

27-LS0562\I
Bullard
4/6/11

CS FOR HOUSE BILL NO. 170()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVE FEIGE

A BILL

FOR AN ACT ENTITLED

"An Act relating to an optional municipal property tax exemption for certain residences of volunteer emergency services personnel and the widows and widowers of volunteer emergency services personnel; and providing for an effective date."

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

*** Section 1.** AS 29.45 is amended by adding a new section to read:

Sec. 29.45.054. Exemption for certain residences of volunteer emergency services personnel. (a) Unless exempted under AS 29.45.030(e), the real property owned and occupied as the primary residence and permanent place of abode by a resident who serves as a volunteer with a fire department or emergency medical or rescue services agency or who is the widow or widower of a person who was a volunteer with a fire department or emergency medical or rescue services agency at the time of the person's death may by ordinance be exempted from taxation on the first \$150,000 of the assessed value of the real property. Only one exemption may be granted for the same property, and, if two or more persons are eligible for an

1 exemption for the same property, the parties shall decide between or among
2 themselves who is to receive the benefit of the exemption. Real property may not be
3 exempted under this subsection if the assessor determines, after notice and hearing to
4 the parties, that the property was conveyed to the applicant primarily for the purpose
5 of obtaining the exemption. The determination of the assessor may be appealed under
6 AS 44.62.560 and 44.62.570.

7 (b) In addition to other requirements, a person qualifies as a volunteer for
8 purposes of this section only if the person has been a volunteer of the fire department
9 or emergency medical or rescue services agency for at least two years before the date
10 the municipality receives the application for the exemption and the person meets
11 standards for the determination of active volunteer status that have been jointly
12 established by the fire department or emergency medical or rescue services agency
13 and the municipality. To be eligible for an exemption under this section for a year, a
14 municipality may by ordinance require that an individual also meet requirements
15 under one of the following paragraphs:

16 (1) the individual shall be eligible for a permanent fund dividend under
17 AS 43.23.005 for that same year or for the immediately preceding year; or

18 (2) if the individual has not applied or does not apply for one or both
19 of the permanent fund dividends identified in (1) of this subsection, the individual
20 would have been eligible for one of the permanent fund dividends had the individual
21 applied.

22 (c) An exemption may not be granted under this section except on written
23 application for the exemption. Each municipality shall, in the ordinance establishing
24 the exemption, set out procedures and deadlines for filing the application. The
25 governing body of the municipality for good cause shown may waive the claimant's
26 failure to make timely application for exemption and authorize the assessor to accept
27 the application as if timely filed. If an application is filed within the required time and
28 is approved by the assessor, the assessor shall allow an exemption in accordance with
29 the provisions of this section. If the application for exemption is approved after taxes
30 have been paid, the amount of tax that the claimant has already paid for the property
31 exempted shall be refunded to the claimant. The assessor shall require proof in the

1 form the assessor considers necessary of the right to and amount of an exemption
2 claimed under this section. The assessor may require proof under this subsection at
3 any time.

4 (d) The state shall reimburse a borough or city, as appropriate, for the real
5 property tax revenue lost to it by permitting exemptions under this section. However,
6 reimbursement may be made to a municipality for revenue lost to it only to the extent
7 that the loss exceeds an exemption that was granted by the municipality or that, on
8 proper application by an individual, would have been granted under AS 29.45.050(a).
9 If appropriations are not sufficient to fully fund reimbursements under this subsection,
10 the amount available shall be distributed pro rata among eligible municipalities.

11 (e) Nothing in this section affects similar exemptions from property taxes
12 granted by a municipality on September 10, 1972, or prevents a municipality from
13 granting similar exemptions by ordinance as provided in AS 29.45.050.

14 (f) In this section,

15 (1) "real property" includes mobile homes, whether classified as real or
16 personal property for municipal tax purposes;

17 (2) "volunteer" has the meaning given in AS 18.15.250.

18 * **Sec. 2.** This Act takes effect immediately under AS 01.10.070(c).