

1 IN THE SENATE

BY RULES COMMITTEE  
BY REQUEST OF THE GOVERNOR

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SENATE BILL NO. 242

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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SECOND LEGISLATURE - SECOND SESSION

5

A BILL

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For an Act entitled: "An Act relating to service of process  
7 on nonresidents in tax collection  
8 actions; amending Sec. 3, and Par. (3),  
9 Subsec. (c), Sec. 1, Ch. 71, SLA 1955;  
10 and providing for an effective date."

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

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Section 1. Par. (3), Subsec. (c), Sec. 1, Ch. 71, SLA

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1955 is amended to read:

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(3) appoint the Commissioner of Commerce [AUDITOR]

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as their statutory agent for the service of legal

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process.

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Sec. 2. Sec. 3, Ch. 71, SLA 1955 is amended to read:

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Sec. 3. COMMISSIONER OF COMMERCE [AUDITOR] AS AGENT

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FOR SERVICE OF PROCESS. Every nonresident corporation, firm,

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partnership, association, joint venture, person and other

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business entity, shall, as a condition precedent to severing

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or taking any resources or transacting or doing business in

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Alaska, file with the Commissioner of Commerce [AUDITOR OF

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ALASKA] a duly executed and notarized instrument, constitut-

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ing the Commissioner of Commerce [AUDITOR] and his success

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ors in office the true and lawful attorney, upon whom all

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original process may be served in any action or legal

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proceeding resulting from the taxpayer's failure or neglect

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to pay any State [TERRITORIAL] taxes or license fees,

1 and therein shall agree that any original process against  
2 such nonresident taxpayer shall be of the same force and  
3 effect as if personally served on such nonresident tax-  
4 payer within Alaska. The service of such process shall  
5 be made by leaving a copy with the Commissioner of Commerce  
6 [AUDITOR]. In the event legal action is instituted  
7 against such a nonresident taxpayer, the Commissioner of  
8 Commerce [AUDITOR] shall forthwith notify such nonresident  
9 by sending a copy of said process by registered letter  
10 to the post office address stated in the affidavit on file  
11 with the Commissioner of Revenue, or if no address is  
12 stated in the affidavit, to his last known address [TAX  
13 COMMISSIONER].

14 In case such a nonresident taxpayer has engaged in  
15 severing or taking any resources or transacting or doing  
16 business in Alaska, and shall have failed to comply with  
17 the above condition precedent of appointing the Commissioner  
18 of Commerce [AUDITOR] as agent for service of process,  
19 service may nevertheless be made upon the Commissioner of  
20 Commerce [AUDITOR], who shall then transmit a copy of  
21 said process by registered mail to the last known address  
22 of the taxpayer, and such service shall be held in all  
23 courts within the State [TERRITORY] to be binding to the  
24 same force and effect as if personally served on such  
25 nonresident taxpayer within Alaska.

26 Sec. 3. This Act takes effect on the day after its passage  
27 and approval or on the day it becomes law without such approval.  
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