

Introduced: 1/23/85
Referred: Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 106

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH 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(a) is amended to read:

10 (a) Five percent must [SHALL] be added to a tax for each 30-day
11 period or fraction of the period during which the taxpayer fails to
12 file at the time or times required by law or regulation a return or
13 report, [OR PAY THE FULL AMOUNT OF THE TAX, OR A PORTION OR A DEFICI-
14 CIENCY OF THE TAX, AS FINALLY DETERMINED BY THE DEPARTMENT AND
15 REQUIRED BY THIS TITLE,] unless it is shown that the failure is due to
16 a reasonable cause and not to wilful neglect. If a taxpayer fails to
17 pay the full amount of the tax, or a portion of a deficiency of the
18 tax, as finally determined by the department and required by this ti-
19 tle, the provisions of 26 U.S.C. sec. 6651(a)(2) (Internal Revenue
20 Code) apply, except that the rate is one percent for each 30-day peri-
21 od during which the taxpayer fails to pay the required amount. The
22 total failure-to-file penalty may not exceed 25 percent of the amount
23 due; the total failure-to-pay penalty may exceed 25 percent of the
24 amount due. However, the total of all penalties under this section
25 may [THE PENALTY SHALL] not exceed 50 [25] percent in the aggregate.
26 The penalty is computed only on the unpaid balance of the tax liabil-
27 ity as determined by the department. The department shall prescribe
28 by regulation circumstances that [WHICH] constitute reasonable cause
29 for purposes of this section.

1 * Sec. 2. AS 43.05.220(e) is amended to read:

2 (e) A penalty imposed by this section must [SHALL] be collected
3 at the same time, in the same manner, and as a part of the original
4 tax. However, if the original tax is paid before neglect or fraud is
5 discovered, the penalty must [SHALL] be collected in the same manner
6 as the original tax. Except on penalties assessed under (d) of this
7 section, interest [INTEREST] may not be collected on a penalty imposed
8 by this section.

9 * Sec. 3. AS 43.20.030(a) is amended to read:

10 (a) If a corporation, or a partnership which has a corporation
11 as a partner, [OR A CORPORATION] is required to make a return under
12 the provisions of the Internal Revenue Code, it shall, within 30 days
13 after the federal return is due, [AT THE SAME TIME] file with the de-
14 partment a return setting out

15 (1) the amount of tax due under this chapter, less credits
16 claimed against the tax; and

17 (2) other information for the purpose of carrying out the
18 provisions of this chapter which the department requires.

19 * Sec. 4. AS 43.31.310 is amended to read:

20 Sec. 43.31.310. PRIMA FACIE LIABILITY FOR TAX. The estate of
21 each decedent whose property is subject to the laws of the state is
22 [CONSIDERED] prima facie liable for estate taxes under this chapter,
23 and is subject to a lien for estate taxes under this chapter [THEM] in
24 an amount that [WHICH] may be later determined to be due [AND PAYABLE]
25 on the estate as provided in this chapter. The presumption of liabil-
26 ity begins on the date of the death of the decedent and continues un-
27 til the full settlement of all taxes that [WHICH] may be found to be
28 due under this chapter, the settlement to be shown by receipts [FOR
29 ALL TAXES DUE TO BE] issued by the department for all taxes due as

1 provided for in this chapter. If [WHENEVER] it appears to the depart-
2 ment that an estate is not subject to a tax under this chapter the de-
3 partment shall issue to the executor, administrator, curator or other
4 personal representative, or to the heirs, devisees, or legatees of the
5 decedent, a certificate in writing to that effect, showing nonliabil-
6 ity for [TO] tax. A [, WHICH] certificate of nonliability has the
7 same effect as a receipt showing payment. A [THE] certificate of non-
8 liability may be recorded [IS SUBJECT TO RECORD] and is admissible in
9 evidence in like manner as receipts showing payment of taxes. [THERE
10 SHALL BE PAID TO THE DEPARTMENT A FEE OF \$2.50 FOR EACH CERTIFICATE SO
11 ISSUED.]

12 * Sec. 5. AS 43.50.060 is amended to read:

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

18 * Sec. 6. AS 43.75.055 is amended to read:

19 Sec. 43.75.055. SECURITY FOR COLLECTION OF TAXES. Each appli-
20 cant for a license under this chapter shall, in or with the applica-
21 tion, state under oath the amount of each of the products that [WHICH]
22 the applicant expects to produce during the license year. The appli-
23 cant shall further state the extent of lienable real property owned by
24 the applicant in the state against which the tax may be collected and
25 other information regarding the [WITH RESPECT TO] description, loca-
26 tion and value of the property that [WHICH] the department prescribes.
27 If the lienable value of the property is not equal to three times the
28 amount of the tax for which the applicant will probably be liable un-
29 der this section, the department may not issue the license until the

1 applicant files with the department a surety bond approved by the at-
2 torney general in a penal sum equal to twice the probable amount of
3 the tax for which the applicant will be liable, conditioned upon pay-
4 ment of the tax in full when due, with interest if not paid before de-
5 linquency. [HOWEVER, IF THE APPLICANT PURCHASES SALMON FOR EXPORT
6 FROM ALASKA IN THE ROUND, THE AMOUNT OF THE BOND IS \$50,000 UNLESS THE
7 APPLICANT IS THE OWNER OF LIENABLE REAL PROPERTY IN THE STATE OF A
8 VALUE OF AT LEAST \$50,000, AND THE BOND MUST BE CONDITIONED UPON PAY-
9 MENT TO THE FISHERMAN OF THE FULL PURCHASE PRICE FOR THE SALMON AND
10 THE PAYMENT OF THE TAX IN FULL WHEN DUE.] The department may waive
11 the bond requirement if the applicant posts other security in the form
12 of collateral acceptable to the department or prepays the estimated
13 tax.

14 * Sec. 7. AS 43.56.160 is repealed.

15 * Sec. 8. This Act takes effect immediately in accordance with AS 01.-
16 10.070(c).