29 PENDED FOR ROADS, AIRFIELDS, WATER, AND HARBOR FACILITIES].

1 Every dealer or other person, firm or corporation not
2 usually engaged in the business of selling motor fuel, who
3 makes a sale or sales of motor fuel in Alaska shall collect
4 the tax herein levied at the time of sale, and remit the
5 total tax collected during each calendar quarter of each
6 year to the Tax Commissioner between the first and twentieth
7 days of the ensuing January, April, July and October, as the
8 case may be; and every user as above defined shall likewise
9 remit the tax accrued on motor fuel actually used by him
10 during each quarter, and at the time such remittances are
11 made, each dealer or user as herein defined, shall submit
12 a statement to the Tax Commissioner showing all motor fuel
13 which he has distributed or used, as the case may be, during
14 the immediately preceding quarter.

15 Sec. 2. Refund for nonhighway use of fuel. Any person who
16 uses motor fuel for the purpose of operating any internal com-
17 bustion engine not used on nor in conjunction with any motor
18 vehicle licensed to be operated over or along any of the public
19 highways, roads, trails, and streets, and as the motive power
20 thereof, upon which the motor fuel tax has been paid, shall be
21 entitled to and shall receive a refund of _____ cents on each
22 gallon of motor fuel so used.

23 Sec. 3. Refund permit. Any person desiring to claim a
24 refund shall obtain an annual permit from the Tax Commissioner
25 by application therefor on such form as the commissioner shall
26 prescribe, which application shall contain, among other things,
27 the name, address, and occupation of the applicant, the nature
28 of the business and a sufficient description for identification
29 of the machines or equipment in which the motor fuel is to be

1 used, for which refund may be claimed under the permit. At the
2 time of filing an application for the annual refund permit, the
3 applicant shall pay to the Tax Commissioner an annual permit fee
4 of fifty cents (50¢). Such permit shall be obtained before or
5 at the time that the first application for refund is made under
6 the provisions of this Act. All permits shall expire on the last
7 day of the fiscal year following the date of their issue.

8 Sec. 4. Claim of refund. Any person claiming a refund as
9 provided in this Act shall present to the Tax Commissioner a
10 claim by affidavit upon forms to be provided by the Tax Commis-
11 sioner with such information as such commissioner shall require,
12 which claim shall be accompanied by the invoice or invoices
13 issued to the claimant at the time of the purchase of the motor
14 fuel. The Tax Commissioner may require such additional informa-
15 tion as he may deem necessary for the administration of this Act.
16 All claims for refunds shall be filed within six months from the
17 date of purchase and failure to file within such six month period
18 shall be deemed to be waiver of any right to such refund. Date
19 of filing shall be determined to be the date on which such claim
20 is deposited in any U. S. Postoffice, if claim is made by mail,
21 or the date of presentation at the office of Tax Commissioner or
22 branch office of the Department of Taxation if claim is pre-
23 sented by the claimant personally.

24 Sec. 5. Tax Commissioner; powers. In order to determine
25 the validity of any claims for refunds the Tax Commissioner may
26 examine the books and records of any claimant and the books and
27 records of any distributor of motor fuel. If any invoice or
28 invoices relied upon for refund claims are found to be fraudu-
29 lent the claimant shall be guilty of a misdemeanor, punishable

1 by a fine of not to exceed Five Hundred (\$500.00) Dollars. The
2 Tax Commissioner may cancel the refund permit of the claimant
3 relying upon fraudulent invoice or invoices for a period of not
4 to exceed one year.

5 Sec. 6. The Tax Commissioner may require the issuance of
6 separate invoices for fuel sold, distributed, or otherwise trans-
7 ferred when such invoices will be the basis for a refund claim.

8 Sec. 7. Upon approval of any refund claim by the Tax Com-
9 missioner the Auditor shall draw a warrant in favor of the
10 applicant upon the Treasurer in the amount of the claim less
11 fifty cents (50¢) for handling charges, provided that the fee so
12 withheld shall be deposited in the General Fund of the Territory.

13 Sec. 8. Section 1 of Chapter 84, Session Laws of Alaska,
14 1949, is amended so as to read as follows:

15 Section 1. The separate fund composed of fees ob-
16 tained from issuance of vehicle operator's licenses main-
17 tained by the Treasurer under the provisions of Section
18 50-3-7, Alaska Compiled Laws Annotated 1949, is hereby
19 abolished and all balances now remaining in said fund are
20 hereby transferred to the General Fund /SPECIAL FUND COM-
21 POSED OF MOTOR FUEL TAX RECEIPTS, SUBJECT TO EXPENDITURE
22 BY THE HIGHWAY ENGINEER FOR ROADS AND OTHER PURPOSES/; and
23 all fees hereafter collected for vehicle operator's licenses
24 shall go into said General Fund /SPECIAL FUND/.

25 Sec. 9. Subsection A., 4., of Section 14 of Chapter 123,
26 Session Laws of Alaska, 1949, is hereby repealed.

27 Sec. 10. Intent. It is the intent of the Legislature in
28 enacting this Act to recognize that special fund handling of
29 public monies deprives the Legislature of its proper appro-

1 priation responsibility and control; but it is the further in-
2 tent that the taxes collected from boat users be appropriated
3 for water and marine facilities; that the taxes collected from
4 aviation uses be appropriated for aviation facilities; and that
5 the taxes collected from highway users be appropriated for road
6 and street purposes.

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29