

Postponed Indefinitely 1/31/12

Submitted by: ASSEMBLY MEMBER DRUMMOND
Assembly Member Gray-Jackson
Prepared by: Assembly Counsel
For Reading: January 17, 2012
S-Version: January 31, 2012

**ANCHORAGE, ALASKA
AO NO. 2012-12(S)**

**AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING
AO 2010-81(S-1) AND AO 2011-30, RELATED TO IMPOSITION OF THE TAX LEVY ON
MOTOR VEHICLE REGISTRATIONS IN ANCHORAGE MUNICIPAL CODE §12.07.010
AND §12.10.010, TO MAKE THE EFFECTIVE DATE OF THE TAX LEVY COINCIDE MORE
CLOSELY WITH TERMINATION OF THE I/M PROGRAM, SET BY THE ASSEMBLY AS
180 DAYS AFTER ADEC AND EPA APPROVAL PURSUANT TO AO 2010-35(S); AND
PROVIDING FOR RETROACTIVE APPLICATION.**

WHEREAS, AO 2010-35(S), passed and approved by the Assembly on May 11, 2010, states at Section 9: "Sections 1, 3, 6, and 7 of this ordinance shall become effective one hundred eighty (180) days after ADEC provides written notice to the I/M Administrator that both the ADEC and EPA have duly accepted and approved termination of the I/M Program in accordance with amendments to the State Air Quality Control Plan and State Implementation Plan (SIP)"; and

WHEREAS, as of January 13, 2012, both the EPA and ADEC have provided written approval for termination of the I/M program; and

WHEREAS, the 180-day transition period has been relied upon by the industry contractors who have maintained municipal compliance with federal and state law in the interim, until the EPA and ADEC processes were complete; and

WHEREAS, in approving the imposition of an additional tax levy on motor vehicle registrations to become effective January 1, 2012 under AO 2010-81(S-1) and AO 2011-30, the Assembly anticipated the phase out of the I/M program to precede implementation of the additional tax levy on motor vehicle registrations so as to avoid substantial overlap in payments required from Anchorage residents on non-commercial motor vehicle ownership; and

WHEREAS, as short term postponement of the municipal tax levy on motor vehicle registration to coincide with termination of I/M program is not available under state law; and

WHEREAS, the net result is that upon the January 1, 2012 implementation of the new municipal tax levy on motor vehicle registration through the Alaska Department of Motor Vehicles, some motor vehicle owners will have been required to also pay the I/M inspection and certificate fees; and

WHEREAS, the purpose of this ordinance is to create an equitable refund in an amount no greater than the amount paid by the vehicle owner for the I/M inspection and certificate when vehicle registration became due in 2012, prior to I/M program termination;
now therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Subsection (1), Section 54, of AO 2010-81 (S-1), approving an additional tax levy on motor vehicle registrations, is amended to read as follows (*other subsections not affected are not set out*):

12.07.010 Tax levy on motor vehicle registration.

Tax levy. There is levied in the municipality a motor vehicle registration tax pursuant to the provisions of AS 28.10.431 (Biennial Motor Vehicle Registration Tax) as such statute may be hereafter amended, revised, or replaced. Pursuant to AS 28.10.431(j) the municipality modifies the scheduled amount of tax imposed under subsections (b) and (l) of the statute according to the following schedules, subject to the refund provision set out in subsection D:

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D. The municipality shall fund a limited program to make a partial refund available to persons who paid the 2012 motor vehicle registration tax and the inspection and certificate fees in 2012 under Municipality's Motor Vehicle Emissions Inspection and Maintenance (I/M) Program prior to I/M program termination as follows:

1. Eligibility for refund must be demonstrated in person by producing the valid 2012 vehicle registration and valid 2012 I/M certificate for the vehicle registered in Anchorage and subject to 2012 I/M inspection prior to termination of the I/M program by the Municipality in 2012. There shall be no more than one (1) eligible applicant per 2012 vehicle registration. The registration shall demonstrate payment of the municipal tax.
2. The amount of the refund shall not exceed the amount demonstrated as having been paid by the applicant for the I/M inspection and certificate or \$68.00, whichever is less.
3. The refund shall be applied first to any monies owing to the municipality by the applicant, or for the vehicle.
4. The refund program will become available by no later than March 1, 2012 at the office designated by the Municipality, and shall terminate 30 days after the effective date of I/M program termination.

(AO No. 2010-81(S-1), § 16, 12-7-2010; AO No. 2011-30, § 1, 3-8-11, eff. 1-1-12)

~~[SUBSECTION (1), SECTION 54, OF AO 2010-81 (S-1), APPROVING AN ADDITIONAL TAX LEVY ON MOTOR VEHICLE REGISTRATIONS, IS AMENDED TO READ AS FOLLOWS (OTHER SUBSECTIONS NOT AFFECTED ARE NOT SET OUT):~~

(1) ~~SECTION 16 REGARDING MOTOR VEHICLE REGISTRATION TAX SHALL BECOME EFFECTIVE JULY [JANUARY] 1, 2012.~~

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~~SECTION 2. SECTION 3 OF AO 2011 30 IS AMENDED TO READ AS FOLLOWS (OTHER SECTIONS NOT AFFECTED ARE NOT SET OUT):~~

~~THIS ORDINANCE SHALL BECOME EFFECTIVE JANUARY 1, 2012 EXCEPT FOR VEHICLE TYPE 1 AND VEHICLE TYPE 2 UNDER THE SCHEDULE IN SUBSECTION 12.07.010A. FOR TYPE 1 (MOTORCYCLE) AND TYPE 2 (VEHICLES SPECIFIED IN AS 28.10.421(B)(1): NON-COMMERCIAL PASSENGER VEHICLES, MOTOR HOMES, AND LOW SPEED VEHICLES), THIS ORDINANCE SHALL BECOME EFFECTIVE JULY 1, 2012.]~~

Section 2 [3]. This ordinance shall become effective retroactive to January 1, 2012 upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2012.

Chair

ATTEST:

Municipal Clerk