

Introduced: 4/1/69  
Referred: Local Government  
and Finance

1 IN THE SENATE

BY HAGGLAND

2 SENATE BILL NO. 307

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the levy and collection of an  
7 excise tax upon real estate transfers within city and  
8 borough school districts and the state-operated  
9 school district."

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

11 \* Section 1. AS 14.12 is amended by adding new sections to read:

12 ARTICLE 3. REAL ESTATE TRANSFER

13 TAX WITHIN SCHOOL DISTRICTS.

14 Sec. 14.12.120. REAL ESTATE TRANSFER TAX WITHIN LOCAL SCHOOL  
15 DISTRICTS. (a) Each municipal fiscal year the governing body of an  
16 organized borough or city, whether home rule or otherwise, which is a  
17 school district shall levy a real estate transfer tax not exceeding one  
18 per cent of the selling price upon each sale during the year of real  
19 property located within the district. The rate of levy and the manner-  
20 of collection and enforcement of the tax shall be established by  
21 ordinance consistent with the provisions of this section.

22 (b) The real estate transfer tax shall be an obligation of the  
23 seller. The tax shall be a specific lien upon each piece of real  
24 property sold from the time of sale until the tax shall have been paid,  
25 and the lien shall be enforced in the same manner as other municipal  
26 liens for taxes.

27 (c) Proceeds of the tax shall be placed in a special account with-  
28 in the general fund of the local government levying the tax. Each  
29 fiscal year the governing body shall appropriate from the account an

1 amount for school municipal purposes equal to the amount appropriated  
2 for school purposes during the year, or the entire amount in the account,  
3 whichever is less.

4 Sec. 14.12.130. REAL ESTATE TRANSFER TAX WITHIN STATE-OPERATED  
5 SCHOOL DISTRICT. There is levied and there shall be collected within  
6 the state-operated school district a real estate transfer tax not ex-  
7 ceeding one per cent of the selling price upon each sale during the  
8 year in which the tax is levied of real property located within the  
9 district. The tax shall be a specific lien upon each piece of real  
10 property sold from the time of sale until the tax shall have been  
11 paid and shall be enforced in the same manner as other liens for state  
12 taxes. The Department of Revenue shall collect the tax and after de-  
13 ducting costs of collection deposit proceeds of the tax in a special  
14 real estate transfer tax account within the general fund. The legis-  
15 lature may appropriate from the account for school purposes within the  
16 state-operated school district.

17 Sec. 14.12.140. DEFINITIONS. In secs. 120 - 140 of this chapter

18 (1) "sale" means every instrument in writing by which an  
19 estate or interest in real property is created, alienated, mortgaged  
20 or encumbered, or by which the title to real property is affected, for  
21 a valuable consideration; "sale" does not include transfers of real  
22 property by or to the state, or a political subdivision or public  
23 corporation of the state, transfers by gift, inheritance or devise  
24 or under a divorce decree or support and separate maintenance agreement

25 (2) "selling price" means the consideration, in money or  
26 any other thing of value, paid, delivered or contracted to be paid or  
27 delivered, in return for the transfer of real property; "selling price"  
28 includes the amount of any lien, mortgage, contract, indebtedness or  
29 other encumbrance existing against the property and agreed to be paid

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by the purchaser; "selling price" does not include the amount of any outstanding lien or encumbrance for taxes, special benefits or improvements in favor of the United States, this state, or a borough, city or public corporation;

(3) "real property" includes any estate, interest or contract right in real property, including but not limited to oil and gas and other mineral leases.