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1 IN THE HOUSE

2 HOUSE BILL NO. 126

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-THIRD SESSION

5 A BILL

6 For an Act entitled: "An Act levying a tax on property in
7 Alaska; providing for collection thereof,
8 and allowing certain exemptions; defining
9 offenses and prescribing penalties; and
10 declaring an emergency.

11 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

12 Section 1. TITLE. This Act may be cited as the "Alaska
13 Property Tax Act".

14 Sec. 2. DEFINITIONS. As used in this Act, the following
15 words and terms shall have the meanings ascribed to them in
16 this section unless the context clearly indicates a different
17 meaning:

18 (a) The word "assessor" means the authorized rep-
19 resentative of the Board of Assessment and Equalization to
20 perform the duties of making appraisements and assessments.

21 (b) The word "Board" means the Board of Assessment and
22 Equalization.

23 (c) The word "Collector" means the Tax Commissioner or
24 his authorized representative, employee or agent designated
25 by him.

26 (d) The word "division" means judicial division as
27 understood and recognized in Alaska.

28 (e) The word "improvements" includes all buildings,
29 structures, fences and additions erected upon or affixed to

1 the land, whether or not the title of the land has been
2 acquired by any particular person.

3 (f) The word "include", when used in a definition con-
4 tained in this Act, shall not be deemed to exclude other
5 things otherwise within the meaning of the term defined.

6 (g) The word "person" means and includes any individual,
7 trustee, receiver, firm, partnership, joint venture, syndicate,
8 association, corporation, trust, or any other group acting
9 as a unit.

10 (h) The words "personalty" or "personal property" shall
11 mean all machinery, equipment, household goods, and other
12 tangible personal property which is located on or used in
13 connection with particular land, or owned, possessed or used
14 independently of any particular land.

15 (i) The word "property" means and includes real property,
16 improvements, and personalty, as herein defined.

17 (j) The words "real property" or "land" mean any
18 estate or interest therein, including permit or license
19 rights, and improvements thereon, and shall include all
20 timber on patented lands.

21 (k) The words "Tax Commissioner" mean the Tax Commis-
22 sioner of the Territory of Alaska.

23 (l) The words "tax lien" embrace liens for penalties,
24 interest and costs as well as for unpaid taxes.

25 (m) The word "Territory" means the Territory of Alaska.

26 Sec. 3. LEVY OF TAX. For the calendar year of
27 1957, and each calendar year thereafter there is hereby
28 levied, and there shall be assessed and collected, a
29 tax upon all real property and improvements and personal

1 property in the Territory at the rate of one per centum
2 of the true and full value thereof. For the purposes
3 of this section the value of unimproved, unpatented
4 mining claims which are not producing, and non-producing pat-
5 ented mining claims upon which the improvements originally
6 required for patent have become useless through deteri-
7 oration, removal or otherwise, is hereby fixed at \$500.00
8 per each 20 acres or fraction of each such claim, except
9 that if the surface ground of any such claim is used for
10 other than mining purposes and has a separate and independ-
11 ent value for such other purposes, the valuation as pertains
12 to such non-mining uses and of improvements incidental to
13 such uses shall be according to the true and full value there-
14 of.

15 Sec. 4. TAX UPON PROPERTY WITHIN INCORPORATED CITIES
16 AND DISTRICTS. The tax levied under the provisions of Section
17 3 upon the property within the limits of an incorporated city
18 or town, independent school district or incorporated school
19 district in the Territory shall be assessed, collected and
20 enforced in the manner prescribed by the property tax law of
21 the municipality or district, by and at the expense of the
22 municipalities and districts prorated proportionately between
23 each, provided that amounts levied but which prove uncollect-
24 ible, and the cost of foreclosure on delinquent accounts,
25 shall be borne by the city or school and public utility
26 district.

27 All of the tax levied under this Act which is collected
28 shall be remitted to such municipalities or school districts
29 as follows:

1 (a) The tax collected within cities which are not a
2 part of an independent school district shall be turned over
3 by the tax collecting authority to the city treasurer.

4 (b) The tax collected within incorporated school dis-
5 tricts shall be turned over by the tax collectors thereof
6 to the district school boards.

7 (c) The tax collected within cities which are part of
8 an independent school district shall be turned over by the
9 tax collecting authority to the city treasurer. The city
10 treasurer is hereby authorized and empowered to turn over to
11 the school board such part of the funds collected as may be
12 determined by the city council from time to time necessary
13 to efficiently carry on school functions in said school dis-
14 trict. Such cities may levy, assess and collect an add-
15 itional tax on real and personal property situated in the
16 said cities not to exceed the amount allowed by law, which
17 tax shall be assessed and collected at the same time and in
18 the same manner as the tax provided in Section 3 of this Act.
19 These funds shall be used by said cities for general munic-
20 ipal purposes. The tax collection authority for that part of
21 independent school districts outside town bounds shall turn
22 taxes collected over to the district school board. The mill-
23 age levy for school purposes shall be uniform within incor-
24 porated school districts, regardless of whether the said dis-
25 trict included another incorporated municipality. Any unused
26 remainder, up to the maximum levy hereunder, shall revert to
27 the Territorial Treasurer, except that portion collected with-
28 in any incorporated municipality; in which case, such re-
29 mainder, unused for school purposes, shall revert to the

1 treasury of the incorporated municipality in which it was col-
2 lected.

3 (c) Taxes collected hereunder within a public utility
4 district shall be handled in a like manner to those collected
5 in cities or other incorporated municipalities, including
6 collection costs, remissions and school millage levy provi-
7 sions as set forth herein.

8 (e) In all cases where the local units are to receive
9 such tax collections, the local tax collecting authority
10 shall, upon delivery of the money as above set forth, issue
11 a receipt in duplicate therefor and forward the duplicate
12 thereof to the Tax Commissioner. The time or times to be set
13 for payment on account of these collections shall be pre-
14 scribed by the Tax Commissioner. All other accounting as may
15 be indicated shall be made to the Tax Commissioner at the
16 time and in the manner he may prescribe.

17 The tax money so collected which remains after remis-
18 sions have been made shall be transmitted to the Tax Commis-
19 sioner at such intervals and in the manner he shall direct,
20 for deposit with the Treasurer to be covered into the general
21 fund of the Territory.

22 **Sec. 5 TAX ON PROPERTY OUTSIDE INCORPORATED CITIES AND**
23 **SCHOOL DISTRICTS.** The tax levied under the provisions of Sec-
24 tion 3 upon property outside the limits of an incorporated
25 city, independent school district or incorporated school dis-
26 trict or public utility district in the Territory shall be
27 assessed, collected and enforced as provided in this Act.

28 **Sec. 6. EXEMPTIONS.** The following property is exempt
29 under the provisions of this Act:

1 (a) Property used exclusively for educational, religious,
2 or charitable purposes.

3 (b) Property of the United States, of the Territory,
4 and of any municipal corporation, independent school district,
5 incorporated school district, public utility district and as-
6 sociation operating utilities under arrangement with the
7 Rural Electrification Administration.

8 (c) The personal property of any person to the value of
9 \$200.00.

10 (d) The property of any organization not organized for
11 business purposes, whose membership is composed entirely of
12 the veterans of any wars of the United States, or the property
13 of the auxiliary of any such organization, and all monies on
14 deposit belonging to said organization shall be exempt here-
15 under, except any property which produces rentals or profits
16 for that organization.

17 (e) The laws exempting certain property from levy and
18 sale on execution shall not apply to taxes levied hereunder,
19 or to the collection thereof.

20 (f) New industrial, commercial and business construction
21 during the period of construction and until the plants or
22 buildings are occupied or operated, but in no case shall this
23 exemption exceed three taxable years from the time of begin-
24 ning of construction. Modifications and repairs to existing
25 structures shall not be considered new construction under this
26 provision.

27 (g) All homesteads upon which entry has been made in
28 accordance with the land laws of the United States from the
29 date of entry until one year after the date upon which patent

1 shall have been granted and final title acquired. This type
2 of exemption shall include all improvements upon such home-
3 steads pertaining to residential or agricultural purposes.

4 (h) The property used exclusively as the abode of any
5 person, who has attained retirement age and receives ben-
6 efits under the Federal Social Security program or a similar
7 program, or who has attained age sixty-five (65) and whose
8 major source of income is derived from some form of public
9 assistance.

10 (i) All motor vehicles subject to registration, under
11 Chapter 124, SLA 1951 or its successor.

12 (j) Any property which has been or is hereafter, granted
13 any exemption, as an industrial incentive under the laws of
14 the Territory or any political sub-division thereof, shall be
15 exempt hereunder to the extent of such exemption.

16 (k) Any property from which resources are regularly or
17 seasonally extracted and upon which such resources a severance
18 tax is paid, shall be exempt under the provisions of this Act.

19 Sec. 7. RETURNS.

20 (a) On or before the 15th day of July, 1957, and on or
21 before the 15th day of March in each year thereafter, every
22 person shall submit in duplicate to the assessor, a return
23 of his property, and of the property held or controlled
24 by him in a representative capacity, in the manner prescribed
25 in this Act, which return shall be based on values existing
26 as of January 1 in the same year.

27 (b) The person making the return in every case shall
28 state an address to which all notices required to be given
29 to him under this Act may be mailed or delivered.

1 (c) The return shall show the nature, quantity, amount
2 and value of the property, the place where the property is
3 situated, and said return shall be in such form as the Tax
4 Commissioner may prescribe, and shall be signed and verified
5 by the person liable or his or its authorized agent or
6 representative.

7 Sec. 8. ADDITIONAL RETURNS. The assessor may, by
8 notice in writing to any person by whom a return has been
9 made, require from him a further return containing additional
10 details and more explicit particulars, and upon receipt
11 of the notice, that person shall comply fully with its
12 requirements within thirty days.

13 Sec. 9. POWER TO MAKE EXAMINATIONS.

14 (a) The assessor shall not be bound to accept as
15 correct the return made by any person, but if he thinks it
16 necessary or expedient, or if he suspects that a person
17 who has not made a return is liable to assessment, he
18 shall make an independent investigation as to the prop-
19 erty of that person, and may make his own valuation and
20 assessment of the taxable amount thereof, which will be
21 prima facie good and sufficient for all legal purposes.

22 (b) For the purpose of such examination, the as-
23 sessor, personally or by any deputy designated by him, may
24 enter upon any premises and examine any property thereon,
25 and shall have access to and may examine all property
26 records involved, and any person shall, upon request,
27 furnish to the assessor or deputy every facility and
28 assistance for the purposes of such examination.

29 (c) An assessor may in any case examine a person

1 on oath or otherwise, and upon request of the assessor,
2 the person shall attend and submit himself to examination
3 by the assessor.

4 Sec. 10. INSPECTION OF RETURN. No return made by any
5 person under this Act shall be open for inspection by any
6 person except officers authorized by law to administer
7 this Act, or upon an official investigation or proceeding
8 in court, and any Territorial employee who violates said
9 restriction by communicating any information obtained under
10 the provisions of this Act, except such information as is
11 required by law to be shown on the assessment rolls, or
12 allows any person not legally entitled thereto to inspect
13 or have access to any return made under the provisions of
14 this Act shall be guilty of a misdemeanor punishable
15 under the penalty clause of this Act, and shall be dis-
16 charged from his office or employment and be ineligible to
17 hold any public office or employment for the Territory for
18 a period of two years thereafter.

19 Sec. 11. VALUATION. Property shall be assessed at
20 its full and true value in money, as of January 1 of the
21 assessment year. In determining the full and true value
22 of property in money, the person making the return, or the
23 assessor, as the case may be, shall not adopt a lower or
24 different standard of value because the same is to serve
25 as a basis of taxation, nor shall he adopt as a criterion of
26 value the price for which the property would sell at
27 auction, or at a forced sale, either separately or in the
28 aggregate with all of the property in the taxing district,
29 but he shall value the property at such sum as he believes

1 the same to be fairly worth in money at the time of
2 assessment. The true value of the property shall be that
3 value at which the property would generally be taken in
4 payment of a just debt from a solvent debtor.

5 Sec. 12. ASSESSMENT. Every person shall be assessed
6 and taxed annually on his property in the division in
7 which the property is situated, and where any parcel of
8 land is situated partly in one division and partly in
9 another or partly within a municipality or school district
10 and partly elsewhere, the assessment in respect of that
11 parcel shall be made in the division or district within
12 which the greater part of the property is situated. Real
13 property and personalty shall be separately assessed.

14 Sec. 13. TO WHOM ASSESSED.

15 (a) Subject to subsection (b) and (c) of this section,
16 property shall be assessed and taxed in the name of the
17 owner or claimant or where the property is owned, occupied
18 or claimed by two or more persons, it shall be assessed
19 and taxed in the names of the owners, occupiers or claimants
20 jointly.

21 (b) Where a verified statement is furnished showing
22 that property has become the subject of a contract of sale or
23 has been leased by the owner to another person, the name of
24 the other person shall be noted on the assessment roll and
25 like notice of the assessment shall be sent to him as to the
26 owner, in which case the taxes assessed in respect of the pro-
27 party may be received either from the owner or from the pro-
28 chaser or tenant, or from any optionee, prospective distributee,
29 purchaser or encumbrancer who desires to safeguard the title

1 to the property.

2 (c) Land of the United States or the Territory which
3 is held under any mining location, lease, license, agreement
4 for sale, accepted application for purchase, or otherwise,
5 shall be assessed and taxed in the name of the occupier
6 according to the value of his interest therein (except as
7 above modified in this Act with respect to certain mining
8 claims); but no assessment or taxation in respect of land so
9 held or occupied shall in any way effect the rights of the
10 United States in the land.

11 (d) Where the property assessed is owned by two or
12 more persons in undivided shares, each owner shall be assessed
13 on the undivided interest at the proportion of the appraised
14 value of the property that his undivided interest bears to the
15 whole.

16 Sec. 14. CONTENT OF ASSESSMENT ROLL.

17 (a) The assessor shall prepare an annual assessment
18 roll in duplicate, for each division covering property out-
19 side of municipalities and school districts and public
20 utility districts, after consideration of all returns made
21 to him pursuant to this Act, and after careful inquiry from
22 such sources as he may deem reliable. On the roll he shall
23 enter the following particulars:

24 (1) The names and last known addresses of all per-
25 sons with property liable to assessment and taxation;

26 (2) a description of all taxable property;

27 (3) the appraised value, quantity, or amount of
28 said property and the taxes thereon;

29 (4) the arrears of taxes owing by any persons; and,

1 (5) any other information that may be required by
2 the Tax Commissioner.

3 (b) It shall be a sufficient description of any prop-
4 erty for the purposes of this Act, if there is entered on
5 the assessment roll the best available short description
6 of the property.

7 Sec. 15. ASSESSMENT NOTICE.

8 (a) The assessor, before completion of the assessment
9 roll, shall give to every person named thereon a notice of
10 assessment, showing the appraised value, assessment of his
11 property and the amount of taxes thereon, in such form as
12 the Tax Commissioner may prescribe. At least 60 days must
13 be allowed from the date of such mailing within which to
14 appeal to the Board against the assessment. He shall enter
15 on the roll opposite the name of each person the date of
16 giving the assessment notice which entry shall be prima
17 facie evidence of the giving of the notice. On the back of
18 each assessment notice shall be printed a brief summary for
19 the information of the taxpayer, of the dates when the taxes
20 are payable, delinquent, and subject to interest, dates
21 when the Board will sit for equalization purposes, and any
22 other particular specified by the Tax Commissioner.

23 (b) The assessment notice shall be directed to the
24 person to whom it is to be given, and shall be sufficiently
25 given if it is mailed by first class mail addressed to, or
26 is delivered at, his address as last known to the assessor;
27 or, if the address is not known to the assessor, the
28 notice may be mailed addressed to the person at the post-
29 office nearest to the place where the property is situated.

1 The date on which the notice is so mailed or is so del-
2 ivered for all purposes of this Act shall be deemed to be
3 the date on which the notice is given.

4 Sec. 16. COMPLETION OF ASSESSMENT ROLL. The ass-
5 essor shall complete the annual assessment roll for the
6 year 1957 on or before the 1st day of September and for
7 each year thereafter on or before the 1st day of July of
8 that year, which shall be based on values of January 1st
9 immediately preceding, and shall certify the same by
10 attaching thereto a certificate in a form to be prescribed by
11 the Tax Commissioner. Such supplementary assessment rolls
12 shall be prepared and certified as may be deemed necessary
13 or expedient.

14 Sec. 17. EFFECT OF ASSESSMENT ROLL. All taxes to be
15 levied or collected under this Act shall, except as other-
16 wise provided, be calculated, levied and collected upon the
17 appraisements entered in the assessment roll and certified
18 by the assessor as correct, subject to the tax payers'
19 rights of appeal and to the corrections and amendments
20 made in the rolls pursuant to this Act.

21 Sec. 18. PROVISIONS APPLICABLE TO SUPPLEMENTARY ROLLS.
22 All the duties imposed upon the assessor with respect to
23 the annual assessment roll and all the provisions of this
24 Act relating to assessment rolls shall, so far as app-
25 licable, apply to supplementary assessment rolls.

26 Sec. 19. CORRECTION OF ERRORS BY ASSESSOR. The
27 assessor may correct any error, omission or invalidity
28 made or arising in the preparation of the assessment roll
29 at any time before the sitting of the Board. It shall be

1 the duty of every person receiving a notice of assessment
2 to advise the assessor of any error, omission or invalidity
3 he may have observed in the assessment of his property,
4 in order that the assessor may correct the same.

5 Sec. 20. TRANSMISSION OF ROLL TO THE COLLECTOR.

6 (a) The assessment roll in duplicate shall be
7 certified and transmitted to the Collector not later than
8 one month after the completion of same unless the time
9 for transmission is extended by the Tax Commissioner.

10 (b) All corrections and amendments made in the roll
11 pursuant to this Act or the decisions of the Board or the
12 courts, and which are not shown on the assessment roll
13 deposited with the Collector, shall be forthwith reported
14 to the Collector by the assessor.

15 Sec. 21. VALIDITY OF ASSESSMENT ROLLS. Every
16 assessment roll as completed and certified by the assessor,
17 and as corrected and amended by him from time to time in
18 conformity with this Act and the decisions of the Board
19 shall, except insofar as the same may be further amended
20 as a result of an appeal to the court, be valid and binding
21 on all persons, notwithstanding any defect, error, omission
22 or invalidity existing in the assessment roll or any part
23 thereof, and not withstanding any proceedings pertaining
24 thereto.

25 Sec. 22. DEPOSIT OF ROLL WITH COLLECTOR. Upon a
26 completed assessment roll being amended by the assessor in
27 conformity with the decisions of the Board, the assessor
28 shall deliver the roll to the Collector and roll shall
29 be open during office hours to the inspection of all

1 taxpayers. The duplicate assessment roll for each division
2 shall be forwarded to the particular division for retention
3 in the division to which it applies.

4 Sec. 23. SITTINGS AND RECORDS OF BOARD. For the
5 purpose of scrutinizing the assessment roll and its
6 supplements, and taking corrective action thereon, or for
7 hearing appeals in regard to any assessment roll, or from
8 any assessment made under this Act, the Board shall sit
9 and adjourn from time to time as its business may require,
10 and shall record its proceedings and decisions. During all
11 periods when the Board is not in session, its records and
12 decisions shall be kept by the assessor.

13 Sec. 24. NOTICES BY BOARD.

14 (a) Where the name of any person is ordered by the
15 Board to be entered on the assessment roll, by way of addi-
16 tion or substitution, for the purpose of assessment, the
17 Board shall cause notice thereof to be mailed by the assessor
18 to that person or his agent in like manner as provided in
19 Section 15, giving him at least 60 days from the date of
20 such mailing within which to appeal to the Board against
21 the assessment.

22 (b) Whenever it appears to the Board that there are
23 overcharges or errors or invalidities in the assessment
24 roll, or in any of the proceedings leading up to or subse-
25 quent to the completion of the roll, and there is no appeal
26 before the Board in which the same may be dealt with, the
27 Board may notify parties affected with the view of hearing
28 them.

29 Sec. 25. APPEAL BY PERSON ASSESSED.

1 (a) Any person whose name appears on the assessment
2 roll for any division or who is assessed in any district, may
3 appeal to the Board with respect to any alleged error in the
4 appraisal, overcharge, error, omission or neglect of the
5 assessor.

6 (b) Notice of appeal, in writing, specifying the
7 grounds for the appeal, shall be filed with the Board
8 within 60 days after the date on which the assessor's notice
9 of assessment was given to the person appealing. Such
10 notice must contain a certification that a true copy thereof
11 was mailed or delivered to the assessor. If notice of
12 appeal is not given within that period, right of appeal shall
13 cease, unless it is shown to the satisfaction of the Board
14 that the taxpayer was unable to appeal within the time so
15 limited.

16 (c) A copy of the notice of appeal must be sent to
17 the assessor as above indicated.

18 Sec. 26. APPEAL RECORD. Upon receipt of the notice
19 of appeal, the assessor shall make a record of the same in
20 such form as the Tax Commissioner may direct, which record
21 shall contain all the information shown on the assessment
22 roll in respect of the subject matter of the appeal, and
23 the assessor shall place the same before the Board from time
24 to time as may be required by the Board.

25 Sec. 27. NOTICE OF HEARING. Not less than 30 days
26 before the sittings at which the appeal is to be heard, the
27 Board shall cause a notice to be mailed by the assessor to
28 the person by whom the notice of appeal was given, and to
29 every other person in respect of whom the appeal is taken,

1 to their respective addresses as last known to the assessor.
2 The form of such notice shall be prescribed by the Tax
3 Commissioner.

4 Sec. 28. HEARING OF APPEAL.

5 (a) At the time appointed for the hearing of the
6 appeal or as soon thereafter as the appeal may be heard,
7 the Board shall hear the appellant, the assessor, other
8 parties to the appeal and their witnesses, and consider
9 the testimony and evidence adduced, and shall determine
10 the matters in question on the merits and render its decision
11 accordingly.

12 (b) If any party to whom notice was mailed as above
13 set forth fails to appear, the Board may proceed with the
14 hearing in his absence.

15 (c) The burden of proof in all cases shall be upon the
16 party appealing.

17 Sec. 29. ENTRY OF DECISIONS. The Board shall from
18 time to time enter in the appeal record its decision upon
19 appeals brought before it, and shall certify to the same.
20 The assessor, upon receipt of the appeal record, and subject
21 in every case to any appeal taken to the courts, shall enter
22 in the assessment roll such amendments as may be necessary to
23 give effect to the decisions of the Board.

24 Sec. 30. COLLECTION UNAFFECTED BY APPEAL. Neither the
25 giving of a notice of appeal by any taxpayer, nor any delay
26 in the hearing of the appeal by the Board shall in any way
27 affect the due date, the delinquency date, the interest,
28 or any liability for payment provided by this Act in respect
29 of any tax which is the subject matter of the appeal. In the

1 event of the tax being set aside or reduced by the Board on
2 appeal, the Tax Commissioner shall authorize the refund to
3 the taxpayer the amount of the tax or excess tax paid by
4 him, and of any interest imposed and paid on any such tax or
5 excess.

6 Sec. 31. APPEAL TO COURT. Any person feeling aggrieved
7 by any order of the Board shall have the right of appeal on
8 a de nove basis to the District Court for the Territory of
9 Alaska in the division in which the said individual's property
10 is located. Such appeal shall be pursued as nearly as may
11 be in accordance with the procedure prescribed in Sections
12 68-9-4 to 68-9-14 inclusive, Alaska Compiled Laws Annotated
13 1949, governing appeals from a Justice's Court in civil
14 cases and the Tax Commissioner shall promulgate uniform
15 regulations adapting the above referenced procedure for
16 perfecting such appeals.

17 Sec. 32. TIME OF PAYMENT. Taxes for a calendar year
18 shall be due and payable annually the first day of February
19 of the ensuing year. Failure to pay on said due date shall
20 cause the tax to become delinquent and shall subject the
21 property assessed to the interest and penalty additions here-
22 inafter provided. Payments of taxes may be made at any
23 time before their due date, but no discount shall be allowed
24 for such early payment.

25 Sec. 33. MODE OF PAYMENT. All taxes payable under
26 this Act shall be paid in lawful money of the United States
27 or its equivalent, at the office of the Collector in the
28 judicial division in which same are due.

29 Sec. 34. LIEN.

1 (a) The taxes assessed upon property, together with
2 interest and penalty, shall be a lien thereon from and
3 after assessment until paid, and no sale or transfer of
4 such property shall in any way affect the lien of such
5 taxes.

6 (b) Liens for taxes hereunder shall be first liens and
7 paramount to all prior and subsequent encumbrances, alienations
8 and descents of the property.

9 Sec. INTEREST.

10 (a) For failure to pay taxes when due, interest in-
11 clusive of penalty at the rate of one percent per month shall
12 be added on the first of each month until the tax is paid or
13 the property sold hereunder, but not to exceed the legal rate
14 of interest in the aggregate.

15 (b) Where a tax becomes payable in respect to property
16 assessed on a supplementary assessment roll, the like interest
17 shall be added to and recovered as part of the tax as might
18 have been imposed if the return and the assessment had been
19 made at the time prescribed by this Act and the tax had been
20 duly assessed and had not been paid.

21 Sec. 36. FAILURE OR REFUSAL TO COMPLY WITH ACT.

22 Every person who, without reasonable excuse, in violation
23 of any provision of this Act or of the regulations made
24 thereunder--

25 (a) refuses or fails to make any return required to
26 be made; or,

27 (b) in the making of any return, or otherwise, wilfully
28 withholds any information necessary for ascertaining the
29 true taxable amount of any property; or,

1 (c) refuses or fails to furnish to the assessor or his
2 employee or agent any access, facility, or assistance re-
3 quired for the purpose of an entry on or examination of prop-
4 erty or records; or,

5 (d) refuses or fails to attend or submit himself to
6 examination on oath or otherwise by the assessor, the Board
7 or the Tax Commissioner when duly cited so to do;--shall, in
8 addition to penalties otherwise prescribed herein, be guilty
9 of an offense against this Act.

10 Sec. 37. FALSE RETURNS AND RECORDS. Every person who
11 knowingly and wilfully makes any false or deceptive
12 statement in any return required to be made under this Act,
13 or fraudulently omits to give therein a full and correct
14 statement of the property of the taxpayer, or makes or keeps
15 any false entry or record in any book of account or record
16 required to be kept under this Act, shall be liable, on con-
17 viction, to a fine of not less than One Hundred Dollars and
18 not more than One Thousand Dollars.

19 Sec. 38. DEFACING POSTED NOTICES: Every person who,
20 without reasonable excuse, tears down, injures or defaces
21 any advertisement, notice or document which is posted in a
22 public place, under authority of this Act or the regulations
23 made thereunder, shall be guilty of an offense against this
24 Act.

25 Sec. 39. PENALTY FOR OFFENSES. Every person guilty
26 of an offense against this Act for which no other penalty
27 is specifically provided, shall be liable, on conviction,
28 for a first offense to a fine not exceeding Five Hundred
29 Dollars, and for a second or subsequent offense to a fine

1 of not less than One Hundred Dollars and not more than One
2 Thousand Dollars.

3 Sec. 40. LIABILITY OF CORPORATE OFFICERS, ETC. Every
4 director, manager, secretary or other officer of a corp-
5 oration or association, and every member of a partnership
6 or syndicate, who knowingly and wilfully authorizes or per-
7 mits any Act, default, or refusal which would subject the
8 organisation to criminal liability hereunder, shall be
9 likewise personally guilty of such offense.

10 Sec. 41. PROSECUTIONS. Prosecutions hereunder for
11 imposing of fines shall be at the instance of the Tax Com-
12 missioner and be brought in the name of the Territory.

13 Sec. 42. DELINQUENT TAX ROLL: PREPARATION AND CON-
14 TENTIONS: NOTICE: PAYMENT PRIOR TO SALE. The Collector shall
15 on or after the first day of April of any year, cause to be
16 made a roll in duplicate, for each division, of all real prop-
17 erty assessed and on which the tax has not been paid and is
18 delinquent. Such roll shall indicate therein the property
19 assessed, the amount of the tax due, penalty and interest,
20 separately stated on each tract assessed, to whom each tract
21 is assessed, if assessed as unknown, so stated. And thereon
22 shall be endorsed under the hand of the Collector and bear
23 the seal of the Department of Taxation, a certificate to
24 the effect that said roll is a true and correct roll of
25 the delinquent taxes due the Territory for the year the
26 same is due and showing the date when said taxes became
27 delinquent and the total amount of delinquent taxes, penalty
28 and interest separately stated, and the aggregate of the
29 whole thereof. The

1 taxes for more than any one year may be included in said
2 roll. Said roll so made up shall be identified by division
3 and shall be known as the Territorial delinquent property tax
4 roll for the year in which the same is made up, the original
5 of which shall be filed in the Department of Taxation and
6 the duplicate for a particular division shall be filed in
7 the division office of the Department of Taxation and remain
8 open to inspection by the public. As soon as convenient
9 after the completion of the delinquent roll, the Collector
10 shall, under the direction of the Board, cause to be published
11 within each division in a newspaper of general circulation,
126 " to be designated by the Board, once each week for a period
13 of four successive weeks, a notice under the hand of the
14 Collector, setting forth that the delinquent property tax
15 roll listing property within that particular division,
16 identifying the division, for the year, has been completed
17 and is open during business hours for public inspection at
18 the divisional office of the Department of Taxation giving
19 the address of the same and that on a certain day not less
20 than thirty days after the completion of the publication,
21 of such notice, the said roll will be presented to the district
22 court of the division for judgment and order of sale. Said
23 notice shall describe each tract on the roll on which the tax
24 has not been paid, the amount of tax, penalty and interest due
25 thereon, and to whom assessed. During the time of the publica-
26 tion of notice and up to the time of sale any person may
27 appear and make payment on any piece or tract set
28 in, together with the penalty and interest,
29 share of the costs of publication, and the

1 make the proper notation of such payment on both the ori-
2 ginal and duplicate delinquent property tax roll.
3 Sec. 43. PRESENTATION OF DELINQUENT TAX ROLL TO COURT:
4 PROOF OF NOTICE: ORDER OF SALE: TAX RULE AND ORDER OPEN
5 TO INSPECTION. On the date specified on said notice or
6 as soon thereafter as the hearing can be had before the
7 court, the Collector, shall present the duplicate delinquent
8 property tax roll, completed as said, together with proof of
9 publication, of notice of application for order of sale,
10 to the court of the division wherein the property is situated,
11 for an order of sale, of all real property therein listed
12 on which taxes have not been paid and are delinquent;
13 whereupon the court at a time, or times, convenient to
14 it shall hear, pass upon and determine the legality of
15 said roll and of any tax or assessment on property therein
16 described and if the taxes be legally assessed and valid and
17 not paid, shall by general order, direct the several tracts
18 therein described to be sold by the Territory to satisfy
19 and discharge the lien of the taxes thereunder together with
20 penalty, interest and costs. Proof of publication of notice
21 may be made by the affidavit of the publisher or the Col-
22 lector and shall be filed with the clerk of the district
23 court in which said proceedings are had; and said affidavit
24 shall constitute a part of the judgment roll and be prima
25 facie evidence of the truth of the facts therein stated.
26 A certified copy of such order of sale shall be attached
27 to the duplicate delinquent property tax roll and such roll
28 shall thereafter be filed with the clerk of the court and
29 become a part of the records thereunder, open to the inspect-

1 ion of the public, and when so filed with said order at-
2 tached, shall have the same effect as an order of sale of
3 real property in a regular civil action. Provided, how-
4 ever, sales of real property made pursuant to the pro-
5 visions of this Act must be confirmed by the court.

6 Sec. 44. OBJECTIONS TO ASSESSMENT, TAX OR ORDER FOR
7 SALE: FORM AND CONTENTS: HEARING: EVIDENCE: DECISION
8 AND RELIEF COST. Any person owning, or having any legal or
9 equitable interest in, or a lien upon any tract listed in
10 said Territorial delinquent property tax roll, may appear
11 and present at the time of hearing before the court, his
12 objection to, and contest the validity of the assessment or
13 tax on such property, or the granting of the order of the
14 sale thereof. Such objection shall be in writing and
15 specify the grounds of objection to the assessment or tax on
16 the particular tract represented in such objection and the
17 court will hear and determine such objection and render
18 such decision thereon as may be legal and just. At
19 such hearing the duplicate delinquent property tax roll
20 shall be prima facie evidence of the regularity and legality
21 of the assessment and levy of the tax and that the same
22 is unpaid, and no objection to the valuation of the property,
23 the manner of the assessment and levy of the tax, or any of
24 the subsequent proceedings shall be entertained by the
25 court which does not effect the substantial rights of the
26 party interposing the objection. If at such hearing the
27 court shall find any tract to be over valued, or over
28 assessed, the same shall be adjusted on equitable principles
29 so that the same shall bear its just proportion of the levy.

1 and the invalidity of the tax on any tract shall not be
2 considered as a presumption of the illegality of the tax
3 on any other tract. Provided, however, that if the court
4 shall find that the assessment of the value of the property
5 of the party objecting was so high in proportion to other
6 property assessed as to satisfy the court that the Board in
7 equalizing the assessment had acted in bad faith, the entire
8 tax of the objecting party shall be held void, and the costs
9 shall be taxed against the Territory. If the court finds
10 that the assessment was fairly made and equalized according
11 to law, the tax duly levied and not paid when due and due
12 notice given of the hearing as provided herein, it will be
13 sufficient to authorize the issuance of the order of sale.
14 Provided that where on account of objections filed and
15 hearing had, the court may enter judgment against and
16 order sale of all property to the tax which no objection is
17 made before the determination of the subjects in controversy.

18 Sec. 45. COSTS AND APPORTIONMENT: The costs of pub-
19 lication of notice and hearing before the court shall be
20 taxed by the clerk of the court, but the same shall be
21 apportioned by the clerk of the court on the duplicate
22 delinquent property tax roll to the several tracts ordered
23 sold proportionately to the number of tracts, so that each
24 tract will bear its proportionate share of the costs of the
25 hearing, and the same shall thereafter be a charge against
26 the tract to which it is proportioned.

27 Sec. 46. COLLECTOR TO CORRECT ORIGINAL TAX ROLL AND
28 SELL PROPERTY: The collector shall immediately after the
29 order of sale correct the original delinquent property tax

1 roll to correspond in all respects with the duplicate de-
2 linquent roll as passed upon and allowed by the court,
3 inserting therein the costs allowed by the court, and there-
4 after at a time fixed by and under direction of the Board
5 shall sell the property described in the order of sale,

6 Sec. 47. PUBLIC SALE AT AUCTION: NOTICE THEREUNDER:
7 TIME, PLACE AND MANNER OF SALE: BIDS ON BEHALF OF TERRITORY.
8 Such sale shall be at public auction made by the Collector,
9 after notice given by him by publication in a newspaper of
10 general circulation with each division, to be designated
11 by the Board, once each week for four successive weeks;
12 such notice shall refer to the order authorizing the sale,
13 giving the date thereunder, containing the description of
14 each tract to be sold within that division to whom the same
15 is assessed, the amount of taxes due on each tract, including
16 penalty and interest up to the date of sale and costs,
17 the time when and place where, such sale shall take place,
18 and shall be signed by the Collector as such. The sale
19 shall be made at the designated public place within the
20 particular division and at the day and hour fixed in the
21 notice of sale between the hours of ten o'clock in the fore-
22 noon and four o'clock in the afternoon, commencing at the
23 hour set in said notice and if not concluded on the day set,
24 shall continue from day to day thereafter, excluding Sundays
25 and holidays, until the property described in said notice
26 of sale is disposed of. Each tract shall be sold separately,
27 and if sufficient is not bid to discharge the amount due
28 thereon for taxes, penalty, interest and costs, the same
29 shall be bid in by the Collector for and on behalf of the

1 Territory, for the amount of the tax, penalty, interest
2 and costs, and notation thereunder made on the delinquent
3 property tax roll.

4 Sec. 48. CASH SALE TO HIGHEST BIDDER SUBJECT TO
5 REDEMPTION: EXCESS AMOUNT RETURNABLE TO OWNER:
6 CERTIFICATE OF SALE: RIGHTS THEREUNDER: TERRITORY
7 AS PURCHASER. All real property sold at such sale shall
8 be sold to the highest bidder, subject to redemption
9 within the period of one year from the date of sale and the
10 Territory may become the purchaser at such sale. All
11 sales shall be for cash except where the Territory
12 is the purchaser, such cash to be paid to and receipted
13 for by the Collector. If the property be sold for an
14 amount in excess of all delinquent taxes, penalty, interest
15 and costs due on the property sold, such excess shall
16 be returned by the Collector to the owner of the prop-
17 erty, less any amount of personal, poll or license tax
18 then due from him to the Territory. The purchaser of
19 any tract at such sale, other than the Territory, shall
20 receive from the Collector, a certificate of sale, which
21 certificate shall be executed by the Collector and under the
22 seal of the Territorial Department of Taxation, and
23 describe the property sold, the amount paid, the aggregate
24 amount of taxes, penalty, interest and costs for which
25 the property was sold, the years for which the delinquent
26 taxes for which the property was sold and were levied,
27 the date of the order of sale, and the court issuing
28 the same, the date of sale, and that said sale was
29 made subject to redemption within one year by the owner.

1 Each certificate of sale shall bear interest at the rate of
2 fifteen percent per annum from the date of sale upon the
3 total amount of taxes, penalty, interest and costs due
4 at the date of sale, and the same shall be assignable and in
5 no instance shall more than one tract separately assessed be
6 included in one certificate. Each certificate of sale issued
7 by the Collector shall be numbered and a record thereof kept
8 by the Territory in such form as the Board may designate,
9 showing the property sold, to whom and when sold, the amount
10 of the purchase price. Should the Territory become the
11 purchaser as hereinabove provided, a notation thereof shall
12 be made by the Collector on the original delinquent property
13 tax roll in lieu of a certificate, and at any time after
14 thirty days thereafter the Collector shall issue a certificate
15 of sale to any person paying to the Territory the amount
16 of taxes, penalty, interest due at the date of sale and
17 costs, together with interest on such amount from the date
18 of sale at the rate of fifteen per cent per annum, unless
19 the Board decides to retain such tract or tracts. That
20 from the date of sale and issuance of certificate of
21 sale and until redeemed, the holder of such certificate shall
22 be entitled to the possession of the tract sold, together
23 with the rents, issues, and profits thereof, and any person
24 who after ten days' notice and demand of possession thereof
25 by the holder of such certificate who withholds the
26 possession of such tract, shall be deemed guilty of un-
27 lawful detainer.

28 Sec. 49. REDEMPTION: METHOD OF: CERTIFICATE OF
29 REDEMPTION: RECORD AND RIGHT TO INSPECT. The owner or any

1 person having any interest, whether legal or equitable, in
2 any tract sold at such sale, may redeem the same from such
3 purchaser or the holder of the certificate of sale by paying
4 the amount of taxes, penalty, interest and costs due at the
5 date of sale, together with interest thereon at the rate of
6 fifteen percent per annum from such date and all accruing
7 taxes thereafter paid by such purchaser, together with any
8 excess sum paid by the said purchaser to the Collector at
9 the time of purchase, such payment to be made to the pur-
10 chaser or to the Collector and when so made the tract shall
11 be considered redeemed, provided that if any payment be made
12 to the purchaser, the certificate of sale shall be, by him,
13 surrendered to the redemptioner, who shall present the same
14 to the Collector and cause the fact of redemption to be
15 noted on the delinquent property tax roll and record of
16 certificates of sale hereinabove provided. If payment be
17 made to the Collector, he will issue to the redemptioner a
18 certificate of redemption, under his hand and seal of the
19 Department of Taxation, showing the date of redemption, the
20 amount paid on redemption, which certificate shall be prima
21 facie evidence of redemption, and the sum so paid on re-
22 demption shall by the Collector be immediately paid to the
23 holder of the Certificate of sale, and the certificate
24 surrendered for cancellation. A record of redemptions shall
25 be kept by the Collector for public inspection in the manner
26 the Board shall direct.

27 Sec. 50. TAX DEED: ISSUANCE, FORM AND CONTENTS: TITLE
28 AND RIGHTS THEREUNDER: DEED TO THE TERRITORY. After the
29 expiration of one year from the date of the sale the holder

1 of the certificate of sale shall be entitled to a deed to
2 the tract described therein and sold on such sale and not
3 redeemed. Such deed shall be issued by the Collector, upon
4 presentation of the Certificate of sale, on demand by the
5 holder and owner of the Certificate, and shall refer to this
6 chapter under which the tax was levied, the year of the
7 levy, when the tax became delinquent, the amount paid by
8 the purchaser, the name of the purchaser, or his assigns, the
9 date of the sale, the date of the order of sale and the court
10 issuing the same, and shall be signed by the Collector and
11 be under the seal of the Territory, and be acknowledged, and
12 shall convey the tract therein described to the grantee
13 therein named free and clear from any encumbrances or liens
14 laid on such property prior or subsequent to the sale thereof
15 by the delinquent owner or any person in privity with him,
16 and shall operate to convey the legal and equitable title
17 thereto to the grantee therein named, and such deed shall
18 be prima facie evidence of such title in the courts of
19 the Territory; provided, however that no deed shall be
20 issued by the Collector if there be any taxes due on said
21 property levied subsequently to the sale until the same
22 is paid. Any tracts purchased or assigned to the Terri-
23 tory at the sale aforementioned and not redeemed, for
24 which a certificate of sale may not have been issued after
25 such sale, shall after the expiration of one year from
26 such sale, be deemed the property of the Territory, and
27 a deed therefor may be issued by the Collector, to the
28 Territory, which deed shall be of the same force and effect
29 as the deed to a certificate holder.

1 Sec. 51. ACTION OR PROCEEDING TO RECOVER LANDS SOLD
2 FOR TAXES: TENDER OR PAYMENT INTO COURT OF TAXES, PENALTY,
3 INTEREST AND COSTS. In any action, suit, or proceeding for
4 the recovery of lands sold for taxes under the provisions
5 of this Act, except the taxes have been paid or the lands
6 redeemed as herein provided, the party claiming to be the
7 owner against the holder of the tax title must with his
8 complaint or answer tender and pay into the court the amount
9 of taxes for the payment of which the lands were sold, and
10 penalty and interest and costs of sale, and interest from
11 the date of sale at the rate of fifteen percent per annum to
12 the date of the tax deed or certificate and also any taxes
13 the grantee in said tax deed or certificate, or the pur-
14 chaser, may have paid on said lands, with interest thereon
15 at the rate of twelve per cent per annum from the date of
16 such payment to the date of the filing of his complaint or
17 answer, the said sum to be for the benefit of the holder
18 of the tax title in case the same should fail in such suit,
19 action or proceeding, and the court shall not consider any
20 complaint, answer or other pleading until such tender or
21 payment shall have been made.

22 Sec. 52. PERSONAL LIABILITY FOR TAX ON PERSONALITY:
23 ENFORCEMENT BY ACTION. The owner of personal property
24 assessed shall be personally liable for the amount of taxes
25 assessed against his personal property, and such tax, together
26 with penalty and interest, may be collected after the same be-
27 comes due in a personal action brought in the name of the
28 Territory against such owner in the courts of the Territory.

29 Sec. 53. ENFORCEMENT BY DISTRAINT AND SALE. In

1 addition to the remedy given by Section 52, supra, which
2 shall not be construed as exclusive, the lien of personal
3 property taxes may be enforced by distraint and sale, it
4 shall be lawful for the Collector to collect any taxes,
5 deficiencies, with such interest, penalties, and other
6 additional amounts as are allowed by law, by distraint and
7 sale, in the manner provided herein, of the property of any
8 person, liable to pay any taxes, interest, penalties, or
9 other additional amounts, who neglects or refuses to pay
10 the same within sixty days from the mailing of notice and
11 demand for payment thereof, and who has not appealed from
12 the assessment of such taxes, interest, and penalties. The
13 term "property" as used in this Section shall be construed
14 to mean personal property, both tangible and intangible,
15 any right, title, and interest to such personal property,
16 and shall include, without limitation, stocks, securities,
17 bank account, and evidence of debt. No sale under this
18 provision shall be valid unless made at public auction after
19 at least ten days notice given by posting or publication.
20 The Board shall by regulation provide for, exemption of
21 certain property from distraint consistent with existing
22 law, issuance of the warrants for distraint, necessary
23 procedure, disposition of property seized, redemption,
24 certificates of sale, sale of indivisible property, succes-
25 sive seizures, surrender of property subject to distraint,
26 production of books and prescribe fees and charges to be
27 allowed in all cases of distraint.

28 Sec. 54. BOARD OF ASSESSMENT AND EQUALIZATION.

29 (a) There is hereby created and established a Board

1 of Assessment and Equalization.

2 (b) The Board shall consist of the Attorney General,
3 Land Director and the Tax Commissioner.

4 (c) The Board shall have the following rights, duties
5 and powers to:

6 (1) exercise general supervision and direct the
7 activities of appraisement, assessment and equalization of
8 property taxes;

9 (2) select an employee or enter into a contract
10 with a qualified person to perform the functions of appraiser
11 and assessor; provided, that the individual so appointed
12 shall have the technical qualifications prescribed by the
13 Tax Commissioner, and be engaged at the rate of compensation
14 prescribed by the Tax Commissioner;

15 (3) keep an accurate and complete record of all
16 Board business, orders and processes, which records shall be
17 open to public inspection at all times;

18 (4) hold hearings and conduct investigations re-
19 quired in the administration of appraisement and assessment
20 provisions of this Act and hear and determine appeals in-
21 volving appraisement and assessment of property, at such
22 points in the Territory as will serve the general convenience
23 of the public, provided that written minutes may be kept
24 of the testimony of witnesses without making a word by word
25 record thereof;

26 (5) such divisional hearing boards, as are
27 necessary within each division, consisting of three members,
28 may be designated, each member of the Board shall appoint
29 one member of the divisional hearing board, said board may

1 hear any appeal, make findings, and submit recommendations
2 to the Board, the compensation of each member of the division-
3 al hearing board shall be \$20.00 for each day actually spent
4 in the performance of his duties, including all the time
5 away from his place of residence in connection therewith,
6 together with per diem and travel expenses payable in
7 accordance with vouchers issued by the Tax Commissioner;

8 (6) require attendance of witnesses and production
9 of all necessary evidence at any hearings and administer
10 oaths in the course of investigations conducted or hearings
11 held pursuant to the provisions of this Act;

12 (7) require such searches and appraisements by
13 the assessor as the Board sees fit;

14 (8) require officers and employees of incorporated
15 cities and districts to furnish such information concerning
16 appraisement, assessment and equalization of property taxes
17 as is deemed necessary;

18 (9) establish and maintain uniformity of assess-
19 ment within the Territory in respect to the appraisal and
20 fixing of property values;

21 (10) issue regulations, bulletins and instructions
22 to secure uniformity in the system of appraisement, assess-
23 ment and collection of taxes.

24 Sec. 55. TAX COMMISSIONER. The Tax Commissioner shall
25 be the collector of taxes levied under this Act and enforce
26 collections with the aid of such divisional collectors or
27 other deputy collectors and personnel as the Board may see
28 fit to authorize. He shall administer all provisions of
29 this Act except those specifically under the purview of

1 municipal or school district authority. The Tax Commissioner
2 shall prescribe and furnish all necessary forms, and promul-
3 gate and publish all needful rules and regulations under the
4 director of the Board conformable herewith for the appraise-
5 ment, assessment and collection of any tax herein imposed;
6 and shall voucher for expenditures according to law.

7 Sec. 56. SEVERABILITY CLAUSE. If any provision of this
8 Act, or the application thereof to any person or circumstance
9 is held invalid, the remainder of the Act and such application
10 to other persons or circumstances shall not be affected there-
11 by.

12 Sec. 57. EMERGENCY CLAUSE. An emergency is hereby de-
13 clared to exist and this Act shall take effect immediately
14 upon its passage and approval.

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