

Introduced: 4/17/87
 Referred: Transportation
 and Finance

1 IN THE HOUSE

BY CATO BY REQUEST

2 HOUSE BILL NO. 280

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the taxation of watercraft motor
 7 fuel."

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

9 * Section 1. AS 43.40.100 is amended to read:

10 Sec. 43.40.100. DEFINITIONS. In this chapter

11 (1) "dealer" means a person who sells or otherwise trans-
 12 fers in this state motor fuel upon which the taxes imposed by this
 13 chapter have not been paid;

14 (2) "motor fuel" means fuel used in an engine for the
 15 propulsion of a motor vehicle or aircraft, and fuel used in and on
 16 watercraft for any purpose, or in a stationary engine, machine or
 17 mechanical contrivance that [WHICH] is run by an internal combustion
 18 motor; "motor fuel" does not include fuel

19 (A) [FUEL] consigned to foreign countries;

20 (B) [FUEL] sold for use in jet propulsion aircraft
 21 operating in flights to foreign countries;

22 (C) [FUEL] used in stationary power plants operating
 23 as public utility plants and generating electrical energy for
 24 sale to the general public;

25 (D) [FUEL] used by nonprofit power associations or
 26 corporations for generating electric energy for resale;

27 (E) [FUEL] used by charitable institutions;

28 (F) that [FUEL WHICH] is at least 10 percent alcohol
 29 by volume;

1 (G) [FUEL] sold or transferred between qualified deal-
2 ers;

3 (H) [FUEL] sold to federal, state, and local govern-
4 ment agencies for official use;

5 (I) [FUEL] used in stationary power plants that gener-
6 ate electrical energy for private residential consumption;

7 (J) [FUEL] used to heat private or commercial build-
8 ings or facilities;

9 (K) [FUEL] used for other nontaxable purposes as pre-
10 scribed by regulations adopted by the department; [OR]

11 (L) [FUEL] used in stationary power plants of 100 kw
12 or less that generate electrical power for commercial enterprises
13 not for resale; or

14 (M) originating outside the jurisdiction of the state
15 and that is brought into the state in fuel storage tanks on a
16 watercraft for the purpose of operating the watercraft, one or
17 more auxiliary engines on the watercraft, or the auxiliary water-
18 craft carried by the watercraft;

19 (3) "qualified dealer" means a person who (A) refines, (B)
20 imports, (C) manufactures, (D) produces, (E) compounds, or (F) whole-
21 sales motor fuel, who satisfies criteria for qualified dealers estab-
22 lished by the department by regulation and who obtains a qualified
23 dealer's license from the department;

24 (4) "user" means a person consuming or using motor fuel,
25 who either

26 (A) purchases the fuel out of the state and ships it
27 into the state for personal use in the state;

28 (B) manufactures the fuel in the state; or

29 (C) purchases or receives fuel in the state that is

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not taxed at the time of purchase or receipt or is taxed at a rate that is less than the rate prescribed by AS 43.40.010.