Title 29 ... and Beyond

Alaska Statutes: Title 29

Municipal Government

2022 Updates from the

32nd Legislature

Second Session: January – June 2022



Presentation to

Newly Elected Leaders

At the 2022 Annual Coreference of the



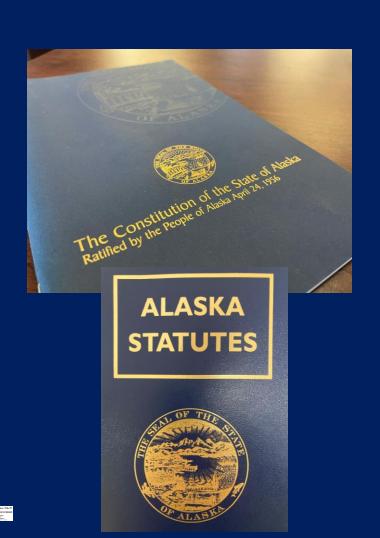
William D. Falsey, Senior Counsel December 5, 2022



Where are the rules that apply to local government in Alaska?

Article X of the Alaska Constitution

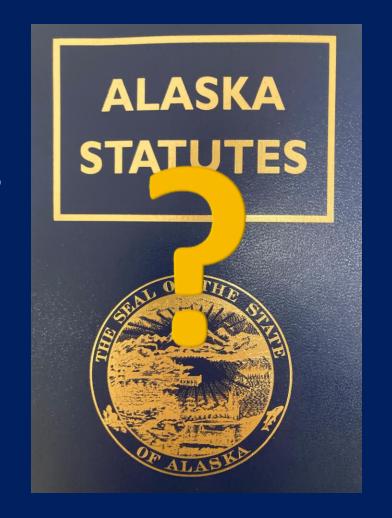
• Title 29
Municipal
Government



... but wait — there's more!

- How many times does "political subdivision" appear outside of title 29? 400+ times
- How many times does "municipality" appear outside of title 29?

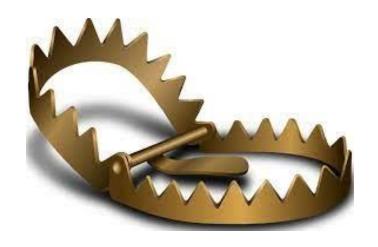
 970+ times







YOU'RE INVITED!





1998: Harassing liens

MR. CLIFF JOHN GROH, Municipality of Anchorage, strongly supported this bill. He explained there have been 43 false liens filed against municipal officials in Anchorage. These filings are getting to be more common. He explained some of the financing problems one can run into with liens filed on their properties.

→ SB 195

(9) "lien" means

(C) a common law lien on property

(i) only if the lien was consented to by the owner of the property affected; or

(ii) if not consented to by the owner of the property affected as provided in (i) of this subparagraph, only when the lien is accompanied by a specific order authorizing the recording or filing of the lien issued by a court of competent jurisdiction recognized under state or federal law, which order shall be recorded or filed with the lien; [,] or





THE SUPREME COURT OF THE STATE OF ALASKA

CEDRIC CUTLER,)
) Supreme Court No. S-14215
Appellant,)
) Superior Court No. 3KO-10-00062 CI
v.)
) OPINION
KODIAK ISLAND BOROUGH,)
) No. 6738 - December 21, 2012
Appellee.)
)

I. INTRODUCTION

Boroughs are statutorily authorized to provide and charge residents for garbage-collection services. The primary issue in this appeal is whether boroughs also have the implied or incidental authority to record a real property lien to secure payment of garbage-collection fees. We conclude they do not have that authority.

Public policy dictates the same conclusion. In another context where a municipality recorded a lien without express statutory authority, we stated that "[p]ublic policy would be thwarted" if each municipality were allowed to develop a number of different lien systems and noted that "the determination of lien priorities would be unduly complicated." ¹⁶ We further explained that the lien-recording issue "should be addressed by specific legislation rather than by municipal, or judicial, fiat." ¹⁷ This holds true in the present context as well—if the Borough believes lien-recording powers are necessary to secure payment for garbage services, it should ask the legislature to provide authority for such powers.

SENATE BILL NO. 100

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY SENATOR EGAN BY REQUEST

REPRESENTATIVES Spohnholz, Grenn

Introduced: 3/29/17 Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

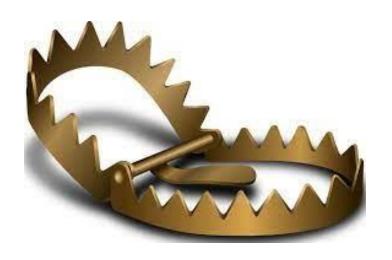
"An Act relating to municipal liens."

(17) to provide by ordinance for the creation, recording, and notice of a lien on real or personal property to secure payment of past due utility fees, costs incurred by the municipality in the abatement of an unsafe or dangerous building, and other fees and charges provided for by ordinance;





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Things Local Government May Not Do (or only w/Restrictions)

Finance

• Borrowing (Alaska Const. art. IX)

The Constitution of the State of Alaska

§ 9. Local Debts

No debt shall be contracted by any political subdivision of the State, unless authorized for capital improvements by its governing body and ratified by a majority vote of those qualified to vote and voting on the question.

§ 10. Interim Borrowing

The State and its political subdivisions may borrow money to meet appropriations for any fiscal year in anticipation of the collection of the revenues for that year, but all debt so contracted shall be paid before the end of the next fiscal year.

§ 11. Exceptions

The restrictions on contracting debt do not apply to debt incurred through the issuance of revenue bonds by a public enterprise or public corporation of the State or a political subdivision, when the only security is the revenues of the enterprise or corporation. The restrictions do not apply to indebtedness to be paid from special assessments on the benefited property, nor do they apply to refunding indebtedness of the State or its political subdivisions.

Home > Statutes & Court Rules > Alaska Statutes & Court Rules > Title 29. Municipal Government		
Chapter 47. Municipal Debt Add to Favorites & Copy link		
Includes current version of Alaska statutes, constitution & court rules. Browse Table of Contents below or search all.		
Effective Date: 12/04/2022 Go Effective date versioning not available for certain content such as court rules and Federal Sentencing Guidelines		
Select all content No items selected Clear Selection		
Article 1. Revenue Anticipation Notes		
🛨 🗌 Article 2. Bond Anticipation Notes		
+ Article 3. General Obligation Bonds		
+ Article 4. Revenue Bonds		
🛨 🗌 Article 5. Refunding Bonds		
+ Article 6. Miscellaneous Provisions		



Things Local Government May Not Do (or only w/Restrictions)

Finance

- Borrowing (Alaska Const. art. IX) Taxation (AS 29.45) Tax Limit (AS 29.45.090)

Title 29. Municipal Government (Refs & Annos)

🛅 Chapter 45. Municipal Taxation

Article 1. Municipal Property Tax

§ 29.45.090. Tax limitation

- (a) A municipality may not, during a year, levy an ad valorem tax for any purpose in excess of three percent of the assessed value of property in the municipality. All property on which an ad valorem tax is levied shall be taxed at the same rate during the year.
- (b) A municipality, or combination of municipalities occupying the same geographical area, in whole or in part, may not levy taxes
 - (1) that will result in tax revenues from all sources exceeding \$1,500 a year for each person residing within the municipal boundaries; or 225% to 300%
 - (2) on value that, when combined with the value of property otherwise taxable by the municipality, exceeds the product of the percentage determined in (e) of this section 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.

After considering the language of the statute, its legislative history and underlying policies, we conclude that **AS 29.45.090 is inapplicable to sales taxes.**

Keane v. Loc. Boundary Comm'n, 893 P.2d 1239, 1247 (Alaska 1995)

§ 29.45.100. No limitations on taxes to pay bonds

The limitations provided for in AS 29.45.080 - 29.45.090 do not apply to taxes levied or pledged to pay or secure the payment of the principal and interest on bonds. Taxes to pay or secure the payment of principal and interest on bonds may be levied without limitation as to rate or amount, regardless of whether the bonds are in default or in danger of default.



Things Local Government May Not Do (or only w/Restrictions)

Finance

- Borrowing (Alaska Const. art. IX)
- Taxation (AS 29.45)
- Tax Limit (AS 29.45.090)
- Net Income Tax (AS 43.20.290)
- Certain Alcohol Taxes (AS 04.21.010)

Exercise of Other Powers

- Eminent domain (AS 29.35.030; AS 34.17.010 (conservation easements))
- Regulate Utilities (AS 42.05.641)
 Participate in Games of Chance (AS 05.15.180)
- Apply certain Pesticides (AS 46.03.330)

Policy areas

- Traffic laws (AS 28.01.010)
- Abandoned vehicles (AS 28.11)
- Derelict vessels (AS 30.30.055)
- Criminal Laws (AS 29.25.070)
- Insurance (AS 21.03.060)
- Health care transparency (AS 18.23.400)
 Name Geographic Features (AS 41.35.350)
 Guns and Knives (AS 29.35.144)
 Massage Therapists (AS 29.35.147)
 Pawn Brokers (AS 08.76.460)

- TNCs (Uber, Lyft) (AS 29.35.148)





§ 29.35.148. Regulation of transportation network companies or drivers

(a) The authority to regulate transportation network companies and transportation network company drivers is reserved to the state, and, except as specifically provided by statute, a municipality may not enact or enforce an ordinance regulating transportation network companies or transportation network company drivers.



Things Local Government May Not Do (or only w/Restrictions)

Finance

- Borrowing (Alaska Const. art. IX)
- Taxation (AS 29.45)
- Tax Limit (AS 29.45.090)
- Net Income Tax (AS 43.20.290)
- Certain Alcohol Taxes (AS 04.21.010)

Why?

Exercise of Other Powers

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State interest?

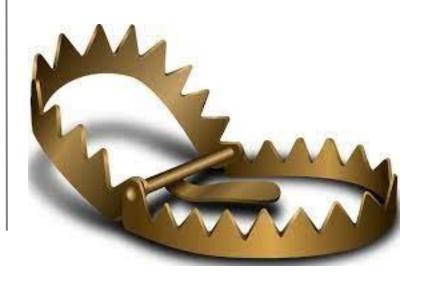
Uniformity?

Juneau Knows Better?





YOU'RE_INVITED!





Things Local Government <u>Must Do</u>

- School District; Required Local Contrib. (AS 14.12.100)
- Open Meetings (AS 44.62.310; AS 29.20.020)
- Public Meetings (AS 29.20.020)

Title 44. State Government



Article 6. Open Meetings of Governmental Bodies

§ 44.62.310. Government meetings public

Currentness

(a) All meetings of a governmental body of a public entity of the state are open to the public except as otherwise provided by this section or another provision of law. Attendance and participation at meetings by members of the public or by members of a governmental body may be by teleconferencing. Agency materials that are to be considered at the meeting shall be made available at teleconference locations if practicable. Except when voice votes are authorized, the vote shall be conducted in such a manner that the public may know the vote of each person entitled to vote. The vote at a meeting held by teleconference shall be taken by roll call. This section does not apply to any votes required to be taken to organize a governmental body described in this subsection.

Title 29. Municipal Government (Refs & Annos)



Article 1. Conflict of Interest and Public Meetings

AS § 29.20.020

§ 29.20.020. Meetings public

Currentness

- (a) Meetings of all municipal bodies shall be public as provided in AS 44.62.310. The governing body shall provide reasonable opportunity for the public to be heard at regular and special meetings.
- (b) This section applies to home rule and general law municipalities.



Things Local Government <u>Must Do</u>

- School District; Required Local Contrib. (AS 14.12.100)
- Open Meetings (AS 44.62.310; AS 29.20.020)
- Public Meetings (AS 29.20.020)
- Conflict of interest (AS 29.20.010)
- Prohibit Discrimination (AS 29.20.630)
- Public contracting; "Little Davis Bacon" (AS 36.05.010)

§ 36.05.010. Wage rates on public construction

A contractor or subcontractor who performs work on a public construction contract in the state shall pay not less than the current prevailing rate of wages for work of a similar nature in the region in which the work is done. The current prevailing rate of wages is that contained in the latest determination of prevailing rate of wages issued by the Department of Labor and Workforce Development at least 10 days before the final date for submission of bids for the contract. The rate shall remain in effect for the life of the contract or for 24 calendar months, whichever is shorter. At the end of the initial 24-month period, if new wage determinations have been issued by the department, the latest wage determination shall become effective for the next 24-month period or until the contract is completed, whichever occurs first. This process shall be repeated until the contract is completed.

This chapter applies only to a public construction contract that exceeds \$25,000.

(3) "public construction" or "public works" means the on-site field surveying, erection, rehabilitation, alteration, extension or repair, including painting or redecorating of buildings, highways, or other improvements to real property under contract for the state, a political subdivision of the state, or a regional school board;



Things Local Government <u>Must Do</u>

- School District; Required Local Contrib. (AS 14.12.100)
- Open Meetings (AS 44.62.310; AS 29.20.020)
- Public Meetings (AS 29.20.020)
- Conflict of interest (AS 29.20.010)
- Prohibit Discrimination (AS 29.20.630)
- Public contracting; "Little Davis Bacon" (AS 36.05.010)
- Public Official Financial Disclosure (AS 39.50.020)

Title 39. Public Officers and Employees



Chapter 50. Public Official Financial Disclosure

§ 39.50.020. Report of financial and business interests

(b) A public official or former public official other than an elected or appointed municipal officer shall file the statement with the Alaska Public Offices Commission. Candidates for the office of governor and lieutenant governor and, if the candidate is not subject to AS 24.60, the legislature shall file the statement under AS 15.25.030. Municipal officers, former municipal officers, and candidates for elective municipal office shall file with the municipal clerk or other municipal official designated to receive their filing for office. All statements required to be filed under this chapter are public records.

(8) "municipal officer" includes a borough or city mayor, borough assemblyman, city councilman, school board member, elected utility board member, city or borough manager, members of a city or borough planning or zoning commission within a home rule or general law city or borough, or a unified municipality;



Things Local Government <u>Must Do</u>

- School District; Required Local Contrib. (AS 14.12.100)
- Open Meetings (AS 44.62.310; AS 29.20.020)
- Public Meetings (AS 29.20.020)
- Conflict of interest (AS 29.20.010)
- Prohibit Discrimination (AS 29.20.630)
- Public contracting; "Little Davis Bacon" (AS 36.05.010)
- Public Official Financial Disclosure (AS 39.50.020)
- Recall (AS 29.26.250)

§ 29.26.250. Grounds for recall

Grounds for recall are misconduct in office incompetence, or failure to perform prescribed duties.

§ 15.45.510. Grounds for recall

The grounds for recall are (1) lack of fitness, (2) incompetence (3) neglect of duties, or (4) corruption.

THE SUPREME COURT OF THE STATE OF ALASKA		
STATE OF ALASKA, OFFICE OF LIEUTENANT GOVERNOR, DIVISION OF ELECTIONS and DIRECTOR GAIL FENUMIAI, in an official capacity, Appellants, v. RECALL DUNLEAVY, Appellee.) Supreme Court No. S-17706) Superior Court No. 3AN-19-10903 CI) OPINION) No. 7542 – July 16, 2021)	

The court correctly notes that the constitutional framers rejected leaving the scope of the voter's right to recall to the voters themselves. The framers instead left the task of determining the grounds for recall to the legislature, of and the legislature adopted by statute the four grounds discussed in the main opinion.11 We have previously observed, and do so again today, that the four statutory grounds can be ambiguous and that "more carefully drawn statutes" could "decrease the need for judicial involvement."12 We have also explained that "[t]he political nature of the recall makes the legislative process, rather than judicial statutory interpretation, the preferable means of striking the balances necessary to give effect to the Constitutional command that elected officers shall be subject to recall."13 Truer words cannot be spoken.

I urge every legislator to carefully consider the court's opinion today. The opinion opens the door to standardless recall petitions. The court repeatedly says that Alaska courts are to apply the "prima facie" standard to recall petition allegations and, accepting the allegations as true, if any logical connection can be made between an allegation and a statutory ground for recall, the petition must be found to be legally sufficient.14 I urge the legislature to, at the least, provide specific statutory definitions for the recall grounds to decrease the opportunity for judicial involvement in what is best done by the legislature — that is, legislating. This is not a partisan issue. The greatly expanded access to recall created by the court's decision today can and will be used not to actually seek to recall an elected official for cause, but instead to seek to recall an elected official because of disagreements over policy. And in Alaska, disagreement over policy or political philosophy is not a proper subject for recall.

We do not disagree with the dissent's exhortation that the legislature reconsider the statutory recall framework and allowable statutory grounds for recall.



Things Local Government <u>Must Do</u>

- School District; Required Local Contrib. (AS 14.12.100)
- Open Meetings (AS 44.62.310; AS 29.20.020)
- Public Meetings (AS 29.20.020)
- Conflict of interest (AS 29.20.010)
- Prohibit Discrimination (AS 29.20.630)
- Public contracting; "Little Davis Bacon" (AS 36.05.010)
- Public Official Financial Disclosure (AS 39.50.020)
- Recall (AS 29.26.250)
- Employees to Access Personnel Records (AS 23.10.430)
- Intrastate Mutual Aid (AS 26.33.500)
- Tax Exemption: Non-Profit and Housing (Art. IX, 4; AS 29.45.030)

The Constitution of the State of Alaska

Article IX – Finance and Taxation

§ 4. Exemptions

The real and personal property of the State or its political subdivisions shall be exempt from taxation under conditions and exceptions which may be provided by law. All, or any portion of, property used exclusively for non-profit religious, charitable, cemetery, or educational purposes, as defined by law, shall be exempt from taxation. Other exemptions of like or different kind may be granted by general law. All valid existing exemptions shall be retained until otherwise provided by law.

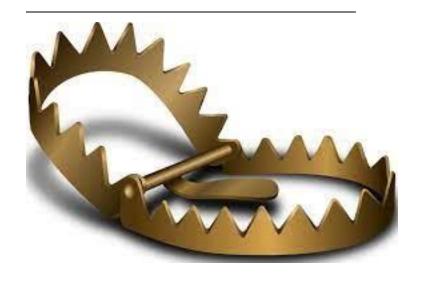
§ 29.45.030. Required exemptions

- (a) The following property is exempt from general taxation:
 - (3) property used exclusively for nonprofit religious, charitable, cemetery, hospital, or educational purposes;
- (b) In (a) of this section, "property used exclusively for religious purposes" includes the following property owned by a religious organization:
 - (1) the residence of an educator in a private religious or parochial school or a bishop, pastor, priest, rabbi, minister, or religious order of a recognized religious organization; for purposes of this paragraph, "minister" means an individual who is
 - (A) ordained, commissioned, or licensed as a minister according to standards of the religious organization for its ministers; and
 - (B) employed by the religious organization to carry out a ministry of that 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 required by local ordinance for parking near a structure defined in (2) of this subsection.





YOU'RE ___ YOU'RE ___ INVITED!





Things Local Government May Do

- Sue for Antitrust violations (AS 45.50.576) Apply for a Foreign Trade Zone (AS 45.77.020) Approve Nuclear Facilities (AS 18.45.025) Public Records Storage (AS 40.21.090)

Title 40. Public Records and Recorders

The Chapter 21. Management and Preservation of Public Records

Article 1. Public Records

§ 40.21.090. Transfer of public records of political subdivision to department

The governing body of a political subdivision of the state may authorize the transfer to the department of records that have legal, administrative, or historical value but that are not required for the transaction of current business. The official of the political subdivision having custody of the records shall prepare a list describing the records transferred in sufficient detail to identify them. Copies of the list shall be filed with the department and with the public corporation or political subdivision transferring the records. The department shall acknowledge receipt of the list. Listed records approved by the department for transfer may be transferred to a records center designated by the department. The records center shall transfer any permanent records to the archives. Records transferred remain the property of the political subdivision. The department is the legal custodian of records in its possession.



Things Local Government May Do

- Sue for Antitrust violations (AS 45.50.576) Apply for a Foreign Trade Zone (AS 45.77.020) Approve Nuclear Facilities (AS 18.45.025) Public Records Storage (AS 40.21.090) Reserve Water Rights (AS 46.15.145)

§ 46.15.145. Reservation of water

- (a) The state, an agency or a political subdivision of the state, an agency of the United States, or a person may apply to the commissioner to reserve sufficient water to maintain a specified instream flow or level of water at a specified point on a stream or body of water, or in a specified part of a stream, throughout a year or for specified times, for
 - (1) protection of fish and wildlife habitat, migration, and propagation;
 - (2) recreation and park purposes;
 - (3) navigation and transportation purposes; and
 - (4) sanitary and water quality purposes.



- Sue for Antitrust violations (AS 45.50.576) Apply for a Foreign Trade Zone (AS 45.77.020) Approve Nuclear Facilities (AS 18.45.025) Public Records Storage (AS 40.21.090) Reserve Water Rights (AS 46.15.145) Cooperative Management of Lands and Recreational Rivers (AS 38.05.027: AS 41.23.480)

Chapter 05. Alaska Land Act

§ 38.05.027. Cooperative resource management or development agreements

(a) Consistent with the authority of the commissioner under law, the commissioner, after determining that the agreement is in the best interests of the public and the state, may enter into cooperative resource management or development agreements with the federal government, a state agency, a village or municipality, or a person. Specific guidelines to protect the state and public interest shall be established, if necessary, by the commissioner before entering into an agreement under this section.

Title 41. Public Resources





§ 41.23.480. Cooperative management agreements

- (a) The commissioner may enter into a cooperative management agreement for the management of land and water described in AS 41.23.500 or of other adjacent land and water with a federal agency, a municipality, another agency of the state, or a private landowner.
- (b) The commissioner may transfer the management of a specific site within a recreation river corridor described in AS 41.23.500 to a state agency, a municipality, or a private entity to carry out a program authorized by law or to enhance the objectives of the management plan adopted under AS 41.23.440.



- Sue for Antitrust violations (AS 45.50.576)
 Apply for a Foreign Trade Zone (AS 45.77.020)
 Approve Nuclear Facilities (AS 18.45.025)
 Public Records Storage (AS 40.21.090)
 Reserve Water Rights (AS 46.15.145)
 Cooperative Management of Lands and Recreational Rivers (AS 38.05.027; AS 41.23.480)
 Protest or Condition Alcohol License
- (AS 04.11.380)

Title 4. Alcoholic Beverages



§ 04.11.480. Protest

🛅 Article 6. Procedures for Public Influence

(a) A local governing body may protest the issuance, renewal, relocation, or transfer to another person of a license, issuance, renewal, or transfer to another person of a license with one or more endorsements, or issuance of an endorsement by sending the board and the applicant a protest and the reasons for the protest within 60 days of the date of the notice of filing of the application. A protest received after the 60-day period may not be accepted by the board, and in no event may a protest cause the board to reconsider an approved renewal, relocation, or transfer. The local governing body may protest the continued operation of a license or endorsement during the second year of the biennial license period by sending the board and the licensee a protest and the reasons for the protest by January 31 of the second year of the license. The procedures for action on a protest of continued operation of a license or endorsement are the same as the procedures for action on a protest of a renewal application. The board shall consider a protest and testimony received at a hearing conducted under AS 04.11.510(b)(2) or (4) when it considers the application or continued operation, and the protest and the record of the hearing conducted under AS 04.11.510(b)(2) or (4) shall be kept as part of the board's permanent record of its review. If an application or continued operation is protested, the board shall deny the application or continued operation unless the board finds that the protest is arbitrary, capricious, or unreasonable.

- (c) A local governing body may recommend that a license be issued, renewed, relocated, or transferred with conditions. The board shall consider recommended conditions and testimony received at a hearing conducted under AS 04.11.510(b)(2) or (4) when it considers the application or continued operation, and the recommended conditions and the record of the hearing conducted under AS 04.11.510(b)(2) or (4) shall be kept as part of the board's permanent record of its review. If the local governing body recommends conditions, the board shall impose the recommended conditions unless the board finds that the recommended conditions are arbitrary, capricious, or unreasonable. If a condition recommended by a local governing body is imposed on a licensee, the local governing body shall assume responsibility for monitoring compliance with the condition, except as otherwise provided by the board.
- (d) In addition to the right to protest under (a) of this section, a local governing body may notify the board that the local governing body has determined that a licensee has violated a provision of this title or a condition imposed on the licensee by the board. Unless the board finds that the local governing body's determination is arbitrary, capricious, or unreasonable, the board shall prepare the determination as an accusation against the licensee under AS 44.62.360 and conduct proceedings to resolve the matter as described under AS 04.11.510(c).



- Sue for Antitrust violations (AS 45.50.576)
 Apply for a Foreign Trade Zone (AS 45.77.020)
 Approve Nuclear Facilities (AS 18.45.025)
 Public Records Storage (AS 40.21.090)
 Reserve Water Rights (AS 46.15.145)
 Cooperative Management of Lands and Recreational Rivers (AS 38.05.027; AS 41.23.480)
 Protest or Condition Alcohol License
- (AS 04.11.380)
- Influence Ballot Measures (AS 15.13.145) Opt-out of APOC (AS 15.13.030)

Title 15. Elections (Refs & Annos)



Chapter 13. State Election Campaigns (Refs & Annos)

§ 15.13.145. Money of the state and its political subdivisions

- (a) Except as provided in (b) and (c) of this section, each of the following may not use money held by the entity to influence the outcome of the election of a candidate to a state or municipal office:
 - (1) the state, its agencies, and its corporations;
 - (2) the University of Alaska and its Board of Regents;
 - (3) municipalities, school districts, and regional educational attendance areas, or another political subdivision of the state; and
 - (4) an officer or employee of an entity identified in (1)-(3) of this subsection.
- (b) Money held by an entity identified in (a)(1)-(3) of this section may be used to influence the outcome of an election concerning a ballot proposition or question, but only if the funds have been specifically appropriated for that purpose by a state law or a municipal ordinance.

West's Alaska Statutes Annotated Title 15. Elections (Refs & Annos)

Chapter 13. State Election Campaigns (Refs & Annos)

§ 15.13.010. Applicability



(a) This chapter applies

- in every election for governor, lieutenant governor, a member of the state legislature, a delegate to a constitutional convention, or judge seeking judicial retention;
- (2) to every candidate for election to a municipal office in a municipality with a population of more than 1,000 inhabitants according to the latest United States census figures or estimates of population certified as correct for administrative purposes by the Department of Commerce, Community, and Economic Development unless the municipality has exempted itself from the provisions of this chapter; a municipality may exempt its elected municipal officers from the requirements of this chapter if a majority of the voters voting on the question at a regular election, as defined by AS 29.71.800(21), or a special municipality-wide election called for that purpose, votes to exempt its elected municipal officers from the requirements of this chapter; the question of exemption from the requirements of this chapter may be submitted by the governing body by ordinance or by initiative election.



- Sue for Antitrust violations (AS 45.50.576)
 Apply for a Foreign Trade Zone (AS 45.77.020)
 Approve Nuclear Facilities (AS 18.45.025)
 Public Records Storage (AS 40.21.090)
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 Protest or Condition Alcohol License
- (AS 04.11.380)
- Influence Ballot Measures (AS 15.13.145) Opt-out of APOC (AS 15.13.030)
- Optional Tax Exemptions/Credits (AS 29.45.020; AS 29.45.046-.049)

§ 29.45.050. Optional exemptions and exclusions

- (f) A municipality may by ordinance exempt from taxation all or 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. An exemption may not 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 in 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 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.

§ 29.45.050. Optional exemptions and exclusions

- (b) A municipality may by ordinance
 - (1) classify and exempt from taxation
 - (E) a residential renewable energy system that is used to develop means of energy production using energy sources other than fossil or nuclear fuel, including windmills and water and solar energy devices located in the municipality;

§ 29.45.049. Energy efficient construction tax credit

A municipality may by ordinance provide for a single or multiple year energy efficient construction tax credit to offset a portion of the property taxes due on real property improvements made during the immediately preceding tax year before the municipality's initial approval of the tax credit, including energy efficient new construction, refurbishments, remodels, and renovations. The municipality shall establish eligibility criteria for the credit in the ordinance adopted under this section.

§ 29.45.046. River habitat protection tax credit

- (a) Unless prohibited by municipal charter, a municipality may by ordinance provide for a river habitat protection credit to be applied to offset a portion of the property taxes due on land, or an interest in land taxable under this chapter, upon which an improvement has been constructed that aids in
 - (1) protecting a river from degradation of fish habitat due to public or private use; or
 - (2) restoring riparian fish habitat along or in a river that has been damaged by land use practices.

§ 29.45.047. Air quality improvement tax credit

A municipality may by ordinance provide for a single or multiple year air quality improvement tax credit to offset a portion of the property taxes due on real property improvements made during the immediately preceding tax year before the municipality's initial approval of the tax credit, including new construction, refurbishments, remodels, and renovations that aid in improving the air quality in the municipality. The municipality shall establish eligibility criteria for the credit in the ordinance adopted under this section.

(m) A municipality may by ordinance partially or totally exempt all or some types of economic development property from taxation for a designated period. Except as otherwise provided by an ordinance enacted by the municipality before January 1, 2017, a municipality that is a school district may only exempt all or a portion of the amount of taxes that exceeds the amount levied on other property for the school district's required local contribution under AS 14.17.410(b)(2). A municipality may by ordinance permit deferral of payment of taxes on all or some types of economic development property for a designated period. A municipality may apply an exemption or deferral under this subsection to taxes levied for special services in a service area that is supervised by an elected service area board under AS 29.35.460 unless the elected service area board objects to the exemption or deferral by resolution adopted not later than 60 days after the effective date of the municipal ordinance enacting the tax exemption or deferral. A municipality may adopt an ordinance under this subsection only if, before it is adopted, copies of the proposed ordinance made available at a public hearing on it contain written notice that the ordinance, if adopted, may be repealed by the voters through referendum. An ordinance adopted under this subsection must include specific eligibility requirements and require a written application for each exemption or deferral.

(9) "economic development" means an action intended to result in an outcome that causes an increase in, or avoids a decrease of, economic activity, gross domestic product, or the tax base.



- Sue for Antitrust violations (AS 45.50.576)

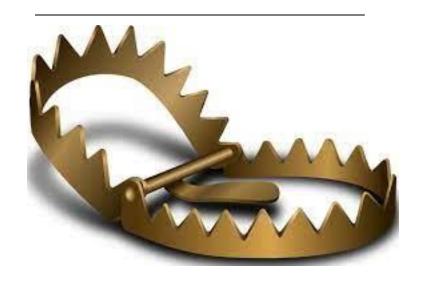
- Apply for a Foreign Trade Zone (AS 45.77.020)
 Approve Nuclear Facilities (AS 18.45.025)
 Public Records Storage (AS 40.21.090)
 Reserve Water Rights (AS 46.15.145)
 Cooperative Management of Lands and Recreational Rivers (AS 38.05.027; AS 41.23.480)
 Protest or Condition Alcohol License
- (AS 04.11.380)

- Influence Ballot Measures (AS 15.13.145)
 Opt-out of APOC (AS 15.13.030)
 Optional Tax Exemptions (AS 29.45.020; AS 29.45.049)
 C-PACE (AS 29.55 art. 2)





YOU'RE INVITED!





Tricks?

Notel

• PERS Post-2008

Sec. 39.35.625. Termination costs. (a) Notwithstanding AS 39.35.255, an
employer that terminates participation of a department, group, or other classification
of employees in the plan under AS 39.35.615 or that terminates participation in the
plan under AS 39.35.620 shall pay to the plan each payroll period until the past service
liability of the plan is extinguished an amount calculated by applying the current past
service contribution rate adopted by the board to the greater of total base salaries paid
(1) during the payroll period to employees in positions for which
coverage has been terminated;
(2) at the time of termination to employees in positions for which
coverage has been terminated; or
(3) during the corresponding payroll period for the fiscal year ending

June 30, 2008, to employees in positions for which coverage has been terminated.

* Sec. 19. AS 39.35 is amended by adding a new section to read:



Tricks?

- PERS Post-2008
- 8% Interest on Tax Refunds (AS 29.45.500)

Alaska Municipal League Resolution #2020-17

Supporting Amendments to AS 29.45.500 to Require Municipalities to Pay Reasonable Interest on Tax Refunds.

WHEREAS, Alaska Statute 29.45.500 requires municipalities to pay interest on certain taxes it refunds to taxpayers, including taxes refunded after "a remittance by a taxpayer through error"; and

WHEREAS, the statute presently requires municipalities to pay interest fixed at 8%; and

WHEREAS, 8% is not presently a market interest rate, and is grossly excessive to fairly compensate taxpayers for the lost time-value of money; and

WHEREAS, in recognition of the fact that market interest rates fluctuate, the Alaska State Legislature has in other circumstances, such as for pre-judgment interest awarded in lawsuits under AS 09.30.070, tied interest rates to the "12th Federal Reserve District discount rate in effect on January 2 of the year"; and

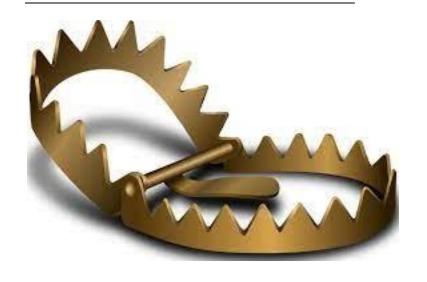
WHEREAS, interest required to be paid by municipalities to taxpayers should likewise be tied to a market index; and

WHEREAS, municipalities should not be required to pay non-market interest rates when refunding taxes it receives from taxpayers due to an error of the taxpayer (and not of the municipality).





YOU'RE_INVITED!



Thank you!



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Huth Reynolds

<u>Others</u>

- Contract requirements where state funds used
- Preference for AK Recycled products
- Slum Clearance
- Bond Bank
- Joint Insurance