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BY THE COMMUNITY AND REGIONAL
AFFAIRS COMMITTEE

1 IN THE HOUSE

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CS FOR HOUSE BILL NO. 31 (C&RA) am

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to certain tax benefits for disabled

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veterans and senior residents; and providing for an

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effective date."

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

10 * Section 1. AS 29.53.020(e) is repealed and reenacted to read:

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(e) The real property owned and occupied as a permanent place of

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abode of a person described in this subsection is exempt from taxation

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of the assessed value of the real property as indicated in this sub-

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section. Only one exemption may be granted for the same property,

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and, if two or more persons are eligible for an exemption for the same

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property, the parties shall decide between or among themselves which

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receive the benefit of the exemption. Real property may not be ex-

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empted under this subsection if the assessor determines, after notice

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and hearing to the parties concerned, that the property was conveyed

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to the applicant primarily for the purpose of obtaining the exemption.

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The determination of the assessor may be appealed under AS 44.62.560 -

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44.62.570. An exemption under this subsection shall be allowed

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(1) to a resident of the state 65 years of age or older for

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the entire assessed value of the real property; or

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(2) to a disabled veteran for a percentage of the assessed

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value of the real property that is the same as the percentage of dis-

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ability as established by the service disability rating of the vet-

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eran.

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* Sec. 2. AS 29.53.020(f) is amended to read:

1 (f) No exemption may be granted except upon written application
2 for the exemption on a form approved [PRESCRIBED] by the state asses-
3 sor for use by local assessors. The claimant must file the applica-
4 tion no later than January 15 of the assessment year for which the
5 exemption is sought, but during the same year the governing body of
6 the municipality for good cause shown may waive the claimant's failure
7 to make timely application for the exemption for that year and au-
8 thorize the assessor to accept the application as if timely filed.
9 The claimant must file a separate application for each assessment year
10 in which the exemption is sought. If an application is filed within
11 the required time and is approved by the assessor, the assessor [HE]
12 shall allow an exemption in accordance with the provisions of this
13 section. If a claimant whose failure to file by January 15 of the
14 assessment year has been waived as provided in this subsection and the
15 application for exemption is approved, the amount of tax that [WHICH]
16 the claimant may have already paid for the assessment year with re-
17 spect to the property exempted shall be refunded to the claimant
18 [HIM]. The assessor shall [MAY AT ANY TIME] require proof in the form
19 the assessor [HE] considers necessary of the right to and amount of an
20 exemption claimed under this section, and shall require a disabled
21 veteran claiming an exemption under (e) of this section to provide
22 evidence of the disability rating. The assessor may require proof
23 under this section at any time.

24 * Sec. 3. AS 29.53.020(i) is repealed and reenacted to read:

25 (i) In (e) - (i) of this section,

26 (1) "disabled veteran" means a disabled person separated
27 from the military service of the United States under a condition that
28 is not dishonorable who is a resident of the state, whose disability
29 was incurred or aggravated in the line of duty in the military service

1 of the United States, and whose disability has been rated as 50 per-
2 cent or more by the branch of service in which that person served or
3 by the Veterans' Administration;

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

7 * Sec. 4. AS 29.73.060 is amended to read:

8 Sec. 29.73.060. PROPERTY TAX EQUIVALENCY PAYMENTS. (a) A
9 resident of the state 65 years of age or older or a disabled veteran
10 who rents a permanent place of abode is eligible for tax equivalency
11 payments from the state through the Department of Community and Re-
12 gional Affairs.

13 (b) For purposes of determining payments to eligible persons,
14 the department shall calculate at the rate of one percent per mil a
15 property tax equivalent percentage for each home rule or general law
16 municipality that [WHICH] levies a general property tax [AT THE RATE
17 OF ONE PERCENT PER MIL]. The property tax equivalent percentage
18 applied to the annual rent charged to the applicant equals the proper-
19 ty tax equivalency rate and equals the payment payable under this
20 section to a resident 65 years of age or older. The payment payable
21 to a disabled veteran under this section is a percentage of the prop-
22 erty tax equivalency rate that is the same as the percentage of dis-
23 ability established by the service disability rating of the veteran.
24 The payment payable to a disabled veteran who is 65 years of age or
25 older equals the amount payable to a resident 65 years of age or
26 older.

27 (c) To obtain a tax equivalency payment [PAYMENTS] the eligible
28 resident must apply to the department for payment for the preceding
29 year by January 15 of each year on forms and in the manner prescribed

1 by the department. The department for good cause shown may waive an
2 applicant's failure to make timely application for a tax equivalency
3 payment and accept the application as if timely filed. Each applicant
4 shall submit with the application rental receipts or, if rental re-
5 cepts are not available, other evidence satisfactory to the depart-
6 ment for determination of the fact of payment of rent and the amount
7 paid. A disabled veteran shall submit with the application evidence
8 of the disability rating.

9 (d) If two or more persons occupy a residence as tenants, not
10 all of whom are eligible for tax equivalency payments under this
11 section, the assessor shall determine equitable partial payments to be
12 made to the eligible tenants. However, tax equivalency payments to an
13 eligible applicant may not be reduced because the spouse is less than
14 65 years of age or is not a disabled veteran. If all occupants in a
15 residence are eligible for tax equivalency payments under this sec-
16 tion, the occupants shall decide between and among themselves which
17 shall receive payment.

18 (e) In this section "disabled veteran" means a disabled person
19 separated from the military service of the United States under a
20 condition that is not dishonorable who is a resident of the state,
21 whose disability was incurred or aggravated in the line of duty in the
22 military service of the United States, and whose disability has been
23 rated as 50 percent or more by the branch of service in which that
24 person served or by the Veterans' Administration.

25 * Sec. 5. AS 29.73 is amended by adding a new section to read:

26 Sec. 29.73.062. REIMBURSEMENT PAYMENTS. (a) A resident of the
27 state 65 years of age or older or a disabled veteran who rents a
28 permanent place of abode in a municipality that levies and collects
29 sales taxes on rents paid for residential property is eligible for

1 reimbursement payments from the state through the Department of Commu-
2 nity and Regional Affairs.

3 (b) The amount of a reimbursement payment to a resident 65 years
4 of age or older equals the amount of sales taxes paid on the abode
5 during the preceding year by the resident. The amount of a reimburse-
6 ment payment to a disabled veteran is a percentage of the amount of
7 sales taxes paid on the abode during the preceding year by the dis-
8 abled veteran that is the same as the percentage of disability estab-
9 lished by the service disability rating of the veteran. The reim-
10 bursement payment to a disabled veteran who is 65 years of age of
11 older equals the amount payable to a resident 65 years of age or
12 older.

13 (c) To obtain a reimbursement payment under this section an
14 eligible resident must apply by January 15 of each year to the Depart-
15 ment of Community and Regional Affairs for reimbursement of sales
16 taxes paid for the preceding year. The application shall be on the
17 form and filed as prescribed by the department. The department for
18 good cause shown may waive an applicant's failure to make timely
19 application for reimbursement and accept the application as if timely
20 filed. Each applicant shall submit with the application rental re-
21 cepts or, if rental receipts are not available, other evidence sat-
22 isfactory to the department for determination of the fact of payment
23 of rent and the amount paid. A disabled veteran shall submit with the
24 application evidence of the disability rating.

25 (d) If two or more persons occupy a residence as tenants, not
26 all of whom are eligible for a reimbursement payment under this sec-
27 tion, the assessor shall determine equitable partial payment to be
28 made to the eligible tenants. However, a reimbursement payment to an
29 eligible applicant may not be reduced because the spouse is less than

1 65 years of age or not a disabled veteran. If all occupants in a
2 residence are eligible for a reimbursement payment, the occupants
3 shall decide between and among themselves which shall receive the
4 payment.

5 (e) In this section "disabled veteran" means a disabled veteran
6 as defined in AS 29.73.060(e).

7 * Sec. 6. This Act takes effect January 1, 1984.