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Offered: 4/16/82
For Calendar, Saturday
4/17/82

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 101 (2d Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the motor fuel tax (AS 43.40); and
7 providing for an effective date."

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

9 * Section 1. AS 43.40.010 is amended by adding a new subsection to read:

10 (1) If a dealer has a reasonable belief at the time of sale or
11 transfer that fuel that is sold or transferred is not to be used as
12 motor fuel, the dealer need not collect the motor fuel tax. If the tax
13 is not collected, the dealer shall obtain a certificate of use from the
14 buyer or transferee stating that the fuel that has been or will be pur-
15 chased or received is not intended for use as motor fuel. The Department
16 of Revenue may not collect the motor fuel tax from a dealer for fuel for
17 which a certificate of use has been properly obtained under this sub-
18 section. The dealer shall retain a copy of each certificate of use
19 obtained under this subsection for examination or audit on request by
20 the Department of Revenue. The form of a certificate of use may be
21 prescribed by regulation adopted by the Department of Revenue.

22 * Sec. 2. AS 43.40.100(2) is amended by adding a new subparagraph to
23 read:

24 (G) fuel used in stationary power plants that generate
25 electrical energy for private residential consumption;

26 * Sec. 3. AS 43.40.100(3) is amended to read:

27 (3) "user" means a person consuming or using motor fuel, who
28 [EITHER]

29 (A) purchases the fuel out of the state and ships it

1 into the state for his own use within the state;

2 (B) [OR] manufactures the fuel in the state; or

3 (C) purchases or receives the fuel in the state without
4 paying the tax under this chapter at the time of purchase or re-
5 ceipt.

6 * Sec. 4. The Department of Revenue may not collect the motor fuel tax
7 from a dealer, as defined in AS 43.40.100(1), on a sale or transfer of motor
8 fuel that occurs before the effective date of this Act if the dealer did not
9 collect the tax from a purchaser or transferee because of a reasonable doubt
10 that the fuel was to be used as motor fuel, as that term is defined in
11 AS 43.40.100(2).

12 * Sec. 5. AS 43.40 is amended by adding a new section to read:

13 Sec. AS 43.40.015. SURTAX ON AVIATION FUEL. (a) There is levied
14 a surtax on aviation fuel, in addition to the tax imposed in AS 43.40.-
15 010, in the following amounts:

16 (1) one-half cent a gallon on all aviation gasoline sold or
17 otherwise transferred in the state or consumed by a user; and

18 (2) one-fourth cent a gallon on all aviation fuel other than
19 gasoline sold or otherwise transferred in the state or consumed by a
20 user.

21 (b) The surtax levied under this section shall be deposited in the
22 general fund. The legislature may annually appropriate an amount equal
23 to the proceeds of the surtax levied in this section for aviation safety
24 training programs.

25 * Sec. 6. AS 43.40.015 added by sec. 5 of this Act is repealed on July 1,
26 1985.

27 * Sec. 7. This Act takes effect immediately in accordance with AS 01.10.-
28 070(c).

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