

Introduced: 2/9/83
Referred: Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE SENATE

2 SENATE BILL NO. 117

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act making technical amendments relating to state
7 taxation; and providing for an effective date."

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

9 * Section 1. AS 43.05.220 is amended by adding a new subsection to
10 read:

11 (f) In the case of any underpayment of estimated tax by a corpo-
12 ration, except as provided in sec. 6655(d) of the Internal Revenue
13 Code, there will be added to the tax imposed under AS 43.20 an amount
14 determined at the annual rate established under AS 43.05.225 upon the
15 amount of the underpayment and for the period of the underpayment, as
16 determined under secs. 6655(b) and (c) of the Internal Revenue Code.

17 * Sec. 2. AS 43.05.230(g) is amended to read:

18 (g) The information contained in applications made under AS 43.-
19 50.010 -- 43.50.190, AS 43.60.010 -- 43.60.040, AS 43.65.010 -- 43.-
20 65.060, AS 43.70.020 -- 43.70.120, and AS 43.75.011 -- 43.75.140 is
21 subject to the disclosure provisions of AS 09.25.100, except that
22 tax-related information, as identified by the department by regula-
23 tion, is subject to the disclosure provisions of (a) of this section.
24 The information contained in a license issued by the commissioner of
25 revenue under AS 43.50.010 -- 43.50.190, AS 43.60.010 -- 43.60.040,
26 AS 43.65.010 -- 43.65.060, AS 43.70.020 -- 43.70.120, and AS 43.75.011
27 -- 43.75.140 is public information.

28 * Sec. 3. AS 43.05.230 is amended by adding a new subsection to read:

29 (h) The information contained in permanent fund dividend

1 applications made under AS 43.23.005 -- 43.23.100 is subject to the
2 disclosure provisions of AS 09.25.100.

3 * Sec. 4. AS 43.20.021(a) is amended to read:

4 (a) The following provisions [SUBTITLE F AND CHAPTER 1 OF SUBTI-
5 TLE A] of the 1954 Internal Revenue Code, Public Law 83-591, as amend-
6 ed, are adopted by reference as a part of AS 43.20.011 -- 43.20.350,
7 except that those provisions of the Internal Revenue Code adopted af-
8 ter December 31, 1975 which change or modify exemptions from tax or
9 credits against tax are not adopted by reference as a part of AS 43.-
10 20.011 - 43.20.350 until the second January 1 following the effective
11 date of the federal law. These portions of the Internal Revenue Code
12 have full force and effect under AS 43.20.011 -- 43.20.350 unless ex-
13 cepted to or modified by other provisions of AS 43.20.011 -- 43.20.-
14 350;

15 (1) subtitle F, but excluding

16 (A) provisions to the extent that they apply to indi-
17 viduals and fiduciaries;

18 (B) subchapter C of ch. 67; and

19 (C) chapter 68, except that sec. 6655 of subchapter A
20 is incorporated as modified by AS 43.05.220(f);

21 (2) chapter 1 of subtitle A, but excluding

22 (A) provisions to the extent that they apply to indi-
23 viduals and fiduciaries;

24 (B) section 883 of subpart B of part II of subchapter
25 N; and

26 (C) section 894 of subpart C of part II of subchapter

27 N.

28 * Sec. 5. AS 43.20.030(a) is amended to read:

29 (a) If a corporation, or a partnership which has a corporation

1 as a partner [OR A CORPORATION] is required to make a return under the
2 provisions of the Internal Revenue Code, it shall at the same time
3 file with the department a return setting out (1) the amount of tax
4 due under AS 43.20.011 -- 43.20.350, less credits claimed against the
5 tax; and (2) other information for the purpose of carrying out the
6 provisions of AS 43.20.011 -- 43.20.350 which the department requires.
7 If a corporation, or a partnership which has a corporation as a part-
8 ner, is not required to make a return under the Internal Revenue Code
9 but is otherwise subject to tax under this chapter, it shall file a
10 return setting out the information described above at the time or
11 times required by the department by regulation.

12 * Sec. 6. AS 43.20.030(d) is amended to read:

13 (d) A taxpayer, upon request by the department, shall furnish to
14 the department a true and correct copy of the tax return which he has
15 filed with the United States Internal Revenue Service. Every taxpayer
16 shall notify the department in writing of any alteration in, or modi-
17 fication of, his federal income tax return and of a recomputation of
18 tax or determination of deficiency (whether with or without assess-
19 ment). A full statement of the facts shall accompany this notice.
20 The notice shall be filed within 60 days after the final determination
21 of the modification, recomputation or deficiency, and the taxpayer
22 shall pay the additional tax or penalty under AS 43.20.011 -- 43.20.-
23 350. For purposes of this section, a final determination means [SHALL
24 MEAN] the time that an amended federal return is filed, or a notice of
25 deficiency or an assessment is mailed to the taxpayer by the Internal
26 Revenue Service, whichever occurs first, except that in no event will
27 there be a final determination for purposes of this section until the
28 taxpayer has exhausted his rights of appeal under sec. 6213(a) of the
29 Internal Revenue Code. For purposes of this section, the period in

1 which to file a claim for refund of a tax does not extend the date of
2 final determination [FEDERAL LAW].

3 * Sec. 7. AS 43.31.310 is amended to read:

4 Sec. 43.31.310. PRIMA FACIE LIABILITY FOR TAX. The estate of
5 each decedent whose property is subject to the laws of the state is
6 considered prima facie liable for estate taxes under this chapter, and
7 is subject to a lien for them in an amount which may be later deter-
8 mined to be due and payable on the estate as provided in this chapter.
9 This presumption of liability begins on the date of the death of the
10 decedent and continues until the full settlement of all taxes which
11 may be found to be due under this chapter, the settlement to be shown
12 by receipts for all taxes due to be issued by the department as pro-
13 vided for in this chapter. Whenever it appears to the department that
14 an estate is not subject to a tax under this chapter the department
15 shall issue to the executor, administrator, curator or other personal
16 representative, or to the heirs, devisees, or legatees of the dece-
17 dent, a certificate in writing to that effect, showing nonliability to
18 tax, which certificate of nonliability has the same effect as a re-
19 ceipt showing payment. This certificate of nonliability is subject to
20 record and admissible in evidence in like manner as receipts showing
21 payment of taxes. [THERE SHALL BE PAID TO THE DEPARTMENT A FEE OF
22 \$2.50 FOR EACH CERTIFICATE SO ISSUED.]

23 * Sec. 8. AS 43.50.060 is amended to read:

24 Sec. 43.50.060. REFUNDS. The department may not refund the li-
25 cense fee upon the surrender or revocation of a license. The depart-
26 ment may refund a license fee that is paid or collected in error. If
27 a license is lost, destroyed, or defaced, the department may issue a
28 duplicate license [UPON PAYMENT OF A FEE OF 50 CENTS].

29 * Sec. 9. AS 43.75.015(c) is amended to read:

1 (c) A person engaging or attempting to engage in a fisheries
2 business who first actually and physically processes the fishery re-
3 source, or a person who purchases a fishery resource that is frozen
4 from a person excluded by AS 43.75.017 from liability for the tax, is
5 liable for an shall pay to the department the entire tax imposed by
6 this section. In determining this tax liability, the person may de-
7 duct from the value of the fishery resources processed the value of
8 fishery resources that are canned or processed for other fisheries
9 businesses licensed under this chapter. A person taking the deduction
10 authorized by this subsection shall report all information relating to
11 the deduction in accordance with regulations issued by the department.

12 * Sec. 10. AS 43.75.140(3) is amended to read:

13 (3) "fisheries business" means a person who engages in one or
14 more of the activities described in AS 43.75.100(a), or engages in
15 processing fisheries resources [FOR SALE] by freezing, cooking, salt-
16 ing, or other method and includes but is not limited to canneries,
17 cold storages, freezer ships, and processing plants.

18 * Sec. 11. AS 43.56.160 is repealed.

19 * Sec. 12. This Act takes effect immediately in accordance with AS 01.-
20 10.070(c).