

1 IN THE HOUSE

BY MR. GREUEL

2 HOUSE BILL NO. 296

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to inheritance and transfer  
7 taxes; repealing and re-enacting Subsec. (1),  
8 Sec. 48-4-5, ACLA 1949 as amended by Ch.  
9 119, SLA 1953; and amending Sec. 48-4-11,  
10 ACLA 1949."

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

12 Section 1. Subsec. (1), Sec. 48-4-5, ACLA 1949 as amended  
13 by Sec. 1, Ch. 119, SLA 1953 is repealed and re-enacted to read  
14 as follows:

15 (1) All property, bequests, legacies, devises, or  
16 transfers (including the interest which falls into or  
17 attaches to any such property, bequest, legacy, devise, or  
18 transfer as a result of an irrevocable disclaimer of the said  
19 property, bequest, legacy, devise, transfer, or power, if  
20 the disclaimer is made before the date prescribed for the  
21 filing of the inheritance or transfer tax return)

22 (a) to or for the use of the State of Alaska,  
23 of any borough in Alaska, of any municipality in Alaska,  
24 of the University of Alaska, or of any other public  
25 academy or college;

26 (b) to or for the use of any corporation  
27 organized and operated exclusively for religious,  
28 charitable, scientific, literary, or educational purposes,  
29 including the encouragement of art and the prevention of

1 cruelty to children or animals, no part of the net  
2 earnings of which inures to the benefit of any private  
3 stockholder or individual, and no substantial part of  
4 the activities of which is carrying on propaganda, or  
5 otherwise attempting, to influence legislation;

6 (c) to a trustee or trustees, or a fraternal  
7 society, order, or association operating under the  
8 lodge system, but only if such contributions or gifts  
9 are to be used by such trustee or trustees or by such  
10 fraternal society, order, or association, exclusively  
11 for religious, charitable, scientific, literary, or  
12 educational purposes, or for the prevention of cruelty  
13 to children or animals, and no substantial part of the  
14 activities of such trustee or trustees, or of such  
15 fraternal society, order, or association, is carrying  
16 on propaganda, or otherwise attempting, to influence  
17 legislation; or

18 (d) to or for the use of any veterans'  
19 organization incorporated by Act of Congress or the  
20 State of Alaska, or of its departments or local  
21 chapters or posts, no part of the net earnings of which  
22 inures to the benefit of any private shareholder or  
23 individual.

24 For purposes of this subsection, the complete  
25 termination before the date prescribed for the filing of the  
26 inheritance or transfer tax return of a power to consume,  
27 invade, or appropriate property for the benefit of an indi-  
28 vidual before such power has been exercised by reason of  
29 the death of such individual or for any other reason shall

1 be considered and deemed to be an irrevocable disclaimer  
2 with the same full force and effect as though he had filed  
3 such irrevocable disclaimer.

4 Sec. 2. Sec. 48-4-11, ACLA 1949 is amended to read as  
5 follows:

6 Sec. 48-4-11. DETERMINATION OF NET VALUE OF ESTATE:  
7 DEDUCTIONS. The value of the property of any estate for  
8 purposes of inheritance taxation under this Act, and the  
9 value of the estate on which such taxes shall be calculated,  
10 shall be the appraised value of the property of the estate  
11 as of the date of the death of the decedent, as made  
12 originally by the appraisers appointed and acting in ordin-  
13 ary course of administration, or as determined by the  
14 superior court [PROBATE COURT] upon reappraisal as herein  
15 provided, or by the supreme court [DISTRICT COURT] upon an  
16 appeal, less: (a) the costs and expenses of administration  
17 (b) all claims against the estate finally allowed and  
18 approved and ordered to be paid; and (c) all taxes due from  
19 or payable out of the estate save and except inheritance  
20 taxes due to the State [TERRITORY] of Alaska under the pro-  
21 visions of this Act. The amount of the deduction under this  
22 section for any transfer shall not exceed the value of the  
23 transferred property required to be included in the gross  
24 estate.  
25  
26  
27  
28  
29