



LAWS OF ALASKA

1970

Source

CSHB 442

Chapter No.

24

AN ACT

Relating to inheritance, transfer, and estate taxes; and providing for an effective date.

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

- * Section 1. AS 43.30.010 - 43.30.210 are repealed.
- * Sec. 2. AS 43 is amended by adding a new chapter to read:

CHAPTER 30. ALASKA ESTATE TAX.

Sec. 43.30.011. TAX UPON ESTATES OF RESIDENT DECEDENTS. A tax is imposed upon the transfer of the estate of a person who, at the time of death, was a resident of this state, the amount of which shall be computed as follows:

(1) Determine the amount of the credit allowable under the applicable federal revenue Act for estate, inheritance, legacy and succession taxes actually paid to the several states.

(2) Determine for each of the other states the amount of all constitutionally valid estate, inheritance, legacy and succession taxes, actually paid to each of the other states in respect to property owned by the decedent or subject to these taxes as a part of or in connection with his estate.

(3) Determine for each other state in which property is located that is owned by the decedent or subject to estate, inheritance, legacy or succession taxes as a part of or in connection with his estate the proportion of the amount of the credit allowable under the applicable federal revenue Act for estate, inheritance, legacy and succession taxes actually paid to the several states, as the value of the property taxable in that state bears to the value of the entire gross estate wherever situated.

(4) The amount of the tax is the amount of the allowable credit as determined in (1) of this section less the sum of the smaller figures of (2) or (3) of this section for each of the other states in which the decedent's property is situated. For example: The amount of allowable credit under the Federal Act is \$10,000 (relating to (1) in this section)

	Amount of Tax Actually Paid (relating to (2) of this section)	Proportion of Credit from Situs of Property (relating to (3) of this section)	Smaller of (2) and (3) of this section
State X	\$3,000	10% - \$1,000	\$1,000
State Y	\$1,000	15% - \$1,500	<u>\$1,000</u>
			\$2,000

The Alaska estate tax is \$10,000 minus \$2,000 equalling \$8,000

Sec. 43.30.021. TAX UPON ESTATES OF NONRESIDENT DECEDENTS. A tax is imposed upon the transfer of real property situated in this state, upon tangible personal property having an actual situs in this state, upon intangible personal property having a business situs in this state and upon stocks, bonds, debentures, notes and other securities or obligations of corporations organized under the laws of this state, of a person who at the time of death was not a resident of this state but was a resident of the United States, the amount of which shall be a sum equal to that proportion of the amount of the credit allowable under the applicable federal revenue Act for estate, inheritance, legacy and succession taxes actually paid to the several states, as the value of the property taxable in this state bears to the value of the entire gross estate wherever situated.

Sec. 43.30.031. TAX UPON ESTATES OF ALIEN DECEDENTS.
(a) A tax is imposed upon the transfer of real property situated and tangible personal property having an actual situs in this state and upon intangible personal property physically present in this state of a person who at the time of death was not a resident of the United States, the amount of which shall be a sum equal to that proportion of the credit allowable under the applicable federal revenue Act for estate, inheritance, legacy and succession taxes actually paid to the several states, as the value of the property taxable in this state bears to the value of the estate taxable by the United States wherever situated.

(b) For the purpose of this section, stock in a corporation organized under the laws of this state shall be considered physically present in this state. The amount receivable as insurance upon the life of a decedent who at the time of his death was not a resident of the United States, and any money deposited with a person carrying on the banking business by or for the decedent who was not engaged in business in the United States at the time of his death, shall not for the purpose of this section, be considered to be physically present in this state.

Sec. 43.30.041. ADMINISTRATION BY DEPARTMENT OF REVENUE. The Department of Revenue shall, except as otherwise provided, have jurisdiction and be charged with the administration and enforcement of the provisions of this chapter.

Sec. 43.30.051. EXAMINATION OF BOOKS, PAPERS, RECORDS, ETC. (a) The department, for the purpose of ascertaining the correctness of a return, or for the purpose of making a return where none has been made, may examine books, papers, records or memoranda, bearing upon the matter required to be included in the return; may require the attendance of persons rendering the return or of an officer or employee of those persons, or of any person having knowledge in the premises, at a convenient place in the superior court district in which the person resides, and may take his testimony with reference to the matter required by law to be included in the return, and may administer oaths to these persons.

(b) If a person summoned to appear under this chapter to testify, or to produce books, papers, or other data, refuses to do so, the superior court for the district in which the person resides shall have jurisdiction by appropriate process to compel the attendance, testimony, or production of books, papers, or other data.

Sec. 43.30.061. APPOINTMENT, BONDS AND CREDENTIALS OF AGENTS. (a) The department may appoint and remove examiners, appraisers and employees as it considers necessary, these persons to have those duties and powers as the department may from time to time prescribe. The salaries of examiners, appraisers and employees employed by the department shall be as it may prescribe, and examiners, appraisers and employees shall be reimbursed for traveling expenses as provided for employees of the Department of Revenue.

(b) The department may require the examiners, appraisers and employees as it may designate to give bond payable to the state for the faithful performance of their duties in that form and with those sureties as it may determine, and all premiums on these bonds shall be paid by the state.

(c) All officers empowered by law to administer oaths or employees, examiners and appraisers appointed by the department may administer an oath to persons giving testimony before them or to take the acknowledgment of a person in respect to the returns or reports required under this chapter.

(d) All employees, examiners and appraisers appointed by the department shall have for identification purposes proper credentials issued by the department and exhibit them upon demand.

Sec. 43.30.071. REGULATIONS. The department may from time to time make regulations not inconsistent with this chapter as it may consider necessary to enforce its provisions, and may adopt regulations as are or may be promulgated with respect to the estate tax provisions of the revenue Act of the United States insofar as they are applicable. The department may from time to time prescribe forms as it considers proper for the administration of this chapter.

Sec. 43.30.081. INFORMATION CONFIDENTIAL. Except when required in official investigations or in accordance

with proper judicial order or as otherwise provided by law, it is unlawful for the department or an examiner, appraiser, attorney or other employee to divulge or make known in any manner the value of an estate or any particulars set out or disclosed in a report or return required. Nothing in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns and items of particular reports or returns; however, the department

(1) may permit the Alaska Department of Labor for tax purposes, or the Internal Revenue Service, or the proper officer of a state or the Dominion of Canada or a province or territory of Canada imposing an income tax, estate tax or inheritance tax, or the authorized representative of the proper officer to inspect estate tax returns of an individual, or

(2) may furnish to the proper officer or his authorized representative a copy of the return of an executor or furnish information concerning an item contained in a return or disclosed by the report of an investigation of the return of an executor.

Sec. 43.30.091. SUITS BY OR AGAINST DEPARTMENT. The department may sue and be sued but shall not be required to give supersedeas or other bond in any cause or court of this state.

Sec. 43.30.101. SPECIAL APPRAISERS. The department may employ special appraisers for the purpose of determining the value of property which is, or is believed by the department to be, subject to the tax imposed by this chapter, and the special appraisers shall be paid compensation as the department considers proper.

Sec. 43.30.111. NOTICE OF DEATH OR TAX RETURN. The executor, within two months after the decedent's death, or within a like period after qualifying as executor, shall give written notice of the death to the department on the form prepared and published by the department known as the preliminary notice and report. If a federal estate tax return is required by the applicable federal revenue Act, a copy of the preliminary notice filed with the federal government may be filed with the department in lieu of the preliminary notice and report.

Sec. 43.30.121. TAX RETURN IN CERTAIN CASES. The executor of an estate required by the laws of the United States to file a federal estate tax return shall file with the department within 15 months from the date of death a return consisting of an executed copy of the federal estate tax return, and shall file with this return all supplemental data, if any, as may be necessary to determine and establish the correct tax under this chapter. This return shall be made in the case of every decedent who at the time of his death was not a resident of the United States and whose gross estate includes any real property situated and tangible personal property having an actual situs in the state and intangible personal property physically present in the state.

Sec. 43.30.131. FAILURE TO MAKE RETURN AND EXTENSION.

If the federal taxing authorities grant an extension of time for filing a return the department shall allow a like extension of time for filing upon the filing by the executor of a copy of the federal extension with the department. An extension of time for filing a return does not operate to extend the time for payment of the tax. If a person fails to file a return at the time prescribed by law or files, wilfully or otherwise, a false or fraudulent return, the department shall make the return from its own knowledge and from information it can obtain through testimony or otherwise. A return so made by the department shall be prima facie good and sufficient for all legal purposes.

Sec. 43.30.141. WHEN TAX DUE, EXTENSION AND INTEREST. The tax imposed by this chapter is due and payable 15 months after the decedent's death, and shall be paid by the executor to the department. Where the department finds that the payment on the due date of the tax or any part of the tax would impose undue hardship upon the estate, the department may extend the time for payment of any part, but no extension may be for more than one year and the aggregate of extensions with respect to an estate shall not exceed five years from the due date. In that case the amount in respect of which the extension is granted shall be paid on or before the date of the expiration of the period of the extension unless a further extension is granted. If the time for the payment is extended there shall be collected, as part of this amount, interest on the tax at the rate of seven per cent per annum from the due date of the tax to the date the tax is paid.

Sec. 43.30.151. NOTICE OF DEFICIENCY IN FEDERAL ESTATE TAX. It is the duty of the executor to file with the department within 60 days after a final determination of a deficiency in federal estate tax has been made, written notice of the deficiency. If, based upon this deficiency and the ground for it, it appears that the amount of tax previously paid is less than the amount of tax owing, the difference together with interest at the rate of seven per cent per annum from the due date of the tax shall be paid upon notice and demand by the department. If the executor fails to give the notice required by this section, any additional tax owing may be assessed, or a proceeding in court for the collection of the tax may be begun without assessment at any time before the filing of notice or within 30 days after the delinquent filing of notice, notwithstanding the provisions of sec. 270 of this chapter.

Sec. 43.30.161. DEFICIENCY, HEARING, AND PROCEDURE.
 (a) If, upon examination of a return a tax or a deficiency in tax is disclosed, the executor shall be notified of the tax or deficiency by the department by registered mail, and given a period of not less than 30 nor more than 60 days from notice in which to show cause why the tax or deficiency should not be paid.

(b) The department shall proceed to hear and determine all questions involving the tax or deficiency upon not less than 10 days' notice to the executor of the date of the hearing, and a final determination shall be made as quickly as practicable and a copy of the determination,

together with notice and demand, shall be sent by registered mail to the executor. The tax or deficiency in tax shall be assessed and paid together with the penalty and interest, if any, within 60 days after notice and demand by the department.

(c) The determination of tax or deficiency in tax by the department is final unless the executor, or other party interested, within 50 days from the date of the receipt of a copy of the determination, brings a suit in the superior court against the department and other parties as are interested. It is not necessary to join as parties to the suit any heir-at-law, next of kin, distributee, legatee or devisee of the decedent. The complaint shall contain a concise statement of the facts and shall have annexed to it a copy of the return and of the findings and determination of the department and shall pray for an abatement of the tax, in the amount and to the extent, in part or in whole, and for other relief as the executor desires. These suits shall proceed as other suits in equity. Either the department, the executor or any other party may appeal to the supreme court of appeal in the manner and within the time prescribed by the Alaska Rules of Civil Procedure.

Sec. 43.30.171. CIVIL PENALTIES. (a) A five per cent civil penalty shall be added to the tax for each 30-day period or fraction of the period during which there is a failure to file a return or pay the full amount of the tax or a portion or a deficiency of the tax, as finally determined by the department and required by this chapter, unless it is shown that the failure is due to a reasonable cause and not to wilful neglect. The additional tax shall not exceed 25 per cent in the aggregate.

(b) If any part of an underpayment of tax due under the provisions of this chapter is due to fraud, there shall be added to the tax a civil fraud penalty in an amount equal to 50 per cent of the tax. This amount shall be in lieu of any amount determined under (a) of this section.

(c) The penalties imposed by this section shall be collected in the same manner as the tax.

(d) No interest may be collected upon the amount of a penalty imposed by this section.

Sec. 43.30.181. RECEIPTS FOR TAXES. The department shall issue to the executor, upon payment of the tax imposed by this chapter, receipts in triplicate, any of which shall be sufficient evidence of payment, and shall entitle the executor to be credited and allowed the amount of the receipt by a court having jurisdiction to audit or settle his accounts. If the executor files a complete return and makes written application to the department for determination of the amount of the tax and discharge from personal liability, the department, as soon as possible, and in any event within one year after receipt of the application, shall notify the executor of the amount of the tax, and upon payment of the tax the executor shall be discharged from personal liability for any additional tax thereafter found to be due, and shall

be entitled to receive from the department a receipt in writing showing the discharge; however, the discharge shall not operate to release the gross estate of the lien of additional tax that may thereafter be found to be due, while the title to the gross estate remains in the executor or in the heirs, devisees, or distributees; but after the discharge is given, no part of the gross estate is subject to lien or to any claim or demand for tax after the title to the estate has passed to a bona fide purchaser for value.

Sec. 43.30.191. FAILURE TO PAY TAX. (a) If a tax imposed by this chapter or any portion of the tax is unpaid within 90 days after it becomes due, and the time for payment is not extended, the department shall collect the tax, penalty and interest by using the remedy of distraint on real and personal property as set out in AS 43.20.270 or by issuing a warrant directed to the commissioner of public safety commanding him to

(1) levy upon and sell the real and personal property of the estate found in the state for the payment of the amount of the unpaid tax with interest and penalties, if any, as may have accrued or been assessed against it, together with the cost of executing the warrant, and

(2) return the warrant to the department and pay to it the money collected under it by a time to be specified in the warrant, not less than 60 days from the date of the warrant.

(b) The commissioner of public safety shall proceed upon the warrant in all respects, with like effect, and in the same manner prescribed by law to executions issued against property upon judgments of a court of record, and shall be entitled to the same fees for services in executing the warrant as are now allowed by law for like services to be collected in the same manner as now provided by law. Alias and pluries warrants may issue from time to time as the department may consider proper until the entire amount of the tax, deficiency, interest, penalties and costs have been recovered.

Sec. 43.30.201. TAX PAYABLE FROM ENTIRE ESTATES AND THIRD PERSONS. If the tax or a part of the tax is paid or collected out of that part of the estate passing to or in possession of a person other than the executor in his capacity as executor, the person is entitled to a reimbursement out of a part of the estate still undistributed or by a just and equitable contribution by the person whose interest in the estate of the decedent would have been reduced if the tax had been paid before the distribution of the estate or whose interest in the estate is subject to an equal or prior liability for the payment of tax, debts, or other charges against the estate, it being the purpose and intent of this section that so far as is practical and unless otherwise directed by the will of the decedent, the tax shall be paid out of the estate before its distribution; but the department shall not be charged with enforcing contribution from a person.

Sec. 43.30.211. LIEN FOR UNPAID TAXES. Unless the

tax is sooner paid in full, it shall be a lien for 10 years upon the gross estate of the decedent, except that the part of the gross estate as is used for the payment of charges against the estate and expenses of its administration, allowed by a court having jurisdiction shall be divested of the lien, and except that the part of the gross estate of a resident decedent as is transferred to a bona fide purchaser, mortgagee, or pledgee, for an adequate and full consideration in money or equivalent value shall be divested of the lien and the lien shall then attach to the consideration received for the property from the purchaser, mortgagee, or pledgee. If the department is satisfied that no tax liability exists or that the tax liability of an estate has been fully discharged or provided for, it may issue a waiver releasing any or all property of the estate from the lien imposed by this section. There shall be paid to the department a fee of \$2.50 for each waiver so issued.

Sec. 43.30.221. PERSONAL LIABILITY OF EXECUTOR, ETC. If an executor makes distribution either in whole or in part of any of the property of an estate to the heirs, next of kin, distributees, legatees or devisees without having paid or secured the tax due the state under this chapter, or obtained the release of the property from the lien of the tax he shall become personally liable for the tax so due the state, or so much of it as may remain due and unpaid, to the full extent of the full value of any property belonging to the person or estate which may come into his hands, custody or control.

Sec. 43.30.230. SALE OF REAL ESTATE BY EXECUTOR TO PAY TAX. Every executor has the same right and power to take possession of or sell, convey and dispose of real estate as assets of the estate for the payment of the tax imposed by this chapter as he may have for the payment of the debts of the decedent.

Sec. 43.30.240. ACTIONS TO ENFORCE PAYMENT. Actions may be brought within the time or times specified in this section by the department to recover the amount of taxes, penalties and interest due under this chapter. This action shall be brought in the superior court where the estate is being or has been administered, or if no administration be had in this state, then in any county where any of the property of the estate is situated.

Sec. 43.30.250. NO DISCHARGE OF EXECUTOR UNTIL TAX PAID. No final account of an executor of the estate of a nonresident, nor of the estate of a resident where the value of the gross estate wherever situated exceeds \$60,000 may be allowed by any court unless and until the account shows, and the judge of the court finds, that the tax imposed by the provisions of this chapter upon the executor, which has become payable, has been paid. The certificate of the department of nonliability for tax or its receipt for the amount of tax certified shall be conclusive in proceedings as to the liability or the payment of the tax to the extent of the certificate.

Sec. 43.30.260. AGREEMENTS AS TO TAX DUE. For the purpose of facilitating the settlement and distribution of estates held by executors, the department may, on behalf

of the state, agree upon the amount of taxes at any time due or to become due from the executor under the provisions of this statute, and payment in accordance with the agreement shall be full satisfaction of the taxes to which the agreement relates.

Sec. 43.30.270. TIME FOR ASSESSMENT OF TAX. The amount of estate tax due under this chapter shall be determined and assessed within four years from the date the return was filed, or within a period expiring 90 days after the last day on which the assessment of a deficiency in federal estate tax may lawfully be made under applicable provisions of the internal revenue laws of the United States, whichever date last occurs, and no suit or other proceedings for the collection of any tax due under this chapter shall be begun after this date, unless the date is extended by agreement between the department and the executor, in which case that date shall govern; however, in the case of a false or fraudulent return or of a failure to file a return, the tax may be assessed, or a proceeding in court for the collection of the tax may be begun without assessment, at any time.

Sec. 43.30.280. REFUNDS OF EXCESS TAX PAID. (a) When it appears upon the examination of a return made under this chapter or upon proof submitted to the department by the executor, that an amount of estate tax has been paid in excess of the tax legally due under this chapter, then the amount of overpayment, together with any overpayment of interest on it shall be refunded to the executor and this refund shall be made by the department as a matter of course regardless of whether or not the executor has filed a written claim for it, except that upon request of the department, the executor shall file with the department a conformed copy of any written claim for refund of federal estate tax which has been filed with the United States.

(b) Notwithstanding (a) of this section, no refund of estate tax may be made nor is any executor entitled to bring an action for refund of estate tax after the expiration of two years from the date of payment of the tax to be refunded unless there has been filed with the department written notice of administrative or judicial determination of the federal estate tax liability of the estate, whichever last occurs, and notice shall have been so filed not later than 60 days after determination has become final.

(c) In this section, an administrative determination shall be considered to have become final on the date of receipt by the executor or other interested party of the final payment to be made refunding federal estate tax or upon the last date on which the executor or any other interested party receives notice from the United States that an overpayment of federal estate tax has been credited by the United States against any liability other than federal estate tax of the estate. A final judicial determination shall be considered to have occurred on the date on which a judgment entered by a court of competent jurisdiction and determining that there has been an overpayment of federal estate tax becomes final.

(d) Nothing in this section shall be construed to

prevent an executor from bringing or maintaining an action in a court of competent jurisdiction within a period otherwise prescribed by law to determine any question bearing upon the taxable situs of property, the domicile of a decedent, or otherwise affecting the jurisdiction of the state to impose an inheritance or estate tax with respect to a particular item of property.

Sec. 43.30.290. SUPERIOR COURT JUDGE TO FURNISH NAMES OF DECEDENTS. The superior court judges of this state shall, on or before the 10th day of every month, notify the department of the names of all decedents, the names and addresses of the respective executors, administrators or curators appointed, the amount of the bonds, if any, required by the court, and the probable value of the estates, in all estates of decedents whose wills have been probated or propounded for probate before him or upon which letters testamentary or upon whose estates letters of administration or curatorship have been sought or granted, during the preceding months, and the report shall contain any other information which the superior court judge may have concerning the estate of these decedents; and the superior court judge shall also furnish immediately further information, from the records and files of his office in regard to the estates, which the department may from time to time require.

Sec. 43.30.300. CORPORATE EXECUTORS OF NONRESIDENT DECEDENTS. If the executor of the estate of a nonresident is a corporation duly authorized, qualified and acting as an executor in the jurisdiction of the domicile of the decedent, it shall be under the duties and obligations as to the giving of notices and filing of returns required by this chapter, and may bring and defend actions and suits as may be authorized or permitted by this chapter, to the same extent as an individual executor, notwithstanding that the corporation may be prohibited from exercising, in this state, any powers as executor, but nothing in this section may be taken or construed as authorizing corporations not authorized to do business in this state to qualify or act as executor, administrator or in any other fiduciary capacity, if otherwise prohibited by the laws of this state, except to the extent expressly provided.

Sec. 43.30.310. PRIMA FACIE LIABILITY FOR TAX. The estate of each decedent whose property is subject to the laws of the state shall be considered prima facie liable for estate taxes under this chapter, and shall be subject to a lien for them in an amount which may be later determined to be due and payable on the estate as provided in this chapter. This presumption of liability shall begin on the date of the death of the decedent and shall continue until the full settlement of all taxes which may be found to be due under this chapter, the settlement to be shown by receipts for all taxes due to be issued by the department as provided for in this chapter. Whenever it appears to the department that an estate is not subject to a tax under this chapter the department shall issue to the executor, administrator, curator or other personal representative, or to the heirs, devisees, or legatees of the decedent, a certificate in writing to that effect, showing nonliability to tax, which certificate of nonliability shall have the same force and effect as a receipt showing payment. This certificate of nonliability shall be

subject to record and admissible in evidence in like manner as receipts showing payment of taxes. There shall be paid to the department a fee of \$2.50 for each certificate so issued.

Sec. 43.30.320. DISCHARGE OF ESTATE, NOTICE OF LIEN, LIMITATION, ETC. (a) If no receipt for the payment of taxes, or no receipt of nonliability for taxes has been issued or recorded as provided for in this chapter, the property constituting the estate of the decedent in this state shall be considered fully acquitted and discharged of all liability for estate and inheritance taxes under this chapter after a lapse of 10 years from the date of the filing with the department of notice of the decedent's death, or after a lapse of 10 years from the date of the filing with the department of an estate tax return, whichever date is earlier, unless the department makes out, files and has recorded with the appropriate recorder wherein any part of the estate of the decedent may be situated in this state, a notice of lien against the property of the estate, specifying the amount or approximate amount of taxes claimed to be due to the state under this chapter, which notice of lien shall continue the lien in force for an additional period of five years or until payment is made. Notice of lien shall be filed and recorded, however, if no receipt for the payment of taxes, or no certificate of nonliability for taxes, has been issued or recorded as provided for in this chapter, the property constituting the estate of the decedent in this state, if the decedent was a resident of this state at the time of his death, shall be considered fully acquitted and discharged of all liability for tax under this chapter after a lapse of 10 years from the date of the death of the decedent, unless the department makes out, files and has recorded notice of lien as provided in this chapter, which notice shall continue said lien in force against the property of the estate for an additional period of five years or until payment is made.

(b) Notwithstanding anything to the contrary in this section or this chapter, no lien for estate and inheritance taxes under this chapter may continue for more than 20 years from the date of death of the decedent, whether the decedent is a resident or nonresident of this state.

Sec. 43.30.330. DISPOSITION OF PROCEEDS. All taxes and fees levied and collected under this chapter shall be paid into the general fund.

Sec. 43.30.340. INTERPRETATION AND CONSTRUCTION. When not otherwise provided for in this chapter, the rules of interpretation and construction applicable to the estate and inheritance tax laws of the United States shall apply to and be followed in the interpretation of this chapter.

Sec. 43.30.350. FAILURE TO PRODUCE RECORDS. A person who fails to comply with any duty imposed upon him by this chapter, or who, having in his possession or control any record, file or paper, containing or supposed to contain information concerning the estate of the decedent, or having in his possession or control any property comprised in the gross estate of the decedent, fails to exhibit the same upon request to the department or an examiner or appraiser,

appointed under this chapter, who desires to examine the same in the performance of his duties under this chapter, is liable to a penalty of not more than \$1,000, with costs of suit, in a civil action in the name of the state.

Sec. 43.30.360. FAILURE TO MAKE RETURN. A person required under this chapter to pay a tax, or required by law or regulation made under authority of this chapter to make a return, keep records, or supply information, for the purposes of the computation, assessment, or collection of a tax imposed by this chapter, who wilfully fails to pay the tax, make the return, keep the records, or supply the information, at the time required by law or regulation, is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$10,000, or by imprisonment for not more than one year, together with the costs of prosecution, in addition to other penalties provided by law.

Sec. 43.30.370. FALSE RETURN. A person who wilfully aids or assists in, or procures, counsels, or advises the preparation or presentation under or in connection with any matter arising under this chapter of a false or fraudulent return, affidavit, claim, or document, is, whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present the return, affidavit, claim or document, guilty of a felony and, upon conviction, is punishable by a fine of not more than \$10,000 or by imprisonment for not more than five years, together with the costs of prosecution.

Sec. 43.30.380. FALSE STATEMENT IN RETURN. A person who knowingly makes a false statement in a notice or return required to be filed under this chapter is punishable by a fine of not more than \$5,000 or by imprisonment for not more than one year.

Sec. 43.30.390. FAILURE TO PAY TAX, EVASION OF TAX, ETC. A person required under this chapter to collect, account for and pay over a tax imposed by this chapter, who wilfully fails to collect or truthfully account for and pay over the tax, and a person who wilfully attempts in any manner to evade or defeat a tax imposed by this chapter or the payment of it, is in addition to other penalties provided by law, guilty of a felony and, upon conviction, is punishable by a fine of not more than \$10,000 or by imprisonment for not more than five years, together with the costs of prosecution.

Sec. 43.30.400. EFFECTIVENESS OF CHAPTER. This chapter shall remain in force and effect so long as the government of the United States retains in full force and effect as a part of the revenue laws of the United States a federal estate tax, and this chapter shall cease to be operative when the government of the United States ceases to impose an estate tax of the United States.

Sec. 43.30.410. CERTAIN EXEMPTIONS. The tax imposed under the inheritance and estate tax laws of this state in respect to personal property, except tangible property having an actual situs in this state, is not payable

(1) if the transferer at the time of his death was a resident of a state or territory of the United States, or the District of Columbia, which at the time of his death did not impose a death tax of any character in respect to property of residents of this state, except tangible personal property having an actual situs in the state, territory or district; or

(2) if the laws of the state, territory or district of the residence of the transferer at the time of his death contained a reciprocal exemption provision under which nonresidents were exempted from death taxes of every character in respect to personal property, except tangible personal property having an actual situs therein, and if the state, territory or district of the residence of the nonresident decedent allowed a similar exemption to residents of the state, territory or district of residence of the decedent.

Sec. 43.30.420. DEFINITIONS. In this chapter

(1) "decedent" includes the testator, intestate grantor, bargainer, vendor, or donor;

(2) "department" means the Department of Revenue;

(3) "executor" means the executor, administrator or curator of the decedent, or if there is no executor, administrator or curator appointed qualified and acting, then any person who is in the actual or constructive possession of any property included in the gross estate of the decedent;

(4) "gross estate" means the gross estate as determined under the provisions of the applicable federal revenue Act;

(5) "net estate" means the net estate as determined under the provisions of the applicable federal revenue Act;

(6) "nonresident" means a natural person domiciled outside the state;

(7) "person" means persons, corporations, associations, joint stock companies and business trusts;

(8) "real property" means real property as it is commonly understood and includes real property whose legal title is in the decedent but which is subject to a contract of sale to a third party;

(9) "resident" means a natural person domiciled in the state;

(10) "tangible personal property" means corporeal personal property, including money; and the term "intangible personal property" means incorporeal personal property including deposits in banks, negotiable instruments, mortgages, debts, receivables, shares of stock, bonds, notes, credits, evidences of an interest in property, evidences of debt and choses in action generally;

(11) "transfer" includes the passing of property or any interest in property, in possession or enjoyment, present or future, by inheritance, descent, devise, succession, bequest, grant, deed, bargain, sale, gift, or appointment in the manner described in this chapter;

(12) "United States" when used in a geographical sense includes only the 50 states and the District of Columbia.

Sec. 43.30.430. SHORT TITLE. This chapter may be cited as the Estate Tax Law of Alaska.

* Sec. 3. The provisions of this chapter apply to estates of decedents dying after 12:01 a.m., Pacific Standard time, on the day after the effective date of this Act, and estates of decedents dying before 12:01 a.m., Pacific Standard time on the day after the effective date of this Act shall be taxed in accordance with the statutes and laws of this state in force before that date, which statutes and laws shall remain in force after the effective date of this Act for this purpose.

* Sec. 4. This Act takes effect on the day after its passage and approval or on the day it becomes law without approval.