

HOUSE BILL NO. 156

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES TILTON, Grenn

Introduced: 3/6/17

Referred: Community and Regional Affairs

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to a municipal tax exemption or deferral for economic development**
2 **property."**

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

4 * **Section 1.** AS 29.45.050(m) is amended to read:

5 (m) A municipality may by ordinance partially or totally exempt all or some
6 types of economic development property from taxation for **a designated period** [UP
7 TO FIVE YEARS. THE MUNICIPALITY MAY PROVIDE FOR RENEWAL OF
8 THE EXEMPTION UNDER CONDITIONS ESTABLISHED IN THE
9 ORDINANCE. HOWEVER, UNDER A RENEWAL, A MUNICIPALITY THAT IS
10 A SCHOOL DISTRICT MAY ONLY EXEMPT ALL OR A PORTION OF THE
11 AMOUNT OF TAXES THAT EXCEEDS THE AMOUNT LEVIED ON OTHER
12 PROPERTY FOR THE SCHOOL DISTRICT]. A municipality may by ordinance
13 permit deferral of payment of taxes on all or some types of economic development
14 property for **a designated period** [UP TO FIVE YEARS. THE MUNICIPALITY

MAY PROVIDE FOR RENEWAL OF THE DEFERRAL UNDER CONDITIONS ESTABLISHED IN THE ORDINANCE]. 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ordinance made available at a public hearing on it contain written notice that the ordinance, if adopted, may be repealed by the voters through referendum.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. In this subsection, "economic development property" means real or personal property, including developed property conveyed under 43 U.S.C. 1601 et seq. (Alaska Native Claims Settlement Act) [, THAT]

(1) that has not been used in the same trade or business in another municipality for at least six months before the application for deferral or exemption is filed; this paragraph does not apply if the property was used in the same trade or business in an area that has been annexed to the municipality within six months before the application for deferral or exemption is filed; this paragraph does not apply to inventories; or

(2) to which one or more of the following applies:

(A) the property has not previously been taxed as real or personal property by the municipality;

(B) the property [(2)] is used in a trade or business in a way that

(i) [(A)] creates employment in the municipality;

(ii) [(B)] generates sales outside of the municipality of goods or services produced in the municipality; or

(iii) [(C)] materially reduces the importation of goods or services from outside the municipality;

(C) an exemption or deferral on the property enables a significant capital investment in physical infrastructure that

(i) expands the tax base of the municipality; and

(ii) will generate property tax revenue after the exemption expires [AND

1 (3) HAS NOT BEEN USED IN THE SAME TRADE OR BUSINESS
2 IN ANOTHER MUNICIPALITY FOR AT LEAST SIX MONTHS BEFORE THE
3 APPLICATION FOR DEFERRAL OR EXEMPTION IS FILED; THIS
4 PARAGRAPH DOES NOT APPLY IF THE PROPERTY WAS USED IN THE
5 SAME TRADE OR BUSINESS IN AN AREA THAT HAS BEEN ANNEXED TO
6 THE MUNICIPALITY WITHIN SIX MONTHS BEFORE THE APPLICATION
7 FOR DEFERRAL OR EXEMPTION IS FILED; THIS PARAGRAPH DOES NOT
8 APPLY TO INVENTORIES].