

Introduced: 3/28/73  
Referred: Community and Regional  
Affairs and Judiciary

1 IN THE HOUSE

BY THE RULES COMMITTEE BY REQUEST  
OF THE LEGISLATIVE COUNCIL

2 HOUSE BILL NO. 394

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making miscellaneous technical changes and  
7 corrections in the law relating to municipalities."

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

9 \* Section 1. AS 09.55.420 is amended to read:

10 Sec. 09.55.420. DECLARATION OF TAKING BY STATE OR MUNICIPALITY.  
11 If [WHERE] a proceeding is instituted under secs. 240 - 460 of this  
12 chapter by the state, it may file a declaration of taking with the  
13 complaint or at any time after the filing of the complaint, but before  
14 judgment. If [WHERE] a proceeding is instituted under secs. 240 - 460  
15 of this chapter by a municipality in the exercise of eminent domain for  
16 street or highway, off-street automobile parking facilities, school,  
17 sewer, water, telephone, electric, other utility, and slum clearance  
18 purposes or use granted to home rule and general law municipalities  
19 [CITIES OF THE FIRST CLASS], the governing body of the municipality  
20 may exercise the power through the filing of a declaration of taking  
21 with the complaint or at any time after the filing of the complaint,  
22 but before judgment. The declaration of taking procedure may not be  
23 used with relation to the property of rural electrification or tele-  
24 phone cooperatives or nonprofit associations receiving financial  
25 assistance from the federal government under the Rural Electrification  
26 Act; [PROVIDED THAT] no declaration of taking for off-street parking  
27 purposes may be used unless there has been public notice by publication  
28 in a newspaper of general circulation in the area for not less than  
29 once a week for four consecutive weeks followed by a full and complete

1 public hearing held before the governing body of the [FIRST CLASS CITY  
2 OR] municipality.

3 \* Sec. 2. AS 14.12.010(1) is amended to read:

4 (1) each first [, SECOND, AND THIRD] class city in the  
5 unorganized borough is a city school district;

6 \* Sec. 3. AS 14.12.010(3) is amended to read:

7 (3) the area outside organized boroughs and, except as pro-  
8 vided in (4) of this section, outside first [, SECOND, AND THIRD] class  
9 cities is the state-operated school district; [.]

10 \* Sec. 4. AS 14.12.010 is amended by adding a new paragraph to read:

11 (4) each city having fewer than 400 permanent residents, which  
12 existed as a first, second or third class city in the unorganized  
13 borough immediately before September 10, 1972, continues as a city  
14 school district until classified as a second class city under  
15 AS 29.08.050(c).

16 \* Sec. 5. AS 14.12.110 is amended to read:

17 Sec. 14.12.110. SINGLE BODY AS ASSEMBLY AND SCHOOL BOARD. Not-  
18 withstanding the provisions of this chapter or other law, a single body  
19 may serve as both the borough assembly and borough school board in the  
20 manner provided for third class boroughs under AS 29.41.020 [07.17.030],  
21 if a borough ordinance for that purpose is approved by the assembly and  
22 ratified by a referendum of a majority of the qualified borough voters  
23 voting on the question at a regular or special election [, AND IF THE  
24 PUBLIC SCHOOL POPULATION WITHIN THE BOROUGH IS 500 PUPILS OR LESS].

25 \* Sec. 6. AS 19.25.105(b) is repealed.

26 \* Sec. 7. AS 29.08.050(c) is amended to read:

27 (c) The Local Boundary Commission shall, within two years of  
28 September 10, 1972, hold a public hearing in each city which was first,  
29 second, or third class before that date and whose population is under

1 400 permanent residents. The commission shall determine in each case  
2 whether the city should be classified as first or second class under  
3 the new classification. The commission's decision must be published  
4 at least once. Unless objections are filed with the Local Boundary  
5 Commission by at least five per cent of the permanent residents of the  
6 city within 60 days, the classification recommended by the commission  
7 becomes effective on the 61st day. If objections are filed by at  
8 least five per cent of the permanent residents of the city, the com-  
9 mission shall submit its recommendation to the legislature in the  
10 manner provided for submission of boundary changes in sec. 12, art. X  
11 of the state constitution. Until the classification of each city  
12 covered by this subsection has become effective, that city is considered  
13 a first class city.

14 \* Sec. 8. AS 29.13.100 is amended by adding a new paragraph to read:

15 (34) AS 29.48.030(c) (borough transportation systems)

16 \* Sec. 9. AS 29.33.080(a) is amended to read:

17 (a) The borough planning commission consists of five residents  
18 unless a greater number is otherwise provided by ordinance. Commission  
19 membership shall be apportioned so that the number of members from home  
20 rule and first class cities reflects the proportion of borough popula-  
21 tion residing within those cities. Members shall be appointed by the  
22 borough executive for a term of three years subject to confirmation by  
23 the assembly, except that appointments of members from home rule and  
24 first class cities are selected from a list of recommendations submitted  
25 by the city council. Members first appointed shall draw lots for one-,  
26 two- and three-year terms. Appointments to fill vacancies are for the  
27 unexpired term. The compensation and expenses of the planning commis-  
28 sion and its staff are paid as directed by the assembly.

29 \* Sec. 10. AS 29.43.020 is amended to read:

1           Sec. 29.43.020. ASSESSMENT AND TAX COLLECTION. Home rule and  
2 first and second class cities outside boroughs may assess, levy and  
3 collect a general property tax. A property tax if levied must be  
4 assessed, levied and collected as provided by ch. 53 of this title for  
5 boroughs and may be levied within differential tax zones as authorized  
6 in AS 29.53.405. In addition, property taxes levied within second class  
7 cities outside boroughs are subject to the same requirements of  
8 referendum and the limitation on levy as provided in AS 29.53.410 for  
9 second class cities within boroughs. Cities outside boroughs may levy  
10 and collect sales and use taxes as provided by ch. 53 of this title for  
11 boroughs.

12 \* Sec. 11. AS 29.48.030 is amended by adding a new subsection to read:

13           (c) No home rule or general law city within the borough may exer-  
14 cise the powers conferred under (a)(12) of this section if those powers  
15 are being exercised areawide by the borough, notwithstanding the fact  
16 that the powers are assumed by means of (b) of this section rather than  
17 AS 29.33.250 - 29.33.290.

18 \* Sec. 12. AS 29.48.180(a) is amended to read:

19           (a) Each city ordinance and resolution after adoption shall be  
20 codified.

21 \* Sec. 13. AS 29.48.180(b) is amended to read:

22           (b) In a municipality incorporated after September 9, 1972, with-  
23 in [WITHIN] three years after its incorporation [OF THE MUNICIPALITY],  
24 the municipal administrator [EXECUTIVE], with the advice and assistance  
25 of a legal advisor, shall have prepared a general codification of all  
26 municipal ordinances of general applicability having the force and  
27 effect of law. The municipal code shall be revised and printed at least  
28 every five years, unless the code is kept current by regular supple-  
29 ments. Boroughs which existed on September 9, 1972 shall continue to

1 provide general codifications as required by the law as it existed  
2 before September 10, 1972.

3 \* Sec. 14. AS 29.53.410 is amended to read:

4 Sec. 29.53.410. LIMITED PROPERTY TAXING POWER FOR SECOND CLASS  
5 CITIES. A second class city within a borough may by referendum levy  
6 real and personal property taxes as provided for first class cities.  
7 However, irrespective of secs. 50 and 55 of this chapter, levy by a  
8 second class city may not exceed one-half of one per cent of the  
9 assessed valuation of the property taxed, except that the limit does not  
10 apply to a levy necessary to avoid a default upon payment of principal  
11 and interest of bonded or other indebtedness which is secured by a  
12 pledge to levy ad valorem or other taxes without limit to meet debt  
13 payments.

14 \* Sec. 15. AS 43.35.050 is amended to read:

15 Sec. 43.35.050. DISTRIBUTION OF TAX. One-half of the proceeds of  
16 the gross revenue from the tax provided by this chapter, excluding  
17 distributors' fees, penalties, and the amount determined to have been  
18 spent by the state in its collection, shall be refunded to organized  
19 boroughs and cities of the first class [, SECOND, AND THIRD CLASSES] by  
20 action of the legislature in the proportion that the revenue was earned  
21 within them, and the balance shall be retained by the state and de-  
22 posited in the general fund.

23 \* Sec. 16. AS 43.35.130 is amended to read:

24 Sec. 43.35.130. REFUND TO LOCAL GOVERNMENTS. The department shall  
25 refund 75 per cent of the tax collected from sales of punchboards in an  
26 organized borough or city of the first [, SECOND, OR THIRD] class to  
27 the local government. The balance shall be deposited in the general  
28 fund.

29 \* Sec. 17. AS 43.75.130 is amended to read:

1           Sec. 43.75.130. REFUND TO LOCAL GOVERNMENTS. The commissioner of  
2 revenue shall pay to each organized borough and each city of the first  
3 class [, SECOND, AND THIRD CLASSES] 10 per cent of the amount of tax  
4 revenue collected in the borough or city from taxes levied by secs. 10 -  
5 90 of this chapter.

6 \* Sec. 18. AS 43.75.135 is amended to read:

7           Sec. 43.75.135. ADDITIONAL REFUND TO BOROUGHES AND CITIES. In  
8 addition to the payment allowed in sec. 130 of this chapter, the commis-  
9 sioner of revenue shall pay to each organized borough 10 per cent of the  
10 amount of tax revenue collected in the borough from taxes levied by  
11 secs. 10 - 90 of this chapter and shall pay to each city of the first  
12 class [, SECOND, AND THIRD CLASSES] located in the unorganized borough  
13 10 per cent of the amount of the tax revenue collected in the city from  
14 taxes levied by secs. 10 - 90 of this chapter.

15 \* Sec. 19. Sec. 20, ch. 118 SLA 1972 is amended to read:

16           Sec. 20. The terms of elected officials who are incumbents on  
17 September 10, 1972 are not affected by this Act. Except for those  
18 whose offices are abolished in accordance with this Act, their [THEIR]  
19 terms expire as provided before enactment of this Act.  
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