

Introduced: 5/4/79
Referred: Finance

1 IN THE HOUSE

BY MOSS

2 HOUSE BILL NO. 499

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act levying a tax on the sale of motor fuel at
7 retail and providing for the rebate to consumers of a
8 portion of the amount paid for motor fuel at retail;
9 and providing for an effective date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 * Section 1. AS 43.40 is amended by adding new sections to read:

12 Sec. 43.40.111. ADDITIONAL TAX ON RETAIL CONSUMPTION OF MOTOR
13 FUEL. (a) There is levied on the retail sale of motor fuel a tax of
14 10 per cent of the difference between the actual retail price per gallon
15 of the fuel and the base price per gallon.

16 (b) For purposes of (a) of this section, the base price per gallon
17 is 90 cents.

18 (c) Every dealer who sells or otherwise transfers motor fuel in
19 the state shall collect the additional tax at the time of sale and remit
20 the total tax collected during each calendar month of each year to the
21 Department of Revenue by the last day of each succeeding month.

22 Sec. 43.40.121. REFUND TO CONSUMERS. (a) A person who uses motor
23 fuel to operate an internal combustion engine is entitled to a rebate
24 from the state of the amount of tax which he has paid for the purchase
25 of motor fuel under AS 43.40.111.

26 (b) The Department of Revenue shall prescribe the appropriate
27 forms and adopt regulations necessary to carry out the provisions of
28 this section.

29 (c) A person who desires to claim a rebate under this section

1 shall submit an application for rebate to the department. The applica-
2 tion shall contain the information required by the department by regu-
3 lation. The application shall be submitted not earlier than January 1
4 and not later than June 30 of the calendar year following the year for
5 which an application for the rebate is made, and shall be accompanied by
6 proof of retail purchase of the amount and price of the gasoline which
7 is the basis of the rebate claim.

8 (d) Rebates under this section are subject to appropriations made
9 by the legislature for that purpose. If amounts appropriated are insuf-
10 ficient to pay the full amount of each approved rebate the amounts
11 appropriated shall be distributed pro rata among all approved appli-
12 cants.

13 * Sec. 2. AS 43.40.020(a) is amended to read:

14 (a) A person who violates a provision of AS 43.40.010 - 43.40.121
15 [AS 43.40.010 - 43.40.100] upon conviction is punishable for each viola-
16 tion by a fine of not less than \$50 nor more than \$5,000, or by impris-
17 onment for not more than one year, or by both. Each day's violation is
18 a separate offense.

19 * Sec. 3. AS 43.40.100 is amended to read:

20 Sec. 43.40.100. DEFINITIONS. In AS 43.40.010 - 43.40.121 [AS 43.-
21 40.010 - 43.40.100]

22 (1) "dealer" means a person who sells or otherwise transfers
23 in this state motor fuel upon which the taxes imposed by this chapter
24 have not been paid;

25 (2) "motor fuel" means fuel used in an engine for the propul-
26 sion of a motor vehicle or aircraft, and fuel used in and on watercraft
27 for any purpose, or in a stationary engine, machine or mechanical con-
28 trivance which is run by an internal combustion motor; "motor fuel" does
29 not include

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(A) fuel consigned to foreign countries,

(B) fuel sold for use in jet propulsion aircraft operating in flights to foreign countries,

(C) fuel used in stationary power plants operating as public utility plants and generating electrical energy for sale to the general public,

(D) fuel used by nonprofit power associations or corporations for generating electric energy for resale, or

(E) fuel used by charitable institutions;

(3) "user" means a person consuming or using motor fuel, who either purchases the fuel out of the state and ships it into the state for his own use within the state or manufactures the fuel in the state.

* Sec. 4. This Act takes effect July 1, 1979.