

otherwise appropriated, the sum of \$2,500.00, or so much thereof as may be necessary to pay the costs in the U. S. Commissioner's courts as were necessarily incurred in any commitments of juvenile delinquents made to the Alaska Indian Service of the U. S. Department of Interior during the period April 1, 1943 to March 31, 1945, inclusive.

Cost commitments juveniles to Alaska Indian Service.

Section 2. Payment of said costs shall be made upon vouchers approved by the Department of Public Welfare.

Section 3. An emergency is hereby declared to exist and this Act shall be in full force and effect immediately upon its passage and approval.

Emergency.

Approved March 24, 1945.

CHAPTER 55

AN ACT

[S. B. 37]

Relating to taxation, establishing the Department of Taxation, creating the Office of Tax Commissioner, providing for collections and enforcement of Territorial taxes, license fees and excises, prescribing powers and duties of various officers, providing penalties and making an appropriation.

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

Section 1. There is hereby created and established a Department to be known and designated as the "Department of Taxation of the Territory of Alaska."

Department created.

Section 2. There is hereby created and established in the Department of Taxation in the Territory of Alaska the Office of Tax Commissioner.

Tax Commissioner created.

Section 3. The Tax Commissioner shall be a bona fide

Qualification
of Tax
Commissioner.

resident of Alaska and a person possessing special knowledge of taxation and of tax administration and shall be appointed solely on the grounds of fitness to perform the duties of the office.

How appointed.

Section 4. (a) The Tax Commissioner shall be appointed by the Governor of the Territory of Alaska by and with the consent of the majority of both houses of the Legislature of the Territory of Alaska.

Vacancy—how
filled.

(b) In the event of a vacancy in the Office of Tax Commissioner, a successor shall be appointed to serve for the balance of the unexpired term. If such vacancy occurs while the Legislature is not in session, the appointment shall be made by the Governor and the person so appointed shall hold office—

Confirmation.

(1) if such appointment is confirmed by the Legislature at its next regular or special session, for the balance of the unexpired term (and until his successor is duly appointed and qualified);

Not confirmed.

(2) if the Legislature at its next regular or special session refuses to consent to the appointment, until a person nominated by the Governor and confirmed by the Legislature qualifies for the office.

Term of office.

Section 5. (a) The term of office of the Tax Commissioner shall be four years, but any person duly appointed and qualified shall hold office until his successor is appointed and qualified.

Four-year term.

(b) The first Tax Commissioner shall be appointed for the term beginning April 1, 1945, and ending March 31, 1949, and a Tax Commissioner shall be appointed for each succeeding four-year period thereafter.

Removed from
office.

(c) The Tax Commissioner may be removed from office by the Governor, after notice and opportunity for

public hearing, upon the grounds of inefficiency, neglect of duty, or malfeasance in office, but for no other cause whatever.

Section 6. The salary of the Tax Commissioner shall ^{Salary.} be \$6,250.00 per annum, payable in equal monthly installments.

Section 7. Prior to entering upon the performance of his duties the Tax Commissioner—

(a) shall take and subscribe an oath that he will ^{Oath.} faithfully perform the duties of his office and

(b) shall execute a surety company bond to the Terri- ^{Bond.} tory in the sum of \$50,000 conditioned upon faithful, honest and impartial performance of his duties under this Act and upon prompt and faithful accounting for all monies collected by him or his deputies, assistants, employees or agents. The said bond shall be approved by the Territorial Treasurer and filed in the office of the Territorial Auditor. The premium upon said bond shall be payable from any monies appropriated for the administration of this Act.

Section 8. The principal office of the Tax Commis- ^{Principal office at Capitol.} sioner shall be located at the Capitol. Such branch offices as are essential for the efficient administration of this Act may be maintained at other places in the Territory.

Section 9. The Tax Commissioner shall be the execu- ^{Duties of Tax Commissioner outlined.} tive and administrative head of the Department of Taxation and shall have the power and duty to—

(a) exercise general supervision, and direct the activities, of the Department of Taxation;

(b) supervise the fiscal affairs and responsibilities of the department;

Qualifications
of employees.

(c) prescribe the qualifications and duties of, appoint, remove and fix the compensation of deputies, assistants, employees and agents of the department;

(d) organize and administer the department so as to comply with the requirements of this Act and all other Territorial laws;

(e) prescribe uniform rules pertaining to investigations and hearings;

Keep records.

(f) keep an accurate and complete record of all departmental proceedings; record and file all bonds and assume responsibility for the custody of all returns, reports, papers and documents of the department;

Report to
Legislature.

(g) make recommendations and a biennial report to the Governor which shall be transmitted to the Legislature concerning the condition, operation, and functioning of the department and with respect to Territorial laws relating to taxation and tax administration;

(h) administer the provisions of this Act and any other revenue law which by statute may be charged upon him;

(i) adopt and procure a seal, by which any order, process or certificate issued by him shall be attested;

(j) keep full and accurate records of orders, processes and certificates issued by him, which records shall be open to public inspection at all reasonable times;

Hold hearings.

(k) hold and conduct hearings and investigations required in the administration of Territorial tax or revenue laws, which investigations and hearings may be held at any place in the Territory deemed necessary;

(l) delegate to any duly appointed deputy, assistant,

employee or agent the duty of making investigation, of taking testimony and reporting thereon to the Tax Commissioner.

(m) hear and determine appeals involving income, excise, license or other taxes levied under the laws of the Territory in accord with the provisions of this Act or any other law of the Territory and enter orders therein which shall be final unless reversed or modified by the courts; ^{Hear appeals.}

(n) require the attendance of witnesses and the production of all necessary books, papers, documents, correspondence and other evidence at any hearing;

(o) order the taking of depositions before any designated individual competent to administer oaths under this Act or any other law of the Territory;

(p) administer oaths, and delegate to his duly appointed and designated deputies, assistants, employees or agents the power to administer oaths to taxpayers and any other person in the course of investigations conducted or hearings held pursuant to the provisions of this Act;

(q) perform all of the duties specifically imposed upon him by law;

(r) exercise all of the powers specifically conferred upon him by law;

(s) by uniform regulations, classify the different types of services to be performed for the Department of Taxation, prescribe the qualifications of education, training and experience for the appointees and employees of each class, and fix a maximum and minimum salary for each class; ^{Regulations.}

(t) hold examinations to determine the technical and ^{Examine applicants.}

professional qualifications of applicants for positions, which examinations shall be a guide to the Tax Commissioner in making his appointments.

Require bond.

(u) require any deputy, assistant, agent or employee to execute bond, in amount to be determined by the Tax Commissioner, conditioned upon the faithful, honest and impartial performance of his duties and upon prompt and faithful accounting for any monies collected or coming into the possession, custody or control of any such deputy, assistant, agent or employee.

Attorney General to interpret.

(v) request the Attorney General of the Territory for rulings upon the interpretation of the tax and revenue laws administered by the Tax Commissioner.

(w) call upon the Attorney General of the Territory to institute actions for recovery of unpaid taxes, fees, excises, additions to tax, penalties and interest;

Issue warrants, unpaid taxes.

(x) to issue warrants for the collection of unpaid tax penalties and interest and take all steps necessary and proper to enforce full and complete compliance with the tax, license, excise and other revenue laws of the Territory subject to administration by the Tax Commissioner.

Tax Commissioner to administer certain tax and revenue laws.

Section 10. (a) The Tax Commissioner shall administer the laws enumerated in subsection (b) of this section and shall receive, collect and enforce the payment of—

(1) all taxes, license fees, excises, imposts and dues levied under the provisions of any such law, and

(2) all interest, penalties and additions to such taxes, license fees, excises, imposts and dues accruing to the Territory pursuant to the provisions of any such law.

To this end the Tax Commissioner shall possess all of

the powers and perform all of the duties by any such law granted to, or enjoined upon, the Territorial officer designated in such law to administer it and all such powers and duties are hereby transferred to the Tax Commissioner as of April 1, 1945.

(b) The provisions of subsection (a) of this section shall apply to the following tax, license tax and excise tax laws levied by the Territory;

(1) inheritance tax levied by Chapter 60, Session Laws of 1919, as amended; Chapter 60, 1919.

(2) sales profit tax levied by Chapter 54, Session Laws of 1919, as amended; Chapter 54, 1919.

(3) school tax levied by Chapter 38, Session Laws of 1943, as amended; Chapter 38, 1943.

(4) license taxes levied by Chapter 59, Session Laws of 1927, as amended; Chapter 59, 1927.

(5) mining license taxes levied by Chapter 20, Session Laws of 1937, as amended; Chapter 20, 1937.

(6) motor vehicle tax levied by Chapter 83, Session Laws of 1931, as amended; Chapter 83, 1931.

(7) fishermen's licenses levied by Chapter 30, Session Laws of 1933, as amended; Chapter 30, 1933.

(8) liquor excise taxes levied under the provisions of sections 7 and 8 of Chapter 78, Session Laws of 1937, as amended. Chapter 78, 1937.

Section 11. The Territorial officer designated to administer the provisions of any law enumerated in section 10 (b) of this Act shall transfer to the Tax Commissioner not later than April 1, 1945 all books papers and records

Records to be transferred April 1, 1945.

in his office which relate to the administration and enforcement of such law taking the receipt of the Tax Commissioner therefor.

Authorized to
examine records,
etc.

Section 12. (a) The Tax Commissioner for the purpose of ascertaining the correctness of any return filed or for the purpose of making an estimate of the tax license fee or excise owed by any taxpayer is authorized to examine any books, papers, records, or memoranda of any person bearing upon the matters required to be included in the return, and may summon any person to appear and produce books, records, papers, or memoranda bearing upon the matters required to be included in the return, and to give testimony or answer interrogatories under oath respecting the same, and the Tax Commissioner shall have power to administer oaths to such person or persons.

Summons—How
served.

(b) Summons may be served by the marshal or by any person duly designated by the Tax Commissioner. If any person having been personally summoned shall neglect or refuse to obey the summons issued as herein provided, the Tax Commissioner may report the fact to the District Court of the United States for the Territory of Alaska, and said court hereby is empowered to compel obedience to such summons to the same extent as witnesses may be compelled to obey the subpoenas of that court.

Penalties.

(c) Any person in custody or control of any books, papers, records, or memoranda bearing upon the matters required to be included in such returns, who shall refuse to permit the examination by the Tax Commissioner or any person designated by him of any such books, papers, records, or memoranda, upon conviction thereof, shall be fined not more than \$300.00. All prosecutions under this section shall be brought in the District Court of the United States for the Territory of Alaska on information by the Territorial Attorney General in the name of the Territory of Alaska.

Section 13. If any person fails to make and file a return at the time prescribed by law or by regulations made under authority of law, or makes, wilfully or otherwise, a false or fraudulent return, the Tax Commissioner shall make the return from his own knowledge and from such information as he can obtain through testimony and otherwise. Any return so made and subscribed by the Tax Commissioner shall be prima facie good and sufficient for all legal purposes.

Failure to file.
Tax Commissioner authorized.

Section 14. The Tax Commissioner is authorized to enter into an agreement with any person relating to the liability of such person (or of the person or estate for whom he acts) in respect of any tax, license fee or excise tax for any period ending prior to the date of the agreement. If such agreement is approved by the Attorney General within such time as may be stated in such agreement or later agreed to, such agreement shall be final and conclusive and except upon a showing of fraud or malfeasance, or misrepresentation of a material fact the case shall not be reopened as to the matters agreed upon or the agreement modified; and in any suit or proceeding relating to the tax liability of the taxpayer such agreement shall not be annulled, modified, set aside, or disregarded.

May enter agreement.

Approved by Attorney General final.

Section 15. (a) Whenever in the opinion of the Tax Commissioner there shall arise with respect of any tax, license fee or excise tax levied by the Territory any doubt as to the liability of the taxpayer or the collectibility of the tax for any reason whatsoever the Tax Commissioner with the approval of the Attorney General may compromise such tax.

Case in doubt.
may compromise.

(b) Any person who, in connection with any compromise under this section or offer of such compromise or in connection with any closing agreement under this Act or offer to enter into any such agreement, wilfully (1) conceals from any officer or employee of the Territory of Alaska any property belonging to the estate of

Concealing property or destroying property.

Penalties.

the taxpayer or other person liable with respect of the tax, or (2) receives, destroys, mutilates, or falsifies any book, document, or record or makes under oath any false statement relating to the estate or the financial condition of the taxpayer or to the person liable in respect of the tax, shall, upon conviction thereof, be fined not more than \$5,000 or imprisoned for not more than one year, or both.

(c) The Tax Commissioner with the approval of the Attorney General shall have the power for cause shown to compromise any penalty accruing under the tax, license or excise tax laws of the Territory.

Publish rules.

Section 16. (a) The Tax Commissioner shall prescribe and publish all needful rules and regulations for the enforcement of the tax, license or excise tax laws administered by him.

Distribute forms.

(b) The Tax Commissioner shall prepare and distribute all forms necessary or useful in the administration of tax, license or excise tax laws under his jurisdiction.

Publish statistics.

Section 17. The Tax Commissioner shall prepare and annually publish statistics with respect to the revenues derived under the tax laws administered by him.

Mail receipts.

Section 18. (a) The Tax Commissioner, promptly following receipt of any tax, license fee, impost, excise or other Territorial revenue, shall mail receipt to the taxpayers covering the amount received for such taxes, and shall transmit the same to the Territorial Treasurer, taking his receipt therefor.

To designate banking institutions to receive revenues.

(b) With the approval of the Territorial Treasurer, the Tax Commissioner may designate banking institutions within the Territory as depositaries of monies collected by the Tax Commissioner or by any deputy, em-

ployee or agent of the Tax Commissioner duly authorized by him to receive and collect taxes, license fees, excises and other Territorial revenues. The Tax Commissioner may require that monies so received or collected by his authorized collectors be forthwith deposited in such a banking institution and that the original receipt, together with such duplicates and other information as the Tax Commissioner shall require, be forwarded to the office of the Tax Commissioner. Upon the deposit of monies collected with an institution so designated the Tax Commissioner, and any duly authorized collector, shall be discharged of liability with respect to the monies so collected.

Section 19. The executor, administrator or other personal representative of any deceased tax commissioner or of any deceased deputy, assistant, employee or agent of the Tax Commissioner, having possession or control of any tax list, record, return, paper, document or book or of any amount collected as tax, excise, impost, license fee, dues or other revenue shall forthwith deliver the same to the Tax Commissioner. Any such executor, administrator or personal representative of any deceased Tax Commissioner refusing or wilfully failing to comply with the provisions of this section shall be guilty of a misdemeanor.

Deceased Tax Collector records turned over to Tax Commissioner.

Section 20. Upon request by the Tax Commissioner the Attorney General of the Territory shall institute such actions and proceedings in court as are provided by law to enforce the payment of any tax, excise, impost, license fee, dues or other revenue owed to the Territory.

Section 21. There is hereby appropriated out of the funds in the Territorial Treasury not otherwise appropriated the sum of \$100,000.00, or so much thereof as may be necessary, to carry out the provisions of this Act.

Appropriation.

Section 22. Effective Date. This Act shall take effect at midnight of January 1, 1946; provided, however, that the Tax Commissioner is hereby authorized to expend

Effective date.

any sums necessary to equip an office or otherwise, prior to July 1, 1945.

Approved March 24, 1945.

CHAPTER 56

AN ACT

[S. B. 50]

To amend Chapter 65 of the Session Laws of Alaska, 1937, relating to the establishment of a Territorial Board of Accountancy, defining its powers and providing a penalty for the unlawful use of titles and degrees, by amending Sections 2 and 5.

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

Section 1. That Section 2, Chapter 65, of the Session Laws of Alaska, 1937, be amended to read as follows:

“Section 2. The first three members of the Board shall be appointed by the Governor of Alaska within thirty days after the date on which this Act becomes effective, or as soon thereafter as may be convenient. Of the members so appointed, one shall hold office for the period of two years from and after January 1, 1937, one for four years after said date, and one for six years after said date, and until the appointment of their successors. Each second year the Governor, with the advice and consent of the Legislature shall appoint one member of the Board who shall serve for a term of six years and until his successor shall have been appointed. A vacancy on the Board shall be filled by the Governor by appointment for the unexpired term, subject, however, to confirmation by the Legislature when the Legislature shall next

Appointment
of members.

Term of office—
How appointed.

Vacancy.