

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILES 86 / 2

750 SCOMM23: TITLE 29 POLICY REVISION ADVISORY COMM. 1980

Ms. Ginny Chitwood

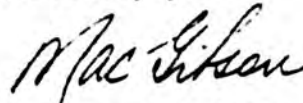
August-5, 1980

Page 3

I would appreciate it very much if you would transmit these suggestions to the committee.

With kindest personal regards, I am

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Mac Gibson".

Charles M. Gibson
City Attorney

CMG:bc

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distribution of previous year assessed values in the state."

As the rest of the section was not affected by the amendments, it is not set out.

Editor's note. — Section 1, ch. 13, SLA 1973, provides: "Notwithstanding the provisions of AS 29.53.020(f), for the 1973 assessment year the filing date for application for the exemption granted under AS 29.53.020(e) is extended to March 15, 1973."

Strict construction.

The courts must narrowly construe statutes granting tax exemptions. Greater Anchorage Area Borough v. Sisters of Charity of House of Providence, Sup. Ct. Op. No. 1299 (File No. 2445), 553 P.2d 467 (1976).

Burden of showing eligibility for exemption. — A taxpayer claiming a tax exemption has the burden of showing that the property is eligible for the exemption. Greater Anchorage Area Borough v. Sisters of Charity of House of Providence, Sup. Ct. Op. No. 1299 (File No. 2445), 553 P.2d 467 (1976).

Exclusive use for nonprofit religious, etc., purposes must be shown. In order to qualify for an exemption, the taxpayer must show not benefits, but exclusive use for nonprofit religious, charitable, cemetery, hospital or educational purposes. Greater Anchorage Area Borough v. Sisters of Charity of House of Providence, Sup. Ct. Op. No. 1299 (File No. 2445), 553 P.2d 467 (1976).

Sec. 29.53.025. Optional exemptions and exclusions. (a) Municipalities may exclude or exempt or partially exempt residential property from taxation by ordinance ratified by the voters at a regular or special election. An exclusion or exemption authorized by this section may not exceed \$10,000 for any one residence.

(b) Municipalities may by ordinance

(1) classify boats and vessels for purposes of taxation and may establish the assessed valuation of boats and vessels on the basis of their registered or certificated net tonnage; a tax based upon a tonnage valuation shall not exceed \$5 a year for a boat or vessel of less than five net tons and shall not exceed \$15 a year for a boat or vessel of more than five net tons;

(2) classify and exempt from taxation

(A) the household furniture over \$500 in value and the effects of the head of a family or a householder; and

(B) the property of an organization not organized for business or profit-making purposes and used exclusively for community purposes, provided that income derived from rental of such property does not exceed the actual cost to the owner of the use by the renter; and

When the property in question is used even in part by nonexempt parties for their private business purposes, there can be no exemption. Greater Anchorage Area Borough v. Sisters of Charity of House of Providence, Sup. Ct. Op. No. 1299 (File No. 2445), 553 P.2d 467 (1976).

Actual use rather than owner's use should be analyzed in determining eligibility for an exemption. Greater Anchorage Area Borough v. Sisters of Charity of House of Providence, Sup. Ct. Op. No. 1299 (File No. 2445), 553 P.2d 467 (1976).

Office space rented to doctors engaged in private practice. — Office space in a building partially used exclusively for nonprofit hospital purposes, rented to doctors engaged in the private practice of medicine by a nonprofit charitable and religious corporation, was not exempt from taxation. Greater Anchorage Area Borough v. Sisters of Charity of House of Providence, Sup. Ct. Op. No. 1299 (File No. 2445), 553 P.2d 467 (1976).

While the use of office space by doctor-tenants in conducting their private practices does provide incidental benefits to the adjacent hospital, the office space is not used exclusively for hospital purposes. Greater Anchorage Area Borough v. Sisters of Charity of House of Providence, Sup. Ct. Op. No. 1299 (File No. 2445), 553 P.2d 467 (1976).

(C) historic sites, buildings and monuments; ---

(D) land of a nonprofit organization used for agricultural purposes if rights to subdivide the land are conveyed to the state and the conveyance includes a covenant restricting use of the land to agricultural purposes only; rights conveyed to the state under this subparagraph may be conveyed by the state only in accordance with AS 38.05.069(c).

(c) The provisions of (a) of this section notwithstanding,

(1) a home rule or first or second class borough may, by ordinance adopted without weighted voting, adjust its property tax structure in whole or in part to the property tax structure of a city within it, including but not limited to, excluding personal property from taxation, establishing exemptions, and extending the redemption period;

(2) a home rule or first class city shall have the same power to grant exemptions or exclude property from borough taxes that it has as to city taxes, provided that the exemptions or exclusions have been adopted as to city taxes and further provided that the city appropriate to the borough sufficient money to equal revenues lost by the borough because of the exemptions or exclusions, the amount to be determined annually by the assembly without weighted voting;

(3) a home rule or general law city within an organized borough may, by ordinance, adjust its property tax structure in whole or in part to the property tax structure of the borough, including but not limited to exempting or partially exempting property from taxation.

(d) Exemptions or exclusions from property tax which have been granted by home rule municipalities in addition to exemptions authorized or required by law, and which are in effect on September 10, 1972 and not later withdrawn, are not affected by this Act.

(e) Municipalities may by ordinance classify and exempt or partially exempt from taxation privately owned land, wet land and water areas for which a scenic, conservation, or public recreation use easement is granted to a governmental body. To be eligible for a tax exemption, or partial exemption, the easement must be in perpetuity. However, the easement is automatically terminated before an eminent domain taking of fee simple title or less than fee simple title to the property so that the property owner is compensated at a rate which does not reflect the easement grant.

(f) A municipality may by ordinance exempt from taxation all or any part of the increase in assessed value of improvements to real property if an increase in assessed value is directly attributable to alteration of the natural features of the land or new maintenance, repair or renovation of an existing structure and if the alteration, maintenance, repair or renovation, when completed, enhances the exterior appearance or aesthetic quality of the land or structure. No exemption may be allowed under this subsection for the construction of an improvement to a structure if the principal purpose of the improvement is to increase the amount of space for occupancy or nonresidential use within the

structure or for the alteration of land as a consequence of construction activity. An exemption provided in this subsection may continue for up to four years from the date the improvement is completed or from the date of approval for the exemption by the local assessor, whichever is later. ✓

(g) A municipality may by ordinance exempt from taxation all or any part of the increase in assessed value of improvements to a single family dwelling if the principal purpose of the improvement is to increase the amount of space for occupancy. An exemption provided in this subsection may continue for up to two years from the date the improvement is completed or from the date of approval of an application for the exemption by the local assessor, whichever is later. (§ 2 ch 118 SLA 1972; am § 2 ch 1 FSSLA 1973; am § 1 ch 33 SLA 1975; am § 1 ch 111 SLA 1976; am § 1 ch 262 SLA 1976; am § 1 ch 95 SLA 1977)

Effect of amendments. — The 1973 amendment, effective January 1, 1974, added the second sentence of subsection (a).

The 1975 amendment, effective July 1, 1976, added subsection (e).

The first 1976 amendment added paragraph (3) of subsection (c).

The second 1976 amendment, effective June 25, 1976, added paragraph (2)(D) of subsection (b).

The 1977 amendment added subsections (f) and (g).

Sec. 29.53.035. Farm or agricultural lands. (a) Farm use lands included in a farm unit and not dedicated or being used for nonfarm purposes shall be assessed on the basis of full and true value for farm use, and shall not be assessed as if subdivided or used for some other nonfarm purpose. The assessor shall maintain records valuing the farm use land for both full and true value and farm use value. Should the farm use land be sold, leased, or otherwise disposed of for uses incompatible with farm use or be converted to a use incompatible with farm use by the owner, the owner is liable to pay an amount equal to the additional tax at the current mill levy together with eight per cent interest for the preceding seven years, as though the land had not been assessed for farm use purpose. Payment by the owner shall be made to the state to the extent of its reimbursement for revenue loss under (e) of this section for the preceding seven years. The balance of the payment shall be made to the city or borough.

(b) An owner of farm use land must, to secure the assessment, make application to the assessor before May 15 of each year in which the assessment is desired. The application shall be made upon forms prescribed by the state assessor for the use of the local assessor and shall include information which may reasonably be required to determine the entitlement of the applicant. If the farm use land is leased for farm use purposes, the applicant shall furnish to the assessor a copy of the lease bearing the signatures of both lessee and lessor along with the completed application. The applicant shall furnish the assessor a copy of the lease covering the period for which the exemption is requested.

NATIVE VILLAGE OF TYONEK, ALASKA

INCORPORATED
TYONEK, ALASKA 99582

MANAGEMENT OFFICE
1675 "C" STREET - ROOM 246
ANCHORAGE, ALASKA 99501

RECEIVED

October 29, 1980

NOV 3 1980

Mr. Bob Lohr
Rural Alaska Community
Action Program
P.O. Box 3-3908
Anchorage, Alaska 99501

Dear Bob:

I have just learned that you needed some input, from small communities, concerning the problems they are experiencing, from Villages to Municipalities. We the people of Tyonek, are governed by the I.R.A. Council, we offer Municipal type services.

1. Road Maintenance, with a Grant from Bureau of Indian Affairs.
2. Water System, from Public Health Services.
3. Waste Disposal, from Kenai Borough Etc.

Before, we got these Grants, we payed for our own services, What the problem.? We have governed our own people, since we were Incorporated in 1936. under the Indian Reorganization Act. then ANSCA came along, and everyone forgot about the I.R.A., something has to be done, because we are still active, but no land base to govern. We aren't considered as a municipality, but yet in fact we are, I would recommend very highly that we could be reconized as a municipal government. yet we have the problems of Non-Natives, Historically we have excluded Non-Natives, based on what is called Rule No. 4. We do not discriminate, but we like to live by this rule, simply because it prevents outsiders from coming on our land to sell illegal things, and also because of this rule, we do not have any Bar's, or any controlling interests, we must remain under the I.R.A. Council, in order for us to survive. To become a Public Municipality would mean death to our Culture, and eventually to our land. We would like to share the States money, but we would'nt sell our people out for money.

Sincerely,



Donald Standifer, President
of The Native Village of Tyonek.

cc: Enclosure

TO WHOM IT MAY CONCERN:

We, are not yet ready to form a Municipal Government for reason's that there isn't enough Industry to create enough job's, to pay Taxe's. Light Bill's, Water Sewer, and Waste.

We, have a lot of elderly people and, some disable that would'nt be able to live on what little Welfare they get.

The problem's we have today, are mostly that, we are tied to a Borough of which we don't have any ties. All our Business are in Anchorage, Alaska. our mail, Grocie's, Hospital, all comes thru Anchorage, the only ties we have with Kenai, is the School.

We, cannot get any Grant's out of Community and Regional Affair's without going thru, the Kenai Borough, which mekes it hard for us as there is, so much Red Tape, and being a Small Village, we are always left out of Grants. Before Grants are approved to the Borough, its Citys already have their Grants written, they already know that certain Grants are being approved, as we dont know until, the monies are all spent. We are not kept up to date on any Grants, that comes to the Borough.

In 1978, a Grant of \$100,000.00 was approved by the State Legislature to upgrade our Airstrip, we had to turn this grant down, because it had so much strings attached, Such as opening the Airstrip to the Public. To the Public is ok, if they would pay Fee's Etc. but everyone feels that since, they are Tax Payers they should have excess to the Airstrip, since they pay their taxes. It cost us thousands of dollars to maintain the Airstrip, Up grading, Light, and Power, Snow Removal, of which we use our own Equipment and Fuel, Pay our own men to do the necessary work. We recently used some funds from R.D.A. Rural Development Administration, and charged landing fees, although we spent all our monies as stated above, we had to argue with Aircraft Owners over landing fees, and we were accused of trying to shoot people Etc. Its not fair to us to spend all this money to keep up the Airport and not be able to charge landing, and Parking fees, we pay taxes to.

We get grants from the Bureau of Indian Affairs, such as Jonson O'Malley, Self-Determination Act, Title 4 Bilingual, and Cultural. All these Grants, are below living costs, and at times are supplemented by our own funds, just to get someone to work. These Grants are a lot of Red Tape, and takes time to get, making it difficult to get people interested. C.E.D.A. Programs are so Red Taped that one almost have to be living in Poverty, before they qualify. If this is a Training Program it should be just that not a Welfare Program.

I, feel that we should be left alone, and let us decide our own destiny, and if we want to go into Municiple Type Government, we should be able to do it, at our own pace. There is this big problem of Non-Indians coming in, and taking over something that, we have worked for all of our lives, and those before us. We have kept our Traditional and Culture, which is so important to us, all these years and are not about to throw that out for someone else to be fit by. Kenai, Alaska was a nice and beautiful Village once, but they made a mistake by letting the Whites in, today all are staying outside of the Municipal City.

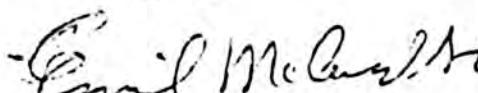
Page 2: Con't

TO WHOM IT MAY CONCERN:

This Village is the only one on the Cook Inlet with all Natives, and must be kept that way, if this Village loses then the State of Alaska loses one of its last Historic Area not only that, but the True Indian way of life Millions of Dollars was spent to keep it, that Millions of our own money, and times we must not let it go.

On the other hand, in time with control, we can form a Municipal type of Government, but only with local control, all the Grants and Monies would be worth nothing, if we lost control, and outsiders took over our Village.

Sincerely,


Emil McCord,
Village Administrator

CITY OF ALAKANUK

ALAKANUK CITY COUNCIL

ALAKANUK, ALASKA 99554

To Members of the Title 29 Revision Committee; FROM: Terry Cook and
Recommended changes, wording, and questions: Alakanuk City Council.

USING TITLE 29 WORK DRAFT COPY:

page 43-line 14; define and spell out AS44.62.310

page 62-line 22; change (Four affirmative) to A majority number of

page 63-line 20; add (.) but does not change the term of the seat
he was elected to.

page 66-line 29; insert or between ", as"

page 67-line 20; add at the end of the sentence (;) of the city;

page 70-line 29; change (general) to regular

page 71-line 14, 15; recommended to read: a copy of an annual audit if
revenues or expenditures exceed \$ _____ or statement
of annual income and expenditures;

page 71-line 16; add (;) if taxes are assessed or levied;

page 72-line 10; should state by what reasons for "removal from office."

*page 73-line 15; Can a municipality regulate private or co-operative
utility if not owned by the municipality?

page 74-line 23; needs rewording as to how many affirmative votes
are needed to adopt an emergency ordinance.

page 75-line 10; insert after the word "sold" , distributed or made
available to the public.

page 76-line 8; the limits should be raised

page 76-line 10; add after "cost" (.) or at no charge as determined by
assembly or council.

page 77-line 6; add to read: elections by ordinance and

*page 78-line 5; what happens if there are 3 top candidates that are tied
with less than a majority vote? Suggested wording:
two or more

page 78-line 20; add at the end of the sentence (.) and authorize the
results to be certified.

*page 78-line 24; should this read (more) less ?

page 79-line 19; add a new section: 29.30.105 PETITION EXEMPTION. The
governing body may put a question on the ballot
without a petition.

*page 83-line 9; Can "misconduct in office" be defined?

*page 95-line 6--14; if all members are recalled or there is not a quorum
left, how can special election be called for?

*notes - question

CITY OF ALAKANUK
ALAKANUK CITY COUNCIL
ALAKANUK, ALASKA 99554

Page 2

Recommended changes, wording, and questions:

page 90-line 13; add after word "contracts" or make agreements

page 95-line 16; change (duces tecum) to plain English!!!!

page 94-line 4,5; change (spread upon) to _____

page 97-line 11; change (\$25,000) to \$100,000

page 99-line 9; add after word "municipality" if revenues or expenditures exceed \$

page 99-line 10; add after word "audit" if revenues or expenditures exceed \$ or if less than \$ a
statement of annual income and expenditures.

page 109; Repeal sections 29.39.060(Sec.29.43.100), 29.39.070(Sec.29.43.105)
and 29.39.080(Sec.29.43.110).

page 115; Sec.29.42.080 the regulations should be adopted by ordinance so
that the public has a fair hearing in matters that can affect them

page 116-line 26; add after word "street" as long as it is not an
easement across another's private property.

page 122-line 17; change (\$500) to \$5,000 in value.

Trak Saxman

— City of Saxman
— P.O. Box 8676
— Ketchikan, Alaska 99901
— (907) 225-4166

RESOLUTION NO:

A RESOLUTION OF THE ALASKA MUNICIPAL LEAGUE'S TITLE 29 REVISION COMMITTEE DECLARING A POLICY AND POSITION ON NATIVE VILLAGE AND TRADITIONAL TRIBAL GOVERNMENTS ENTERING INTO MUTUAL AND CO-OPERATIVE AGREEMENTS OVER GOVERNMENTAL AND JURISDICTIONAL MATTERS WITH THE STATE OF ALASKA

WHEREAS,

THE LEGISLATURE HAS DETERMINED that there exists in the State several communities which have Native village and/or traditional tribal governments; and,

WHEREAS,

THE LAW AND CUSTOMS OF THESE GOVERNMENTS include defined notions of democracy, liberty and the exercise of personal rights consistent with the State and Federal constitutions; and,

WHEREAS,

THE PRESENT ECONOMIC BASE OF THE STATE is based on a non-renewable resource which holds the promise of short life, ~~short~~ renewable economic diversification; and,

WHEREAS,

STOCKS PRESENTLY OWNED BY SHAREHOLDERS OF ANCSA REGIONAL AND VILLAGE CORPORATIONS will be recalled and sold to the general public in the year 1991; and,

WHEREAS,

BASED ON THE PAST HISTORY OF ALASKA'S ECONOMIC GROWTH PATTERN, it would not be unreasonable to project similar economic impact occurring through the unwarranted exportation of job/employment opportunities and local dollars resulting from an outside invasion of private non-State interests in 1991; and,

WHEREAS,

THE ANCSA REGIONAL AND VILLAGE CORPORATIONS by 1991 will be a substantial and sizable component of the State's economic base which will be seriously threatened by private non-State interests and entrepreneurs without the ability or accessibility for recognition and mutual and co-operative interaction by the State with Native village and traditional tribal government over jurisdictional and governmental matters.

NOW, THEREFORE, BE IT RESOLVED by:

THE POLICY AND POSITION ON NATIVE VILLAGE AND TRADITIONAL TRIBAL GOVERNMENTS ENTERING INTO

— Itak Saxman

— City of Saxman
— P.O. Box 8676
— Ketchikan, Alaska 99901
— (907) 225-4166

MUTUAL AND COOPERATIVE AGREEMENTS OVER JURIS-
DICTIONAL AND GOVERNMENTAL MATTERS WITH THE STATE
OF ALASKA WILL PROMOTE THE EFFICIENT AND APPRO-
PRIATE DEVELOPMENT OF THE STATE RESOURCES AFTER
A SHORT DURATION OF NON-RENEWABLE RESOURCE ECO-
NOMIC ACTIVITY.

City of Saxman

—City of Saxman
—P.O. Box 8676
—Ketchikan, Alaska 99901
—(907) 225-4166

RESOLUTION NO:

A RESOLUTION OF THE ALASKA MUNICIPAL LEAGUE'S TITLE 29 REVISION COMMITTEE DECLARING A POLICY AND POSITION ON THE 1979 LOCAL GOVERNMENT STUDY AND THE FINDING OF THE LOCAL GOVERNMENT SYMPOSIUM, HELD AUGUST 4-5, 1979, AS A CONSISTENT POLICY STATEMENT WHICH IDENTIFIES AND ESTABLISHES MAXIMUM LOCAL SELF-GOVERNMENT THROUGH FEDERAL AND STATE PROGRAM DECENTRALIZATION OF FUNDING AND UNIFICATION OF LOCAL EFFORTS FOR EFFECTIVE AND EFFICIENT UTILIZATION OF OPTIMIZED AND FUNCTIONALIZED COMMUNITY RESOURCE DEVELOPMENT AND THE ELIMINATION OF DISINCENTIVES AND BARRIERS WHICH DEPRIVE LOCAL NATIVE VILLAGES OF OPTIMAL AND FUNCTIONAL ASSURANCE OF THE BASIC COMMUNITY AND TRIBAL RIGHTS FOR LIMITED SOVEREIGNTY, SELF-GOVERNMENT, SELF-DETERMINATION AND SELF-SUFFICIENCY AND THE COOPERATIVE EFFORTS OF AND THE COORDINATION WITH OTHER ENTITIES OUTSIDE OF THE TRADITIONAL NATIVE VILLAGE AND COMMUNITY

WHEREAS,

TITLE 29 OF THE ALASKA STATE STATUTES is urban-designed and needs to adapt governmental structures and processes to rural needs and conditions; and,

WHEREAS,

THE ALASKA STATE CONSTITUTION provides for maximum local self-government and local participation, however, legislative provisions and actions appear to abridge the privileges and immunities of these constitutional provisions; and,

WHEREAS,

DECENTRALIZATION OF SERVICE DELIVERY through intergovernmental cooperation is mandated through appropriate federal legislative and administrative provisions and actions with the intent of providing a more economical and efficient method of providing services, promoting participation on the community, not area, level, and establishing unification of local efforts for the optimal and functional assurance of maximum local self-government; and,

WHEREAS,

THE URBAN ORIENTED MUNICIPAL GOVERNMENT STRUCTURES of Title 29 lack appropriate optimal and functional assurances of demographic characteristics integral within the systematic isolationism it promotes of Native Villages and Communities with respect to not only identifying geo-

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graphic characteristics, but, also, political, economic, cultural and social isolationism; and,

WHEREAS,

DECENTRALIZATION AND COORDINATION OF FEDERAL AND STATE PROGRAMS will not be optimized nor functionalized unless the State recognizes the need to provide receptacles for service delivery on the community, again not area, level through legislative provisions and actions for planning and zoning on the community, not area, wide basis through the maximized maintenance of local self-government, self-determination and self-sufficiency on the local community level; and,

NOW, THEREFORE, BE IT RESOLVED by:

THE POLICY AND POSITION OF THE 1979 LOCAL GOVERNMENT STUDY AND THE FINDINGS OF THE LOCAL GOVERNMENT SYMPOSIUM, HELD AUGUST 4-5, 1979, DECLARES AND RECOGNIZES A CONSISTENT POLICY AND NEEDS STATEMENT WHICH IDENTIFIES AND ESTABLISHES MAXIMUM LOCAL SELF-GOVERNMENT THROUGH FEDERAL AND STATE PROGRAM DECENTRALIZATION OF FUNDING AND UNIFICATION OF LOCAL EFFORTS FOR THE EFFECTIVE AND EFFICIENT UTILIZATION OF OPTIMIZED AND FUNCTIONALIZED COMMUNITY RESOURCE DEVELOPMENT AND THE ELIMINATION OF DISINCENTIVES AND BARRIERS WHICH DEPRIVE THE LOCAL NATIVE VILLAGES OF OPTIMAL AND FUNCTIONAL ASSURANCE OF THE BASIC COMMUNITY AND TRIBAL RIGHTS FOR LIMITED SOVEREIGNTY, SELF-GOVERNMENT, SELF-DETERMINATION AND SELF-SUFFICIENCY AND THE COOPERATIVE EFFORTS OF AND THE COORDINATION WITH OTHER ENTITIES OUTSIDE OF THE NATIVE VILLAGE AND COMMUNITY.

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— Ketchikan, Alaska 99901
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RESOLUTION NO:

A RESOLUTION OF THE TITLE 29 COMMITTEE FOR THE ALASKA MUNICIPAL LEAGUE 30th ANNUAL LOCAL GOVERNMENT CONFERENCE DECLARING A POLICY AND POSITION ON THE PROPOSED ALASKA STATE STATUTES, TITLE 29, MUNICIPAL GOVERNMENT, REVISIONS MUST REFLECT THE ABILITY, AND NOT INABILITY, OF LOCAL COMMUNITIES TO REACH AND MAINTAIN THE BASIC SOCIAL AND FOUNDATIONAL GOAL OF THE STATE OF ALASKA: SOUND, ECONOMICALLY MOBILIZED AND MAXIMUM LOCAL SELF-GOVERNMENT, THROUGH DELIBERATE AND EQUITABLE STRENGTHENING OF THE ADMINISTRATIVE AND LEGISLATIVE POLICIES AND PROCEDURES AS CONTAINED AND EFFECTED BY THE ALASKA STATE STATUTES AND AS IMPLEMENTED BY AND PROVIDED THROUGH THE STATE OF ALASKA IN FEDERAL AND STATE PROGRAMS AND SERVICES PROVIDING TO RECIPIENT COMMUNITY AND AREA APPLICANTS IN A CURRENT AND DECENTRALIZED MANNER THEREBY ENHANCING AND ENCOURAGING THE REALIZATION OF SOUND, ECONOMICALLY MOBILIZED AND MAXIMUM LOCAL SELF-GOVERNMENT

WHEREAS:

SUBSTANTIAL ECONOMIC AND SOCIAL HARDSHIP is predominant within the rural and suburban communities of the State; and,

WHEREAS:

EFFECTIVE AND EFFICIENT PROVISIONS designed with deliberate and equitable strength will enhance and encourage the ability of rural and suburban communities to exercise and enjoy all the rights, privileges, powers and immunities, including, but without limitation, the power to enact ordinances and collect taxes, and shall be subject to all the duties, obligations, liabilities and limitations of municipal government subject to the Alaska State Constitution, yet not found in the present provisions of Alaska State Statutes, Title 29, Municipal Government, for the self-actualization of maximum local self-government; and,

WHEREAS:

SOUND, ECONOMICALLY MOBILIZED AND MAXIMUM LOCAL SELF-GOVERNMENT as an optimal and functional goal of the State of Alaska can only be reached and maintained through a current and decentralized administration of Federal and State programs and services concentrated at the local community level in order to provide the impetus through community participation and public/private financial lever-

City of Saxman

P.O. Box 8676

Ketchikan, Alaska 99901

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aging to appropriately and efficiently combat substantial economic and social hardship and alienation; and,

WHEREAS:

DOMINANT URBAN CENTERS WITHIN THE STATE by demonstrating their ability for reaching and maintaining maximum local self-government must support and continue to exemplify this goal by further enhancing and encouraging the proposed Alaska State Statutes, Title 29, Municipal Government, revisions to reflect this needed intent for the continued and consistent viability and longevity of the State of Alaska; and,

WHEREAS:

THE EFFECTIVE MANAGEMENT IN AN INTERGOVERNMENTAL CONTEXT is one which exercises and enjoys the legal and political competence and institutional capacities of maximum local self-government and meshes these capacities with those being cooperatively managed or shared from the Federal side; and,

WHEREAS:

MAXIMUM LOCAL SELF-GOVERNMENT STRATEGIES require an unprecedented level of intergovernmental interaction, which the various elements of government having specific responsibilities to discharge relative to local government and its constituencies cannot adroitly address the mutual problems inherent in the United States and the State of Alaska self-government approaches without optimal and functional assurance of broad based community participation.

NOW, THEREFORE, BE IT RESOLVED by the Title 29 Committee for the Alaska Municipal League 30th Annual Local Government Conference:

THE POLICY AND POSITION ON THE PROPOSED ALASKA STATE STATUTES, TITLE 29, MUNICIPAL GOVERNMENT, REVISIONS MUST REFLECT THE ABILITY, AND NOT INABILITY, OF LOCAL COMMUNITIES TO REACH AND MAINTAIN THE BASIC SOCIAL AND FOUNDATIONAL GOAL OF THE STATE OF ALASKA: SOUND, ECONOMICALLY MOBILIZED AND MAXIMUM LOCAL SELF-GOVERNMENT, THROUGH DELIBERATE AND EQUITABLE STRENGTHENING OF THE ADMINISTRATIVE AND LEGISLATIVE POLICIES AND PROCEDURES AS CONTAINED AND EFFECTED BY THE ALASKA STATE STATUTES AND AS IMPLEMENTED BY AND PROVIDED THROUGH THE STATE OF ALASKA IN FEDERAL AND STATE PROGRAMS AND

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City of Saxman P.O. Box 8676 Ketchikan, Alaska 99901 (907) 225-4166	
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SERVICES PROVIDING TO RECIPIENT COMMUNITY AND
AREA APPLICANTS IN A CURRENT AND DECENTRALIZED
MANNER THEREBY ENHANCING AND ENCOURAGING THE
REALIZATION OF SOUND, ECONOMICALLY MOBILIZED
AND MAXIMUM LOCAL SELF- GOVERNMENT.

· PLEASE NOTE: THE PRECEDING PAGES WERE TREATED
AS A UNIT IN THE ORIGINAL DOCUMENT.

CITY OF FAIRBANKS

ALASKA
99701

CHARLES M. GIBSON
CITY ATTORNEY

BRETT M. WOOD
DEPUTY CITY ATTORNEY

HERBERT P. KUSS
DEPUTY CITY ATTORNEY

MICHAEL P. McCONAHY
ASSISTANT CITY ATTORNEY



Legal Department
410 CUSHMAN STREET
FAIRBANKS, ALASKA 99701
907-452-1881
August 5, 1980

Ms. Ginny Chitwood
Executive Director
Alaska Municipal League
204 N. Franklin Street
Juneau, Alaska 99801

Dear Ginny:

I am taking this opportunity to write to you concerning several matters which I would thank you to transmit to the committee studying the revision of Title 29.

First, at a recent city council meeting, there was a matter on the agenda concerning the vacation of a certain street in the city which had come to the council with a recommendation from the Borough Planning and Zoning Commission that the vacation of the street be permitted. Because of the time constraints in Section 29.33.220 requiring action by the council within 30 days from the decision of the Commission in which to veto that decision, the council was required to act upon the matter with what they considered to be insufficient information to properly consider the proposal. As a result of this incident, the council reviewed the provisions of Section 29.33.220 and directed me to bring this to your attention for action by the Title 29 revision committee. The last two sentences of this Section (29.33.220) state:

The assembly or council shall have 30 days from the decision in which to veto the board's decision. If no veto is received by the board within the 30-day period, the consent of the city or borough shall be considered to have been given to the vacation.

It was the feeling of the council that in matters as important as a vacation of a city street, it should require affirmative action, rather than silence, to constitute consent. With that in mind, I respectfully submit the following language, or some variation of it, in place of the last two sentences of the section as it is now written as follows:

The assembly or council shall have 30 days from the date that the board decision is received by the assembly or council within which to consider the proposed vacation. If the decision of the assembly or council is not received by the board within the 30-day period, then the council or assembly shall be deemed to have vetoed the proposed vacation.

In this way, it would be much easier for the petitioners seeking the vacation to submit a new petition than it would be to have the council or assembly reverse the effect of its failure to act as is now the situation.

Mayor Wood has requested me to seek the committee's consideration of revising the applicable provisions of Title 29 so as to allow a home rule city to enact and implement certain tax incentive measures for the promotion of residential and industrial development within the municipality. As we read the present provisions of Chapter 53 of Title 29, Sections 10 through 350, and 400, there are certain required exemptions as set forth in 29.53.020(a) through (i), none of which would cover the type of tax incentives which the mayor has in mind. Also, the optional exemptions and exclusions in Section 29.53.025, as amended through 1979, are not broad enough to allow the type of residential and industrial tax incentives which he feels are necessary to stimulate economic activity within the community. Subsections (f) and (g) afford some relief in the residential area of concern, but again are not sufficiently broad in scope to permit the provisions that we wish to consider for such legislation. In addition, it is our opinion that the required and optional exemptions and exclusions set forth in Chapter 53 of Title 29 are exclusive, and as such, would not permit a home rule municipality to enact tax incentives for industry which we feel would be desirable. Rather than set forth a statutory scheme to cover a myriad of available or innovative incentives, it occurs to me that it might be more desirable to specifically exempt home rule cities from the provisions of Section 29.53.025, and rather than have the exemption by silence, to insert language in any revision thereof indicating home rule cities to be exempt from these provisions and subject only to constitutional provisions in the taxation of real property situated within the corporate limits.

Ms. Ginny Chitwood

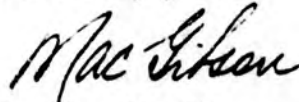
August 5, 1980

Page 3

I would appreciate it very much if you would transmit these suggestions to the committee.

With kindest personal regards, I am

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Mac Gibson".

Charles M. Gibson
City Attorney

CMG:bc

distribution of previous year assessed values in the state."

As the rest of the section was not affected by the amendments, it is not set

Editor's note. — Section 1, ch. 13, SLA 1973, provides: "Notwithstanding the provisions of AS 29.53.020(f), for the 1973 assessment year the filing date for application for the exemption granted under AS 29.53.020(e) is extended to March 15, 1973."

Strict construction.

The courts must narrowly construe statutes granting tax exemptions. *Greater Anchorage Area Borough v. Sisters of Charity of House of Providence*, Sup. Ct. Op. No. 1299 (File No. 2445), 553 P.2d 467 (1976).

Burden of showing eligibility for exemption. — A taxpayer claiming a tax exemption has the burden of showing that the property is eligible for the exemption. *Greater Anchorage Area Borough v. Sisters of Charity of House of Providence*, Sup. Ct. Op. No. 1299 (File No. 2445), 553 P.2d 467 (1976).

Exclusive use for nonprofit religious, etc., purposes must be shown. In order to qualify for an exemption, the taxpayer must show not benefits, but exclusive use for nonprofit religious, charitable, cemetery, hospital or educational purposes. *Greater Anchorage Area Borough v. Sisters of Charity of House of Providence*, Sup. Ct. Op. No. 1299 (File No. 2445), 553 P.2d 467 (1976).

When the property in question is used even in part by nonexempt parties for their private business purposes, there can be no exemption. *Greater Anchorage Area Borough v. Sisters of Charity of House of Providence*, Sup. Ct. Op. No. 1299 (File No. 2445), 553 P.2d 467 (1976).

Actual use rather than owner's use should be analyzed in determining eligibility for an exemption. *Greater Anchorage Area Borough v. Sisters of Charity of House of Providence*, Sup. Ct. Op. No. 1299 (File No. 2445), 553 P.2d 467 (1976).

Office space rented to doctors engaged in private practice. — Office space in a building partially used exclusively for nonprofit hospital purposes, rented to doctors engaged in the private practice of medicine by a nonprofit charitable and religious corporation, was not exempt from taxation. *Greater Anchorage Area Borough v. Sisters of Charity of House of Providence*, Sup. Ct. Op. No. 1299 (File No. 2445), 553 P.2d 467 (1976).

While the use of office space by doctor-tenants in conducting their private practices does provide incidental benefits to the adjacent hospital, the office space is not used exclusively for hospital purposes. *Greater Anchorage Area Borough v. Sisters of Charity of House of Providence*, Sup. Ct. Op. No. 1299 (File No. 2445), 553 P.2d 467 (1976).

Sec. 29.53.025. Optional exemptions and exclusions. (a) Municipalities may exclude or exempt or partially exempt residential property from taxation by ordinance ratified by the voters at a regular or special election. An exclusion or exemption authorized by this section may not exceed \$10,000 for any one residence.

(b) Municipalities may by ordinance

(1) classify boats and vessels for purposes of taxation and may establish the assessed valuation of boats and vessels on the basis of their registered or certificated net tonnage; a tax based upon a tonnage valuation shall not exceed \$5 a year for a boat or vessel of less than five net tons and shall not exceed \$15 a year for a boat or vessel of more than five net tons;

(2) classify and exempt from taxation

(A) the household furniture over \$500 in value and the effects of the head of a family or a householder; and

(B) the property of an organization not organized for business or profit-making purposes and used exclusively for community purposes, provided that income derived from rental of such property does not exceed the actual cost to the owner of the use by the renter; and

(C) historic sites, buildings and monuments;

(D) land of a nonprofit organization used for agricultural purposes if rights to subdivide the land are conveyed to the state and the conveyance includes a covenant restricting use of the land to agricultural purposes only; rights conveyed to the state under this subparagraph may be conveyed by the state only in accordance with AS 38.05.069(c).

(c) The provisions of (a) of this section notwithstanding,

(1) a home rule or first or second class borough may, by ordinance adopted without weighted voting, adjust its property tax structure in whole or in part to the property tax structure of a city within it, including but not limited to, excluding personal property from taxation, establishing exemptions, and extending the redemption period;

(2) a home rule or first class city shall have the same power to grant exemptions or exclude property from borough taxes that it has as to city taxes, provided that the exemptions or exclusions have been adopted as to city taxes and further provided that the city appropriate to the borough sufficient money to equal revenues lost by the borough because of the exemptions or exclusions, the amount to be determined annually by the assembly without weighted voting;

(3) a home rule or general law city within an organized borough may, by ordinance, adjust its property tax structure in whole or in part to the property tax structure of the borough, including but not limited to exempting or partially exempting property from taxation.

(d) Exemptions or exclusions from property tax which have been granted by home rule municipalities in addition to exemptions authorized or required by law, and which are in effect on September 10, 1972 and not later withdrawn, are not affected by this Act.

(e) Municipalities may by ordinance classify and exempt or partially exempt from taxation privately owned land, wet land and water areas for which a scenic, conservation, or public recreation use easement is granted to a governmental body. To be eligible for a tax exemption, or partial exemption, the easement must be in perpetuity. However, the easement is automatically terminated before an eminent domain taking of fee simple title or less than fee simple title to the property so that the property owner is compensated at a rate which does not reflect the easement grant.

(f) A municipality may by ordinance exempt from taxation all or any part of the increase in assessed value of improvements to real property if an increase in assessed value is directly attributable to alteration of the natural features of the land or new maintenance, repair or renovation of an existing structure and if the alteration, maintenance, repair or renovation when completed, enhances the exterior appearance or aesthetic quality of the land or structure. No exemption may be allowed under this subsection for the construction of an improvement to a structure if the principal purpose of the improvement is to increase the amount of space for occupancy or nonresidential use within the

structure or for the alteration of land as a consequence of construction activity. An exemption provided in this subsection may continue for up to four years from the date the improvement is completed or from the date of approval for the exemption by the local assessor, whichever is later.

(g) A municipality may by ordinance exempt from taxation all or any part of the increase in assessed value of improvements to a single family dwelling if the principal purpose of the improvement is to increase the amount of space for occupancy. An exemption provided in this subsection may continue for up to two years from the date the improvement is completed or from the date of approval of an application for the exemption by the local assessor, whichever is later. (§ 2 ch 118 SLA 1972; am § 2 ch 1 FSSLA 1973; am § 1 ch 33 SLA 1975; am § 1 ch 111 SLA 1976; am § 1 ch 262 SLA 1976; am § 1 ch 95 SLA 1977)

Effect of amendments. — The 1973 amendment, effective January 1, 1974, added the second sentence of subsection (a).

The 1975 amendment, effective July 1, 1976, added subsection (e).

The first 1976 amendment added paragraph (3) of subsection (e).

The second 1976 amendment, effective June 25, 1976, added paragraph (2)(D) of subsection (b).

The 1977 amendment added subsections (f) and (g).

Sec. 29.53.035. Farm or agricultural lands. (a) Farm use lands included in a farm unit and not dedicated or being used for nonfarm purposes shall be assessed on the basis of full and true value for farm use, and shall not be assessed as if subdivided or used for some other nonfarm purpose. The assessor shall maintain records valuing the farm use land for both full and true value and farm use value. Should the farm use land be sold, leased, or otherwise disposed of for uses incompatible with farm use or be converted to a use incompatible with farm use by the owner, the owner is liable to pay an amount equal to the additional tax at the current mill levy together with eight per cent interest for the preceding seven years, as though the land had not been assessed for farm use purposes. Payment by the owner shall be made to the state to the extent of its reimbursement for revenue loss under (c) of this section for the preceding seven years. The balance of the payment shall be made to the city or borough.

(b) An owner of farm use land must, to secure the assessment, make application to the assessor before May 15 of each year in which the assessment is desired. The application shall be made upon forms prescribed by the state assessor for the use of the local assessor and shall include information which may reasonably be required to determine the entitlement of the applicant. If the farm use land is leased for farm use purposes, the applicant shall furnish to the assessor a copy of the lease bearing the signatures of both lessee and lessor along with the completed application. The applicant shall furnish the assessor a copy of the lease covering the period for which the exemption is requested.

NATIVE VILLAGE OF TYONEK, ALASKA

INCORPORATED

TYONEK, ALASKA 99582

MANAGEMENT OFFICE

1675 "C" STREET — ROOM 246
ANCHORAGE, ALASKA 99501

RECEIVED

October 29, 1980

NOV 3 1980

Mr. Bob Lohr
Rural Alaska Community
Action Program
P.O. Box 3-3908
Anchorage, Alaska 99501

Dear Bob:

I have just learned that you needed some input, from small communities, concerning the problems they are experiencing, from Villages to Municipalities. We the people of Tyonek, are governed by the I.R.A. Council, we offer Municipal type services.

1. Road Maintance, with a Grant from Bureau of Indian Affairs.
2. Water System, from Public Health Services.
3. Waste Disposal, from Kenai Borough Etc.

Before, we got these Grants, we payed for our own services, What the problem.? We have governed our own people, since we were Incorporated in 1936. under the Indian Reorganization Act. then ANSCA came along, and everyone forgot about the I.R.A., something has to be done, because we are still active, but no land base to govern. We aren't considered as a municipilty, but yet in fact we are, I would recommend very highly that we could be reconized as a municipal government. yet we have the problems of Non-Natives, Historically we have excluded Non-Natives, based on what is called Rule No. 4. We do not discriminate, but we like to live by this rule, simply because it prevents outsiders from coming on our land to sell illegal things, and also because of this rule, we do not have any Bar's, or any controlling interests, we must remain under the I.R.A. Council, in order for us to survive. To become a Public Municipality would mean death to our Culture, and eventually to our land. We would like to share the States money, but we wouldn't sell our people out for money.

Sincerely,



Donald Standifer, President
of The Native Village of Tyonek.

cc: Enclosure

TO WHOM IT MAY CONCERN:

We, are not yet ready to form a Municipal Government for reason's that there isn't enough Industry to create enough job's, to pay Taxe's. Light Bill's, Water Sewer, and Waste.

We, have a lot of elderly people and, some disable that would'nt be able to live on what little Welfare they get.

The problem's we have today, are mostly that, we are tied to a Borough of which we don't have any ties. All our Business are in Anchorage, Alaska. our mail, Grocie's, Hospital, all comes thru Anchorage, the only ties we have with Kenai, is the School.

We, cannot get any Grant's out of Community and Regional Affair's without going thru, the Kenai Borough, which makes it hard for us as there is, so much Red Tape, and being a Small Village, we are always left out of Grants. Before Grants are approved to the Borough, its Citys already have their Grants written, they already know that certain Grants are being approved, as we dont know until, the monies are all spent. We are not kept up to date on any Grants, that comes to the Borough.

In 1978, a Grant of \$100,000.00 was approved by the State Legislature to upgrade our Airstrip, we had to turn this grant down, because it had so much strings attached, Such as opening the Airstrip to the Public. To the Public is ok, if they would pay Fee's Etc. but everyone feels that since, they are Tax Payers they should have excess to the Airstrip, since they pay their taxes. It cost us thousands of dollars to maintain the Airstrip, Up grading, Light, and Power, Snow Removal, of which we use our own Equipment and Fuel, Pay our own men to do the necessary work. We recently used some funds from R.D.A. Rural Development Administration, and charged landing fees, although we spent all our monies as stated above, we had to argue with Aircraft Owners over landing fees, and we were accused of trying to shoot people Etc. Its not fair to us to spend all this money to keep up the Airport and not be able to charge landing, and Parking fees, we pay taxes to.

We get grants from the Bureau of Indian Affairs, such as Jonson O'Malley, Self-Determination Act, Title 4 Bilingual, and Cultural. All these Grants, are below living costs, and at times are supplemented by our own funds, just to get someone to work. These Grants are a lot of Red Tape, and takes time to get, making it difficult to get people interested. C.E.D.A. Programs are so Red Taped that one almost have to be living in Poverty, before they qualify. If this is a Training Program it should be just that not a Welfare Program.

I, feel that we should be left alone, and let us decide our own destiny, and if we want to go into Municiple Type Government, we should be able to do it, at our own pace. There is this big problem of Non-Indians coming in, and taking over something that, we have worked for all of our lives, and those before us. We have kept our Traditional and Culture, which is so important to us, all these years and are not about to throw that out for someone else to benefit by. Kenai, Alaska was a nice and beautiful Village once, but they made a mistake by letting the Whites in, today all are staying outside of the Municipal City.

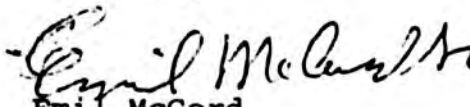
Page 2: Con't

TO WHOM IT MAY CONCERN:

This Village is the only one on the Cook Inlet with all Natives, and must be kept that way, if this Village loses then the State of Alaska loses one of its last Historic Area not only that, but the True Indian way of life Millions of Dollars was spent to keep it, that Millions of our own money, and times we must not let it go.

On the other hand, in time with control, we can form a Municipal type of Government, but only with local control, all the Grants and Monies would be worth nothing, if we lost control, and outsiders took over our Village.

Sincerely,


Emil McCord,
Village Administrator

CITY OF ALAKANUK
ALAKANUK CITY COUNCIL
ALAKANUK, ALASKA 99554

To Members of the Title 29 Revision Committee; FROM: Terry Cook and
Recommended changes, wording, and questions: Alakanuk City Council.

USING TITLE 29 WORK DRAFT COPY:

page 48-line 14; define and spell out AS44.62.310

page 62-line 22; change (Four affirmative) to A majority number of

page 63-line 20; add (.) ,but does not change the term of the seat
he was elected to.

page 66-line 29; insert or between ", as"

page 67-line 20; add at the end of the sentence(;) of the city;

page 70-line 29; change (general) to regular

page 71-line 14,15; recommended to read: a copy of an annual audit if
revenues or expenditures exceed \$ _____ or statement
of annual income and expenditures;

page 71-line 16; add(;) if taxes are assessed or levied;

page 72-line 10; should state by what reasons for "removal from office."

*page 73-line 15; Can a municipality regulate private or co-operative
utility if not owned by the municipality?

page 74-line 23; needs rewording as to how many affirmative votes
are needed to adopt an emergency ordinance.

page 75-line 10; insert after the word "sold" ,distributed or made
available to the public.

page 76-line 8; the limits should be raised

page 76-line 10; add after "cost" (.) or at no charge as determined by
assembly or council.

page 77-line 6; add to read: elections by ordinance and

*page 78-line 5; what happens if there are 3 top candidates that are tied
with less than a majority vote? Suggested wording:
two or more

page 78-line 20; add at the end of the sentence(.) and authorize the
results to be certified.

*page 78-line 24; should this read (more) less ?

page 79-line 19; add a new section: 29.30.105 PETITION EXEMPTION. The
governing body may put a question on the ballot
without a petition.

*page 83-line 9; Can "misconduct in office" be defined?

*page 85-line 6--14; if all members are recalled or there is not a quorum
left, how can a special election be called for?

*notes : question

CITY OF ALAKANUK
ALAKANUK CITY COUNCIL
ALAKANUK, ALASKA 99554

Page 2

Recommended changes, wording, and questions:

page 90-line 13; add after word "contracts" or make agreements

page 95-line 16; change (duces tecum) to plain English!!!!

page 94-line 4,5; change (spread upon) to _____

page 97-line 11; change (\$25,000) to \$100,000

page 99-line 9; add after word "municipallity" if revenues or expenditures exceed \$

page 99-line 10; add after word "audit" if revenues or expenditures exceed \$ _____ or if less than \$ _____ a
statement of annual income and expenditures.

page 109; Repeal sections 29.39.060 (Sec.29.43.100), 29.39.070 (Sec.29.43.105
and 29.39.080 (Sec.29.43.110).

page 115; Sec.29.42.030 the regulations should be adopted by ordinance so
that the public has a fair hearing in matters that can affect them

page 116-line 26; add after word "street" as long as it is not an
easement across another's private property.

page 122-line 17; change (\$500) to \$5,000 in value.

CHAPTER 45. MUNICIPAL TAXATION

(Chapter 53. MUNICIPAL ASSESSMENT AND TAXATION

Article 1. MUNICIPAL PROPERTY TAX

Sec. 29.45.010. (Sec. 29.53.010.) GENERAL PROPERTY TAX. Home rule and general law boroughs may levy (1) an areawide property tax for areawide functions, and (2) a property tax limited to the area outside cities for functions limited to the area outside cities. A property tax if levied must be assessed, levied and collected on real and personal property as provided in this chapter.

Sec. 29.45.020. (Sec. 29.73.070) TAXPAYER NOTICE. (a) If a municipality levies and collects real or personal property taxes, the governing body shall provide the following notice:

"NOTICE TO TAXPAYER"

For the current fiscal year the (city)(borough) has been allocated the following amount of state aid for school and municipal purposes under the applicable financial assistance Acts:

PUBLIC SCHOOL FOUNDATION PROGRAM ASSISTANCE

(AS 14.17) \$

STATE AID FOR RETIREMENT OF SCHOOL CONSTRUCTION DEBT (AS 43.18.100)

\$

MUNICIPAL TAX RESOURCE EQUALIZATION ASSISTANCE

(AS 29.88) \$

STATE AID FOR MISCELLANEOUS MUNICIPAL SERVICES (AS 29.89)

\$

TOTAL AID \$

The millage equivalent of this state aid, based on the dollar value of a mill in the municipality during the current assessment year and for the preceding assessment year, is:

CHAPTER 11

MILLAGE EQUIVALENT

	PREVIOUS YEAR	THIS YEAR
PUBLIC SCHOOL FOUNDATION PROGRAM		
<u>ASSISTANCE</u>	MILLS	MILLS
STATE AID FOR RETIREMENT OF		
SCHOOL CONSTRUCTION DEBT	MILLS	MILLS
MUNICIPAL TAX RESOURCE EQUALI-		
ZATION ASSISTANCE	MILLS	MILLS
STATE AID FOR MISCELLANEOUS		
MUNICIPAL SERVICES	MILLS	MILLS
TOTAL MILLAGE EQUIVALENT	MILLS	MILLS

Notice shall be provided

(1) by furnishing a copy of the notice with tax statements mailed for the fiscal year for which aid is received; or

(2) by publishing in a newspaper of general circulation within the municipality a copy of the notice once each week for a period of three successive weeks, with publication to occur not later than 45 days after the final adoption of the municipality's budget.

(b) If the municipality levies and collects only a sales tax, the governing body shall provide a notice substantially in the form set out in (a) of this section. In providing notice under this subsection, the council or assembly shall substitute for the millage equivalency its estimate of the equivalent sales tax rate for each of the categories of financial assistance set out in (a) of this section. Notice shall be provided

(1) by publishing in a newspaper of general circulation within the municipality a copy of the notice once each week for a period of three successive weeks, with publication to occur not later than 45 days after the final adoption of the municipality's budget; or

(2) If there is no newspaper of general circulation in the municipality, by posting a copy of the notice for at least 20 days in at least two public places within the municipality, with posting to occur not later than 45 days after the final adoption of the municipality's budget.

(c) Compliance with the provisions of this section is a prerequisite to receipt of municipal tax resource equalization assistance under AS 29.62 (AS 29.88) and state aid for miscellaneous municipal services under AS 29.62 (AS 29.89). The Department of Community and Regional Affairs shall withhold annual allocations under those chapters until municipal officials demonstrate that the requirements of this section have been met.

Sec. 29.45.030. Required exemptions. (a) The following property is exempt from general taxation:

(1) municipal, state or federally owned property, except that private leaseholds, contracts or other interest in the property shall be taxable to the extent of those interests;

(2) household furniture of the head of a family or a household [not exceeding \$500 in value];

(3) property used exclusively for nonprofit religious, charitable, cemetery, hospital or educational purposes;

(4) property of a nonbusiness organization composed entirely of persons with 90 days or more of active service in the armed forces of the United States whose conditions of service and separation were other than dishonorable, or the property of the auxiliary of such organization;

(5) money on deposit;

(6) the real property of certain residents of the state to the extent and subject to the conditions provided in (e) of this section.

(7) real property to the extent and subject to the conditions provided in (j) of this section.

(b) "Property used exclusively for religious purposes" includes the following property owned by a religious organization:

(1) the residence of a bishop, pastor, priest, rabbi, minister or religious order of a recognized religious organization.

(2) a structure, its furniture and its fixtures used solely for public worship, charitable purposes, religious administrative offices, religious education or a nonprofit hospital;

(3) lots supporting and adjacent to a structure or residence mentioned in (1) or (2) of this subsection which are necessary to convenient use;

(4) lots required by local ordinance for parking near a structure defined in (2) of this subsection.

(c) Property described in (a) or (b) of this section from which income is derived is exempt only if that income is solely from use of the property by nonprofit religious, charitable, hospital or educational groups [for classroom space]. If used by nonprofit educational groups, the property is exempt only if used exclusively for classroom space.

(D) * Check (D)

(e) The real property owned and occupied as a permanent place of abode by a resident 65 years of age or over is exempt from taxation of the assessed value of the real property. Only one exemption may be granted with respect to the same property and, if two or more persons are eligible for an exemption with respect to the same property, the parties shall decide between or among themselves which shall receive the benefit of the exemption. No real property may be exempted under this subsection which the assessor determines, after notice and hearing to the parties concerned, has been conveyed to the applicant primarily for the purpose of obtaining the exemption. The determination of the assessor is appealable under AS 44.62.560-44.62.570.

(f) No exemption may be granted under (e) of this section except upon written application for the exemption on a form prescribed by the state assessor for use by local assessors. The claimant must file the application no later than January 15 of the assessment year for which the exemption is sought, but during the same year the governing body of the municipality for good cause shown may waive the claimant's failure to make timely application for the exemption for that year and authorize the assessor to accept the application as if timely filed. The claimant must file a separate application for each assessment year in which the exemption is sought. If an application is filed within the required time and is approved by the assessor, he shall allow an exemption in accordance with the provisions of this section. If a claimant whose failure to file by January 15 of the assessment year has been waived as provided in this subsection and the application for exemption is approved, the amount of tax which the claimant may have already paid for the assessment year with respect to the property exempted shall be refunded to him. The assessor may at any time require proof in the form he considers necessary of the right and amount of an exemption claimed under this section.

(g) The state shall reimburse a borough or city, as appropriate, for the real property tax revenues lost to it by the operation of (e) of this section. However, reimbursement will be made to a borough or city for revenue lost to it only to the extent that the loss exceeds an exemption which was granted by the borough or city, or which upon proper application by an individual would have been granted by the borough or city, under sec. 25(a) of this chapter.

(h) Except as provided in (g) of this section, nothing in (e)-(i) of this section affects similar exemptions from property taxes granted by municipalities on September 10, 1972 or prevents municipalities from granting similar exemptions by ordinance as provided in sec. 25 of this chapter.

(i) In (e)-(i) of this section the term "real property" includes but is not limited to mobile homes, whether classified as real or personal property for municipal tax purposes.

(j) Two percent of the assessed value of a structure is exempt from taxation if the structure contains a fire protection system approved under AS 19.70.081, in operating condition, and incorporated as a fixture or part of the structure. The exemption granted by this subsection is limited to

(1) an amount equal to two percent of the value of the structure based on the assessment for 1981, if the fire protection system is a fixture of the structure on January 1, 1981; or

(2) an amount equal to two percent of the value of the structure based on the assessment as of January 1 of the year immediately following the installation of the fire protection system if the fire protection system becomes a fixture of the structure after January 1, 1981.

Formerly: AS 19.53.020

Comments: Based on Alaska Association of Assessing Officers (AAAO) recommendation:

(1) Para. (a)(2): deletes \$500 limit on exemption of household furniture;

(2) Para. (c): clarifies that "exclusively for classroom space" limitations on rental income under (c) only applies to rental use by an "educational group" and does not preclude the exemption when the income is derived from use by nonprofit religious, charitable, or hospital groups.

(3) Para. (f): clarifies filing of a claim for exemption is a requirement for only the senior citizen exemption under (e), and not for the other exemptions addressed in the section.

Sec. 29.45.040. (Sec. 29.73.060.) PROPERTY TAX EQUIVALENCY PAYMENTS.

(a) A resident of the state 65 years of age or older who rents a permanent place of abode is eligible for tax equivalency payments from the state through the Department of Community and Regional Affairs.

(b) For purposes of determining payments to eligible persons, the department shall calculate a property tax equivalent percentage for each home rule or general law municipality which levies a general property tax at the rate of one percent per mil. The property tax equivalent percentage applied to the annual rent charged to the applicant equals the property tax equivalency payment payable under this section.

(c) To obtain tax equivalency payments the eligible resident must apply to the department for payment for the preceding year by January 15 of each year on forms and in the manner prescribed by the department. Each applicant shall submit with the application rental receipts or, if rental receipts are not available, other evidence satisfactory to the department for determination of the fact of payment of rent and the amount paid.

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

Sec. 29.45.050. Optional exemptions and exclusions.

(a) Municipalities may exclude or exempt or partially exempt residential property from taxation by ordinance ratified by the voters at a regular or special election. An exclusion or exemption authorized by this section may not exceed \$10,000 for any one residence.

(b) Municipalities may by ordinance

(1) classify boats and vessels for purposes of taxation and may establish the assessed valuation of boats and vessels on the basis of their registered or certificated net tonnage; a tax based upon a tonnage valuation shall not exceed \$5 a year for a boat or vessel of less than five net tons and shall not exceed \$15 a year for a boat or vessel of more than five net tons;

(2) classify and exempt from taxation

(A) All or any portion of the household goods and furnishings in actual use by the owner thereof in equipping and outfitting his or her residence or place of abode and not for sale or commercial use, and all personal effects held by any person for his or her exclusive use and benefit and not for sale or commercial use. "Personal effects" shall be construed to mean and include such tangible property as usually and ordinarily attends the person such as wearing apparel, jewelry, toilet articles, and the like [the household furniture over \$500 in value and the effects of the head of a family or a householder]; and

(B) the property of an organization not organized for business or profit-making purposes and used exclusively for community purposes, provided that income derived from rental of such property does not exceed the actual cost to the owner of the use by the renter; and

Formerly: AS 29.53.025

Comments: modifies and expands existing (a)(2)(A) relating to optional exemption of household furniture and effects. Based upon recommendation of AAAO since assessors currently do not include household furnishings and personal effects of family members.

Sec. 29.45.060. Mining claims. The assessed value of an unimproved unpatented mining claim which is not producing, and a nonproducing patented mining claim upon which the improvements originally required for patent have become useless and valueless through depreciation, removal or otherwise, is exempt [fixed at \$200 for each 20 acres or fraction of 20 acres]. If the surface ground of a claim has a separate and independent value for nonmining uses, the real and personal property is assessed at its full and true value.

Formerly: AS 29.53.030

Comments: Deletes \$200 valuation figure. AAAO recommends deletion since administrative costs exceed taxes to be realized in carrying property at \$200 figure on roll.

27 | Sec. 29.45.070. (Sec. 29.53.035.) FARM OR AGRICULTURAL LANDS. (a)
28 | Farm use lands included in a farm unit and not dedicated or being used for
29 | nonfarm purposes shall be assessed on the basis of full and true value for
LA-1522a use, and shall not be assessed as if subdivided or used for some other

1 nonfarm purpose. The assessor shall maintain records valuing the farm use
2 land for both full and true value and farm use value. Should the farm use
3 land be sold, leased, or otherwise disposed of for uses incompatible with
4 farm use or be converted to a use incompatible with farm use by the owner,
5 the owner is liable to pay an amount equal to the additional tax at the
6 current mill levy together with eight percent interest for the preceding
7 seven years, as though the land had not been assessed for farm use purposes.
8 Payment by the owner shall be made to the state to the extent of its
9 reimbursement for revenue loss under (e) of this section for the preceeding
10 seven years. The balance of the payment shall be made to the city or
11 borough.

12 (b) An owner of farm use land must, to secure the assessment,
13 make application to the assessor before May 15 of each year in which the
14 assessment is desired. The application shall be made upon forms prescribed
15 by the state assessor for the use of the local assessor and shall include
16 information which may reasonably be required to determine the entitlement of
17 the applicant. If the farm use land is leased for farm use purposes, the
18 applicant shall furnish to the assessor a copy of the lease bearing the
19 signatures of both lessee and lessor along with the completed application.
20 The applicant shall furnish the assessor a copy of the lease covering the
21 period for which the exemption is requested.

22 (c) In this section "farm use" means the use of land for raising
23 and harvesting crops or for the feeding, breeding and management of
24 livestock or for dairying or another agricultural use for profit or any
25 combination thereof. To be farm use land, the owner or the lessee must be
26 actively engaged in farming the land, and derive at least 10 per cent of his
27 yearly gross income from the farm use land. The provisions of this section
28 do not apply to land respecting which the owner has granted, and has
29 outstanding, a lease or option to buy the surface rights. A property owner

1 wishing to file for farm use classification having no history of
2 farm-related income may submit a declaration of intent at the time of filing
3 the application with the assessor setting out the intended use of the land
4 and the anticipated percentage of income. An applicant using this procedure
5 shall file with the assessor before February 1 of the following year a
6 notarized statement of the percentage of gross income attributable to the
7 farm use land. Failure to make the filing required in this subsection
8 forfeits the exemption.

9 (d) In the event of a crop failure by an act of God the previous
10 year, the owner or lessee may submit an affidavit affirming that 10 percent
11 of his gross income for the past three years was from farming.

12 (e) Subject to legislative appropriations for the purpose, the
13 state shall reimburse a borough or city, as appropriate, for the real
14 property tax revenues lost to it by the operation of this section.

15 Sec. 29.45.080. (Sec. 29.53.040.) MOBILE HOMES. Mobile homes,
16 trailers, house trailers, trailer coaches and similar property used or
17 intended to be used for residential, office or commercial purposes and
18 attached to the land or connected to water, gas, electric or sewage
19 facilities are classed as real property for tax purposes except where
20 expressly classified as personal property by ordinance. This section does
21 not apply to house trailers and mobile homes which are unoccupied and held
22 for sale by persons engaged in the business of selling mobile homes.

23 Sec. 29.45.090. (Sec. 29.53.045.) TAX ON OIL AND GAS PRODUCTION AND
24 PIPELINE PROPERTY. (a) A municipality may levy and collect taxes on taxable
25 property taxable under AS 43.56 only by using one of the methods set out in
26 (b) or (c) of this section.

27 (b) A municipality may levy and collect a tax on the full and
28 true value of taxable property taxable under AS 43.56 as valued by the
29 Department of Revenue at a rate not to exceed that which produces an amount

1 of revenue from the total municipal property tax equivalent to \$1,500 a year
2 for each person residing within its boundaries.

3 (c) A municipality may levy and collect a tax on the full and
4 true value of that portion of taxable property taxable under AS 43.56 as
5 assessed by the Department of Revenue which value, when combined with the
6 value of property otherwise taxable by the municipality, does not exceed the
7 product of 225 percent of the average per capita assessed full and true
8 value of property in the state multiplied by the number of residents of the
9 taxing municipality. For purposes of this subsection the average per capita
10 assessed full and true value of property in the state shall be calculated
11 without regard to the assessed value of taxable property under AS 43.58.

12 (d) By February 1 of each assessment year a taxing municipality
13 must inform the Department of Revenue which method of taxation the
14 municipality will use.

15 (e) For purposes of this section, population shall be determined
16 by the commissioner of community and regional affairs based on the latest
17 statistics of the United States Bureau of the Census or on other reliable
18 population data, and shall advise each municipality of its population as so
19 determined by January 15 of each year.

Sec. 29.45.100. Tax limitations.

(a) No municipality may levy and tax for any purpose
in excess of three percent of the assessed valuation of
property within the municipality in any one year.

(b) No municipality, or combination of municipalities occupying the same geographical area, in whole or in part, may levy taxes (1) which will result in tax revenues from all sources exceeding \$1,500 [\$1,000] a year for each person residing within their boundaries or (2) upon values which, when combined with the value of property otherwise taxable by the municipality, exceed the product of 225 per cent of the average per capita assessed full and true value of property in the state multiplied by the number of residents of the taxing municipality. If two or more municipalities occupying the same geographical area, in whole or in part, attempt to levy a tax (1) the combined levy of which would result in tax revenues from all sources exceeding \$1,500 [\$1,000] a year for each person residing within their boundaries or (2) upon value which, when combined with the value of property otherwise taxable by the municipality, exceed the product of 225 per cent of the average per capita assessed full and true value of property in the state multiplied by the number of residents of the taxing municipality, the commissioner of community and regional affairs shall apportion the lawful levy and equitably divide these revenues on the basis of need, services performed and other considerations in the public interest. For the purpose of this subsection, population shall be determined by the commissioner or community and regional affairs based on the latest statistics of the United States Bureau of the Census or on other reliable population data. For purposes of this subsection the average per capita assessed full and true value of property in the state shall be calculated without regard to the assessed value of taxable property under AS 43.58.

Formerly: AS 29.53.050

Comments: Technical change requested by AAAO to conform with provisions of AS 29.53.045 (SLA 80)

17 ---
18 Sec. 29.45.110. (Sec. 29.53.055.) NO LIMITATIONS ON TAXES TO PAY
19 BONDS. The limitations provided for in Sec. 45 or 50 of this chapter do not
20 apply to taxes levied or pledged to pay or secure the payment of the
21 principal and interest on bonds. Taxes to pay or secure the payment of
22 principal and interest on bonds may be levied without limitation as to rate
23 or amount, regardless of whether the bonds are in default or in danger of
24 default.

Sec. 29.45.120. Full and true value.

(a) The assessor shall value [assess] property at its full and true value as of January 1 of the assessment year, except as provided in this section and sections 60 [30], 70 [35] and 240 [160] of this chapter. The full and true value is the estimated price which the property would bring in an open market and under the then prevailing market conditions in a sale between a willing seller and a willing buyer both conversant with the property and with prevailing general price levels.

(b) Assessment of business inventories may be based on the average monthly method of assessment rather than the value existing on January 1. The method used to assess business inventories shall be prescribed by the borough assembly.

(c) In case of cessation of business during the tax year, the assembly may provide for reassessment of business inventories using the average monthly method of assessment for the tax year rather than the value existing on January 1 of the tax year, and for reduction and refund of taxes. In enacting an ordinance authorized by this section, the assembly may prescribe procedures, restrictions, and conditions of assessing or reassessing business inventories and of remitting or refunding taxes.

Formerly: AS 29.53.060

Comments: Requested by AAAO

14 Sec. 29.53.130. (Sec. 29.53.070.) RETURNS. (a) The assembly may
15 require every person having ownership or control of or an interest in
16 property to submit a return in the form prescribed by the assessor, based on
17 property values existing on January 1, except as otherwise provided in this
18 chapter.

19 (b) The assessor may, by written notice, require a person to
20 provide additional information within 30 days.

21 Sec. 29.45.140. (Sec. 29.53.080.) INDEPENDENT INVESTIGATION. (a) The
22 assessor is not bound to accept a return as correct. He may make an
23 independent investigation of property returned or of taxable property upon
24 which no return has been filed. In either case, the assessor may make his
25 own valuation of the taxable property, which is prima facie evidence.

26 (b) For investigation, the assessor or his agent may enter any
27 premise during reasonable hours and may examine property on the premises.
28 He may examine all property records involved. A person shall, upon request
29 furnish to the assessor or his agent every facility and assistance for the

purposes of the investigation. If refused entry, the assessor may seek a court order to compel entry.

(c) An assessor may examine a person on oath. Upon request, the person shall present himself for examination by the assessor.

Sec. 29.45.150. (Sec. 29.53.090.) STATEMENT. A person who fails to file a statement required by ordinance or who knowingly makes a false affidavit to a statement required by a tax ordinance relative to the amount, location, kind or value of property subject to taxation with intent to evade the taxation, is guilty of a misdemeanor. Upon conviction, he is punishable by a fine of not more than \$500, or by imprisonment for not more than 30 days, or by both, together with costs of prosecution.

Sec. 29.45.160. (Sec. 29.53.095.) REEVALUATION. A systematic reevaluation of taxable real and personal property undertaken by the assessor, whether of specific areas in which real property is located or of specific classes of real or personal property to be assessed, shall be made only in accordance with a resolution or other act of the assembly directing a systematic reevaluation of all taxable property within the borough over the shortest period of time practicable, as determined by the assembly and fixed in the resolution or other act of the assembly.

Sec. 29.45.170. (Sec. 29.53.100.) ASSESSMENT ROLL. (a) The assessor shall prepare an annual assessment roll. The roll contains

- (1) a description of all taxable property;
- (2) the assessed value of all taxable property;
- (3) the names and addresses of persons with property subject to assessment and taxation.

(b) The assessor may list real property by any description that may be made certain. Real property is assessed to the owner of record as shown in the records of the district recorder, who shall at least monthly provide the assessor a copy of each recorded change of ownership showing the

name and mailing address of the owner and the name and mailing address of the party recording the change of ownership. Other persons having an interest in the property may be listed on the assessment records with the owner. The person in whose name property is listed as owner is conclusively presumed to be the legal owner of record. If the property owner is unknown, the property may be assessed to "unknown owner." No assessment is invalidated by a mistake, omission or error in the name of the owner, if the property is correctly described.

Sec. 29.45.180. Assessment notice.

(a) The assessor shall give every person named in the assessment roll a notice of assessment, showing the assessed value of his property. On each notice is printed a brief summary of the dates when taxes are payable, delinquent and subject to penalty and interest. [and the dates when the board of equalization will sit.]

(b) Sufficient assessment notice is given if mailed by first class mail 30 days before the equalization hearings. If the address is not known to the assessor, the notice may be addressed to the person at the post office nearest the property. Notice is effective on the date of mailing.

Formerly: AS 29.53.110

Deletes requirement that assessor include in the assessment notice the date the board of equalization will meet since many times assessors at that time do not know the dates at the time the notices are mailed. Based on the recommendation of AAAO.

Sec. 29.45.190. (Sec. 29.53.120.) CORRECTIONS. (a) A person receiving an assessment notice shall advise the assessor of errors or omissions in the assessment of his property. The assessor may correct errors or omissions in the roll before the board of equalization hearing.

(b) If errors found in the preparation of the assessment roll are adjusted, the assessor shall mail a corrected notice allowing 30 days for appeal to the board.

Sec. 29.45.200. (Sec. 29.53.130.) APPEAL. (a) A person whose name appears on the assessment roll or his agent or assigns may appeal to the board of equalization for relief from an alleged error in valuation not adjusted by the assessor to the taxpayer's satisfaction.

2 grounds in the form which the board may require. Otherwise, the right of
3 appeal ceases unless the board finds that the taxpayer was unable to comply.

4 (c) The assessor shall notify appellants by mail of the time and
5 place of their hearing.

6 (d) The assessor shall prepare for use by the board a summary of
7 assessment data relating to each assessment which is appealed.

8 (e) A city may appeal an assessment to the board of equalization
9 in the same manner as a taxpayer. Within five days after receipt of the
10 appeal, the assessor shall notify the person whose property assessment is
11 being appealed by the city.
12

Sec. 29.45.210. Board of Equalization. The assembly sits as a board of equalization for the purpose of hearing any appeal from determinations of the borough assessor, however, may delegate this authority to one or more boards appointed by it for that purpose. An appointed board may be composed of not less than three (3) persons, who may be members of the assembly, private individuals, or a combination thereof. [The board of equalization shall consist of at least that number of members of the assembly over and above the number required for a quorum to transact business.] The board is governed in its proceedings by such procedures consistent with general rules of administrative law and the laws governing equalization proceedings as may be adopted by ordinance, including but not limited to quorum and voting requirements. The assembly shall by ordinance establish the qualifications for membership and adopt rules of conduct of the board.

Formerly: AS 29.53.135

Comments: Change would clarify authority to establish boards of equalization composed of other than assembly members and by ordinance to establish qualifications. Deletion required to allow appointment of boards of three members or more which number may be less than number required for quorum of assembly.

Sec. 29.45.220. Hearing.

(a) If an appellant fails to appear, the board of equalization may proceed with the hearing in his absence.

(b) The appellant bears the burden of proof.

(c) The only grounds for adjustment is proof of unequal, excessive or improper valuation based on facts which are stated in a valid written appeal timely filed and [or] proved at the hearing.

(d) The board shall certify its actions to the assessor within seven days.

(e) The assessor shall enter the changes and certify the final assessment roll by June 1 except as to supplementary assessments.

(f) [an] The appellant and the assessor may appeal the board's action to the superior court as provided by rules of court applicable to appeals from the decisions of administrative agencies. Appeals are heard on and limited to the record established at the hearing before the board of equalization. [for, and is entitled to, trial de novo of the board's action. Either party to the appeal may demand a jury trial].

Formerly: AS 29.53.140

Comments: (1) Para. (c): Based on recommendation of AAAO, substitutes and for or to assure must set forth factual grounds in written appeal and prove at hearing;

(2) para. (e): Based on recommendation of AAAO, clarifies that there may be further proceedings after June 1 in event there are supplementary assessments per former section 29.53.150;

(3) para. (f): deletes provisions regarding trial de novo and jury trial and limits scope of review to substantial evidence rule and clarifies confusion created by Winegardner v. Greater Anchorage Area Borough (534 P.2d 541)

Sec. 29.45.230. Supplementary assessment rolls. The assessor shall include property omitted from the assessment roll on a supplementary roll, using the procedures set out in this chapter for the original roll. Any supplementary roll must be finalized and certified on or before September 1 of the assessment year.

Formerly: AS 29.53.150

Comments: Recommended by AAAO. State assessor requires for his purposes all proceedings to be completed not later than September 1, including any supplemental assessments.

12 Sec. 29.45.240. (Sec. 29.53.160.) TAX ADJUSTMENTS ON PROPERTY
13 AFFECTED BY A NATURAL DISASTER. (a) The assembly may provide for
14 reassessment and reduction of taxes for property destroyed, damaged, or
15 otherwise reduced in value as a result of a natural disaster.

16 (b) A reassessment may be made by the assessor only upon the
17 receipt of a sworn statement of the taxpayer that his losses exceed \$1,000.
18 A reduction of taxes may be made only on losses in excess of \$1,000 for the
19 remainder of the year following the disaster. Upon reassessment, the
20 borough shall recompute this tax and refund taxes which have already been
21 paid.

22 (c) The borough shall make notice of assessment or reassessment
23 and shall hold an equalization hearing as provided in this chapter, except
24 that a notice of appeal is filed with the board of equalization within 10
25 days after notice of assessment is given to the person appealing.
26 Otherwise, the right of appeal ceases unless the board finds that the
27 taxpayer is unable to comply.

28 (d) In enacting an ordinance or resolution authorized by this
29 section, the assembly may, consistent with this section, prescribe

1 procedures, restrictions and conditions of assessing or reassessing proper
2 and of remitting, refunding or forgiving taxes.

3 (e) In this section "disaster" means a major disaster declared
4 the President of the United States under the provisions of the Federal
5 Disaster Act of 1950, Title 42, United States Code, sec. 1855-1855g, or
6 other federal law.

7 Sec. 29.45.250. (Sec. 29.53.170.) TAX LEVY AND RATE. (a) The power
8 granted to the assembly to assess, levy and collect a general property tax
9 shall be exercised by means of general ordinances, but the rate of levy, the
10 date of equalization and the date when taxes become delinquent shall be
11 fixed by resolution.

12 (b) The assembly shall annually determine the rate of levy before
13 June 15. By July 1 the tax collector shall mail tax statements setting out
14 the levy, dates when taxes are payable and delinquent, and penalties and
15 interest.

16 Sec. 29.45.260. (Sec. 29.53.180.) RATES OF PENALTY AND INTEREST. (c)
17 If the taxpayer is required to pay the entire tax on the due date set by the
18 assembly, a penalty not to exceed 10 percent may be added to all delinquent
19 taxes, and interest at the rate of eight percent a year shall accrue upon
20 all unpaid taxes, not including penalty, from the due date until paid in
21 full. If the taxpayer is given the right to pay the tax in two installments
22 and the first half is not paid when due, the entire tax becomes delinquent
23 and penalty and interest accrue as follows:

24 (1) if the first half is paid when due, the second half is
25 payable on the due date fixed by the assembly for the second half and if not
26 paid is delinquent after that date;

27 (2) a penalty not to exceed eight percent shall be added to
28 all taxes delinquent until the due date fixed for payment of the second
29 half, and interest at the rate of eight percent a year shall be charged on

the whole of the unpaid taxes, not including penalty, from due date until paid in full;

(3) after the due date for the payment of the second half, a total penalty of not more than 10 percent may be added to all delinquent taxes, and interest at the rate of eight percent a year shall accrue upon all unpaid taxes, not including penalties, from due date until date paid in full.

(b) If the assembly imposes a penalty for the nonpayment of property taxes when due, or the late return of personal property assessment forms, the rate of penalty or combined rates of penalty may not exceed 10 percent of the tax due on the property concerned.

(c) If the assembly charges interest on property taxes not paid when due, the rate of interest may not exceed eight percent a year upon the delinquent taxes and shall be charged from the due date until paid in full.

ARTICLE 2. ENFORCEMENT OF TAX LIENS

Sec. 29.45.290. (Sec. 29.53.200.) VALIDITY. Certified assessment and tax rolls are valid and binding on all persons, notwithstanding any defect, error, omission or invalidity in the assessment rolls or proceedings pertaining to the assessment roll.

Sec. 29.45.300. (Sec. 29.53.210.) TAX LIABILITY. (a) The owner of personal property assessed is personally liable for the amount of taxes assessed against his property. The tax, together with penalty and interest, may be collected in a personal action brought in the name of the borough.

(b) Real property taxes, together with penalty and interest, are a lien upon the property assessed, and the lien is prior and paramount to all other liens or encumbrances against the property.

Sec. 29.45.310. (Sec. 29.53.220.) ENFORCEMENT OF PERSONAL PROPERTY TAX LIENS BY DISTRAINT AND SALE. The lien of personal property taxes may be enforced by distraint and sale of the property. The assembly shall provide

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the procedure for distraint and sale by ordinance. No seizure, levy or distraint is legal unless demand is first made of the person assessed for the amount of the tax, penalty and interest, and no sale is valid unless made at public auction after 15 days notice given by posting or publication. The seizure is made by virtue of a warrant issued by the borough clerk to a peace officer. If the property sold is not sufficient to satisfy the tax, penalty, interest, and costs of sale, the warrant may authorize the seizure of other personal property sufficient to satisfy the tax, penalty, interest and costs of sale.

Sec. 29.45.320. (Sec. 29.53.230.) REAL PROPERTY TAX COLLECTION. (a) The borough shall enforce delinquent real property tax liens by annual foreclosure, unless otherwise provided by ordinance.

(b) If the tax on property described in Sec. 40 of this chapter or on a leasehold interest in tax exempt property is not paid when due, a borough may enforce the tax by a personal action against the delinquent taxpayer brought in the district or superior court, in addition to other remedies available to the borough to enforce the lien.

Sec. 29.45.330. (Sec. 29.53.240.) FORECLOSURE LIST. (a) The borough shall

(1) annually present a petition for judgment and a certified copy of the foreclosure list for the previous year's delinquent taxes in the superior court for judgment;

(2) publish the foreclosure list for four consecutive weeks in a newspaper of general circulation distributed within the borough or, if there is no newspaper of general circulation distributed within the borough, post the list at three public places for at least 30 days;

(3) within 10 days after the first publication or posting, mail to the last known owner of each property as his name and address appear on the list a notice advising of the foreclosure proceeding in which a

petition for judgment of foreclosure has been filed and describing the property and the amount due as stated on the list.

(b) The list shall be arranged in alphabetical order as to the last name and shall include

- (1) the last known owner;
- (2) the property description as stated on the assessment roll;
- (3) years and amounts of delinquency;
- (4) penalty and interest due;
- (5) a statement that the list is available for public inspection at the clerk's office;
- (6) a statement that the list has been presented to the superior court with a petition for judgment and decree.

(c) Completion of the requirements of (a) of this section constitutes and has the same force and effect as the filing of an individual and separate complaint and service of summons to foreclose a lien against each property described on the foreclosure list.

Sec. 29.45.340. (Sec. 29.53.250.) CLEARING DELINQUENCIES. During the publication or posting of the foreclosure list and up to the time of transfer to the borough a person may pay the taxes, together with the penalty, interest and costs. The collector shall note payment on the foreclosure list.

Sec. 29.45.350. (Sec. 29.53.260.) LIST TO LIENHOLDER. A holder of a mortgage or other lien on real property may request the clerk to send by certified mail notice of a foreclosure list which includes such real property.

Sec. 29.45.360. (Sec. 29.53.270.) GENERAL FORECLOSURE. The borough shall bring one general foreclosure proceeding in rem against the properties included in the list. If the owner is unknown, the property is proceeded

1 against as belonging to "unknown owner." Tax foreclosure proceedings have
2 priority over all other civil proceedings except board of adjustment appeal
3 as provided in AS 29.33.130(e).

4 Sec. 29.45.370. (Sec. 29.53.280.) ANSWER AND OBJECTION. A person
5 having an interest in a tract on the foreclosure list may file an answer
6 within 30 days of the date of last publication, specifying his objection.
7 The court shall make its decision in summary proceedings. The foreclosure
8 list is prima facie evidence that the assessment and levy of the tax is
9 valid and that the tax is unpaid.

10 Sec. 29.45.380. (Sec. 29.53.290.) JUDGEMENT. The court shall in a
11 proper case give judgment and decree that the tax liens be foreclosed. It
12 is a several judgment against and a lien on each parcel.

13 Sec. 29.45.390. (Sec. 29.53.300.) TRANSFER AND APPEAL. (a)
14 Foreclosed properties are transferred to the borough for the lien amount.
15 When answers are filed the court may enter judgment against and order the
16 transfer to the borough of all other properties on the list pending
17 determination of the matters in controversy. The court shall hear and
18 determine the issues raised by the complaint and answers in the same manner
19 and under the same rules as it hears and determines other actions.

20 (b) The court clerk shall deliver a certified copy of the
21 judgment and decree to the borough clerk. The certified judgment and decree
22 constitutes a transfer to the borough.

23 (c) The judgment and decree stops objections to it which could
24 have been presented before judgment and decree.

25 (d) Appeal from a judgment and decree of foreclosure, or from a
26 final order in the proceeding, may be taken in the manner provided for
27 appeals in civil actions.

28 Sec. 29.45.400. (Sec. 29.53.310.) REDEMPTION PERIOD. (a) Properties
29 transferred to the borough are held by the borough for at least one year.

1 During the redemption period a party having an interest in the property may
2 redeem it by paying the lien amount plus penalties, interest and costs,
3 including all costs incurred under Sec. 350(a) of this chapter. Property
4 redeemed is subject to all taxes, assessments, liens and claims as though it
5 had continued in private ownership. Only the amount applicable under the
6 judgment and decree must be paid in order to redeem the property.

7 (b) A person holding a mortgage or other lien of record covering
8 a part only of a parcel of real property included in the judgment and decree
9 of foreclosure may redeem that part by paying the proportionate amount
10 applicable under the judgment and decree.

11 Sec. 29.45.410. (Sec. 29.53.320.) EFFECT. Receipt of redemption
12 money by the clerk releases all claims of the borough to the property. The
13 clerk shall record the redemption and issue a certificate containing a
14 property description, the redemption amount, and the dates of judgment and
15 decree of foreclosure. The clerk shall file the certificate with the
16 recorder and collect the recording fee from the person redeeming at the time
17 of redemption. The court clerk shall file the certificate as part of the
18 judgment roll.

19 Sec. 29.45.420. (Sec. 29.53.330.) ADDITIONAL LIENS. If a property
20 included in a foreclosure list is removed after payment of delinquencies or
21 redemption by another lienholder, the payment represented by receipt for
22 payment constitutes an additional lien on the property, collectible by the
23 lienholder in the same manner as the original lien.

24 Sec. 29.45.430. (Sec. 29.53.340.) POSSESSION DURING REDEMPTION
25 PERIOD. Foreclosure does not affect the former owner's right to possession
26 during the redemption period. In the event that waste is committed by the
27 former owner, or by anyone acting under his permission or control, the
28 borough may declare an immediate forfeiture of the right to possession.
29

Sec. 29.45.440. Expiration.

(a) At least 30 days before the expiration of the redemption period the clerk shall publish a redemption period expiration notice. The notice shall contain the date of judgment, the date of expiration or the period of redemption and a warning to the effect that all properties ordered sold under the judgment, unless redeemed, shall be deeded to the borough or city immediately in expiration of the period of redemption and that every right or interest of any person in the properties will be forfeited forever to the borough or city. The notice is published once a week for four consecutive weeks in a newspaper of general circulation distributed within the borough. If there is no newspaper of general circulation distributed within the borough, the notice is posted in three public places for at least four consecutive weeks. The clerk shall send a copy of the published notice by certified mail to each record owner of property against which a judgment of foreclosure has been taken and, if the assessed value of the property is more than \$100,000 [\$10,000], to all holders of mortgages or other liens of record on the property. The notice shall be mailed within five days of the first publication. The mailing shall be sufficient if mailed to the property owner and to the holder of a mortgage or recorded lien at the last address of record. The right of redemption shall expire 30 days after the date of the first publication notice.

(b) Costs incurred in the determination of holders of mortgages and other liens of record and costs of publication of notice incurred by a municipality under (a) of this section are a lien on the property and may be recovered by the municipality.

Formerly: AS 29.53.350

Comments: Based on recommendation of AAAO; raises assessed value of property which triggers duty of clerk to advise holders of security of judgment of foreclosure.

26 Sec. 29.45.450. (Sec. 29.53.360.) DEED TO BOROUGH OR CITY. (a)

27 Unredeemed properties in the area of the borough outside cities are deeded
28 to the borough by the clerk of the court. Unredeemed properties within a
29 city are deeded to the city subject to the payment by the city of unpaid

1 borough taxes and costs of foreclosure levied against the property before
2 foreclosure. The deeds shall be recorded in the recording district in which
3 the property is located.

4 (b) Conveyance gives the borough or the city clear title except
5 for prior recorded liens of the United States and the state.

6 (c) If unredeemed property lies within a city and if the city has
7 no immediate public use for the property but the borough does have an
8 immediate public use, the city shall deed the property to the borough. If
9 unredeemed property lies within the borough outside a city and if the
10 borough does not have an immediate public use for the property but the city
11 does have an immediate public use, the borough shall deed the property to
12 the city.

13 (d) No deed is invalid for irregularities, omissions or defects,
14 unless the former owner has been misled to his injury. After two years from
15 the date of the deed, its validity is conclusively presumed and any claim of
16 the former owner is forever barred.

17 Sec. 29.45.460. (Sec. 29.53.370.) DISPOSITION AND SALE OF FORECLOSED
18 PROPERTIES. (a) The assembly of a borough or council of a city shall
19 determine by ordinance whether foreclosed property deeded to the
20 municipality under Sec. 360 of this chapter shall be retained by the
21 municipality for a public purpose. The ordinance shall contain the legal
22 description of the property, the address or a general description of the
23 property sufficient to provide the public with notice of its location, and
24 the name of the last record owner of the property as his name appears on the
25 assessment rolls of the municipality.

26 (b) Tax-foreclosed properties conveyed to a borough or city by
27 tax foreclosure and not required for a public purpose may be sold. Before
28 the sale of tax-foreclosed property held for a public purpose, the assembly
29 or council, by ordinance, shall determine that a public need does not exist

LA-LT20 ordinance shall contain the information required in (a) of this section

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(c) The clerk shall send a copy of the published notice of hearing of an ordinance to consider a determination required by (a) or (b) of this section by certified mail to the former record owner of the parcel of property which is the subject of the ordinance. The notice shall be mailed within five days of its first publication and shall be sufficient if mailed to the property owner at the last address of record.

(d) The provisions of (c) of this section do not apply with respect to property which has been held by the municipality for a period of more than 10 years after the close of the redemption period.

Sec. 29.45.470. (Sec. 29.53.375.) REPURCHASE BY RECORD OWNER. (a) The record owner at the time of tax foreclosure of property acquired by a borough or city, or his assigns, may, at any time before the sale or contract of sale of the tax-foreclosed property by the borough or city, repurchase the property. The borough or city shall sell the property for the full amount applicable to the property under the judgment and decree, with interest at the rate of eight percent a year from the date of entry of the judgment of foreclosure to the date of repurchase, delinquent taxes assessed and levied as though it had continued in private ownership, and costs of foreclosure and sale, including, but not limited to, costs of publication of notice and any costs associated with the determination of holders of mortgages and other liens of record under Sec. 350(a) of this chapter.

(b) After adoption of an ordinance providing for the retention of a parcel of tax-foreclosed property by the municipality for a public purpose, the right of the former record owner to repurchase the property ceases.

Sec. 29.45.480. (Sec. 29.53.380.) PROCEEDS OF TAX SALE.

(a) Upon sale of foreclosed real or personal property the borough or city shall divide the proceeds less cost of collection, between the borough and

1 the city having unpaid taxes against the property. The division is in
2 proportion to the respective municipal taxes against the property at the
3 time of foreclosure.

4 (b) The former record owner of tax-foreclosed real property which
5 has been held by a municipality for less than 10 years after the close of
6 the redemption period and never designated for a public purpose which is
7 sold at a tax-foreclosure sale is entitled to the portion of the proceeds of
8 the sale which exceeds the amount sufficient to satisfy unpaid taxes,
9 delinquent taxes assessed and levied as if the property had continued in
10 private ownership, penalty, interest and costs of property sold, including
11 costs incurred under Sec. 350(a) of this chapter. If the proceeds of the
12 sale of tax-foreclosed property exceed the total of unpaid and delinquent
13 taxes, penalty, interest, and costs, the borough or city shall provide the
14 former owner of the property written notice advising of the amount of the
15 excess and the manner in which a claim for the balance of the proceeds may
16 be submitted. Notice is sufficient under this subsection if mailed to the
17 former owner at his last address of record. Upon presentation of a proper
18 claim, the municipality shall remit the excess to the former record owner. A
19 claim for the excess filed after six months of the date of sale is forever
20 barred.

21 Sec. 29.45.490. (Sec. 29.53.385.) PAYMENT OF TAXES UPON PUBLIC
22 UTILIZATION. If a city or borough holds or takes title to tax-foreclosed
23 property for a public purpose, the city or borough shall satisfy unpaid
24 taxes and assessments against the property held by other municipalities,
25 with accrued interest but without penalty. If the amount required to
26 satisfy the unpaid taxes and assessments exceeds the assessed valuation of
27 the property, the city or borough shall pay the other municipalities the
28 assessed valuation, which shall be divided between the other municipalities
29 in proportion to their respective taxes and assessments against the property
LA-L 20 at the time of foreclosure.

1 Sec. 29.45.510. (Sec. 29.53.390.) REFUND OF TAXES. (a) If a taxpayer
2 pays taxes under protest, he may bring suit in the superior court against
3 the borough for recovery of the taxes. If judgment for recovery is given
4 against the borough, the borough shall refund the amount of the taxes to the
5 taxpayer with interest at eight percent from the date of payment plus costs.

6 (b) If, in payment of taxes legally imposed, a remittance by a
7 taxpayer through error or otherwise exceeds the amount due, and the borough,
8 on audit of the account in question, is satisfied that this is the case, the
9 borough shall refund the excess to the taxpayer with interest at eight
10 percent from the date of payment. A claim for refund filed after one year
11 of the due date of the tax is forever barred.

12 ARTICLE 3. CITY PROPERTY TAX.

13 Sec. 29.45.530. (Sec. 29.53.400.) POWER OF LEVY. Home rule and first
14 class cities within boroughs may levy a general property tax. A property
15 tax, if levied, shall be levied in the manner provided for borough levies in
16 Sec. 170(a) of this chapter and is subject to Secs. 10-25, 50-55 and 310-350
17 of this chapter. The council shall by June 15 of each year present to the
18 borough assembly a statement of the city's rate of levy, unless a different
19 date is agreed upon by the borough and city.

20 Sec. 29.45.540. (Sec. 29.53.410.) LIMITED PROPERTY TAXING POWER FOR
21 SECOND CLASS CITIES. A second class city may by referendum levy real and
22 personal property taxes as provided for first class cities. However, levy
23 by a second class city may not exceed one-half of one percent of the
24 assessed valuation of the property taxed, except that the limit does not
25 apply to a levy necessary to avoid a default upon payment of principal and
26 interest of bonded or other indebtedness which is secured by a pledge to
27 levy ad valorem or other taxes without limit to meet debt payments.

28 Sec. 29.45.570. (Sec. 29.53.415.) SALES AND USE TAX. (a) A borough
29 may levy and collect a sales tax not exceeding six percent on sales or

1 rents, and on services made within the borough. The sales tax may apply to
2 any or all of these sources. Exemptions may be granted by ordinance.

3 (b) A borough levying a sales tax may also by ordinance levy a
4 use tax on the storage, use or consumption of tangible personal property
5 within the borough. The use tax rate must equal the sales tax rate and the
6 use tax shall be levied only upon buyers.

7 (c) A person who furnishes proof, in the form required by the
8 borough tax collector, that he has paid a sales tax on the source on which a
9 use tax is levied by the borough is required to pay the use tax only to the
10 extent of the difference between the amount of the sales tax paid and the
11 amount of the use tax levied by the borough. This subsection applies to a
12 sales tax levied in any taxing jurisdiction whether in or outside the state.

13 (d) If the assembly of a home rule or general law borough charges
14 interest on sales taxes not paid when due, the rate of interest may not
15 exceed eight percent a year upon the delinquent taxes and shall be charged
16 from the due date until paid in full.

17 Sec. 29.45.590. (Sec. 29.53.420.) REFERENDUM, ADOPTION AND
18 MODIFICATION. (a) The assembly shall hold a referendum vote on the question
19 of enacting a sales tax or increasing the rate of levy of sales taxes.
20 Borough sales tax propositions may be presented only once in any 12-month
21 period. A sales tax proposition may be submitted to the voters at a regular
22 or special election or at a general election of the state.

23 (b) If the proposition receives a majority of the votes cast, the
24 assembly may enact the sales tax or increase the rate of the sales tax as a
25 levy upon buyers, sellers, or both. The sales tax is collected at the time
26 of sale or at the time of payment in credit transactions and transmitted to
27 the borough.
28
29

ARTICLE 5. CITY SALES AND USE TAXES

1
2 Sec. 29.45.610. (Sec. 29.53.440.) POWER OF LEVY. Cities within a
3 borough which levies and collects sales or use taxes for areawide borough
4 functions may levy sales or use taxes upon all sources taxed by the borough
5 in the manner provided for boroughs.

6 Sec. 29.45.620. (Sec. 29.53.450.) POWER OF LEVY AND COLLECTION.
7 Cities within a borough which does not levy and collect sales or use taxes
8 for areawide borough functions may levy and collect sales or use taxes in
9 the manner provided for boroughs.

10 Sec. 29.45.630. (Sec. 29.53.460.) COMBINING SALES TAX WITH
11 INCORPORATION. A petition for second class city incorporation may request
12 that a sales tax proposal be placed on the same ballot. The petition must
13 state the proposed tax rate. The petition may request that incorporation be
14 dependent upon the passage of the sales tax proposition. If so, the
15 incorporation proposition fails if the sales tax fails.

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OFFICE OF THE MUNICIPAL ATTORNEY

KETCHIKAN GATEWAY BOROUGH
AND
CITY OF KETCHIKAN

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(907) 225-3111, EX. 327

November 4, 1980

John Messenger, Esq.
Preston, Thorgrimson, Ellis
and Holman
420 L Street, Suite 404
Anchorage, Alaska 99501

Re: Title 29 Review - Proposed Revisions
to Chapter 53 "Municipal Assessment
and Taxation"

Dear John:

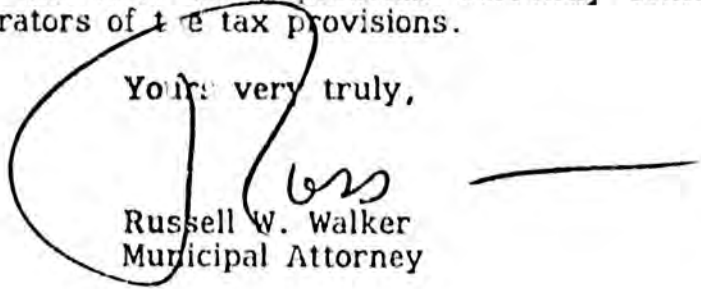
In furtherance of our discussion this date, please find enclosed herewith the following:

- (1) Draft of proposed revisions to existing chapter 53 (Assessments). Comments to each section indicate the purpose of each proposed change.
- (2) Copy of mark-up of chapter 53 prepared by the Alaska Association of Assessing Officers.
- (3) Tamara Cook's rewrite under date October 2, 1980, of the required exemptions provisions of existing section 29.53.020.

I would appreciate any observations or comments you may have regarding these proposed or other amendments to chapter 53.

As we also discussed, the major remaining area which I intend to address is the area relating to corrections, cancellations and refund of taxes which I believe will solve many problems currently confronting assessors and administrators of the tax provisions.

Yours very truly,



Russell W. Walker
Municipal Attorney

Enclosures

Sec. 29.45.030. Required exemptions. (a) The following property is exempt from general taxation:

(1) municipal, state or federally owned property, except that private leaseholds, contracts or other interest in the property shall be taxable to the extent of those interests;

(2) household furniture of the head of a family or a household [not exceeding \$500 in value];

(3) property used exclusively for nonprofit religious, charitable, cemetery, hospital or educational purposes;

(4) property of a nonbusiness organization composed entirely of persons with 90 days or more of active service in the armed forces of the United States whose conditions of service and separation were other than dishonorable, or the property of the auxiliary of such organization;

(5) money on deposit;

(6) the real property of certain residents of the state to the extent and subject to the conditions provided in (e) of this section.

(7) real property to the extent and subject to the conditions provided in (j) of this section.

(b) "Property used exclusively for religious purposes" includes the following property owned by a religious organization:

(1) the residence of a bishop, pastor, priest, rabbi, minister or religious order of a recognized religious organization.

(2) a structure, its furniture and its fixtures used solely for public worship, charitable purposes, religious administrative offices, religious education or a nonprofit hospital;

(3) lots supporting and adjacent to a structure or residence mentioned in (1) or (2) of this subsection which are necessary to convenient use;

(4) lots required by local ordinance for parking near a structure defined in (2) of this subsection.

(c) Property described in (a) or (b) of this section from which income is derived is exempt only if that income is solely from use of the property by nonprofit religious, charitable, hospital or educational groups [for classroom space]. If used by nonprofit educational groups, the property is exempt only if used exclusively for classroom space.

(e) The real property owned and occupied as a permanent place of abode by a resident 65 years of age or over is exempt from taxation of the assessed value of the real property. Only one exemption may be granted with respect to the same property and, if two or more persons are eligible for an exemption with respect to the same property, the parties shall decide between or among themselves which shall receive the benefit of the exemption. No real property may be exempted under this subsection which the assessor determines, after notice and hearing to the parties concerned, has been conveyed to the applicant primarily for the purpose of obtaining the exemption. The determination of the assessor is appealable under AS 44.62.560-44.62.570.

(f) No exemption may be granted under (e) of this section except upon written application for the exemption on a form prescribed by the state assessor for use by local assessors. The claimant must file the application no later than January 15 of the assessment year for which the exemption is sought, but during the same year the governing body of the municipality for good cause shown may waive the claimant's failure to make timely application for the exemption for that year and authorize the assessor to accept the application as if timely filed. The claimant must file a separate application for each assessment year in which the exemption is sought. If an application is filed within the required time and is approved by the assessor, he shall allow an exemption in accordance with the provisions of this section. If a claimant whose failure to file by January 15 of the assessment year has been waived as provided in this subsection and the application for exemption is approved, the amount of tax which the claimant may have already paid for the assessment year with respect to the property exempted shall be refunded to him. The assessor may at any time require proof in the form he considers necessary of the right and amount of an exemption claimed under this section.

(g) The state shall reimburse a borough or city, as appropriate, for the real property tax revenues lost to it by the operation of (e) of this section. However, reimbursement will be made to a borough or city for revenue lost to it only to the extent that the loss exceeds an exemption which was granted by the borough or city, or which upon proper application by an individual would have been granted by the borough or city, under sec. 25(a) of this chapter.

(h) Except as provided in (g) of this section, nothing in (e)-(i) of this section affects similar exemptions from property taxes granted by municipalities on September 10, 1972 or prevents municipalities from granting similar exemptions by ordinance as provided in sec. 25 of this chapter.

(i) In (e)-(i) of this section the term "real property" includes but is not limited to mobile homes, whether classified as real or personal property for municipal tax purposes.

(j) Two percent of the assessed value of a structure is exempt from taxation if the structure contains a fire protection system approved under AS 19.70.081, in operating condition, and incorporated as a fixture or part of the structure. The exemption granted by this subsection is limited to

(1) an amount equal to two percent of the value of the structure based on the assessment for 1981, if the fire protection system is a fixture of the structure on January 1, 1981; or

(2) an amount equal to two percent of the value of the structure based on the assessment as of January 1 of the year immediately following the installation of the fire protection system if the fire protection system becomes a fixture of the structure after January 1, 1981.

Formerly: AS 29.53.020

Comments: Based on Alaska Association of Assessing Officers (AAAO) recommendation:

(1) Para. (a)(2): deletes \$500 limit on exemption of household furniture;

(2) Para. (c): clarifies that "exclusively for classroom space" limitations on rental income under (c) only applies to rental use by an "educational group" and does not preclude the exemption when the income is derived from use by nonprofit religious, charitable, or hospital groups.

(3) Para. (f): clarifies filing of a claim for exemption is a requirement for only the senior citizen exemption under (e), and not for the other exemptions addressed in the section.

Sec. 29.45.050. Optional exemptions and exclusions.

(a) Municipalities may exclude or exempt or partially exempt residential property from taxation by ordinance ratified by the voters at a regular or special election. An exclusion or exemption authorized by this section may not exceed \$10,000 for any one residence.

(b) Municipalities may by ordinance

(1) classify boats and vessels for purposes of taxation and may establish the assessed valuation of boats and vessels on the basis of their registered or certificated net tonnage; a tax based upon a tonnage valuation shall not exceed \$5 a year for a boat or vessel of less than five net tons and shall not exceed \$15 a year for a boat or vessel of more than five net tons;

(2) classify and exempt from taxation

(A) All or any portion of the household goods and furnishings in actual use by the owner thereof in equipping and outfitting his or her residence or place of abode and not for sale or commercial use, and all personal effects held by any person for his or her exclusive use and benefit and not for sale or commercial use. "Personal effects" shall be construed to mean and include such tangible property as usually and ordinarily attends the person such as wearing apparel, jewelry, toilet articles, and the like [the household furniture over \$500 in value and the effects of the head of a family or a householder]; and

(B) the property of an organization not organized for business or profit-making purposes and used exclusively for community purposes, provided that income derived from rental of such property does not exceed the actual cost to the owner of the use by the renter; and

Formerly: AS 29.53.025

Comments: modifies and expands existing (a)(2)(A) relating to optional exemption of household furniture and effects. Based upon recommendation of AAAO since assessors currently do not include household furnishings and personal effects of family members.

Sec. 29.45.060. Mining claims. The assessed value of an unimproved unpatented mining claim which is not producing, and a nonproducing patented mining claim upon which the improvements originally required for patent have become useless and valueless through depreciation, removal or otherwise, is exempt [fixed at \$200 for each 20 acres or fraction of 20 acres]. If the surface ground of a claim has a separate and independent value for nonmining uses, the real and personal property is assessed at its full and true value.

Formerly: AS 29.53.030

Comments: Deletes \$200 valuation figure. AAAO recommends deletion since administrative costs exceed taxes to be realized in carrying property at \$200 figure on roll.

Sec. 29.45.100. Tax limitations.

(a) No municipality may levy and tax for any purpose in excess of three percent of the assessed valuation of property within the municipality in any one year.

(b) No municipality, or combination of municipalities occupying the same geographical area, in whole or in part, may levy taxes (1) which will result in tax revenues from all sources exceeding \$1,500 [\$1,000] a year for each person residing within their boundaries or (2) upon values which, when combined with the value of property otherwise taxable by the municipality, exceed the product of 225 per cent of the average per capita assessed full and true value of property in the state multiplied by the number of residents of the taxing municipality. If two or more municipalities occupying the same geographical area, in whole or in part, attempt to levy a tax (1) the combined levy of which would result in tax revenues from all sources exceeding \$1,500 [\$1,000] a year for each person residing within their boundaries or (2) upon value which, when combined with the value of property otherwise taxable by the municipality, exceed the product of 225 per cent of the average per capita assessed full and true value of property in the state multiplied by the number of residents of the taxing municipality, the commissioner of community and regional affairs shall apportion the lawful levy and equitably divide these revenues on the basis of need, services performed and other considerations in the public interest. For the purpose of this subsection, population shall be determined by the commissioner of community and regional affairs based on the latest statistics of the United States Bureau of the Census or on other reliable population data. For purposes of this subsection the average per capita assessed full and true value of property in the state shall be calculated without regard to the assessed value of taxable property under AS 43.58.

Formerly: AS 29.53.050

Comments: Technical change requested by AAAO to conform with provisions of AS 29.53.045 (SLA 80)

Sec. 29.45.120. Full and true value.

(a) The assessor shall value [assess] property at its full and true value as of January 1 of the assessment year, except as provided in this section and sections 60 [30], 70 [35] and 240 [160] of this chapter. The full and true value is the estimated price which the property would bring in an open market and under the then prevailing market conditions in a sale between a willing seller and a willing buyer both conversant with the property and with prevailing general price levels.

(b) Assessment of business inventories may be based on the average monthly method of assessment rather than the value existing on January 1. The method used to assess business inventories shall be prescribed by the borough assembly.

(c) In case of cessation of business during the tax year, the assembly may provide for reassessment of business inventories using the average monthly method of assessment for the tax year rather than the value existing on January 1 of the tax year, and for reduction and refund of taxes. In enacting an ordinance authorized by this section, the assembly may prescribe procedures, restrictions, and conditions of assessing or reassessing business inventories and of remitting or refunding taxes.

Formerly: AS 29.53.060

Comments: Requested by AAAO

Sec. 29.45.180. Assessment notice.

(a) The assessor shall give every person named in the assessment roll a notice of assessment, showing the assessed value of his property. On each notice is printed a brief summary of the dates when taxes are payable, delinquent and subject to penalty and interest, [and the dates when the board of equalization will sit.]

(b) Sufficient assessment notice is given if mailed by first class mail 30 days before the equalization hearings. If the address is not known to the assessor, the notice may be addressed to the person at the post office nearest the property. Notice is effective on the date of mailing.

Formerly: AS 29.53.110

Deletes requirement that assessor include in the assessment notice the date the board of equalization will meet since many times assessors at that time do not know the dates at the time the notices are mailed. Based on the recommendation of AAAO.

Sec. 29.45.210. Board of Equalization. The assembly sits as a board of equalization for the purpose of hearing any appeal from determinations of the borough assessor, however, may delegate this authority to one or more boards appointed by it for that purpose. An appointed board may be composed of not less than three (3) persons, who may be members of the assembly, private individuals, or a combination thereof. [The board of equalization shall consist of at least that number of members of the assembly over and above the number required for a quorum to transact business.] The board is governed in its proceedings by such procedures consistent with general rules of administrative law and the laws governing equalization proceedings as may be adopted by ordinance, including but not limited to quorum and voting requirements. The assembly shall by ordinance establish the qualifications for membership and adopt rules of conduct of the board.

Formerly: AS 29.53.135

Comments: Change would clarify authority to establish boards of equalization composed of other than assembly members and by ordinance to establish qualifications. Deletion required to allow appointment of boards of three members or more which number may be less than number required for quorum of assembly.

Sec. 29.45.220. Hearing.

(a) If an appellant fails to appear, the board of equalization may proceed with the hearing in his absence.

(b) The appellant bears the burden of proof.

(c) The only grounds for adjustment is proof of unequal, excessive or improper valuation based on facts which are stated in a valid written appeal timely filed and [or] proved at the hearing.

(d) The board shall certify its actions to the assessor within seven days.

(e) The assessor shall enter the changes and certify the final assessment roll by June 1 except as to supplementary assessments.

(f) [an] The appellant and the assessor may appeal the board's action to the superior court as provided by rules of court applicable to appeals from the decisions of administrative agencies. Appeals are heard on and limited to the record established at the hearing before the board of equalization. [for, and is entitled to, trial de novo of the board's action. Either party to the appeal may demand a jury trial].

Formerly: AS 29.53.140

Comments: (1) Para. (c): Based on recommendation of AAAO, substitutes and for or to assure must set forth factual grounds in written appeal and prove at hearing;

(2) para. (e): Based on recommendation of AAAO, clarifies that there may be further proceedings after June 1 in event there are supplementary assessments per former section 29.53.1

(3) para. (f): deletes provisions regarding trial de novo and jury trial and limits scope of review to substantial evidence rule and clarifies confusion created by Winegardner v. Greater Anchorage Area Borough (534 P.2d 541)

Sec. 29.45.230. Supplementary assessment rolls. The assessor shall include property omitted from the assessment roll on a supplementary roll, using the procedures set out in this chapter for the original roll. Any supplementary roll must be finalized and certified on or before September 1 of the assessment year.

Formerly: AS 29.53.150

Comments: Recommended by AAAO. State assessor requires for his purposes all proceedings to be completed not later than September 1, including any supplemental assessments.

Sec. 29.45.440. Expiration.

(a) At least 30 days before the expiration of the redemption period the clerk shall publish a redemption period expiration notice. The notice shall contain the date of judgment, the date of expiration or the period of redemption and a warning to the effect that all properties ordered sold under the judgment, unless redeemed, shall be deeded to the borough or city immediately in expiration of the period of redemption and that every right or interest of any person in the properties will be forfeited forever to the borough or city. The notice is published once a week for four consecutive weeks in a newspaper of general circulation distributed within the borough. If there is no newspaper of general circulation distributed within the borough, the notice is posted in three public places for at least four consecutive weeks. The clerk shall send a copy of the published notice by certified mail to each record owner of property against which a judgment of foreclosure has been taken and, if the assessed value of the property is more than \$100,000 [\$10,000], to all holders of mortgages or other liens of record on the property. The notice shall be mailed within five days of the first publication. The mailing shall be sufficient if mailed to the property owner and to the holder of a mortgage or recorded lien at the last address of record. The right of redemption shall expire 30 days after the date of the first publication notice.

(b) Costs incurred in the determination of holders of mortgages and other liens of record and costs of publication of notice incurred by a municipality under (a) of this section are a lien on the property and may be recovered by the municipality.

Formerly: AS 29.53.350

Comments: Based on recommendation of AAAO; raises assessed value of property which triggers duty of clerk to advise holders of security of judgment of foreclosure.

OFFICE OF THE MUNICIPAL ATTORNEY

KETCHIKAN GATEWAY BOROUGH
AND
CITY OF KETCHIKAN

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KETCHIKAN, ALASKA 99901
(907) 225-3111, EX. 327

November 4, 1980

State of Alaska
Legislative Affairs Agency
Pouch Y, State Capitol
Juneau, Alaska 99811

Attn: Tamara Cook

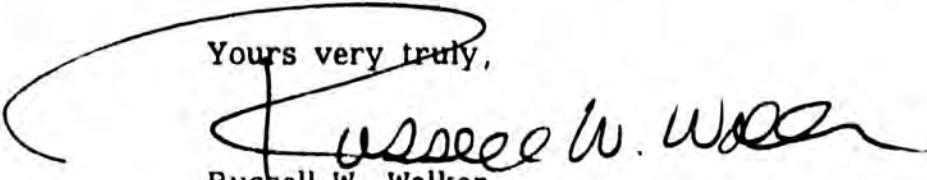
Re: Title 29 Review - Inclusion of Harbors and
Marinas under Extraterritorial Jurisdiction

Dear Tamara:

Please find enclosed a proposed amendment to existing Section 29.48.037 [Extraterritorial Jurisdiction] (new 29.33.020) to clarify the authority of municipalities to provide harbors and marinas outside their boundaries.

As we have mentioned, the City of Ketchikan has for many years leased from the State of Alaska, and operates and regulates, several small but important boat harbors and marinas outside the boundaries of the City.

Yours very truly,



Russell W. Walker
Municipal Attorney

RWW:sf

Enclosure

cc: City Manager
Ted Berns, Esq.
Lee Sharp, Esq.
Allen Tesche, Esq.
Jim Nordale, Esq.
Ginny Chitwood

Sec. 29.33.020. Extraterritorial jurisdiction.

(a) A municipality may provide parks, roads, trails, playgrounds, cemeteries, harbors, marinas, and airports outside its boundaries, subject to AS 29.33.010, and may regulate their use and operation. A regulation adopted under this section must state that it applies outside the municipality.

(b) A municipality may adopt ordinances to protect its water supply and watershed and may enforce them outside its boundaries. Before this power may be exercised within the boundaries of another municipality, the approval of that municipality must be given by ordinance. This section applies to general law and home rule municipalities.

Formerly: As 29.48.037

Comments: Expands existing law to include harbors and marinas as facilities a municipality may acquire, operate and regulate outside its boundaries.

STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

November 7, 1980

Timothy E. Troll
City Manager
City of St. Mary's
P.O. Box 163
St. Mary's, Alaska 99658

Dear Mr. Troll:

I have submitted copies of your letter to members of the Title 29 Policy Advisory Group so that they will be aware of your concern over AS 29.48.260. Your other comments which were originally sent to the Department of Community and Regional Affairs have been made available to the Title 29 Policy Advisory Group as well. Please send any additional comments which you have to me and I will see that members of the Policy Group receive copies.

I talked by phone with Mr. James N. Reeves on November 5, 1980. He indicated that he would like to address the Policy Group at the next meeting they hold in Anchorage. I will inform him of the meeting time and place as soon as it is set. Time is made available during meetings of the Policy Group to any person who wishes to address the group, so perhaps you would like to attend a meeting as well. I expect that the Policy Group will decide to meet again early in December and I will inform the group of your desire that the meeting be held in Anchorage.

Sincerely,



Tamara Brandt Cook
Legislative Counsel

TBC:maf

cc: Title 29 Policy Advisory Group
James N. Reeves

City of St. Mary's

P.O. Box 163
ST. MARY'S, ALASKA 99658

October 23, 1980

Tamara Brandt Cook
Division of Legal Services
Legislative Affairs Agency
Pouch Y, State Capitol
Juneau, Alaska 99811

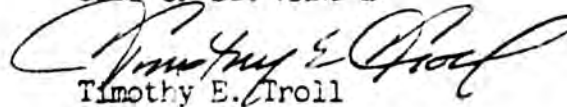
Dear Ms. Cook:

I would like to request that discussion of A.S. 29.48.260 be placed on the agenda for the first meeting of the Title 29 Policy Advisory Group in December and that myself and James N. Reeves be permitted to make a presentation on this provision. Presently Mr. Reeves and I are working on legal problems related to property in St. Mary's under a Community Legal Assistance Grant from The Department of Community and Regional Affairs. The first project we have undertaken under the grant is an analysis of 29.48.260 and changes that should be made for the benefit of rural communities. 29.48.260 is a very unmanageable statute for this and I suspect most other rural communities. I would consider the work of the Policy Advisory Group successful if it can effect a workable change in this provision.

Hopefully, the meeting will be held in either Anchorage or Bethel as the City cannot afford to send me much further.

Sincerely,

CITY OF ST. MARY'S


Timothy E. Troll
City Manager

cc. James N. Reeves
FAULKNER, BANFIELD, DOOGAN & HOLMES
Suite 510, 425 G. St.
Anchorage, Alaska 99501

P.S. I have also sent along copies of my other comments which I sent to Community & Regional Affairs. I never received acknowledgement of their receipt by the Committee

(b) If a proposed charter is rejected, the charter commission shall prepare another proposed charter to be submitted to the voters at a regular or special election to be held within one year after the date of the first charter election. If the second proposed charter is also rejected, the charter commission shall be dissolved and the question of adoption of a charter shall be treated as if it had never been proposed or approved.

Sec. 29.15.080. (Sec. 29.13.080.) CHARTER AMENDMENT. A municipal charter may be amended as provided in the charter or by initiative referendum as provided in AS 29.30.090-29.30.180 (AS 29.28.060-29.28.110), except that no amendment shall be effective unless ratified by the voters.

Article 2. HOME RULE LIMITATIONS

Sec. 29.15.110. (Sec. 29.13.100.) LIMITATION OF HOME RULE POWERS. Only the following provisions of this title apply to home rule municipalities as prohibitions on acting otherwise as provided. They supersede existing and prohibit future home rule enactments which provide otherwise:

- (1) AS 29.09.140 (29.18.140) Borough Transition
- (2) AS 29.12.010 (29.73.050) Municipal Name Change
- (3) AS 29.12.040 (29.68.010) Annexation and Exclusion
- (4) AS 29.12.080-160 (29.68.030-29.68.110) Merger and Consolidation
- (5) AS 29.12.420-29.12.500 (29.68.500-29.68.580)

Dissolution

- (6) AS 29.15.080 (29.13.080) Charter Amendment
- (7) AS 29.24.010 (29.23.555) Conflict of Interest
- (8) AS 29.24.020 (29.23.580) Meetings Public
- (9) [Effective until January 1, 1981] AS 29.23.020-29.23.050
Borough Assembly Representation
[Effective January 1, 1981 AS 29.24.060; 29.24.080-29.24.140
(29.23.021; 29.23.025-29.23.050) Borough assembly composition
and Apportionment; Borough Assembly Members

- 1 (10) AS 29.24.150 [29.23.060(c)] Expulsion of Borough Assemblymen
2 (11) AS 29.24.200 [29.23.130(f)] Removal of Borough Mayor from
3 Office
4 (12) AS 29.24.290 [29.23.210(b)] Expulsion of City Councilman
5 from Office
6 (13) AS 29.24.340[a] (29.23.250[a]) Election and Term of
7 Mayor
8 (14) AS 29.24.350 (29.23.255) Removal of Mayor from Office
9 (15) AS 29.24.680 (29.23.540) Prohibitions Respecting Appointment
10 and Removal of Personnel
11 (16) AS 29.24.700 (29.23.560) Municipal Reports
12 (17) AS 29.27.010[a][12] (29.48.130[a][12]) Municipal Exemption
13 on Contractor Bond Requirements
14 (18) AS 29.27.060 (29.48.180) Codification
15 (19) AS 29.30.010, 29.30.030[b]-29.30.040 (29.28.010, 29.28.020[b])
16 29.28.030 Municipal Elections
17 (20) AS 29.30.060 [29.28.050(f)] Expulsion, Removal from Office
18 (21) AS 29.30.210-29.30.330 (29.28.130-29.28.250) Recall
19 (22) AS 29.33.020 (29.48.037) Extraterritorial jurisdiction
20 (23) AS 29.33.030 (29.73.020) Eminent Domain
21 (24) AS 29.33.080 (29.48.033) Garbage and Solid Waste Services
22 (25) AS 29.33.090[b] (29.48.035[b]) Effect of Areawide Exercise
23 of Borough Power
24 (26) AS 29.33.090[c] (29.48.035[c]) Borough Building Code
25 Jurisdiction within Cities
26 (27) AS 29.33.100-29.33.160 (29.48.040-29.48.100) Utilities
27 (28) AS 29.33.220 (29.48.210) Expenditure of Borough Revenue
28 (29) AS 29.33.230 (29.48.220) Post Audit
29

- (30) AS 29.36.010[b] (29.33.010[b]) Areawide Borough Powers
- (31) AS 29.36.040, AS 29.36.230(d), AS 14.12.020[a] (29.33.050, 29.41.010[d], 14.12.020[a]) Responsibility for education on Military Reservations
- (32) AS 29.36.130[c] (29.33.290[c]) Acquisition of Additional Areawide Powers
- (33) AS 29.39.020-29.39.060 (29.43.020-29.43.040) Powers of Cities Outside Boroughs
- (34) AS 29.42.040[d] (29.33.090[d]) Zoning of State Land for Homesite Entry
- (35) AS 29.42.080[b] (29.33.150[b]) Applicability of Local Platting Regulations to State Land in a Municipality
- (36) AS 29.45.010-29.45.530 (29.53.010-53.400) Borough and City Property Taxes
- (37) AS 29.45.020 [AS 29.73.060(070)] Taxpayer Notice
- (38) AS 29.45.580[d] (29.53.415[d]) Interest on Sales Tax
- (39) AS 29.48.090 (29.63.065) Exemption from Special Assessment
- (40) AS 29.51.420-29.51.430 (29.58.345-29.58.350) Bonded Debt for School Construction
- (41) AS 29.51.210[b] (29.58.180[L]) Security for Bonds
- (42) AS 29.51.390 (29.58.315) Bond attorneys, Bond and Financial Consultants
- (43) AS 29.62. (29.88) Municipal Tax Resource Equalization
- (44) AS 29.62. (29.89) State Aid for Miscellaneous Municipal Services
- (45) AS 29.71.010 (29.73.030) Adverse Possession
- (46) AS 29.71.020 (29.73.040) Taxation of Municipalities

1 market conditions in a sale between a willing seller and a willing buyer
2 both conversant with the property and with prevailing general price levels.

3 (b) Assessment of business inventories may be based on the
4 average monthly method of assessment rather than the value existing on
5 January 1. The method used to assess business inventories shall be
6 prescribed by the borough assembly.

7 (c) In the case of cessation of business during the tax year, the
8 assembly may provide for reassessment of business inventories using the
9 average monthly method of assessment for the tax year rather than the value
10 existing on January 1 of the tax year, and for reduction and refund of
11 taxes. In enacting an ordinance authorized by this section, the assembly
12 may prescribe procedures, restrictions, and conditions of assessing or
13 reassessing business inventories and of remitting or refunding taxes.

14 Sec. 29.45.130. (Sec. 29.53.070.) RETURNS. (a) The assembly may
15 require every person having ownership or control of or an interest in
16 property to submit a return in the form prescribed by the assessor, based on
17 property values existing on January 1, except as otherwise provided in this
18 chapter.

19 (b) The assessor may, by written notice, require a person to
20 provide additional information within 30 days.

21 Sec. 29.45.140. (Sec. 29.53.080.) INDEPENDENT INVESTIGATION. (a) The
22 assessor is not bound to accept a return as correct. He may make an
23 independent investigation of property returned or of taxable property upon
24 which no return has been filed. In either case, the assessor may make his
25 own valuation of the taxable property, which is prima facie evidence.

26 (b) For investigation, the assessor or his agent may enter any
27 premise during reasonable hours and may examine property on the premises.
28 He may examine all property records involved. A person shall, upon request,
29 furnish to the assessor or his agent every facility and assistance for the



*ask Tana to make available to
Committee a/*

October 21, 1980

Senator Arliss Sturgulewski
Alaska State Senate
2957 Sheldon Jackson St.
Anchorage, AK 99504

Dear Senator Sturgulewski:

I am writing to you in your capacity as a member of the policy advisory group for the rewrite of Title 29. In that regard, several weeks previous the Kodiak City Council directed me to determine the level of interest among the home rule communities located within second class boroughs toward addressing the dual responsibilities of those governments. I have enclosed for your review a copy of the letter received back from the City of Palmer voicing their support for a coalition at the Alaska Municipal League to address these problem areas.

I understand that in your capacity on this advisory group board your input would be balanced by those representatives of boroughs who are also on the panel. However, your background in local government management provides a knowledge of the parameters of the problem we are trying to address.

As Mr. Curtis, Manager of Palmer, indicates in his correspondence, communities such as Anchorage, Juneau and Sitka have within these past several years resolved their dual government relationship problems by unifying. This is of course not the only answer. For many of the smaller communities the problem still remains. We would hope that you will be able to assist us by providing some input to your advisory group relative to our concerns. The communities will be requested to meet during the Alaska Municipal League to formulate specific ideas toward the end of clearly

Senator Arliss Sturgulewski

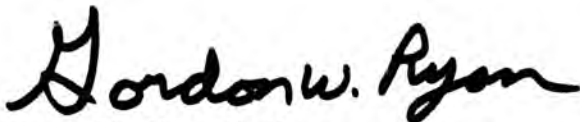
Page 2

October 21, 1980

defining the relationship between home rule cities and second class boroughs. I will keep you advised of the progress of our coalition and wish to offer at this time our appreciation for your concern and interest in our problem.

Respectfully yours,

CITY OF KODIAK

A handwritten signature in cursive script that reads "Gordon W. Ryan".

GORDON W. RYAN
City Manager

GWR/yb

Enclosures

cc: Palmer McCarter, Local Government Assistance



THE HEART OF THE MATANUSKA VALLEY

CITY OF PALMER

COUNCIL-MANAGER GOVERNMENT
P.O. BOX 1368 • PHONE (907) 745-3271
PALMER, ALASKA 99645

Ch. 1/2
Recd
10/20/80

October 17, 1980

Mr. Gordon W. Ryan
City Manager
City of Kodiak
P.O. Box 1397
Kodiak, Alaska 99615

Dear Gordon,

Your letter of September 17, 1980 was received and presented to the Council at their regular meeting of October 14, 1980. I would like to report that our Council wholeheartedly supports your initiatives in this matter of first class and home rule cities within second class boroughs. We are all aware of the gradual erosion of authority away from cities toward boroughs and will enthusiastically join with you and hopefully the other cities in this endeavor.

I will not in this letter attempt to get into specifics of problem areas in Title 29 but would like to suggest a formation of the coalition and the outright commitment of the individual cities involved to put some time and effort into this. Apparently the timeframe is extremely short as the Commission must have a document prepared and presented to the Legislature within the first thirty days of the new Legislative session. If the formation takes place at the AML meeting in November at Fairbanks, there will not be many days left. It would seem that if each city would appoint a person of knowledge and experience, i.e. manager, attorney, clerk, to attend one or two general meetings we could pick out specifics for rewrite and the writing of the new legislation and perhaps prepare resolutions for the adoption by the Council of the various communities as back-up and forward these a.s.a.p. to the Policy Advisory group. We would then have to be prepared to have a representative to care for them to defend our positions. This will not be an easy thing.

I think our Councils must understand that we have lost most of the support from the population areas, particularly Anchorage, which has half of the votes in the State of Alaska, along with Juneau and Sitka who have solved their problems by unification. This was not done without bitter struggles between their original cities and boroughs. In other words, the problems still exist for the remainder of us and I personally do not feel that unification is the solution to all of the problems. A further point to emphasize is that the Alaska Municipal League is severely watered down with boroughs and unified governments to where we cannot expect much support.

Mr. Gordon W. Ryan
October 17, 1980
Page 2

I will attempt to help expedite our feelings by sending a copy of this letter to each of the cities you have indicated correspondence with in your letter.

Looking forward to seeing you soon, I remain,

Sincerely,



William E. Curtis
City Manager
City of Palmer

WEC/car

cc: City of Ketchikan
City of Fairbanks
City of Kenai
City of Seward
City of North Pole

PLEASE NOTE: THE FOLLOWING PAGES WERE TREATED
AS A UNIT IN THE ORIGINAL DOCUMENT.

M E M O R A N D U M

28 October 1980

TO: Technical Committee
Title 29 Revision Commission

FROM: Tamara Brandt Cook
Legal Services

SUBJECT: Changes Recommended to Title 29 by the
Technical Committee

Attached is the second batch of the drafting changes we discussed at our 10 October meeting. If you get an opportunity to check these over, I would appreciate it. Take an especially close look at the explanations, since these will form the basis of a memo I prepared to justify these changes to the Policy Group.

Please send me any recommendations for improvements to either the drafts themselves or to the explanations, or I can be reached by phone at 465-4996 November 5th, 6th, and 7th.

maf

Attachments

STATE OF ALASKA THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907.465.3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

28 October 1980

TO: Technical Committee
Title 29 Revision Commission

FROM: Tamara Brandt Cook *TBC*
Legal Services

SUBJECT: Changes Recommended to Title 29 by the
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