

BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced:
Referred:

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the excise tax on alcoholic beverages; requiring the electronic**
2 **submission of certain applications and tax returns with the Department of Revenue; and**
3 **providing for an effective date."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 43.05 is amended by adding a new section to read:

6 **Sec. 43.05.055. Electronic submission.** A return, license application, or other
7 document submitted to the department under this chapter shall be filed electronically
8 unless the person submitting the document does not have the technological capability
9 to do so. The department shall consider the electronic filing as equivalent to paper
10 filing for purposes of compliance with other requirements of this title. An electronic
11 filing authorized under this section is equivalent to a paper filing for the purposes of
12 civil or criminal penalties for violations of this title or AS 11.

13 * **Sec. 2.** AS 43.60.010(a) is amended to read:

14 (a) Except as provided in (c) of this section, every brewer, distiller, bottler,

1 jobber, retailer, wholesaler, or manufacturer who sells alcoholic beverages in the state
2 or who consigns shipments of alcoholic beverages into the state, whether or not the
3 alcoholic beverages are brewed, distilled, bottled, or manufactured in the state, shall
4 pay on all malt beverages (alcoholic content of one percent or more by volume),
5 wines, and hard or distilled alcoholic beverages, the following taxes:

6 (1) malt beverages at the rate of \$2.14 [\$1.07] a gallon or fraction of a
7 gallon;

8 (2) cider with at least 0.5 percent alcohol by volume but not more than
9 seven percent alcohol by volume, at the rate of \$2.14 [\$1.07] a gallon or fraction of a
10 gallon;

11 (3) wine or other beverages, other than beverages described in (1) or
12 (2) of this subsection, of 21 percent alcohol by volume or less, at the rate of \$5 [\$2.50]
13 a gallon or fraction of a gallon; and

14 (4) other beverages having a content of more than 21 percent alcohol
15 by volume at the rate of \$25.60 [\$12.80] a gallon.

16 * **Sec. 3.** AS 43.60.010(c) is amended to read:

17 (c) A brewer shall pay a tax at the rate of 70 [35] cents a gallon on sales of the
18 first 60,000 barrels of beer sold in the state each fiscal year beginning July 1, 2001, for
19 beer produced in the United States if the producing brewery meets the qualifications of
20 26 U.S.C. 5051(a)(2). To qualify for the tax rate under this subsection, the brewer
21 must file with the department a copy of an Alcohol and Tobacco Tax and Trade
22 Bureau acknowledged copy of the brewer's notice of intent to pay reduced rate of tax
23 required under 27 C.F.R. 25.167 for the calendar year in which the fiscal year begins
24 for which the partial exemption is sought. If proof of eligibility is not received by the
25 department before June 1, the tax rate under this subsection does not apply until the
26 first day of the second month after the month the notice is received by the department.
27 For purposes of applying this subsection, a barrel of beer may contain not more than
28 31 gallons.

29 * **Sec. 4.** AS 43.60.020(a) is amended to read:

30 (a) Each brewer, distiller, bottler, jobber, wholesaler, manufacturer, or other
31 consignor shall submit [SEND] a statement [BY AIRMAIL, POSTAGE PREPAID,]

1 to the department on or before the last day of each calendar month. **The statement**
2 **must be submitted electronically in a format prescribed by the department.** The
3 statement must contain an account of the alcoholic beverages sold or consigned to
4 buyers or consignees in the state during the preceding month, setting out

5 (1) the total number of gallons, including fractional gallons sold or
6 consigned;

7 (2) the names and Alaska address of each buyer and consignee; and

8 (3) the gallonage of each kind of beverage sold or consigned to the
9 respective buyers or consignees.

10 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
11 read:

12 APPLICABILITY. (a) AS 43.60.010(a), as amended by sec. 2 of this Act, and
13 AS 43.60.010(c), as amended by sec. 3 of this Act, apply to alcoholic beverages sold on or
14 after the effective date of this Act.

15 (b) AS 43.60.020(a), as amended by sec. 4 of this Act, applies to the first monthly
16 return submitted after the first full month after the effective date of this Act.

17 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
18 read:

19 TRANSITIONAL PROVISION: REGULATIONS. The Department of Revenue may
20 adopt regulations necessary to implement the changes made by this Act. The regulations take
21 effect under AS 44.62 (Administrative Procedure Act), but not before the effective date of the
22 law implemented by the regulation.

23 * **Sec. 7.** Section 6 of this Act takes effect immediately under AS 01.10.070(c).

24 * **Sec. 8.** Except as provided in sec. 7 of this Act, this Act takes effect July 1, 2016.