

Original sponsor: Rules Committee by
request of the Governor

Offered: 4/28/76
Referred: Rules

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 587 (Finance) am S

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to exemptions from municipal special
7 assessments; and providing for an effective date."

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

9 * Section 1. AS 29.63.065 is repealed and re-enacted to read:

10 Sec. 29.63.065. EXEMPTION. (a) The real property owned and
11 occupied by a resident 65 years of age or over, or the spouse, widow,
12 widower, or minor heir of the original applicant, on which is located
13 only his permanent abode which is a single-family residence, is exempt
14 from (1) special sewer assessments levied by a home rule or general law
15 municipality after September 2, 1975 and (2) special water assessments
16 levied by a home rule or general law municipality after September 2,
17 1975. Only one exemption may be granted with respect to the same pro-
18 perty, and, if two or more persons are eligible for an exemption with
19 respect to the same property, the parties shall decide between or among
20 themselves which shall receive the benefit of the exemption. No real
21 property may be exempted under this subsection which the municipality
22 determines, after notice and hearing to the parties concerned, has been
23 conveyed to the applicant primarily for the purpose of obtaining the
24 exemption. The determination of the municipality is appealable under
25 AS 44.62.560 - 44.62.570.

26 (b) No exemption may be granted under this section except upon
27 written application for the exemption on a form prescribed by the state
28 assessor for use by local assessors and in accordance with the following
29 requirements:

1 (1) the claimant must file the initial application during the
2 period of time between the date the assessment roll is certified and the
3 time of payment fixed by the assembly or council. Within one year of
4 the date the assessment roll is certified the assembly or council for
5 good cause shown may waive the claimant's failure to make timely initial
6 application for the exemption and authorize the assessor to accept the
7 application as if timely filed.

8 (2) a claimant receiving the exemption must file by January 15
9 of each subsequent year a separate application proving eligibility as of
10 January 1 in order to retain the exemption. Within the same year the
11 assembly or council for good cause shown may waive the claimant's fail-
12 ure to make timely application and approve the application as if timely
13 filed.

14 (3) if an application is filed within the required time under
15 this subsection and is approved by the assembly or council, the exemp-
16 tion shall be allowed in accordance with the provisions of this section.
17 If a waiver under this subsection is granted and the application for
18 exemption approved, the amount of any assessment, penalty or interest
19 which the claimant may have already paid on the assessment shall be
20 refunded to him. The municipality may at any time require proof in the
21 form considered necessary of the right and amount of an exemption
22 claimed under this section.

23 (c) The state shall reimburse a home rule or general law munici-
24 pality for the sewer and water assessment revenues which it would
25 receive but for the operation of this section. Reimbursement under this
26 subsection is a lien in favor of the state against the property exempted
27 to the extent of the assessment against the property exempted. Upon
28 recordation in the recording office of the district in which the prop-
29 erty exempted is located the lien is prior and superior to other liens

1 against the property except for general taxes or other special assess-
2 ments and may be enforced by lien foreclosure as provided in AS 34.10.-
3 070 - 34.10.220. The lien becomes immediately due and payable

4 (1) upon sale or other transfer of the property except to a
5 spouse, widow, widower, or minor heir; however, if the property is
6 transferred to a minor heir the lien becomes due and payable on the date
7 the minor heir reaches the age of 25 years; or

8 (2) when property exempted under (a)(1) or (2) of this sec-
9 tion receives more than one sewer connection or more than one water
10 connection; or

11 (3) when the claimant fails to prove eligibility under (b)(2)
12 of this section.

13 (d) In this section

14 (1) "resident" means a person who for 12 consecutive months
15 has maintained his permanent place of abode in the state;

16 (2) "real property" includes, but is not limited to, mobile
17 homes, whether classified as real or personal property for municipal tax
18 purposes.

19 (3) "minor heir" means a person who, at the time of transfer
20 of the property, has not attained the age of 19 years or who, if he
21 has not attained the age of 22 years, is a full-time student at an
22 educational institution or a member of the armed forces of the United
23 States.

24 * Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-
25 070(c).