

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE
BY REQUEST

2 SENATE BILL NO. 557

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to local improvements and assessments
7 and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 29.10.246 is amended to read:

10 Sec. 29.10.246. ASSESSMENTS FOR IMPROVEMENTS AGAINST PROPERTY
11 BENEFITED. The council may assess against the real property specially
12 benefited by the improvements [TWO-THIRDS OF] the cost, in whole or
13 in part, of laying out, grading, constructing or repairing a street,
14 alley or sidewalk, constructing or repairing a sewer or drain, con-
15 structing or repairing water supply and distribution systems, acquiring
16 and constructing parks or playgrounds or making changes in channels
17 of streams or watercourses or constructing, erecting, strengthening
18 or repairing, bulkheads, embankments or dikes for streams or water-
19 courses. The costs shall be assessed against the real property
20 specially benefited in proportion to the benefits received by each
21 tract of land. However, no assessment may be levied for an improve-
22 ment unless the improvement is requested of the city council in
23 writing by the owners of at least one-half in value of the property
24 to be specially benefited by the improvement. The expense assessed
25 may include the cost to the city of acquiring premises for the
26 improvements.

27 * Sec. 2. AS 29.10.252 is amended to read:

28 Sec. 29.10.252. DECISION TO ASSESS. If the council finds that
29 the improvement is necessary and that the request has been signed

1 by the owners of at least one-half in value of the property to be
2 specially benefited, the council may also decided that the cost, in
3 whole or in part, [ANY PART OF THE COST OF THE IMPROVEMENT, NOT,
4 HOWEVER, TO EXCEED TWO-THIRDS THEREOF] shall be assessed against the
5 real property benefited in proportion to the amount of the benefits
6 received by each tract of property.

7 * Sec. 3. AS 29.10.273 is amended to read:

8 Sec. 29.10.273. REASSESSMENT WHERE AN ASSESSMENT HAS BEEN
9 INVALIDATED BY THE COURTS. Whenever an assessment provided for in
10 sec. 246 of this chapter, or for any local improvement is set aside,
11 annulled, or declared void, or its enforcement refused by a court
12 of the state or the United States, whether directly or by virtue of
13 a decision of a court, the council may, by ordinance or resolution,
14 make a new assessment or reassessment upon the lots, blocks or parcels
15 of land benefited by the improvement [NOT TO EXCEED, HOWEVER, TWO-
16 THIRDS] of the cost, in whole or in part, of the improvement. The
17 reassessment shall be based upon the special and peculiar benefit
18 of the improvement to the respective parcels of land assessed at the
19 time it was originally made. However, no reassessment may be made
20 for improvements made before June 22, 1951, and for which a levy
21 of assessment has been attempted to be made, where the reassessment
22 would exceed 75 per cent of the amount of the previous void or invalid
23 assessment.

24 * Sec. 4. This Act takes effect on the day after its passage and
25 approval or on the day it becomes law without approval.
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