

1 IN THE SENATE

BY SENATOR GILBERT

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SENATE BILL NO. 14

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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FIRST LEGISLATURE - FIRST SESSION

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A BILL

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For an Act entitled: "An Act to provide a property tax exemp-
7 tion for homesteaders within the State
8 of Alaska; and establishing procedures
9 for claiming such exemptions."

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

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Section 1. DEFINITION OF HOMESTEAD, RURAL HOMESTEAD, AND

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URBAN HOMESTEAD. The term "homestead", as used in this Act,

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shall mean and include the actual residence of a natural person

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who is a citizen of the State of Alaska if the actual record own-

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ership of such residence be vested in such natural person resid-

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ing and domiciled thereon: Provided, that no person or the family

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of such person shall be required to be domiciled thereon if such

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person is in the Armed Service of the United States in time of

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war or during a state of national emergency as declared by the

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Congress or the President of the United States, and such person

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shall not be required to be domiciled in order to assert or claim

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the exemption provided in this Act, and such exemption may be

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claimed by any agent of, or member of the family of, such person.

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The surviving spouse and minor children of a deceased person shall

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be considered record owners of the homestead where the title is in

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the name of the deceased; but in all other cases the deed or other

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evidence of ownership must be of record in the office of the re-

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recorder for the area concerned on January 1st in order for any per-

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son to be the record owner. A rural homestead shall not include

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1 more than one hundred sixty (160) acres of land and the improve-
2 ments thereon, and an urban homestead shall not include any land
3 except the lot or lots, or the unplatted tract, upon which are
4 located the dwelling, garage, barn, and/or other outbuildings
5 necessary or convenient for the family use; provided, that no
6 building which is used in whole, or in part, for commercial pur-
7 poses shall be deemed a homestead under the provisions of this
8 Act; and provided, further, that the keeping of boarders or room-
9 ers by citizens in a building maintained otherwise exclusively as
10 a home shall not be considered as commercial purposes as contem-
11 plated by this Act.

12 The term "rural homestead" as used herein shall mean and in-
13 clude any homestead located outside a city or town or platted sub-
14 division or addition.

15 The term "urban homestead" as used herein shall mean and
16 include any homestead located within any city or town, whether
17 incorporated or unincorporated, or located within any platted sub-
18 division or addition, whether such subdivision or addition be a
19 part of a city or town or a part of a township; provided, further,
20 that in no case shall an urban homestead exceed in area one (1)
21 acre.

22 Sec. 2. EXEMPTION OF HOMESTEADS FROM AD VALOREM TAXATION.
23 Homesteads as defined in Section 1 hereof shall be assessed for
24 taxation the same as other real property in the state, except
25 that each such homestead shall be exempted from all forms of ad
26 valorem taxation to the extent of two thousand five hundred
27 dollars (\$2,500.00) of the assessed valuation thereof.

28 Sec. 3. LAWS RELATING TO ASSESSMENT OF PROPERTY NOT
29 IMPAIRED, Nothing in this Act shall in any manner affect, alter

1 or impair any law relating to the assessment of property, and
2 each homestead which may be entitled to exemption under this Act
3 shall be assessed as is now provided by law.

4 Sec. 4. RULES AND REGULATIONS. It shall be the duty of the
5 Department of Taxation to issue for the information and guidance
6 of applicants for the exemption provided herein properly promul-
7 gated rules and regulations, not inconsistent with the provisions
8 of this Act, affecting the application, hearing, assessment or
9 equalization of property which is claimed to be entitled to the
10 exemption granted by this Act.

11 Sec. 5. PENALTIES. If any person make any false or fraud-
12 ulent claim for exemption, or make any false statement or repres-
13 entation of a material fact, in support of such claim; or any
14 person who assists another in the preparation of any such false
15 or fraudulent claim; or enters into any collusion with another
16 by the execution of a fictitious deed, or other instrument, for
17 the purpose of obtaining unlawful exemption under the provisions
18 of this Act, shall be guilty of a misdemeanor and subject, upon
19 conviction thereof, to a forfeiture of the exemption herein
20 granted for a period of two (2) years from date of conviction,
21 and to a fine of not less than twenty-five dollars (\$25.00), nor
22 more than two hundred dollars (\$200.00), or by imprisonment for
23 not more than six (6) months, or both. Any person who shall make
24 oath to any false or fraudulent homestead exemption application
25 shall be guilty of perjury, and, upon conviction, subject to the
26 penalty provided by law for perjury.

27 Sec. 6. SITUS OF TAXPAYER. The claiming of a homestead ex-
28 emption as above set out shall thereby fix the situs of such a
29 taxpayer in this State for all income and other taxes of the

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State of Alaska.

Sec. 7. EFFECTIVE DATE OF EXEMPTION. The exemption herein granted shall be in effect on homesteads assessed as of January 1, 1960, and for all years subsequent thereto.