

1 IN THE HOUSE

BY MR. BUCKALEW

2

HOUSE BILL NO. 138

3

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4

TWENTY-THIRD SESSION

5

A BILL

6

For an Act entitled: "An Act to amend Sections 16-1-111 and

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16-1-112, ACLA 1949, relating to taxation

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by first class cities and creating new

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provisions."

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

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Section 1. That Section 16-1-111 be amended to read as

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follows:

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Section 16-1-111. Ordinance or resolution as method of

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exercising taxing power: Separate levies; Aggregate

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amount of levy. The power granted to the council to as-

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sess, levy and collect a general tax for school and muni-

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cipal purposes as herein provided shall be exercised by

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means of general ordinances duly passed by THE such

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councils OF SUCH CORPORATIONS; provided, that the rate

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of levy and the date of equalization, AND DATE WHEN

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TAXES SHALL BECOME DELINQUENT, MAY shall be fixed by

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resolution, and the levy for school and municipal purposes

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MAY shall be separately made and fixed, but the aggre-

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gate thereof shall not exceed TWO three per cent of

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the assessed value of the property assessed.

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Section 2. Section 16-1-112 is hereby amended to read

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as follows:

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Section 16-1-112. Taxing powers exercisable by general

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ordinance: Uniformity of assessments: Classification

1 of property. The council is empowered by general ordi-
2 nance to provide for the annual assessment and levy of
3 such taxes upon all real and personal property within
4 the limits of the corporation AND BY SUCH ORDINANCE
5 TO FIX DATES WHEN SUCH ASSESSMENT SHALL BE ANNUALLY
6 MADE; THE MODE AND MANNER OF ASSESSMENT; WHEN TAXES MAY
7 BECOME DUE; TO REQUIRED THE LISTING OF PROPERTY SUBJECT
8 TO TAXATION BY THE OWNER OR AGENT THEREOF; TO IMPOSE,
9 FIX AND PROVIDE FOR THE COLLECTION OF PENALTIES FOR
10 NON-PAYMENT OF TAXES WHEN DUE, NOT TO EXCEED FIFTEEN
11 PER CENTUM OF SUCH TAX, AND TO FIX THE RATE OF INTEREST
12 ON DELINQUENT TAXES AND PENALTIES, NOT TO EXCEED TWELVE
13 PER CENTUM PER ANNUM, AND PROVIDE FOR THE COLLECTION
14 OF SUCH INTEREST AND PENALTIES, AND TO PROVIDE GENERALLY
15 SUCH OTHER MATTERS AND THINGS RELATIVE TO THE ASSESSMENT
16 AND LEVY OF SUCH TAXES AS MAY BE PROPER; provided,
17 however, all assessments shall be equal and uniform and
18 based upon the actual value of the property assessed,
19 and prior to fixing the rates of levy said council shall
20 sit and PUBLICALLY publicly equalize the valuation
21 of the property assessed as hereinafter prescribed.
22 Provided further that the council by its general ordi-
23 nance MAY shall classify the different kinds of property
24 for tax purposes [.] and may grant exemptions therefrom
25 as provided by Chapter 33, S.L.A. 1953.

26 Section 3. That a new Section be added to Section 16-1-112
27 to read as follows:

28 The Assessor shall complete the listing of all real and
29 personal property within the limits of the corporation

1 before July 1st of each year. The listing of all taxable
2 property may be made upon permanent separate ledger cards
3 which will be the combined assessment roll and tax ledger.
4 Real property shall be assessed to the owner of record
5 as shown in the records of the U. S. Commissioner and
6 ex-Officio Recorder of the Precinct, provided, however,
7 that any other person having an interest in the property
8 may be listed on the assessment records with the owner.
9 The person in whose name any property is listed as owner
10 thereof shall be conclusively presumed to be the legal
11 owner of record. If the owner of land is unknown such
12 land may be assessed to "Unknown Owner" or "Unknown
13 Owners". No assessment shall be invalidated by a mis-
14 take, omission or error in the name of the owner of
15 the real property assessed, if the property is correctly
16 described.

17 The Assessor may list real property located in any
18 subdivision by lot and block or tract description, and
19 un-subdivided property according to the land office sec-
20 tion and township survey descriptions, or by giving the
21 boundaries thereof, or by reference to the book and page
22 of the records of the U. S. Commissioner where the de-
23 scription may be found, or by designation of tax lot
24 number referring to a public record kept by the assessor
25 of descriptions of real property, or in such other manner
26 as to cause the description to be capable of being made
27 certain. Initial letters, abbreviations, fractions
28 and exponents to designate the township, range, section
29 or part of a section, or the number of any lot or block

1 or part thereof, or any distance, course, bearing or
2 direction, may be employed in any such description of
3 real property.

4 On or before the 15th day of March in each year
5 every person shall submit in duplicate to the assessor
6 a return of his property, and of the property held or
7 controlled by him in a representative capacity, in the
8 manner prescribed in this Act, which return shall be
9 based on values existing as of January 1 in the same
10 year.

11 The person making the return in every case shall
12 state an address to which all notices required to be
13 given to him under this Act may be mailed or delivered.

14 The return shall show the nature, quantity, amount
15 and value of the property, the place where the property
16 is situated, and said return shall be in such form as
17 the council may prescribe, and shall be signed and veri-
18 fied by the person liable or his or its authorized agent
19 or representative.

20 The assessor may, by notice in writing to any person
21 by whom a return has been made, require from him a fur-
22 ther return containing additional details and more ex-
23 plicit particulars, and upon receipt of the notice, that
24 person shall comply fully with its requirements within
25 thirty days.

26 The assessor shall not be bound to accept as cor-
27 rect the return made by any person, but if he thinks it
28 necessary or expedient, or if he suspects that a person
29 who has not made a return is liable to assessment, he

1 shall make an independent investigation as to the prop-
2 erty of that person, and may make his own valuation and
3 assessment of the taxable amount thereof, which will be
4 prima facie good and sufficient for all legal purposes.

5 For the purpose of such examination, the assessor,
6 personally or by any deputy designated by him, may enter
7 upon any premises and examine any property thereon,
8 and shall have access to and may examine all property
9 records involved, and any person shall, upon request,
10 furnish to the assessor or deputy every facility and
11 assistance for the purposes of such examination.

12 An assessor may in any case examine a person on
13 oath or otherwise, and upon request of the assessor,
14 the person shall attend and submit himself to examination
15 by the assessor.

16 Property shall be assessed at its full and true
17 value in money, as of January 1 of the assessment year.
18 In determining the full and true value of property in
19 money, the person making the return, or the assessor,
20 as the case may be, shall not adopt a lower or different
21 standard of value because the same is to serve as a
22 basis of taxation, nor shall he adopt as a criterion
23 of value the price for which the property would sell
24 at auction, or at a forced sale, either separately or
25 in the aggregate with all of the property in the taxing
26 district, but he shall value the property at such sum
27 as he believes the same to be fairly worth in money at
28 the time of assessment. The true value of the property
29 shall be that value at which the property would generally

1 be taken in payment of a just debt from a solvent debtor.

2 The assessor shall prepare an annual assessment
3 roll in duplicate, after consideration of all returns
4 made to him pursuant to this Act, and after careful in-
5 quiry from such sources as he may deem reliable. On
6 the roll he shall enter the following particulars:

7 (1) The names and last known addresses of
8 all persons with property liable to assessment and tax-
9 ation;

10 (2) A description of all taxable property;

11 (3) The appraised value, quantity, or amount
12 of said property; and

13 (4) The arrears of taxes owing by any persons.

14 The assessor, before completion of the assessment
15 roll, shall give to every person named thereon a notice
16 of assessment, showing the appraised value, assessment
17 of his property and the amount of taxes thereon. At
18 least 30 days must be allowed from the date of such
19 mailing within which to appeal to the Board of Equali-
20 zation against the assessment. On the back of each
21 assessment notice shall be printed a brief summary for
22 the information of the taxpayer, of the dates when the
23 taxes are payable, delinquent, and subject to interest,
24 dates when the Board will sit for equalization purposes,
25 and any other particular specified by the council.

26 The assessment notice shall be directed to the
27 person to whom it is to be given, and shall be suffic-
28 iently given if it is mailed by first class mail addressed
29 to, or is delivered at, his address as last known to the

1 Assessor; or, if the address is not known to the assessor,
2 the notice may be mailed addressed to the person at the
3 postoffice nearest to the place where the property is
4 situated. The date on which the notice is so mailed or is
5 so delivered for all purposes of this Act shall be deemed
6 to be the date on which the notice is given.

7 The assessor shall complete the annual assessment
8 roll on or before the 1st day of July, which shall be
9 based on values of January 1st immediately preceding,
10 and shall certify the same. Such supplementary assessment
11 rolls shall be prepared and certified as may be deemed
12 necessary or expedient.

13 All taxes to be levied or collected shall, except
14 as otherwise provided, be calculated, levied and collected
15 upon the appraisements entered in the assessment roll and
16 certified by the assessor as correct, subject to the tax
17 payer's rights of appeal and to the corrections and amend-
18 ments made in the rolls pursuant to this Act.

19 All the duties imposed upon the assessor with respect
20 to the annual assessment roll and all the provisions of this
21 Act relating to assessment rolls shall, so far as applicable,
22 apply to supplementary assessment rolls.

23 The assessor may correct any error, omission or
24 invalidity made or arising in the preparation of the
25 assessment roll at any time before the sitting of the
26 Board of Equalization. It shall be the duty of every
27 person receiving a notice of assessment to advise the
28 assessor of any error, omission or invalidity he may have
29 observed in the assessment of his property, in order that

1 the assessor may correct the same.

2 When all valuation notices have been mailed, the
3 Assessor shall publish in a newspaper of general circu-
4 lation published in the city at least once each week
5 for two successive weeks a notice that the assessment
6 rolls have been completed. Such notice shall state when
7 and where the equalization hearings will be held by
8 the council, sitting as a Board of Equalization.

9 All objections by the taxpayer to the value placed
10 upon his property by the Assessor must be presented by
11 the taxpayer to the Board of Equalization in the manner
12 hereinafter provided.

13 For the purpose of scrutinizing the assessment
14 roll and its supplements, and taking corrective action
15 thereon, or for hearing appeals in regard to any assess-
16 ment roll, or from any assessment made under this Act,
17 the Board shall sit and adjourn from time to time as its
18 business may require, and shall record its proceedings
19 and decisions. During all periods when the Board is not
20 in session, its records and decisions shall be kept by
21 the assessor.

22 Where the name of any person is ordered by the Board
23 to be entered on the assessment roll, by way of addition
24 or substitution, for the purpose of assessment, the Board
25 shall cause notice thereof to be mailed by the assessor to
26 that person or his agent in like manner as provided in
27 Section 15, giving him at least 30 days from the date of
28 such mailing within which to appeal to the Board against
29 the assessment.

1 Whenever it appears to the Board that there are
2 overcharges or errors or invalidities in the assessment
3 roll, or in any of the proceedings leading up to or
4 subsequent to the completion of the roll, and there is
5 no appeal before the Board in which the same may be
6 dealt with, the Board may notify parties affected with
7 the view of hearing them.

8 Any person whose name appears on the assessment roll
9 may appeal to the Board with respect to any alleged error
10 in the appraisal, overcharge, error, omission or neglect
11 of the assessor.

12 Notice of appeal, in writing, specifying the grounds
13 for the appeal, shall be filed with the Board within 30
14 days after the date on which the assessor's notice of
15 assessment was given to the person appealing. Such notice
16 must contain a certification that a true copy thereof was
17 mailed or delivered to the assessor. If notice of appeal
18 is not given within that period, right of appeal shall
19 cease, unless it is shown to the satisfaction of the Board
20 that the taxpayer was unable to appeal within the time so
21 limited.

22 A copy of the notice of appeal must be sent to the
23 assessor as above indicated.

24 Upon receipt of the notice of appeal, the assessor
25 shall make a record of the same in such form as the
26 council may direct, which record shall contain all the
27 information shown on the assessment roll in respect of
28 the subject matter of the appeal, and the assessor shall
29 place the same before the Board from time to time as may

1 be required by the Board.

2 The Board shall cause a notice of the sitting at
3 which the appeal is to be heard to be mailed by the
4 assessor to the person by whom the notice of appeal
5 was given, and to every other person in respect of whom
6 the appeal is taken, to their respective addresses as
7 last known to the assessor.

8 At the time appointed for the hearing of the appeal
9 or as soon thereafter as the appeal may be heard, the
10 Board shall hear the appellant, the assessor, other
11 parties to the appeal and their witnesses, and consider
12 the testimony and evidence adduced, and shall determine
13 the matters in question on the merits and render its
14 decision accordingly.

15 If any party to whom notice was mailed as above
16 set forth fails to appear, the Board may proceed with
17 the hearing in his absence.

18 The burden of proof in all cases shall be upon the
19 party appealing.

20 The Board shall from time to time enter in the appeal
21 record its decision upon appeals brought before it, and
22 shall certify to the same.

23 Any person feeling aggrieved by any order of the
24 Board shall have the right of appeal on a de nove basis
25 to the District Court for the Territory of Alaska in the
26 division in which the said individual's property is
27 located. Such appeal shall be pursued as nearly as may
28 be in accordance with the procedure prescribed in
29 Sections 68-9-4 to 68-9-14 inclusive, Alaska Compiled

1 Laws Annotated 1949, governing appeals from a Justice's
2 Court in civil cases and the council shall promulgate
3 uniform regulations adapting the above referenced pro-
4 cedure for perfecting such appeals.

5 The clerk of the council shall be Ex-Officio Clerk
6 of the Board of Equalization and shall record in the
7 minutes of the meeting all proceedings before the Board,
8 the names of all persons protesting assessments, all
9 changes, revisions, corrections, and orders relating to
10 claims or adjustments. Within three days following the
11 final hearings of the Board the clerk shall transmit
12 to the Assessor all corrections, revisions, or changes
13 authorized and approved by the Board and shall certify
14 that the changes so reported are as approved by the
15 Board of Equalization.

16 The Assessor shall enter the changes, so certified,
17 upon his records, and no assessed valuations shall there-
18 after be changed. The final records of assessment shall
19 be completed by the Assessor on or before the 15th day
20 of August of each year.

21 Every assessment roll as completed and certified
22 by the assessor, and as corrected and amended by him
23 from time to time in conformity with this Act and the
24 decisions of the Board shall, except insofar as the same
25 may be further amended as a result of an appeal to the
26 court, as provided by this Act, be valid and binding
27 on all persons, notwithstanding any defect, error, omis-
28 sion or invalidity existing in the assessment roll or
29 any part thereof, and not withstanding any proceedings

1 pertaining thereto.

2 When the final assessment records have been completed
3 by the Assessor as herein provided, the Assessor shall
4 deliver to the Council a statement of the total assessed
5 valuation of all real and personal property within the city.

6 The Council shall thereupon fix the rate of tax levy
7 and designate the number of mills upon each dollar of value
8 of assessed taxable real and personal property that shall
9 be levied, and shall levy said tax in accordance therewith.

10 The Assessor shall then prepare and mail on or before
11 September 5th of each year tax statements to the person or
12 persons listed as the owner on the tax rolls.

13 All taxes so levied shall be due and payable on or
14 before October 1, of each year, and shall become delinquent
15 after 6:00 P.M. on said date, provided, however, that the
16 taxpayer shall have the right to pay such taxes in two
17 installments. If the first half is not paid by October 1,
18 the entire tax becomes delinquent and penalty and interest
19 accrue as hereinafter provided. If the first half be paid
20 by October 1, the second half of such taxes shall be payable
21 on or before March 1 of each following year and if not paid
22 then shall be delinquent after 6:00 P.M. on said date. A
23 penalty of five percent (5%) shall be added to all taxes
24 delinquent until March 1 and interest at the rate of eight
25 percent (8%) per annum shall be charged on the whole of the
26 unpaid taxes (not including penalty) from due date until
27 paid in full. After 6:00 P.M. March 1, a total penalty
28 of ten percent (10%) shall be added to all delinquent taxes
29 and interest at the rate of eight percent (8%) shall accrue,

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as herein provided, upon all unpaid taxes (not including
penalty) from due date until paid in full.