

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

Section 1. Section 57-7-4 ACLA 1949 is hereby amended to read as follows:

Section 57-7-4. ESTATES AND LANDS SUBJECT TO BE TAKEN. That the following is a classification of the estates and rights in lands subject to be taken for public use:

(1) A fee simple, when taken for public buildings or grounds, or for permanent buildings, for reservoirs and dams, and permanent flooding occasioned thereby, or for an outlet for a flow, or a place for the deposit of debris or tailings of a mine, or whenever in the judgment of the Territorial Board of Road Commissioners such an estate in real property is necessary for any of the purposes for which said Board on behalf of the Territory of Alaska is authorized by law to acquire real property by condemnation.

Fee simple
estate in land.

(2) An easement when taken for any other use.

Easement.

(3) The right of entry upon and occupation of lands, and the right to take therefrom such earth, gravel, stones, trees, and timber as may be necessary for some public use.

Entry and
occupation.

Approved March 27, 1953.

CHAPTER 92

AN ACT

[H. B. 34]

To empower Second Class Cities, pursuant to referendums, to levy sales taxes: amending subsection Sixth of Section 16-2-5 ACLA 1949; validating and confirming sales tax ordinances enacted prior to the effective date of this Act; and declaring an emergency.

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

Section 1. Subsection Sixth of Section 16-2-5 ACLA 1949 is amended to read as follows:

Sixth: (a) GENERAL TAX FOR SCHOOL AND MUNICIPAL PURPOSES. To assess, levy and collect a general tax for school and municipal purposes, not to exceed three per centum of the assessed valuation upon all real and personal property and to declare such tax with penalty a lien upon such property, and to enforce the collection of such lien by foreclosure, levy, distress and sale, in the manner provided for the collection of taxes in municipal corporations of the first class, and all the provisions of the laws of the Territory relative to the levy and collection of taxes in cities of the first class shall apply with full force and effect to incorporated cities of the second class; Provided, however, that all property belonging to the municipality, all property used exclusively for religious, educational or charitable purposes, and the household furniture of the head of a family or householder, not exceeding Two Hundred Dollars (\$200.00) in value, shall be exempt from such tax; Provided, further, that the laws exempting certain property from levy and sale on execution shall not apply to said taxes or the collection of the same.

(b) CONSUMER'S SALES TAX. To levy and collect a consumer's sales tax not exceeding two percentum of the sales price on all retail sales, rents and services made within the municipality; provided, that the consent of the qualified voters of the municipality is first obtained through a referendum vote at a general or special election, upon ballots which clearly present the proposition as to whether such sales tax shall be authorized within the municipality. The ballot shall also set forth whether the tax

General property
tax levy.

Exemptions.

Consumers
sales tax.

Right to levy
sales tax.

Referendum vote
required.

is to be levied for general revenue for the municipality or for a special purpose, and, if for a special purpose, same shall be specified on the ballot. If a majority or more of the votes cast in said referendum are in the affirmative, the council may thereafter enact such a tax in the nature of a levy upon buyers but with imposition upon sellers of the obligation of collecting same at the time of sale or at time of collection with respect to credit transactions, and transmit same to the municipality. The sole purpose of this subsection is to enable cities, with the consent of the residents thereof, to impose sales taxes, and that although such method of taxation be established within a city, the council may at any time abandon same. It is also the intent that if consent to such tax be obtained for a special purpose, the proceeds of the tax may not be used for any other purpose unless with consent of the voters at another referendum.

Limitation on use of tax proceeds.

Section 2. No such sales tax proposition shall be presented to the voters more than once in any twelve months.

Section 3. All sales tax ordinances, otherwise valid, which have been enacted by cities of the second class prior to the effective date of this Act under the provisions of subsection (b) of Chapter 38, Session Laws of Alaska 1949, are hereby validated and confirmed.

Prior sales tax ordinances validated.

Section 4. An emergency is hereby declared to exist, and this Act shall take effect immediately upon its passage and approval.

Emergency clause.

Approved March 28, 1953.