

SB

73

<TARGET><BILL>SB 73</BILL><SUBJECT>SB
73</SUBJECT><COMM>SCRA28</COMM></TARGET>

CS SB 73 version U

Changes from version A to U

SB 73 version A

SB 73 Sponsor Statement

SB 73 Fiscal Note DCCED – Zero – 3/15/13

SB 73 Legal Opinion

Background information:

2012 Election Results - Proposition 7 (last page)

Ballot Review - page 7

KTVB article 3-20-12

ACLU Review – Letter 3-18-13

Support – Dayton email 3/21/13

(plus final version of bill, committee report, and witness sheets)

SENATE COMMITTEE REPORT First Committee of Referral

DATE: 3/11/13

FURTHER: State Affairs

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 3/27/13

Community and Regional Affairs Committee considered SENATE BILL NO. 73

SB 73-PROPERTY TAX EXEMPTION/MILITARY WIDOW(ER)

"An Act authorizing municipalities to exempt from tax, by ordinance approved by the voters in the municipality, the real property that is the primary residence of a resident who is the widow or widower of a person who was killed while in the military service of the United States; and providing for an effective date."

and recommends:

- be replaced with CS SB 73 (CRA) [] Same Title New Title
- [] adopt previous CS _____ (_____) [] Same Title [] New Title
- [] attached amendment(s)
- [] adopt _____ Letter of Intent
- [] further referral to _____ Committee

Dept Abbr.	
ADM	LWF
CED	LAW
COR	LEG
CRT	MVA
EED	DNR
DEC	DPS
DFG	REV
GOV	DOT
DHS	UA

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
CED			X	

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #

[] APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	Do PASS	Do NOT PASS	NO REC	AMEND
	TEC	✓			
	HOFFMAN	✓			
	Giessel	✓			
CHAIR:	MICCICHE	✓			

CS FOR SENATE BILL NO. 73(CRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY THE SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Offered:

Referred:

Sponsor(s): SENATOR MEYER

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to a municipal property tax exemption for real property that is the**
2 **primary residence of certain widows and widowers; and providing for an effective**
3 **date."**

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

5 *** Section 1.** AS 29.45.030(e) is amended to read:

6 (e) The real property owned and occupied as the primary residence and
7 permanent place of abode by a resident who is (1) 65 years of age or older; (2) a
8 disabled veteran; or (3) at least 60 years of age and the widow or widower of a person
9 who qualified for an exemption under (1) or (2) of this subsection is exempt from
10 taxation on the first \$150,000 of the assessed value of the real property. A
11 municipality may by ordinance approved by the voters grant the exemption under this
12 subsection to the widow or widower under 60 years of age of a person who qualified
13 for an exemption under (2) of this subsection or to a resident who is the widow or
14 widower of a member of the armed forces of the United States who dies because

1 of illness or injury suffered while serving on active duty service, or complications
2 relating to the treatment of the illness or injury suffered while serving on active
3 duty service of the United States. A municipality may, in case of hardship, provide
4 for exemption beyond the first \$150,000 of assessed value in accordance with
5 regulations of the department. Only one exemption may be granted for the same
6 property, and, if two or more persons are eligible for an exemption for the same
7 property, the parties shall decide between or among themselves who is to receive the
8 benefit of the exemption. Real property may not be exempted under this subsection if
9 the assessor determines, after notice and hearing to the parties, that the property was
10 conveyed to the applicant primarily for the purpose of obtaining the exemption. The
11 determination of the assessor may be appealed under AS 44.62.560 - 44.62.570. In
12 this subsection, "widow or widower" means a person who has lost the person's
13 spouse to death and has not remarried.

14 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
15 read:

16 RETROACTIVITY. Section 1 of this Act is retroactive to January 1, 2013.

17 * **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).

Alaska State Legislature



Interim:
716 West 4th Avenue, Room 410
Anchorage, Alaska 99501
(907) 269-0199 Phone
(907) 269-0197 Fax

Session:
State Capitol Building, Room 518
Juneau, Alaska 99801-1182
(907) 465-4945 Phone
(907) 465-3476 Fax

Senator Kevin Meyer Senate District L

TO: Senator Micciche, Chair
Senate Community & Regional Affairs

FROM: Senator Kevin Meyer *KM*

DATE: March 21, 2013

RE: REVISED Request to Schedule SB 73

With this memorandum I respectfully request the scheduling of SB 73, property tax exemptions for survivors of military personnel killed while in the military service. This legislation allows a property tax exemption on the first \$150,000 of the assessed value on real property owned and occupied as the primary residence and permanent place of abode, for a surviving spouse of a member of the armed forces of the United States who dies because of illness or injury, or complications related to its treatment, received while serving in active duty of the United States.

Attached to this memorandum please find:

- Sponsor Statement
- SB 73, version 28LS0631\A
- 2012 MOA Election Results – Proposition 7: Property Tax Exemption
- Anchorage Municipal Ballot Review
- KTVA News Article

If you have any questions, please contact my staff member assigned to this bill, Edra Morledge at 465-6874.

Alaska State Legislature



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(907) 465-4945 Phone
(907) 465-3476 Fax

Senator Kevin Meyer Senate District L

TO: Senator Micciche, Chair
Senate Community & Regional Affairs

FROM: Senator Kevin Meyer *KM*

DATE: March 12, 2013

RE: Request to Schedule SB 73

With this memorandum I respectfully request the scheduling of SB 73, property tax exemptions for survivors of military personnel killed while in the military service. This legislation allows a property tax exemption on the first \$150,000 of the assessed value on real property owned and occupied as the primary residence and permanent place of abode, for those who are at least 60 years old and the widow or widower of a person who was killed while in the military service of the United States.

Attached to this memorandum please find:

- Sponsor Statement
- SB 73, version 28LS0631\A
- 2012 MOA Election Results – Proposition 7: Property Tax Exemption
- Anchorage Municipal Ballot Review
- KTVA News Article

Legislative Research is in the process of gathering further back-up data, which will be delivered to your office upon receipt.

If you have any questions, please contact my staff member assigned to this bill, Edra Morledge at 465-6874.

Senate Bill 73 - CHANGES

Version	Section	Language Changes/Additions
28-LS0631\A	1 AS 29.45.030(e)	ORIGINAL: Resident that is at least 60 years of age and the widow or widower of a person who was killed while in the military service of the United States.
28-LS0631\U	1 AS 29.45.030(e)	CHANGED TO: Resident who is the widow or widower of a member of the armed forces of the United States who dies because of illness or injury suffered while serving on active duty service, or complications relating to the treatment of the illness or injury suffered while serving on active duty service of the United States.
28-LS0631\U	1 AS 29.45.030(e)	ADDED: In this subsection, "widow or widower" means a person who has lost the person's spouse to death and has not remarried.

28-LS0631\U
Bullard
3/20/13

CS FOR SENATE BILL NO. 73()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY

**Offered:
Referred:**

Sponsor(s): SENATOR MEYER

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to a municipal property tax exemption for real property that is the**
2 **primary residence of certain widows and widowers; and providing for an effective**
3 **date."**

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

5 *** Section 1.** AS 29.45.030(e) is amended to read:

6 (e) The real property owned and occupied as the primary residence and
7 permanent place of abode by a resident who is (1) 65 years of age or older; (2) a
8 disabled veteran; or (3) at least 60 years of age and the widow or widower of a person
9 who qualified for an exemption under (1) or (2) of this subsection is exempt from
10 taxation on the first \$150,000 of the assessed value of the real property. A
11 municipality may by ordinance approved by the voters grant the exemption under this
12 subsection to the widow or widower under 60 years of age of a person who qualified
13 for an exemption under (2) of this subsection or to a resident who is the widow or
14 widower of a member of the armed forces of the United States who dies because

1 **of illness or injury suffered while serving on active duty service, or complications**
2 **relating to the treatment of the illness or injury suffered while serving on active**
3 **duty service of the United States.** A municipality may, in case of hardship, provide
4 for exemption beyond the first \$150,000 of assessed value in accordance with
5 regulations of the department. Only one exemption may be granted for the same
6 property, and, if two or more persons are eligible for an exemption for the same
7 property, the parties shall decide between or among themselves who is to receive the
8 benefit of the exemption. Real property may not be exempted under this subsection if
9 the assessor determines, after notice and hearing to the parties, that the property was
10 conveyed to the applicant primarily for the purpose of obtaining the exemption. The
11 determination of the assessor may be appealed under AS 44.62.560 - 44.62.570. **In**
12 **this subsection, "widow or widower" means a person who has lost the person's**
13 **spouse to death and has not remarried.**

14 * **Sec. 2.** The uncoded law of the State of Alaska is amended by adding a new section to
15 read:

16 RETROACTIVITY. Section 1 of this Act is retroactive to January 1, 2013.

17 * **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).

SENATE BILL NO. 73

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY SENATOR MEYER

Introduced: 3/11/13

Referred: Community and Regional Affairs, State Affairs

A BILL

FOR AN ACT ENTITLED

1 **"An Act authorizing municipalities to exempt from tax, by ordinance approved by the**
2 **voters in the municipality, the real property that is the primary residence of a resident**
3 **who is the widow or widower of a person who was killed while in the military service of**
4 **the United States; and providing for an effective date."**

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

6 *** Section 1.** AS 29.45.030(e) is amended to read:

7 (e) The real property owned and occupied as the primary residence and
8 permanent place of abode by a resident who is (1) 65 years of age or older; (2) a
9 disabled veteran; or (3) at least 60 years of age and the widow or widower of a person
10 who qualified for an exemption under (1) or (2) of this subsection is exempt from
11 taxation on the first \$150,000 of the assessed value of the real property. A
12 municipality may by ordinance approved by the voters grant the exemption under this
13 subsection to the widow or widower under 60 years of age of a person who qualified
14 for an exemption under (2) of this subsection or to a resident who is at least 60 years

1 of age and the widow or widower of a person who was killed while in the military
2 service of the United States. A municipality may, in case of hardship, provide for
3 exemption beyond the first \$150,000 of assessed value in accordance with regulations
4 of the department. Only one exemption may be granted for the same property, and, if
5 two or more persons are eligible for an exemption for the same property, the parties
6 shall decide between or among themselves who is to receive the benefit of the
7 exemption. Real property may not be exempted under this subsection if the assessor
8 determines, after notice and hearing to the parties, that the property was conveyed to
9 the applicant primarily for the purpose of obtaining the exemption. The determination
10 of the assessor may be appealed under AS 44.62.560 - 44.62.570.

11 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
12 read:

13 **RETROACTIVITY.** Section 1 of this Act is retroactive to January 1, 2013.

14 * **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).

Alaska State Legislature



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Senator Kevin Meyer Senate District L

SPONSOR STATEMENT SENATE BILL 73

Senate Bill 73 allows a property tax exemption on the first \$150,000 of the assessed value on real property owned and occupied as the primary residence and permanent place of abode for those who are at least 60 years old and the widow or widower of a person who was killed while in the military service of the United States.

Currently, by ordinance approved by the voters, municipalities may grant this property tax exemption to the following groups of people:

1. A resident who is 65 years of age or older,
2. A disabled veteran,
3. A resident who is at least 60 years of age and is a widow or widower of a person who was 65 years of age or was a disabled veteran, and
4. A resident under 60 years of age who is a widow or widower of a disabled veteran.

The survivors of those killed while in military duty of the United States face not only grief in the loss of their loved one while they served their country, but often they also face extreme financial difficulties. While we currently allow exemptions for those military veterans who have become disabled and their surviving spouse, we offer no such similar exemption for the survivors of those who have made the ultimate sacrifice.

Under this legislation, municipalities will be able to allow voters to elect whether or not to include this often forgotten group of individuals in the tax code, and help them to remain in their homes and remain in Alaska.

I encourage your support on SB 73.

Fiscal Note

State of Alaska
2013 Legislative Session

Bill Version: SB 73
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB73-DCCED-DCRA-03-15-13
Title: PROPERTY TAX EXEMPTION/MILITARY
WIDOW(ER)
Sponsor: MEYER
Requester: Senate Community and Regional Affairs

Department: Department of Commerce, Community and
Economic Development
Appropriation: Community and Regional Affairs
Allocation: Community and Regional Affairs
OMB Component Number: 2879

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2014	Included in	Out-Year Cost Estimates				
	Appropriation	Governor's					
	Requested	FY2014					
		Request					
OPERATING EXPENDITURES	FY 2014	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2013) cost: 0.0

Estimated CAPITAL (FY2014) cost: 0.0

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Not applicable, initial version.

Prepared By: Scott Ruby, Director
Division: Community and Regional Affairs
Approved By: JoEllen Hanrahan, Director
Administrative Services Division

Phone: (907)269-4569
Date: 03/15/2013 10:30 PM
Date: 03/16/13

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2013 LEGISLATIVE SESSION

BILL NO. SB 73

Analysis

This bill would amend existing statutes regarding mandatory exemptions for senior citizens and disabled veterans by adding widows or widowers of a person who was killed while in the military service of the United States as eligible participants.

Existing statutes require the state to reimburse a borough or city for the real property tax revenues lost to it by the implementation of tax exemptions. If passed, this additional exemption would also be reimbursable by the state. However, statutes provide that if appropriations are not sufficient to fully fund reimbursements the amount available shall be distributed pro-rata among eligible municipalities. The state in the past has not fully funded reimbursement for existing municipal tax exemptions.

There is no anticipated fiscal impact to the Division of Community and Regional Affairs from this bill.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 13, 2013

SUBJECT: Question about applicability of SB 73
(Work Order No. 28-LS0631\A)

TO: Senator Kevin Meyer
Attn: Edra Morledge

FROM: Alpheus Bullard *TEAS*
Legislative Counsel

Edra asked whether the municipal property tax exemption authorized by SB 73 is already permitted under AS 29.45.050(s). While both exemptions relate to real property and to widows and widowers, the exemption available under AS 29.45.050(s) is different than the exemption that would be available under SB 73.

SB 73 expands an existing optional exemption under AS 29.45.030(e) on the first \$150,000 of real property owned and occupied as the primary residence and permanent place of abode that is available to "a resident who is at least 60 years of age and the widow or widower of a person who was killed while in the military service of the United States." A municipality is also authorized, in case of hardship, to provide for exemption beyond the first \$150,000 of assessed value. This exemption requires approval by a municipality's voters at an election.

AS 29.45.050(s) provides that a municipality may by ordinance partially or wholly exempt the real property owned and occupied as a permanent place of abode by "a resident who is the widow or widower of a member of the armed forces of the United States injured serving on active duty while eligible for hostile fire or imminent danger pay who dies because of the injury or complications related to the injury or its treatment." An exemption under this section does not need to be approved by municipal voters at an election.

The exemption proposed under SB 73 would apply to a widow or widower of a person who was killed while in the military service of the United States. The exemption under AS 29.45.050(s) applies only to a person who is a widow or widower of a member of the armed forces of the United States "*injured serving on active duty while eligible for hostile fire or imminent danger pay who dies because of the injury or complications related to the injury or its treatment.*" In this respect, the exemption available under AS 29.45.050(s) is narrower than that available under SB 73.

Senator Kevin Meyer
March 13, 2013
Page 2

The exemption proposed under SB 73 is available only to a widow or widower who is at least 60 years old. The exemption under AS 29.45.050(s) does not require the widow or widower to have reached a certain age. In this respect, the exemption proposed under SB 73 is more limited than that available under AS 29.45.050(s).

Accordingly, depending on the widow's or widower's age and the circumstances of the death of the widow's or widower's spouse, the widow or widower of a member of the armed forces of the United States could qualify for the exemption proposed under SB 73 or the exemption under AS 29.45.050(s) or both.

The amount of the exemption available under SB 73 could also be different than that made available under AS 29.45.050(s).

If you have further questions, please do not hesitate to contact me.

TLAB:ljw
13-166.ljw

BSJ
4/20/12

Election Summary Report
2012 Regular Election - MOA
Summary For Areawide, All Counters, All Races

Date: 04/20/12
 Time: 15:52:43
 Page: 1 of 4

Registered Voters 198512 - Cards Cast 71099 35.82%

Num. Report Precinct 121 - Num. Reporting 121 100.00%

MAYOR			
	Total		
Number of Precincts	121		
Precincts Reporting	121	100.0 %	
Times Counted	71099/198512	35.8 %	
Total Votes	69655		
KERN, Jacob Seth	473	0.68%	
HONEMAN, Paul	26896	38.61%	
LEMKE, Bruce J.	348	0.50%	
LUPO, Bob	323	0.46%	
ISLEY, Phil	333	0.48%	
SULLIVAN, Dan	40871	58.68%	
Write-in Votes	411	0.59%	

BIRCHTREE/ELMORE LRSA - SEAT B			
	Total		
Number of Precincts	3		
Precincts Reporting	3	100.0 %	
Times Counted	526/2405	21.9 %	
Total Votes	361		
KIRCHNER, Joseph	341	94.46%	
Write-in Votes	20	5.54%	

SCHOOL BOARD - SEAT E			
	Total		
Number of Precincts	121		
Precincts Reporting	121	100.0 %	
Times Counted	71099/198512	35.8 %	
Total Votes	55226		
NEES, David	19915	36.06%	
PLUNKETT, Kathleen	34698	62.83%	
Write-in Votes	613	1.11%	

CHUGIAK FIRE SERVICE AREA - SEAT B			
	Total		
Number of Precincts	6		
Precincts Reporting	6	100.0 %	
Times Counted	3437/8472	40.6 %	
Total Votes	2502		
SULLIVAN, Ronni	2478	99.04%	
Write-in Votes	24	0.96%	

SCHOOL BOARD - SEAT F			
	Total		
Number of Precincts	121		
Precincts Reporting	121	100.0 %	
Times Counted	71099/198512	35.8 %	
Total Votes	53615		
WANDA, Richard	19975	37.26%	
AGOSTI-GISLER, Tam	32864	61.30%	
Write-in Votes	776	1.45%	

GIRDWOOD VALLEY SERVICE AREA - SEAT A			
	Total		
Number of Precincts	3		
Precincts Reporting	3	100.0 %	
Times Counted	546/1763	31.0 %	
Total Votes	454		
EKER, Erin	448	98.68%	
Write-in Votes	6	1.32%	

SCHOOL BOARD - SEAT G			
	Total		
Number of Precincts	121		
Precincts Reporting	121	100.0 %	
Times Counted	71099/198512	35.8 %	
Total Votes	55921		
VON IMHOF, Natasha	31621	56.55%	
STARR, Marsett	23697	42.38%	
Write-in Votes	603	1.08%	

GIRDWOOD VALLEY SERVICE AREA - SEAT B			
	Total		
Number of Precincts	3		
Precincts Reporting	3	100.0 %	
Times Counted	546/1763	31.0 %	
Total Votes	440		
CHADWICK, David	424	96.36%	
Write-in Votes	16	3.64%	

BEAR VALLEY LRSA - SEAT C			
	Total		
Number of Precincts	3		
Precincts Reporting	3	100.0 %	
Times Counted	53/0		
Total Votes	47		
ENNIS, Bill	45	95.74%	
Write-in Votes	2	4.26%	

GLENN ALPS SERVICE AREA - SEAT E			
	Total		
Number of Precincts	4		
Precincts Reporting	4	100.0 %	
Times Counted	291/0		
Total Votes	225		
CONNOLLY, Joseph	217	96.44%	
Write-in Votes	8	3.56%	

LAKEHILL LRSA - SEAT B			
	Total		
Number of Precincts	3		
Precincts Reporting	3	100.0 %	
Times Counted	77/0		
Total Votes	18		
Write-in Votes	18	100.00%	

Election Summary Report
2012 Regular Election - MOA
Summary For Areawide, All Counters, All Races

Date:04/20/12
Time:15:52:43
Page:2 of 4

Registered Voters 198512 - Cards Cast 71099 35.82%

Num. Report Precinct 121 - Num. Reporting 121 100.00%

MOUNTAIN PK ESTATES LRSA - SEAT A		Total
Number of Precincts		3
Precincts Reporting	3	100.0 %
Times Counted	118/0	
Total Votes	15	
Write-in Votes	15	100.00%

ROCKHILL LRSA - SEAT A		Total
Number of Precincts		3
Precincts Reporting	3	100.0 %
Times Counted	89/0	
Total Votes	9	
Write-in Votes	9	100.00%

MOUNTAIN PARK/ROBIN HILL LRSA - SEAT A		Total
Number of Precincts		4
Precincts Reporting	4	100.0 %
Times Counted	337/0	
Total Votes	235	
KRAUSE, Kerwin	229	97.45%
Write-in Votes	6	2.55%

SEC 6/CAMPBELL AIRSTRIP RD LRSA - SEAT B		Total
Number of Precincts		3
Precincts Reporting	3	100.0 %
Times Counted	239/395	60.5 %
Total Votes	60	
Write-in Votes	60	100.00%

MOUNTAIN PARK/ROBIN HILL LRSA - SEAT B		Total
Number of Precincts		4
Precincts Reporting	4	100.0 %
Times Counted	337/0	
Total Votes	283	
HOEFLER, Brian G.	188	66.43%
PREWITT-ROGAN, Shery	93	32.86%
Write-in Votes	2	0.71%

SEC 6/CAMPBELL AIRSTRIP RD LRSA - SEAT C		Total
Number of Precincts		3
Precincts Reporting	3	100.0 %
Times Counted	239/395	60.5 %
Total Votes	50	
Write-in Votes	50	100.00%

PARADISE VALLEY SOUTH LRSA - SEAT C		Total
Number of Precincts		3
Precincts Reporting	3	100.0 %
Times Counted	29/0	
Total Votes	11	
Write-in Votes	11	100.00%

SEQUOIA ESTATES LRSA - SEAT E		Total
Number of Precincts		3
Precincts Reporting	3	100.0 %
Times Counted	30/0	
Total Votes	7	
Write-in Votes	7	100.00%

RABBIT CREEK VIEW/RABBIT CREEK HEIGHTS LRSA - SEAT A		Total
Number of Precincts		3
Precincts Reporting	3	100.0 %
Times Counted	74/1040	7.1 %
Total Votes	14	
Write-in Votes	14	100.00%

SKYRANCH ESTATES LRSA - SEAT A		Total
Number of Precincts		3
Precincts Reporting	3	100.0 %
Times Counted	103/0	
Total Votes	97	
KURTAK, Joseph M.	95	97.94%
Write-in Votes	2	2.06%

RAVEN WOODS/BUBBLING BROOK LRSA - SEAT A		Total
Number of Precincts		3
Precincts Reporting	3	100.0 %
Times Counted	37/0	
Total Votes	7	
Write-in Votes	7	100.00%

SOUTH GOLDENVIEW RRSA - SEAT B		Total
Number of Precincts		3
Precincts Reporting	3	100.0 %
Times Counted	561/0	
Total Votes	60	
Write-in Votes	60	100.00%

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2012 Regular Election - MOA
Summary For Areawide, All Counters, All Races

Date:04/20/12
Time:15:52:43
Page:3 of 4

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Num. Report Precinct 121 - Num. Reporting 121 100.00%

SOUTH GOLDENVIEW RRSA - SEAT C		Total
Number of Precincts	3	
Precincts Reporting	3	100.0 %
Times Counted	561/0	
Total Votes	48	
Write-in Votes	48	100.00%

VALLI VUE ESTATES LRSA - SEAT A		Total
Number of Precincts	4	
Precincts Reporting	4	100.0 %
Times Counted	285/0	
Total Votes	50	
Write-in Votes	50	100.00%

SRW HOMEOWNERS LRSA - SEAT A		Total
Number of Precincts	3	
Precincts Reporting	3	100.0 %
Times Counted	94/0	
Total Votes	35	
Write-in Votes	35	100.00%

VALLI VUE ESTATES LRSA - SEAT D		Total
Number of Precincts	4	
Precincts Reporting	4	100.0 %
Times Counted	285/0	
Total Votes	19	
Write-in Votes	19	100.00%

TALUS WEST LRSA - SEAT B		Total
Number of Precincts	3	
Precincts Reporting	3	100.0 %
Times Counted	236/0	
Total Votes	10	
Write-in Votes	10	100.00%

VILLAGES SCENIC PARKWAY LRSA - SEAT C		Total
Number of Precincts	3	
Precincts Reporting	3	100.0 %
Times Counted	34/0	
Total Votes	12	
Write-in Votes	12	100.00%

TOTEM LRSA - SEAT C		Total
Number of Precincts	3	
Precincts Reporting	3	100.0 %
Times Counted	61/0	
Total Votes	45	
GIAMMALVA, Pamela	44	97.78%
Write-in Votes	1	2.22%

PROPOSITION 1 - ASD BOND		Total
Number of Precincts	121	
Precincts Reporting	121	100.0 %
Times Counted	71099/198512	35.8 %
Total Votes	68376	
YES	39197	57.33%
NO	29179	42.67%

UPPER GROVER LRSA - SEAT A		Total
Number of Precincts	3	
Precincts Reporting	3	100.0 %
Times Counted	37/0	
Total Votes	6	
Write-in Votes	6	100.00%

PROPOSITION 2 - ARDSA AREA WIDE		Total
Number of Precincts	121	
Precincts Reporting	121	100.0 %
Times Counted	71099/198512	35.8 %
Total Votes	69523	
YES	45217	65.04%
NO	24306	34.96%

UPPER O'MALLEY LRSA - SEAT B		Total
Number of Precincts	4	
Precincts Reporting	4	100.0 %
Times Counted	695/0	
Total Votes	513	
BRUNO, Michael	501	97.66%
Write-in Votes	12	2.34%

PROPOSITION 2 - ARDSA		Total
Number of Precincts	101	
Precincts Reporting	101	100.0 %
Times Counted	53388/158880	33.6 %
Total Votes	52164	
YES	35050	67.19%
NO	17114	32.81%

Election Summary Report
2012 Regular Election - MOA
Summary For Areawide, All Counters, All Races

Date:04/20/12
 Time:15:52:43
 Page:4 of 4

Registered Voters 198512 - Cards Cast 71099 35.82%

Num. Report Precinct 121 - Num. Reporting 121 100.00%

PROPOSITION 3 - PARKS REC			
AREA WIDE			
	Total		
Number of Precincts	121		
Precincts Reporting	121	100.0 %	
Times Counted	71099/198512	35.8 %	
Total Votes	69690		
YES	42031	60.31%	
NO	27659	39.69%	

PROPOSITION 8 - ANNEXATION			
IN			
	Total		
Number of Precincts	3		
Precincts Reporting	3	100.0 %	
Times Counted	561/0		
Total Votes	501		
YES	322	64.27%	
NO	179	35.73%	

PROPOSITION 3 - PARKS REC			
	Total		
Number of Precincts	105		
Precincts Reporting	105	100.0 %	
Times Counted	58814/166682	35.3 %	
Total Votes	57655		
YES	35611	61.77%	
NO	22044	38.23%	

PROPOSITION 8 - ANNEXATION			
OUT			
	Total		
Number of Precincts	3		
Precincts Reporting	3	100.0 %	
Times Counted	9/0		
Total Votes	9		
YES	4	44.44%	
NO	5	55.56%	

PROPOSITION 4 - ANC			
MEDICAL/TRANSPORTATION			
	Total		
Number of Precincts	121		
Precincts Reporting	121	100.0 %	
Times Counted	71099/198512	35.8 %	
Total Votes	69246		
YES	45942	66.35%	
NO	23304	33.65%	

PROPOSITION 5 - EQUAL RIGHTS			
	Total		
Number of Precincts	121		
Precincts Reporting	121	100.0 %	
Times Counted	71099/198512	35.8 %	
Total Votes	70431		
YES	30208	42.89%	
NO	40223	57.11%	

PROPOSITION 6 - DEFINITION OF PUBLISH			
	Total		
Number of Precincts	121		
Precincts Reporting	121	100.0 %	
Times Counted	71099/198512	35.8 %	
Total Votes	65366		
YES	44512	68.10%	
NO	20854	31.90%	

PROPOSITION 7 - PROPERTY TAX EXEMPTION			
	Total		
Number of Precincts	121		
Precincts Reporting	121	100.0 %	
Times Counted	71099/198512	35.8 %	
Total Votes	69130		
YES	53952	78.04%	
NO	15178	21.96%	



ANCHORAGE MUNICIPAL BALLOT REVIEW April 3, 2012

On Tuesday, April 3, 2012, qualified voters within the Municipality of Anchorage will:

- Elect a Mayor and three School Board members. There are no Assembly seats up for election on this ballot.
- Vote area-wide on four bond propositions (Props 1-4), one Charter amendment (Prop. 6) and three ballot propositions (Props. 5, 7, and 8). Voters residing in some service areas will also elect members to their respective service area boards.

This Ballot Review lists the names of the Mayoral and School Board candidates and office sought, as well as information about the ballot propositions.

More information? The Municipality will also publish the list of polling places, the list of service area candidates, the ballot propositions, and current bonded indebtedness in the Anchorage Daily News on Monday, April 2, 2012, and on the Municipality's web site (www.muni.org/elections).

Who may vote? Anyone who was registered to vote in Alaska by March 4, 2012, and who has lived within the Municipality of Anchorage for at least 30 days.

When do I vote: Vote on Tuesday, April 3, 2012, between 7:00 a.m. and 8:00 p.m.

Where do I vote? If you have your social security number or voter identification number (on your voter registration card), call the State's automated Polling Place locator at 269-8683 [to find your polling place](#). You may also type your street address at MyNeighborhood (neighborhood.muni.org) and select Political from the pull-down menu. Or you may call the Municipal Clerk's Office at 243-VOTE (243-8683), State Elections Office at 522-Vote (522-8683), or the League of Women Voters at 274-8477.

Absentee voting in person or by mail or fax: If you know you will be unable to vote at your polling place on election day or wish to vote early, you may cast an absentee ballot in person (beginning March 19, 2012), through the mail, or by fax. Applications for absentee by mail ballots or absentee by fax ballots must be received by the Clerk's Office by 5:00 p.m. Tuesday, March 27, 2012. Applications are available at www.muni.org/elections or call 243-VOTE (243-8683).

In person absentee voting begins March 19, 2012. Locations and hours of operation are listed below.

In-person Absentee Voting Locations	Dates	Hours
<p>Anchorage City Hall 632 West 6th Avenue, 2nd Floor, Suite 250 Anchorage (907) 243-VOTE (8683) All ballots will be available at this location.</p>	<p>March 19 – April 2, 2012 Monday through Friday <i>This location is not open on Election Day.</i></p>	<p>8:00 am to 5:00 pm</p>
<p>Z. J. Loussac Library 3600 Denali Street, 1st Floor Anchorage (907) 243-VOTE (6383) All ballots will be available at this location.</p>	<p>March 19 – April 2, 2012 Monday through Saturday Sunday, April 1, 2012 Monday, April 2, 2012 <i>This location is not an absentee voting location on Election Day.</i></p>	<p>10:00 am to 6:00 pm 12:00 pm to 5:00 pm 10:00 am to 5:00 pm</p>
<p>Chugiak Senior Center 22424 North Birchwood Loop Chugiak (907) 243-VOTE (8683)</p>	<p>March 26 – April 2, 2012 Monday through Friday <i>This location is not open on Election Day.</i></p>	<p>8:30 am to 5:00 pm</p>
<p>Anchorage International Airport Domestic Terminal – car rental area Anchorage (907) 243-VOTE (8683) All ballots will be available at this location.</p>	<p>Election day ONLY Tuesday, April 3, 2012</p>	<p>7:00 am to 8:00 pm</p>
<p>University of Alaska Anchorage 3211 Providence Drive – Campus Center Anchorage (907)243-VOTE (8683) All ballots will be available at this location.</p>	<p>Election day ONLY Tuesday, April 3, 2012</p>	<p>7:00 am to 8:00 pm</p>

Voting by personal representative: If you are unable to go to the polls due to age, serious illness or a disability, you may have a personal representative pick up and deliver a ballot to you. The ballot should be picked up at the voter's precinct. Anchorage voters hospitalized on Election Day may request delivery of a ballot by an elections official by calling 343-4311 by 10:00 a.m. on election day. Call the Clerk's Office at 343-4311 or 243-VOTE (8683) for more information on these options.

Voting on Service Area bonds: Bond-related projects such as roads and parks are organized into service areas with various geographic boundaries; only taxpayers in those service areas pay for the bonded projects. However, the law requires what is called the “full faith and credit” of the Municipality, which means that a bond proposition in a service area must be approved by a majority of voters throughout the Municipality as well as by a majority of voters in the service area.

For example, all qualified voters vote on the Anchorage road (ARDSA) bonds but only taxpayers in the ARDSA Anchorage Bowl Parks and Recreation) pay for them. In this election, this applies to Propositions 2 (ARDSA - roads), and 3 (APRSA - Parks). Other bond related projects, like Prop. 1 (Career and Technical Education Upgrades) and Prop. 4 (Emergency Medical Service and Public Transportation) are funded area-wide and paid for by all Anchorage taxpayers.

On the Web: The Ballot Review is available on the League of Women Voters’ web page at www.lwvanchorage.org

Candidates: Qualified voters residing in the Municipality of Anchorage may vote for a candidate listed by filling in the oval next to the name or write in the name of a person qualified to hold that office *and* fill in the oval next to the name. All are 3 year terms ending in 2015. The Mayoral race requires a 40% plus 1 vote majority. School Board members are elected at large but to designated seats, meaning each represents all areas of the Municipality. All School Board candidates win with a simple majority. Candidates’ names appear in a random alphabetical order on the ballot.

MAYOR: Jacob Seth Kern, Paul Honeman, Bruce J Lemke, Bob Lupo, Phil Isley, Dan Sullivan

School Board:

Seat E: David Nees, Kathleen Plunkett

Seat F: Richard Wanda, Tam Agosti-Gisler

Seat G: Natasha Von Imhof, Starr Marsett

PROPOSITION 1: (AO 2011-119(S) - \$59,077,000 EDUCATIONAL CAPITAL IMPROVEMENT BONDS

The bonds would pay a portion of the costs of additions to and renewal of career facilities at 13 schools. The project currently qualifies for a state grant of \$21,000,000 based on \$9,132,000 of the issuance which is not eligible for State debt reimbursement. The Projects qualify for 70% State debt reimbursement on \$31,205,000 of the issuance, 60% State debt reimbursement on \$18,240,000 of the issuance and no State debt reimbursement is allowed on \$500,000 of the issuance. State reimbursement is subject to annual legislative appropriation. More information about these bonds is available at www.asdk12.org/bonds or 742-4153.

Without State reimbursement for debt service, for property assessed at \$100,000, estimated annual costs are \$14.67 to retire the debt. If the State chooses to make the full reimbursement on the eligible \$49,445,000, the estimated annual cost to retire the debt would be \$6.53 per \$100,000 assessed value. State reimbursement is subject to annual Legislative appropriation.

Property owners throughout the Municipality would be taxed for these bonds.

To be voted on by qualified voters residing in the Municipality of Anchorage.

Projects expected to be funded include, but are not limited to:

<u>Project</u>	<u>Estimated Cost</u>
Career & Technical Education (CTE) Improvements:	\$23,765,000
<ul style="list-style-type: none"> • Career & Technical Education Upgrades: Bartlett, Chugiak, East, South, and West High Schools, Begich, Central, Gruening, Hanshew, Mirror Lake, Romig, and Wendler Middle Schools, and Polaris K-12 School • West High School – Romig Middle School campus STE design and construction 	
District Building Life Extension Projects	23,280,000
<ul style="list-style-type: none"> • Electrical Projects: Central, Gruening, and Mirror Lake Middle Schools, Abbott Loop, Aurora, Campbell, Eagle River, Huffman, Inlet View, Mountain View, Rabbit Creek, Ravenwood, Scenic Park, Susitna, and Ursa Major Elementary Schools • Roof upgrades and replacements: Chugiak High School, Aurora, O’Malley, Rabbit Creek, Spring Hill, Susitna, and Turnagain Elementary Schools. • Mechanical projects: HVAC and Water/Wastewater systems: Stellar Secondary School, Hanshew Middle School, Bear Valley, College Gate, Mountain View, Nunaka Valley, Spring Hill, Susitna and Turnagain Elementary Schools General building renewal and site projects: Chugiak, Dimond and West High Schools, Central Middle School, Bayshore, Gladys Wood, Mt. Iliamna, and Wonder Park Elementary Schools. 	
Service High School Matching Grant:	9,132,000
Mandatory match to receive a \$21,000,000 state grant for renovation.	
Design Project:	2,900,000
<ul style="list-style-type: none"> • Girdwood K-8 School Design: Infrastructure upgrades, addition of square Footage for gymnasium, classrooms and support areas. • Airport Heights Elementary School planning and design 	

PROPOSITION 2 – (AO 2012-3) - \$27,472,000 ANCHORAGE BOWL ROADS AND DRAINAGE SERVICE AREA BONDS

These bonds would pay for road construction, roadway safety improvements, drainage collection and treatment, and related capital improvements in the Anchorage Bowl Roads and Drainage Service Area (ARDSA). The ARDSA **includes** much of the Anchorage Bowl. It **does not include** Girdwood, Eagle River/Chugiak, and most of the Hillside.

For property in the ARDSA assessed at \$100,000, estimated annual costs are \$8.68 to retire the debt and \$2.33 to pay for new annual operations and maintenance (O&M) costs. The new O&M costs would increase the Municipal tax cap by up to \$580,000.

Only property owners in the ARDSA would be taxed for these bonds. There would be no cost to property owners in Girdwood, Indian, Bird Creek, Eagle River/Chugiak, and most of the Hillside.

However, the full faith and credit of the Municipality must guarantee the bonds. Consequently, passage requires approval by voters residing in the ARDSA as well as by voters in the entire Municipality.

To be voted on by qualified voters residing in the Municipality of Anchorage.

Projects expected to be funded Include, but are not limited to:

<u>Project</u>	<u>Estimated Cost</u>	<u>Estimated Annual Operating and Maintenance</u>
100 th Ave. extension – Phase II – Minnesota Dr to C St.	\$2,100,000	\$ 48,000
35 th Ave. and McRae Rd upgrade – Wisconsin St to Spenard Rd	4,675,000	108,000
Anchorage signal, system signage, and safety improvements	650,000	15,000
ARDSA road and drainage system rehabilitation	600,000	12,000
Arlene Dr/Pelican Dr/Pelican Cir/Kingfisher Dr area Road reconstruction (RID)	5,200,000	109,000
Drainage retention pilot project development	250,000	-
Flooding, glaciation, and drainage matching program	1,000,000	22,000
Intersection safety and congestion relief matching program	1,000,000	20,000
Major outfall disconnect	250,000	5,000
Misc. culvert replacement for flood hazard reduction	200,000	4,000
Northwood Street maintenance facility improvements	360,000	-
Paint striper equipment purchase	400,000	-
Pavement rehab matching program	4,000,000	84,000
Pedestrian safety and rehab matching program	87,000	2,000
Penland Pkwy surface rehab/drainage – Airport Heights Rd to Bragaw St	4,000,000	92,000
Recycled asphalt pavement (RAP) and chip seal upgrades	1,000,000	21,000
Spenard Rd reconstruction Phase II – Hillcrest Dr to Benson Blvd	1,400,000	32,000
Northwood Street maintenance fuel station facility	300,000	6,000

PROPOSITION 3 - (AO 2012-5) - \$2,750,000 ANCHORAGE BOWL PARKS AND RECREATION BONDS

These bonds would be used to improve, construct or maintain parks, trails and recreational facilities in the Anchorage Parks and Recreation Service Area (APRSA). The APRSA **includes** most of the Anchorage Bowl and most of the Hillside. The APRSA **does not include** Eagle River/Chugiak, Birchwood, Peters Creek, Girdwood, Indian, Bird Creek and portions of Glen Alps, Rabbit Creek and Bear Valley.

For property in the APRSA assessed at \$100,000, estimated annual costs are \$0.57 to retire the debt and an annual increase in the municipal tax cap of \$0.35 to pay for annual operation and maintenance costs (O&M). The new O&M costs would increase the tax cap up to \$96,200 annually.

Only property owners in the APRSA would be taxes for these bonds. There would be no cost to property owners in Eagle River/Chugiak, Birchwood, Peters Creek, Girdwood, Indian, Bird Creek, and portions of Glen Alps, Rabbit Creek, and Bear Valley. However, the full faith and credit of the Municipality must guarantee the bonds. Consequently, passage requires approval by voters residing in the APRSA as well as by voters in the entire Municipality.

To be voted on by qualified voters residing in the Municipality of Anchorage.

Projects expected to be funded include, but are not limited to:

	<u>Project Amount</u>	<u>Total O&M</u>
Coastal Trail surface & safety Improvements	\$1,250,000	\$88,000
Cuddy Park oval rink and playground-for-all improvements	250,000	18,000
Dempsey Anderson Ice Arena	450,000	--
Greenbelt trail bridge rehabilitation – fixing/replacing falling bridges	450,000	35,000
Kincaid LED trail lighting & safety improvements	250,000	18,000
Anchorage Veterans’ Memorial At Delaney Park	100,000	7,000

PROPOSITION 4 - (AO 2012-5) - \$1,588,000 AREAWIDE EMERGENCY SERVICES AND PUBLIC TRANSPORTATION CAPITAL IMPROVEMENT BONDS

These bonds would provide areawide public safety and transit improvements, including replacing ambulances and support vehicles, bus stop and transit building improvements.

For property assessed at \$100,000, estimated annual costs are \$0.39 to retire the debt and an increase in the Municipal Tax Cap of \$0.02 to pay for additional annual operation and maintenance costs. The additional O&M costs would increase the municipal tax cap by up to \$6,000.

To be voted on by qualified voters residing in the Municipality of Anchorage.

Property owners throughout the Municipality would be taxed for these bonds.

Projects expected to be funded include, but are not limited to:

	Project Amount	Total O&M
• Bus stop improvements	\$79,000	\$6,000
• Capital maintenance/vehicle overhaul	43,000	
• Improvements to existing fleet	50,000	
• ITS/automated operating systems	20,000	
• Management Information System	10,000	
• MICU Ambulance replacement program	520,000	
• Para transit/transit vehicle program	96,000	
• Support vehicles	20,000	
• Transit fleet expansion/replacement	110,000	
• Transit – roof, remodel, improvements	640,000	

PROPOSITION 5: ANCHORAGE EQUAL RIGHTS INITIATIVE

Proposition 5 is an initiative that asks “shall current Municipal Code sections providing legal protections against discrimination on the basis of race, color, sex, religion, national origin, marital status, age, physical disability, and mental ability be amended to include protections on the basis of sexual orientation or transgender identity.”

PROPOSITION 6: (AO 2012-11) SHALL THE ANCHORAGE MUNICIPAL CHARTER SECTION 17.13, DEFINITION OF “PUBLISH” BE AMENDED TO READ AS FOLLOWS:

(underlined text is new, capitalized and blocked text is deleted)

“Publish means to cause to be posted on a municipal website designated for public notices [PRINTED AT LEAST ONCE IN ONE NEWSPAPER OF GENERAL CIRCULATION WITHIN THE MUNICIPALITY OF ANCHORAGE,] the matter required by law to be published. Unless otherwise provided by the assembly posting shall be maintained for seven consecutive days. The assembly shall provide for additional modes of dissemination.”

PROPOSITION 7: (AO 2012-1) -- PROPERTY TAX EXEMPTIONS TO WIDOWS AND WIDOWERS OF PEOPLE KILLED IN MILITARY SERVICE

Proposition 7 would allow amendment of Anchorage Municipal Code section 12.15.015, Real Property Tax Exemptions, to grant a real property tax exemption on the first \$150,000 of assessed value to an eligible widow or widower of a person killed in United States Military service. .

If approved, the exemption would not take effect until AS 29.45.030(e) is amended by the Alaska Legislature to authorize this exemption.

PROPOSITION 8: (AO2-12-9): APPROVING ANNEXATION OF PORTIONS OF LOMA ESTATES SUBDIVISION TO THE SOUTH GOLDENVIEW RURAL ROADS SERVICE AREA, EFFECTIVE RETROACTIVE TO JANUARY 1, 2012.

Proposition 8 would alter the South Goldenview Rural Road (RRSA) boundaries by annexing Loma Estates Subdivision Block 1 Lot 6A, Block 1 Lot 7, Block 1 Lot 8, Block 2 Lot 1, Block 2 Lot 2), Block 2 Lot 3A , Block 2 Lot 5, Block 3 Lot 5), and Block 3 Lot 11 to the South Goldenview RRSA and by amending Anchorage Municipal Code Section 27.30.700 accordingly, effective retroactive to January 1, 2012.

Property owners in the referenced Loma Estates Subdivision will incur an increase in property taxes beginning with the tax year 2012.

To be voted on by qualified voters in the South Goldenview RRSA and the Loma Estates Subdivision.

BONDED INDEBTEDNESS:

The current General Obligation (G.O.) bonded indebtedness of the Municipality of Anchorage, including authorized but un-issued bonds, based on bonds outstanding as of December 31, 2011, is as follows:

<i>General Obligation Bonds</i>	<i>General Purpose</i>	<i>School</i>	<i>Total</i>
Issued and Outstanding	\$484,630,000	\$643,535,000	\$1,128,165,000
Authorized but Un-issued	\$63,486,000	\$ 25,845,000	\$89,331,000
Total	\$548,116,000	\$669,380,000	\$1,217,496,000
Bonds Paid off in 2011	\$26,050,000	\$57,665,000	\$83,715,000

<i>Debt Service Payments</i>	<i>Principal</i>	<i>Interest</i>	<i>Total</i>
<i>To be made in 2012 on all G. O. bonds</i>	\$89,445,000	\$52,672,480	\$142,117,480

The League of Women Voters of Anchorage, which prepared this Ballot Review, is a non-partisan organization that promotes political responsibility through informed and active participation in government.

*PO Box 101345, Anchorage, AK 99510-1345
907-274-8477*

www.lwvanchorage.org

Proposition 7 on April Ballot Touches Military Widows' and Widowers' Lives

KTVA

By Alexis Fernandez

Story Created: Mar 30, 2012 at 8:06 AM AKST

Story Updated: Mar 30, 2012 at 8:06 AM AKST

ANCHORAGE - For most people, home is where the heart is. And for Theresa Dayton it's no different, even without her other half. Dayton's husband Master Sergeant Tom Cicardo with the Alaska Air National Guard, was one of four killed in a C-17 crash that happened back in July of 2010 on Joint Base Elmendorf-Richardson.

Since then, life has been anything but easy, especially financially. "To live on 20 percent of the income that I had prior to his death is an incredible feat," said Theresa Dayton, widow of Cicardo. Dayton works part-time, and receives a monthly military stipend that will run out in five years. She won't qualify for her husband's pension until she's 62.

She's one of many widows or widowers who struggle to keep their homes. "It's the only thing I have left that was his," she said. Dayton is supporting Proposition 7 on the April municipal ballot, which would give a widow or widower of a person killed while on active duty a property tax exemption on the first \$150,000 of their home.

Assemblymen Dick Traini thinks the proposition is important so people who call Anchorage home won't be forced to leave. "There's a few people this will affect every year; the vast majority of people here either live on base or rent or lease, because they don't know if they're going to stay here," said Traini.

Anchorage Assembly Chair Debbie Ossiander said the measure is too broad and could end up costing taxpayers a lot more in the long run. But for Dayton it's not about the money. "My family lives on this street, my sister and my brother live on this street, and so I have family right here," she said.

If the proposition is passed on Tuesday, it will still have to be approved by the Alaska Legislature before it can go into effect.



March 18, 2013

**AMERICAN CIVIL
LIBERTIES UNION OF
ALASKA**

1057 W. Fireweed, Suite 207
Anchorage, AK 99503
(907) 258-0044
(907) 258-0288 (fax)
WWW.AKCLU.ORG

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STUDENT ADVISOR

The Honorable Peter Micciche, Chair
The Honorable Cathy Giessel, Vice-Chair
Senate Committee on Community and Regional Affairs
Alaska State Senate
State Capitol
Juneau, AK 99801

via email: Sen.Peter.Micciche@akleg.gov
Sen.Cathy.Giessel@akleg.gov

Re: Senate Bill 73 – ACLU Review
Inclusion of Same-Sex Domestic Partners

Chair Micciche and Vice-Chair Giessel:

Thank you for the opportunity to submit written testimony regarding Senate Bill 73, a bill relating to property tax exemptions for the widow or widower of a person who was killed while in the military service.

The American Civil Liberties Union of Alaska represents thousands of members and activists throughout the State of Alaska who seek to preserve and expand individual freedoms and civil liberties guaranteed under the United States and Alaska Constitutions. SB 73 sensibly and compassionately addresses the special needs of Alaska's military families. However, the ACLU would request that the Senate Committee on Community and Regional Affairs make a minor amendment to this important legislation to recognize those military families headed by same-sex domestic partners.

We would be happy to work with you or the Committee to answer any questions you might have.

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Equal Treatment of Domestic Partners

Pursuant to the Alaska Supreme Court’s ruling in *Alaska Civil Liberties Union v. State of Alaska, Municipality of Anchorage*, 122 P.3d 781 (Alaska 2005) (“*AkCLU v. State*”), military families headed by same-sex domestic partners are entitled to those benefits accorded to families headed by opposite-sex married couples.

The Alaska Supreme Court established that same-sex domestic partners must be treated on equal footing with married couples in the provision of government benefits. The Court held that differential treatment violated the Equal Protection Clause of the Alaska State Constitution, since individuals “in committed same-sex relationships are absolutely denied any opportunity to obtain [government] benefits, because [they] are barred by law from marrying their same-sex partners in Alaska or having any marriage performed elsewhere recognized in Alaska.” *AkCLU v. State*, 122 P.3d at 788.

Please note that, in reaching this conclusion, the Court found that treating same-sex couples differently from heterosexual married couples with respect to employment benefits was unconstitutional *and did not survive even the most minimal level of constitutional scrutiny*. *Id.* at 783, 786–87.

Authorization for Municipal Exemption of Taxation on \$150,000 of Home’s Assessed Value

Under SB 73:

. . . A municipality may by ordinance approved by the voters grant the exemption under this subsection to the widow or widower under 60 years of age of a person who qualified for an exemption under (2) of this subsection **or to a resident who is at least 60 years of age and the widow or widower of a person who was killed while in the military service of the United States.**

This language should be amended to reflect the Supreme Court’s decision in *AkCLU v. State*.

By revising the Bill to include, where applicable, “same-sex domestic partner,” the Alaska State Legislature would avoid creating a constitutional conflict with the Alaska Supreme Court’s ruling in *AkCLU v. State*. Moreover, the Legislature will appropriately recognize and honor **all** military families, including those which were headed by couples in committed same-sex partnerships.

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Repeal of “Don’t Ask, Don’t Tell”

Further, following the repeal of “Don’t Ask, Don’t Tell,” the United States military is quickly moving to ensure that all soldiers, sailors, airmen, and Marines – no matter their sexual orientation – are treated with the dignity and respect that their service to country deserves.

We would expect no less from the Alaska Legislature.

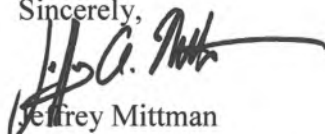
Conclusion

We hope that the Senate Committee on Community and Regional Affairs will consider our comments on SB 73.

Please feel free to contact the undersigned should you require any additional information. And, again, we are happy to answer informally any questions that Members of the Committee may have.

Thank you again for the opportunity to share our concerns.

Sincerely,



Jeffrey Mittman
Executive Director
ACLU of Alaska

cc: Senator Dennis Egan, Sen.Dennis.Egan@akleg.gov
Senator Click Bishop, Sen.Click.Bishop@akleg.gov
Senator Lyman Hoffman, Sen.Lyman.Hoffman@akleg.gov
Sponsor – Senator Kevin Meyer, Senator.Kevin.Meyer@akleg.gov

From: Theresa M Dayton [<mailto:tmdayton@aci.net>]

Sent: Thursday, March 21, 2013 11:34 AM

To: Edra Morledge

Subject: letter of support

As the widow of the late SMSgt Thomas E. Cicardo, Alaska Air National Guard, who died 28, July, 2010, my world was turned upside down.

Besides the death of my beloved husband, the 2nd greatest impact was financial.

I whole heartedly support SB 73 as there is a need to assist those who are the surviving spouses.

Of the 5 widows created from the 2 Military air craft crashed in 2010, 2 widows have permanently moved away from Alaska. I know for one it was partially do to the cost of living here.

Most Military are families, the death of the Military spouse, in the Line of Duty, leaves this terrible, sudden emotional & financial impact that as much as we think we are prepared for it is still greater that you can imagine.

For a few years the Military puts you in a Survivor status, & your benefits pretty much don't change but at the end of the 3rd year, after the spouse's death, you are put in Retired Status & the out of pocket cost for the same benefits increases by as much as 300%. Yet the pension payments from DFAS only increase by \$10 a month/year & eventually those payments stop.

By passing this Bill, Alaska would saying to the families of the Fallen, thank you for sacrifice & we are here & would like you to make Alaska your home!

Sincerely,
Theresa M. Dayton