

CHAPTER 33.

AN ACT

(H. B. 56)

To establish a system of taxation, create revenue, and provide for the collection thereof for the Territory of Alaska and for other purposes; repealing Chapter 52 of the Session Laws of Alaska 1913, Chapter 76 of the Session Laws of Alaska 1915 and Chapter 74 of the Session Laws of Alaska 1917, and declaring an emergency.

Be it enacted by the Legislature of the Territory of Alaska:

Licenses for
business and
trade imposed

Section 1. That any person, firm or corporation prosecuting, or attempting to prosecute, any of the following lines of business in the Territory of Alaska shall apply for and obtain a license, and pay for said license, for the respective lines of business, as follows:

Professions

1st: Attorneys at law, doctors, including persons practicing medicine, surgery or osteopathy, and dentists; ten dollars per annum.

Each member of a firm shall be liable for this tax.

Automobiles op-
erating for hire

2nd. Automobiles operated for hire: five dollars per annum.

Bakeries

3rd: Bakeries doing a business in excess of five hundred dollars per annum; fifteen dollars per annum.

Light and power
plants

4th: Electric Light and Power Plants selling light, power and steam for heat and supplies to the public; one-half of one per cent. of the gross receipts in excess of twenty-five hundred dollars from light, power and steam sold.

One-half of one per cent. of the net profits from supplies sold.

Employment
agencies

5th: Employment agencies operating for hire and collecting a fee for services: five hundred dollars per annum.

Fisheries and
canneries

6th: Fisheries:

- (a) Clam canneries: Two cents per case;
- (b) Herring canneries: Two cents per case;

(c) Salmon canneries: Five and one-half cents per case, on Kings and Reds or Sockeyes; three and one-half cents per case on Medium Reds; and three cents per case on all others.

In addition to the above tax, salmon canneries shall pay one per cent. of their net annual income. By "net" income is meant cash value of the pack of the cannery, less operating expenses, and repairs and betterments actually made. No deduction shall be made as an operating expense on account of depreciation of machinery, interest on bonds or money borrowed, or other taxes paid.

(d) Fish traps, fixed or floating: one hundred dollars per annum, so-called dummy traps included. Fish traps

(e) Salteries: Ten cents per one hundred pounds on mild cured Red King Salmon; Salteries

Five cents per one hundred pounds on mild cured White King Salmon;

Ten cents per one hundred pounds on salted Codfish;

Two and one-half cents per one hundred pounds on all other salted and mild cured fish, except Herring.

7th: Cold Storage Plants: Doing a business of one hundred thousand dollars per annum or more, five hundred dollars per annum; doing a business of seventy-five thousand dollars per annum and less than one hundred thousand dollars, three hundred and seventy-five dollars per annum; doing a business of fifty thousand and less than seventy-five thousand dollars per annum, two hundred and fifty dollars per annum; doing a business of twenty-five thousand and less than fifty thousand dollars per annum, one hundred and twenty-five dollars per annum; doing a business of ten thousand dollars and less than twenty-five thousand dollars per annum, fifty dollars per annum; doing a business of four thousand and less than ten thousand dollars per annum, twenty-five dollars per annum; doing a business of Cold storage plants

under four thousand dollars per annum, ten dollars per annum.

The "annual business" under this section shall be considered the gross amount received for the product and for storage of produce for others.

8th: (a) Fish oil works using herring in whole or in part in the manufacture of fish oil; two dollars per barrel. (b) Fertilizer and fish meal plants manufacturing fertilizer and fish meal in whole or in part from herring: two dollars per ton.

Fish oil and fertilizer plants

Laundries

9th: Laundries: Doing a business of over two thousand and less than five thousand dollars per annum, twenty-five dollars per annum; doing a business of five thousand or more and less than ten thousand dollars per annum, fifty dollars per annum; doing a business of ten thousand dollars or more per annum, seventy-five dollars per annum.

Meat markets

10th: Meat markets: Meat markets doing a business of not less than ten thousand dollars nor more than twenty-five thousand dollars per annum, fifty dollars per annum; doing a business of not less than twenty-five thousand dollars nor more than fifty thousand dollars per annum, one hundred and twenty-five dollars per annum; doing a business of not less than fifty thousand dollars nor more than seventy-five thousand dollars per annum, two hundred and fifty dollars per annum; doing a business of not less than seventy-five thousand dollars nor more than one hundred thousand dollars per annum, three hundred and seventy-five dollars per annum; doing a business of more than one hundred thousand dollars per annum, five hundred dollars per annum, and fifty dollars additional for each twenty thousand dollars' worth of business done in excess of one hundred thousand dollars per annum; PROVIDED, that the sum required to be paid for a license for prosecuting the business of a meat market under the provisions of Section 2569 of the Compiled Laws shall be deducted from

Proviso

the amount of tax due under the provisions of this subdivision.

11th: Mercantile Establishments doing a business of more than one hundred thousand dollars per annum, fifty dollars per annum on each twenty thousand dollars' worth of business done in excess of one hundred thousand dollars. Mercantile establishments

12th: Mining: One per cent of the net income in excess of five thousand dollars. By "net" income is meant the cash value of the output of the mine less operating expenses, repairs and betterments actually made, and royalties actually paid, and all taxes paid under Section 2569 of the Compiled Laws of Alaska. Mining

PROVIDED, that the lessor of any mine operated under a lease shall be deemed to be engaged in mining within the provisions of this Act and the royalties, less the cost of collecting the same, received by him, shall be deemed to be the net income within the provisions of this Act. Proviso as to lessor

No deduction shall be made on account of depreciation of machinery, interest on bonds or money borrowed, or other taxes paid. By "mining" is meant any operation by which valuable metals, ores, minerals or marketable stone is extracted from the earth.

13th: Public Messengers: Twenty-five dollars (\$25.00) per annum. Public messengers

14th: Ships and Shipping: Freight and Transportation: Ocean and coast-wise vessels doing business for hire plying in Alaska waters, registered in Alaska and not registered elsewhere in the United States and not paying a tax or a license elsewhere, and freight and passenger lines propelled by mechanical power registered in the Territory of Alaska and not paying a license or tax elsewhere in the United States, and river and lake steamers and barges, as well as transportation lines doing business wholly within the Territory of Ships and shipping

Alaska; one dollar per ton on net tonnage, custom house measurement of such vessel.

Telephone com-
panies

15th: Telephone Companies: One-half of one per cent. of gross receipts in excess of fifteen hundred dollars (\$1500.00) per annum.

Water works

16th: Water-Works selling water or power to the public, one-half of one per cent. of gross receipts in excess of twenty-five hundred dollars (\$2500.00) per annum.

Whale oil plants
or stations

17th: Whale Oil Plants or Stations: One dollar per barrel.

How applications
for license made

Section 2. Every person, firm or corporation desiring to engage in any of the lines of business specified in Section One shall first apply for and obtain from the Territorial Treasurer a license so to do. If the tax for the license applied for is a fixed one, the amount of such license tax shall accompany the application. If the amount of the tax is not a fixed sum, the applicant shall state in his application that he agrees to pay the license tax and will make a true return and will pay to the Treasurer such tax on or before the fifteenth of the next ensuing January.

Contents of ap-
plication for
license

The applicant shall also state the name of the person, firm or corporation making the application; the line of business to be licensed and the place where said business will be carried on. Upon the receipt of the application in proper form, the Treasurer shall issue the license as of the date of the application, and the applicant may carry on the business from and after the date the application was actually made.

When license tax
payable

All license taxes, except those where the tax is a fixed one, shall be due and payable on December thirty-first of each year and must be paid on or before January fifteenth following.

Proviso, Treas-
urer may ex-
tend time

PROVIDED, that the Treasurer shall have the power to extend such time until the fifteenth of the next ensuing March upon the special showing made by the

licensee that such extension is necessary in order to enable him to ascertain the amount of taxes due, and it shall be the duty of the person, firm or corporation engaged in any of said lines of business to make a return under oath to the Treasurer on or before January fifteenth of each year, or, in case of an extension as above provided, on or before March fifteenth, setting forth the name of the licensee, the number of the license, and all the facts regarding the business necessary to enable the Treasurer to determine the amount of the tax to be paid and all applications for renewals of such licenses shall be made on or before January fifteenth of the calendar year for which such renewal is made.

Oath of licensee

PROVIDED, that any person, firm or corporation engaged in or about to engage in mining, may designate in his application for a license the last day of any month in the year as the day of the closing of his fiscal year, and shall be entitled to have the tax payable by such person, firm or corporation computed upon the basis of the net income ascertained as herein provided for the full year ending on the day so designated in the year preceding the date when the tax is due, instead of upon the basis of the net income of the calendar year preceding the date when the tax is due.

Proviso, reference to mining licenses

Any person, firm or corporation violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of the amount of the tax with ten per cent added for which the defendant was liable. Each month or fraction of a month in which business is carried on in violation of this Act shall be deemed a separate offense and prosecution therefor may be by information filed by the Attorney General or other authorized legal counsel of the Territory in any court of competent jurisdiction and upon conviction the court shall enter a judgment for the fine and costs incurred,

Penalty for violation and enforcement thereof

Immunity of witnesses

and such judgment may be enforced as judgments in civil actions or by imprisonment at the rate of one day for each two dollars of such fine and costs. PROVIDED, that in any prosecution under the terms of this section, no person otherwise competent as a witness shall be privileged from testifying on the ground that his testimony may criminate him, and no officer or agent of any corporation shall be privileged from testifying on the ground that his testimony may criminate such corporation, but no indictment or prosecution shall afterwards be brought against such witness on account of any offense or transaction concerning which he testified as a witness, nor shall any indictment or prosecution be afterwards brought against any corporation on account of any offense or transaction concerning which any officer or agent of such corporation is compelled to testify as a witness.

Proviso, compromise of tax

PROVIDED, that in any prosecution hereunder, the Attorney General or other authorized legal counsel of the Territory may, with the consent of the Governor, compromise the case by accepting from the defendant a sum not less than the tax, legal interest thereon and all costs and expenses.

Territorial Treasurer to prescribe forms licenses, etc.

The Territorial Treasurer is authorized and directed to prescribe suitable forms of applications, licenses, returns, and other such forms as may be necessary or proper to carry this law into effect. He shall distribute such forms to the public, through the Clerks of the Court and Marshal's Office, in the several Divisions for use of those subject to the taxes herein laid.

Attorney General to enforce provisions act

Section 3. It shall be the duty of the Attorney General or other authorized legal counsel of the Territory to enforce the provisions of this Act; and for that purpose he may, with the approval of the Governor, employ such assistants as he may deem necessary, but the compensation for the services of such assistants shall be

paid out of the fund recovered, and the Territory shall not be liable therefor in any event beyond fifteen (15) per cent. of the amount so recovered in each case; assistant counsel, may, however, be employed at a previously agreed upon and stipulated fixed fee.

Section 4. Special remedies provided by this Act, or other Acts of the Legislature, shall not be deemed exclusive, and any appropriate remedy, either civil or criminal, or both, may be invoked by the Territory in the collection of all taxes, and in civil actions the same penalties may be collected as are herein provided in criminal actions.

Special remedies herein provided not exclusive

Section 5. All taxes levied, laid or provided for in this Act and penalties and interest accrued, are hereby declared to be a lien upon the real and personal property of the person, firm or corporation liable therefor, paramount and superior to all mortgages, hypothecations, conveyances and assignments.

License tax—lien on property

Section 6. It shall be the duty of the United States Marshals and Deputy Marshals in the Territory of Alaska to enforce the provisions of this Act in their respective precincts, districts or divisions, and to report all violations thereof to the Governor, and under his direction file information, or take such proceedings as he may direct; and for the services so performed they shall be paid under the provisions of Section Three (3) hereof. And, for all negligence or wilful failure to perform such duties, Marshals and Deputy Marshals shall be liable to the Territory for all losses sustained, which liabilities may be enforced in any appropriate proceeding. And, in the enforcement of this Act, the Attorney General or other legal counsel for the Territory and the Marshals and Deputy Marshals have the right to inspect the premises and all books and papers of the persons, firms or corporations claimed to be liable to the taxes herein laid, which right of inspection shall be enforced

Marshals and deputies to report violations, etc.

Right of inspection of books and papers

by the courts upon application therefor; PROVIDED, that no indictment or prosecution shall afterwards be brought against any person, firm or corporation under this Act on account of any offense or transaction disclosed by such inspection.

Repealing former acts

Section 7. That Chapter 52 of the Session Laws of Alaska 1913, Chapter 76 of the Session Laws of Alaska 1915, and Chapter 74 of the Session Laws of Alaska 1917, being acts to establish a system of taxation, create revenue and provide for the collection thereof, be, and the same are, hereby repealed; but nothing herein contained shall be construed to relieve any person, firm or corporation from the payment of any tax, penalty and interest accrued and owing under the provisions of any of the Acts hereby repealed, but all such taxes, penalties and interest shall be paid, collected and enforced in the same manner as taxes herein provided for are collected and enforced.

Taxes due under former act collectible

License issued for calendar year

Except as otherwise provided in this Act, all licenses shall be issued for the calendar year beginning on January first and ending on December thirty-first of each year, and where the tax is not a fixed sum but is computed after the close of the year's business, it shall be computed on the basis of the business done during such calendar year, and all taxes for the current year shall be calculated upon the basis of the schedule adopted by this act.

Emergency

Section 8. An emergency is hereby declared to exist and this Act shall take effect from and after its passage and approval.

Approved May 1st, 1919.