

Original sponsors: Cato, Navarre
and Swackhammer

1 IN THE HOUSE BY THE FINANCE COMMITTEE
2 CS FOR HOUSE BILL NO. 401 (Finance)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - SECOND SESSION
5 A BILL

6 For an Act entitled: "An Act establishing rebates for motor fuel taxes for
7 fuel used in watercraft outside the state; and limit-
8 ing the authority of the attorney general and the
9 Department of Revenue to recover refunds paid before
10 the effective date of this Act; and providing for an
11 effective date."

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

13 * Section 1. AS 43.40 is amended by adding a new section to read:

14 Sec. 43.40.033. REFUND OF TAX PAID ON FUEL USED IN OR ON WATER-
15 CRAFT OUTSIDE THE STATE. (a) Subject to legislative appropriation
16 for the purpose, a purchaser of motor fuel sold and delivered in the
17 state on which the tax levied by AS 43.40.010(a)(2) has been paid may
18 claim a refund of the tax paid on all fuel used or consumed in the
19 operation of watercraft outside the state.

20 (b) If the appropriation available to pay refunds under this
21 section is insufficient to pay all claims for refunds in full, the
22 department shall distribute the amount appropriated pro rata among the
23 eligible claimants.

24 (c) The department shall adopt the necessary regulations to
25 implement this section and prescribe the appropriate forms for a
26 purchaser to use to ensure that the motor fuel was used or consumed in
27 the operation of watercraft outside the state.

28 * Sec. 2. AS 43.40.050(b) is amended to read:

29 (b) A person who requests a [CLAIM FOR] refund under

1 AS 43.40.030 - 43.40.035 shall file a claim for the refund [AS 43.40.-
2 030 OR 43.40.035 SHALL BE FILED] within one year from the date of the
3 purchase of the motor fuel as indicated on the invoice. Failure [,
4 AND FAILURE] to file within the one-year period is a waiver of the
5 right to the refund. A claim is considered to be filed when the claim
6 is mailed or personally presented to an office of the department.

7 * Sec. 3. **APPLICABILITY.** The provisions of AS 43.40.033, added by
8 sec. 1 of this Act, apply to motor fuel sold and delivered in the state and
9 used or consumed in the operation of watercraft outside the state after
10 June 30, 1988.

11 * Sec. 4. **LIMITATION ON RECOVERY OF REFUNDS PAID.** Notwithstanding
12 AS 37.10.090, the attorney general and the Department of Revenue may not
13 recover from the purchaser of motor fuel sold and delivered in the state a
14 refund of the motor fuel tax paid to the purchaser under AS 43.40.010(a)(2)
15 before July 1, 1988, for motor fuel that was used or consumed in the opera-
16 tion of watercraft outside the state.

17 * Sec. 5. This Act takes effect July 1, 1988.