

SENATE CS FOR CS FOR HOUSE BILL NO. 347(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 5/14/24

Referred: Rules

Sponsor(s): REPRESENTATIVES COULOMBE, Tomaszewski, Prax, Story, Carpenter, Rauscher, Hannan, Vance, Josephson, Wright, Allard, Cronk, Saddler

SENATORS Myers, Bjorkman, Kiehl, Kaufman, Shower

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to platting and recording divisions of land in first class boroughs,
2 second class boroughs, and cities that have platting authority; relating to municipal
3 property tax; relating to assessment of property, boards of equalization, and
4 certification of assessors; and providing for an effective date."

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

6 * **Section 1.** AS 29.40.080 is amended by adding a new subsection to read:

7 (c) The assembly may by ordinance allow the platting authority to approve a
8 division of a tract or parcel of land that has not previously received platting approval.

9 * **Sec. 2.** AS 29.45.030(e) is amended to read:

10 (e) The real property owned and occupied as the primary residence and
11 permanent place of abode by a resident who is (1) 65 years of age or older; (2) a
12 disabled veteran; or (3) at least 60 years of age and the widow or widower of a person
13 who qualified for an exemption under (1) or (2) of this subsection is exempt from
14 taxation on the first \$250,000 [\$150,000] of the assessed value of the real property. A

1 municipality may by ordinance approved by the voters grant the exemption under this
 2 subsection to the widow or widower under 60 years of age of a person who qualified
 3 for an exemption under (2) of this subsection or to a resident who is the widow or
 4 widower of a person who dies from a service-connected cause sustained while serving
 5 as a member of the United States armed forces or as a member of the National Guard.
 6 A municipality may, in case of hardship, provide for exemption beyond the first
 7 \$250,000 [\$150,000] of assessed value in accordance with regulations of the
 8 department. Only one exemption may be granted for the same property, and, if two or
 9 more persons are eligible for an exemption for the same property, the parties shall
 10 decide between or among themselves who is to receive the benefit of the exemption.
 11 Real property may not be exempted under this subsection if the assessor determines,
 12 after notice and hearing to the parties, that the property was conveyed to the applicant
 13 primarily for the purpose of obtaining the exemption. The determination of the
 14 assessor may be appealed under AS 44.62.560 - 44.62.570. A municipality shall
 15 determine the eligibility requirements and application procedure for an optional
 16 exemption provided under this subsection. In this subsection, "widow or widower"
 17 means a person whose spouse has died and who has not remarried.

18 * **Sec. 3.** AS 29.45.050(a) is amended to read:

19 (a) A municipality may exclude or exempt or partially exempt residential
 20 property from taxation by ordinance ratified by the voters at an election. An exclusion
 21 or exemption authorized by this subsection may be applied with respect to taxes levied
 22 in a service area to fund the special services. An exclusion or exemption authorized by
 23 this subsection may not exceed the assessed value of \$150,000 [\$75,000] for any one
 24 residence except that a municipality may, by ordinance, annually adjust the
 25 municipality's voter-authorized exemption by the amount calculated by the State
 26 Assessor to reflect the increase, if any, in the annual average cost of living, using the
 27 United States Department of Labor Consumer Price Index for Urban Alaska.

28 * **Sec. 4.** AS 29.45.050(m) is amended to read:

29 (m) A municipality may by ordinance partially or totally exempt all or some
 30 types of economic development property from taxation for a designated period.
 31 [EXCEPT AS OTHERWISE PROVIDED BY AN ORDINANCE ENACTED BY

1 THE MUNICIPALITY BEFORE JANUARY 1, 2017, A MUNICIPALITY THAT IS
 2 A SCHOOL DISTRICT MAY ONLY EXEMPT ALL OR A PORTION OF THE
 3 AMOUNT OF TAXES THAT EXCEEDS THE AMOUNT LEVIED ON OTHER
 4 PROPERTY FOR THE SCHOOL DISTRICT'S REQUIRED LOCAL
 5 CONTRIBUTION UNDER AS 14.17.410(b)(2).] A municipality may by ordinance
 6 permit deferral of payment of taxes on all or some types of economic development
 7 property for a designated period. A municipality may apply an exemption or deferral
 8 under this subsection to taxes levied for special services in a service area that is
 9 supervised by an elected service area board under AS 29.35.460 unless the elected
 10 service area board objects to the exemption or deferral by resolution adopted not later
 11 than 60 days after the effective date of the municipal ordinance enacting the tax
 12 exemption or deferral. A municipality may adopt an ordinance under this subsection
 13 only if, before it is adopted, copies of the proposed ordinance made available at a
 14 public hearing on it contain written notice that the ordinance, if adopted, may be
 15 repealed by the voters through referendum. An ordinance adopted under this
 16 subsection must include specific eligibility requirements and require a written
 17 application for each exemption or deferral.

18 * **Sec. 5.** AS 29.45.110(a) is amended to read:

19 (a) The assessor shall assess property at its full and true value as of January 1
 20 of the assessment year, except as provided in this section, AS 29.45.060, and
 21 29.45.230. The full and true value is the estimated price that the property would bring
 22 in an open market and under the then prevailing market conditions in a sale between a
 23 willing seller and a willing buyer both conversant with the property and with
 24 prevailing general price levels. **The assessor shall determine the full and true value**
 25 **as provided in standards adopted by the department under (e) of this section or**
 26 **another set of standards provided by ordinance.**

27 * **Sec. 6.** AS 29.45.110 is amended by adding a new subsection to read:

28 (e) The department shall adopt standards for assessing the full and true value
 29 of property under (a) of this section that are not inconsistent with standards adopted by
 30 the International Association of Assessing Officers and update the standards when
 31 necessary.

1 * **Sec. 7.** AS 29.45 is amended by adding a new section to read:

2 **Sec. 29.45.115. Assessor certification.** A municipality may not employ an
3 assessor, including a private contractor, unless the assessor has a level 3 certification
4 or higher from the Alaska Association of Assessing Officers or works under the
5 supervision of an individual with a level 3 certification or higher from the Alaska
6 Association of Assessing Officers.

7 * **Sec. 8.** AS 29.45.180(a) is amended to read:

8 (a) A person receiving an assessment notice shall advise the assessor of errors
9 or omissions in the assessment of the person's property. **If requested by the person,**
10 **the assessor or a person designated by the assessor shall meet with the person and**
11 **answer reasonable questions relating to the methods used to assess the person's**
12 **property. The meeting required under this subsection may be virtual or**
13 **telephonic.** The assessor may correct errors or omissions in the roll before the board
14 of equalization hearing.

15 * **Sec. 9.** AS 29.45.200(a) is amended to read:

16 (a) The governing body **shall appoint one or more boards** [SITS AS A
17 BOARD] of equalization for the purpose of hearing an appeal from a determination of
18 the assessor [, OR IT MAY DELEGATE THIS AUTHORITY TO ONE OR MORE
19 BOARDS APPOINTED BY IT]. An appointed board **shall** [MAY] be composed of
20 not less than three persons, who shall be members of the governing body, municipal
21 residents, or a combination of members of the governing body and residents. The
22 governing body shall by ordinance establish the qualifications for membership. **The**
23 **governing body may by ordinance appoint itself to sit as a board of equalization.**

24 * **Sec. 10.** AS 29.45.210(b) is amended to read:

25 (b) The appellant bears the burden of proof. The only grounds for adjustment
26 of assessment are proof of unequal, excessive, improper, or under valuation based on
27 facts that are stated in a valid written appeal or proven at the appeal hearing. **The** [IF
28 A VALUATION IS FOUND TO BE TOO LOW, THE] board of equalization may **not**
29 raise the assessment **in the current year unless requested to do so by the appellant.**
30 **If the appellant provides a long form fee appraisal to support the appellant's**
31 **valuation and the board of equalization does not find in favor of the appellant,**

1 **the board shall make specific findings on the record to support its decision.**

2 * **Sec. 11.** AS 40.15.010 is amended to read:

3 **Sec. 40.15.010. Approval, filing, and recording of subdivisions.** Before the
 4 lots or tracts of any subdivision or dedication may be sold or offered for sale, the
 5 subdivision or dedication shall be approved by the authority having jurisdiction, as
 6 prescribed in this chapter and shall be filed and recorded in the office of the recorder.
 7 The recorder may not accept a subdivision or dedication for filing and recording
 8 unless it shows this approval. **However, the recorder may accept for filing and**
 9 **recording a division of a tract or parcel of land approved under AS 29.40.080(c).**

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

12 **TRANSITION: REGULATIONS.** The Department of Commerce, Community, and
 13 Economic Development may adopt regulations necessary to implement the changes made by
 14 secs. 2 - 10 this Act. The regulations take effect under AS 44.62 (Administrative Procedure
 15 Act), but not before the effective date of the law implemented by the regulation.

16 * **Sec. 13.** Section 12 of this Act takes effect immediately under AS 01.10.070(c).

17 * **Sec. 14.** Sections 2 - 10 of this Act take effect January 1, 2026.

18 * **Sec. 15.** Sections 1 and 11 of this Act take effect January 1, 2027.