

Original sponsor: Rules/Legislative Council

Offered: 4/14/82
Referred: Judiciary and
Finance

1 IN THE SENATE

BY THE COMMUNITY AND REGIONAL
AFFAIRS COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 180 (C&RA)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to municipal government; and providing
7 for an effective date."

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

9 * Section 1. AS 29.03 is amended by adding a new section to read:

10 Sec. 29.03.030. PLATTING AUTHORITY. Subject to AS 40.15.075, the
11 Department of Natural Resources is the platting authority in the un-
12 organized borough in the area outside all cities.

13 * Sec. 2. AS 29 is amended by adding a new chapter to read:

14 CHAPTER 04. CLASSIFICATION OF MUNICIPALITIES.

15 Sec. 29.04.010. HOME RULE. A home rule municipality is a munici-
16 pal corporation and political subdivision. It is a city or a borough
17 that has adopted a home rule charter, or it is a unified municipality.
18 A home rule municipality has all legislative powers not prohibited by
19 law or charter.

20 Sec. 29.04.020. GENERAL LAW. A general law municipality is a
21 municipal corporation and political subdivision and is an unchartered
22 borough or city. It has legislative powers conferred by law.

23 Sec. 29.04.030. CLASSES OF GENERAL LAW. General law municipali-
24 ties are of five classes:

- 25 (1) first class boroughs;
26 (2) second class boroughs;
27 (3) third class boroughs;
28 (4) first class cities;
29 (5) second class cities.

1 Sec. 29.04.040. RECLASSIFICATION. (a) A second class city may be
2 reclassified as a first class city by holding an election on the ques-
3 tion, if the department determines from the best figures available that
4 the population of the city has reached 400 permanent residents.

5 (b) An election on the question of reclassification may be ini-
6 tiated in two ways:

7 (1) a number of voters equal to 15 percent of the number of
8 votes cast in the city at the preceding regular election may file a
9 petition with the council; or

10 (2) the council may propose reclassification.

11 (c) The council shall hold at least one public hearing in the city
12 on the question of reclassification. The council shall then evaluate
13 the ability of the city to assume first class status and make its find-
14 ings public.

15 (d) The council shall, within 30 days after its findings have been
16 made public, order an election on the question of reclassification. The
17 election shall be held at least 30 days after the order and not later
18 than the next regular election occurring after the 30-day period. If
19 more than one question is to be voted on at the election, each appears
20 separately on the ballot.

21 (e) The council shall certify the election results to the depart-
22 ment. If the majority of votes cast is favorable, the city shall be
23 considered reclassified to first class status 30 days after certification
24 of the election results.

25 (f) A second class borough may reclassify as a first class borough
26 in the manner provided by AS 29.35.320 - 29.35.330 for the addition of
27 an areawide power by a first or second class borough, except the petition
28 or proposal requests reclassification instead of requesting addition of
29 a power.

1 (g) A third class borough may reclassify as a first or second
2 class borough in the manner provided by AS 29.35.320 - 29.35.330 for the
3 addition of an areawide power by a first or second class borough, except
4 the petition or proposal requests reclassification instead of requesting
5 addition of a power.

6 (h) At the time of voting on reclassification of a third class
7 borough to first or second class status, voters shall vote also on
8 whether the borough shall on reclassification retain a combined assembly
9 and school board or elect a separate assembly and board as otherwise
10 provided for first and second class boroughs. If the majority of votes
11 cast on the question favors retention of the combined assembly and
12 board, the assembly serving at the time of the reclassification election
13 continues to serve as the assembly and board on voter approval of re-
14 classification and until terms of assemblymen expire as provided before
15 reclassification. If a separate board and assembly are approved at the
16 reclassification election, a school board shall be elected in conformity
17 with AS 14.12.030 - 14.12.100 at the next regular election, if it occurs
18 within 90 days of the date of the reclassification election, or otherwise
19 at a special election within 90 days of the date of the reclassification
20 election. Expiration dates of terms of school board members elected at
21 a special election must coincide with the date of the regular election.
22 Until a board is elected and qualified, the assembly continues to serve
23 as the board.

24 * Sec. 3. AS 29 is amended by adding a new chapter to read:

25 CHAPTER 05. INCORPORATION.

26 ARTICLE 1. REQUIREMENTS.

27 Sec. 29.05.010. INCORPORATION OF A CITY. (a) A community that
28 meets the following standards may incorporate as a first class city:

29 (1) the community has 400 or more permanent residents;

1 (2) the boundaries of the proposed city include all areas
2 necessary to provide municipal services on an efficient scale;

3 (3) the economy of the community includes the human and
4 financial resources necessary to provide municipal services; in con-
5 sidering the economy of the community, the Local Boundary Commission
6 shall consider property values, economic base, personal income, resource
7 and commercial development, anticipated functions, and the expenses and
8 income of the proposed city, including the ability of the community to
9 generate local revenue;

10 (4) the population of the community is stable enough to
11 support city government;

12 (5) there is a demonstrated need for city government.

13 (b) A community that meets all the standards established in (a) of
14 this section except (a)(1) may incorporate as a second class city.

15 Sec. 29.05.020. LIMITATIONS ON INCORPORATION OF A CITY. (a) A
16 community in the unorganized borough may not incorporate as a city if
17 the services to be provided by the proposed city can be provided by
18 annexation to an existing city.

19 (b) A community within a borough may not incorporate as a city if
20 the services to be provided by the proposed city can be provided on an
21 areawide or nonareawide basis by the borough in which the proposed city
22 is located, or by annexation to an existing city.

23 Sec. 29.05.030. INCORPORATION OF A BOROUGH. An area may not
24 incorporate as a third class borough. An area that meets the following
25 standards may incorporate as a first or second class borough:

26 (1) the population of the area is interrelated and integrated
27 as to its social, cultural, and economic activities, and is large and
28 stable enough to support borough government;

29 (2) the boundaries of the proposed borough conform generally

1 to natural geography and include all areas necessary for full develop-
2 ment of municipal services;

3 (3) the economy of the area includes the human and financial
4 resources capable of providing municipal services; evaluation of an
5 area's economy includes land use, property values, total economic base,
6 total personal income, resource and commercial development, anticipated
7 functions, expenses, and income of the proposed borough;

8 (4) land, water, and air transportation facilities allow the
9 communication and exchange necessary for the development of integrated
10 borough government.

11 ARTICLE 2. PROCEDURE.

12 Sec. 29.05.060. PETITION. Municipal incorporation is proposed by
13 filing a petition with the department. The petition shall include the
14 following information about the proposed municipality:

15 (1) class;

16 (2) name;

17 (3) boundaries;

18 (4) maps, documents, and other information required by the
19 department;

20 (5) composition and apportionment of the governing body;

21 (6) a proposed operating budget for the municipality project-
22 ing sources of income and items of expenditure through the first full
23 fiscal year of operation;

24 (7) for a first or second class borough, based on the number
25 who voted in the respective areas in the last general election, the
26 signature and resident address of 15 percent of the voters in

27 (A) home rule and first class cities in the area of the
28 proposed borough; and

29 (B) the area of the proposed borough outside home rule

1 and first class cities;

2 (8) for a first class borough, a designation of areawide
3 powers to be exercised;

4 (9) for a second class borough, a designation of areawide and
5 nonareawide powers to be exercised;

6 (10) for a first or second class city, a designation of the
7 powers to be exercised;

8 (11) for a first class city, based on the number who voted in
9 the area in the last general election, the signatures and resident
10 address of 50 voters in the proposed city or of 15 percent of the voters
11 in the proposed city, whichever is greater;

12 (12) for a second class city, based on the number who voted in
13 the area in the last general election, the signature and resident address
14 of 25 voters in the proposed city or of 15 percent of the voters in the
15 proposed city, whichever is greater.

16 Sec. 29.05.070. REVIEW. The department shall review an incorpora-
17 tion petition for content and signatures and shall return a deficient
18 petition for correction and completion.

19 Sec. 29.05.080. INVESTIGATION. (a) If an incorporation petition
20 contains the required information and signatures, the department shall
21 investigate the proposal and shall hold at least one public informational
22 meeting in the area proposed for incorporation. The department shall
23 publish notice of the meeting.

24 (b) The department may combine incorporation petitions from the
25 same general area.

26 (c) The department shall report its findings to the Local Boundary
27 Commission with its recommendations regarding the incorporation.

28 Sec. 29.05.090. HEARING. The Local Boundary Commission shall hold
29 at least one public hearing in the area proposed to be incorporated for

1 the purpose of receiving testimony and evidence on the proposal.

2 Sec. 29.05.100. DECISION. (a) If the Local Boundary Commission
3 determines that a proposed municipality fails to meet the standards for
4 incorporation, it shall reject the petition. If the commission deter-
5 mines that the proposed municipality meets the standards, it shall
6 accept the petition. If the commission determines that the proposed
7 boundaries can be altered to meet the standards, it may alter the bound-
8 aries and accept the petition.

9 (b) A Local Boundary Commission decision under this section may be
10 appealed under the Administrative Procedure Act (AS 44.62).

11 Sec. 29.05.110. INCORPORATION ELECTION. (a) The Local Boundary
12 Commission shall immediately notify the director of elections of its
13 acceptance of an incorporation petition. Within 30 days after notifi-
14 cation, the director of elections shall order an election in the pro-
15 posed municipality to determine whether the voters desire incorporation
16 and, if so, to elect the initial municipal officials. If incorporation
17 is rejected, no officials are elected. The election must be held not
18 less than 30 or more than 90 days after the date of the election order.
19 The election order must specify the dates during which nomination peti-
20 tions for election of initial officials may be filed.

21 (b) A voter who has been a resident of the area within the pro-
22 posed municipality for 30 days before the date of the election order may
23 vote.

24 (c) Areawide borough powers included in an incorporation petition
25 are considered to be part of the incorporation question. In an election
26 for the incorporation of a second class borough, each nonareawide power
27 to be exercised is placed separately on the ballot. Adoption of a
28 nonareawide power requires a majority of the votes cast on the question,
29 and the vote is limited to the voters residing in the proposed borough

1 but outside all cities in the borough.

2 (d) The director of elections shall supervise the election in the
3 general manner prescribed by the Alaska Election Code (AS 15). The
4 state shall pay all election costs under this section.

5 Sec. 29.05.120. ELECTION OF INITIAL OFFICIALS. (a) Nominations
6 for initial municipal officials are made by petition. The petition
7 shall be in the form prescribed by the director of elections and include
8 the name and address of the nominee and a statement of the nominee that
9 he is qualified under the provisions of this title for the office that
10 he seeks. A person may file for and occupy more than one office, but he
11 may not serve simultaneously as borough mayor and as a member of the
12 assembly or as city mayor and as a member of the council.

13 (b) Except for a proposed second class city, petitions to nominate
14 initial officials must include the signature and resident address of 50
15 voters in the area of the proposed municipality, or that area of the
16 proposed municipality from which the officials are to be elected under
17 the composition and apportionment set out in the accepted incorporation
18 petition.

19 (c) Petitions to nominate initial officials of a second class city
20 must include the signature and resident address of 10 voters in the area
21 of the proposed city.

22 (d) The director of elections shall supervise the election in the
23 general manner prescribed by the Alaska Election Code (AS 15). The
24 state shall pay all election costs.

25 (e) The initial elected officials take office on the first Monday
26 following certification of their election.

27 (f) The initial elected members of the governing body shall deter-
28 mine by lot the length of their terms of office so that a proportionate
29 number of terms expire each year, resulting in staggered terms of office

1 for members subsequently elected.

2 Sec. 29.05.130. INTEGRATION OF SPECIAL DISTRICTS AND SERVICE
3 AREAS. A service area in a newly incorporated municipality shall be
4 integrated into the municipality within two years after the date of
5 incorporation. On integration the municipality succeeds to all the
6 rights, powers, duties, assets and liabilities of the service area.
7 After integration, the municipality may exercise in a former service
8 area all of the rights and powers exercised by the service area at the
9 time of integration, and, as successor to the service area, may levy and
10 collect special charges, taxes, or assessments to amortize bonded in-
11 debtedness incurred by the service area or by a municipality in which
12 the service area was formerly located. On integration all property in
13 the service area subject to taxation to pay the principal and interest
14 on bonds at the time of integration remains subject to taxation for that
15 purpose.

16 Sec. 29.05.140. TRANSITION. (a) The powers and duties exercised
17 by cities and service areas that are succeeded to by a newly incorporated
18 municipality continue to be exercised by the cities and service areas
19 until the new municipality assumes the powers and functions, which may
20 not exceed two years after the date of incorporation. Ordinances,
21 rules, resolutions, procedures, and orders in effect before the transfer
22 remain in effect until superseded by the action of the new municipality.

23 (b) Before the assumption, the new municipality shall give written
24 notice of its assumption of the rights, powers, duties, assets, and
25 liabilities under this section and AS 29.05.130 to the city or service
26 area concerned. Municipal officials shall consult with the officials of
27 the city or service area concerned and arrange an orderly transfer.

28 (c) After the incorporation of a new municipality, no service area
29 in it may assume new bonded indebtedness, make a contract, or transfer

1 an asset without the consent of the governing body.

2 (d) This section applies to home rule and general law municipali-
3 ties.

4 Sec. 29.05.150. CHALLENGE OF LEGALITY. A person may not challenge
5 the formation of a municipality except within six months after the date
6 of its incorporation.

7 ARTICLE 3. TRANSITIONAL ASSISTANCE.

8 Sec. 29.05.180. ORGANIZATION GRANTS. (a) For the purpose of
9 defraying the cost of transition to municipal government and in order to
10 provide for development and interim governmental operations, each first
11 class borough, second class borough, and city incorporated after July 1,
12 1982, or, in the case of a second class city, incorporated or reclassi-
13 fied after July 1, 1982, is entitled to an organization grant equal to
14 \$10 for every voter who voted in the incorporation election. However,
15 each first or second class borough and each first class city incorporated
16 or established by reclassification outside an organized borough is
17 entitled to at least \$25,000.

18 (b) Within 30 days after the date of incorporation of a first
19 class borough, second class borough, or city after July 1, 1982, the
20 department shall determine the number of voters in the municipality who
21 voted in the incorporation election.

22 (c) Within 30 days after the completion of its findings, or as
23 soon after that as money is appropriated to it for the purpose, the
24 department shall transmit to the municipality the total amount of money
25 to which the municipality is entitled under this section.

26 (d) This section does not apply to a borough incorporated by
27 consolidation or to a unified municipality.

28 * Sec. 4. AS 29 is amended by adding a new chapter to read:

29 CHAPTER 06. ALTERATION OF MUNICIPALITIES.

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ARTICLE 1. CHANGE OF NAME.

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Sec. 29.06.010. CHANGE OF MUNICIPAL NAME. (a) The governing body of a municipality may change the official municipal name by adopting an ordinance for the purpose and filing the ordinance with the office of the lieutenant governor. Upon receipt of an ordinance ratified by the voters, the lieutenant governor shall issue an order to the municipality changing its existing name. The name change shall become effective on a date fixed in the order and occurring within 45 days after receipt of the ordinance. A copy of the order shall be transmitted to the department.

(b) If an ordinance adopted under (a) of this section that results in a change of the municipal name is subsequently repealed, the lieutenant governor shall issue an order reinstating the former name within 45 days after the date of the order, unless a different name is adopted as provided in (a) of this section.

(c) When a municipal name change takes effect by means of an order issued under (a) or (b) of this section, a civil or criminal suit, application, petition, hearing or other proceeding to which the municipality is a party and that is pending at or brought after the date the name change takes effect shall proceed in the municipal name as changed by the order.

(d) This section applies to home rule and general law municipalities.

ARTICLE 2. ANNEXATION AND DETACHMENT.

Sec. 29.06.040. LOCAL BOUNDARY COMMISSION. (a) The Local Boundary Commission may consider any proposed municipal boundary change. It may reject the proposed change, accept the proposed change, or alter the boundaries and accept the proposal as altered. A Local Boundary Commission decision under this subsection may be appealed under the Adminis-

1 trative Procedure Act (AS 44.62).

2 (b) The Local Boundary Commission may present a proposed municipal
3 boundary change to the legislature during the first 10 days of a regular
4 session. The change becomes effective 45 days after presentation or at
5 the end of the session, whichever is earlier, unless disapproved by a
6 resolution concurred in by a majority of the members of each house.

7 (c) In addition to the regulations governing annexation by local
8 action adopted under AS 44.47.567, the Local Boundary Commission shall
9 establish procedures for annexation and detachment of territory by
10 municipalities by local action. The procedures established under this
11 subsection include a provision that

12 (1) a proposed annexation and detachment must be approved by
13 a majority of votes on the question cast by voters residing in the area
14 proposed to be annexed or detached;

15 (2) municipally owned property adjoining the municipality may
16 be annexed by ordinance without voter approval; and

17 (3) an area adjoining the municipality may be annexed by
18 ordinance without an election if all property owners and voters in the
19 area petition the governing body.

20 (d) A boundary change effected under (a) and (b) of this section
21 prevails over a boundary change initiated by local action, without
22 regard to priority in time.

23 Sec. 29.06.050. ANNEXATION OF MILITARY RESERVATIONS. A military
24 reservation may be annexed to a municipality in the same manner as pre-
25 scribed for other territory under AS 29.06.040. If a city in a borough
26 annexes a military reservation under this section, the area encompassing
27 the military reservation automatically is annexed to the borough in which
28 the city is located.

29 Sec. 29.06.060. APPLICATION. AS 29.06.040 - 29.06.060 apply to

1 home rule and general law municipalities.

2 ARTICLE 3. MERGER AND CONSOLIDATION.

3 Sec. 29.06.090. MERGER AND CONSOLIDATION. (a) Two or more muni-
4 cipalities may merge or consolidate to form a single municipality,
5 except a third class borough may not be formed through merger or consoli-
6 dation.

7 (b) Two methods may be used to initiate merger or consolidation of
8 municipalities:

9 (1) petition to the Local Boundary Commission under regula-
10 tions adopted by the commission; or

11 (2) the local option method specified in AS 29.06.100 -
12 29.06.160.

13 Sec. 29.06.100. PETITION. (a) Residents of two or more munici-
14 palities may file a merger or consolidation petition with the depart-
15 ment. The petition must be signed by a number of voters of each exist-
16 ing municipality equal to at least 25 percent of the number of votes
17 cast in each municipality's last regular election.

18 (b) The petition includes

19 (1) the name and class of each existing municipality;

20 (2) the name and class of the proposed municipality;

21 (3) the proposed composition and apportionment of the govern-
22 ing body;

23 (4) maps, documents, and other information that shows that
24 the proposed municipality meets the standards for municipal incorpora-
25 tion.

26 Sec. 29.06.110. REVIEW. (a) The department shall review a merger
27 or consolidation petition for content and signatures and shall return a
28 deficient petition for correction or completion.

29 (b) If the petition contains the required information and signa-

1 tures, the department shall investigate the proposal.

2 (c) The department shall report its findings to the Local Boundary
3 Commission with its recommendations regarding the merger or consolida-
4 tion.

5 Sec. 29.06.120. HEARING. After receipt of the report by the
6 department on a merger or consolidation petition, the Local Boundary
7 Commission shall hold at least one public hearing in each of the existing
8 municipalities included in the petition, unless officials of the muni-
9 cipalities agree to a single hearing.

10 Sec. 29.06.130. DECISION. (a) If the Local Boundary Commission
11 determines that the proposed municipality fails to meet the standards
12 for incorporation, it shall reject the merger or consolidation petition.
13 If the commission determines that the proposed municipality meets these
14 standards, it shall accept the petition. If the commission determines
15 that the proposed boundaries or the composition and apportionment of the
16 governing body can be altered to meet the standards, it may change the
17 proposal and accept the petition.

18 (b) A Local Boundary Commission decision under this section may be
19 appealed under the Administrative Procedure Act (AS 44.62).

20 Sec. 29.06.140. ELECTION. (a) The Local Boundary Commission
21 shall immediately notify the director of elections of its acceptance of
22 a merger or consolidation petition. Within 30 days after notification,
23 the director of elections shall order an election in the area to be
24 included in the new municipality to determine whether the voters desire
25 merger or consolidation. The election must be held not less than 30 or
26 more than 90 days after the election order. A voter who is a resident
27 of the area to be included in the proposed municipality may vote.

28 (b) The director of elections shall supervise the election in the
29 general manner prescribed by the Alaska Election Code (AS 15). The

1 state shall pay all election costs.

2 (c) The director of elections shall certify the election results.
3 If merger or consolidation is approved, he shall, within 10 days, set a
4 date for election of officials of the new municipality. The election
5 date must be not less than 60 or more than 90 days after the election
6 order and it is the effective date for the merger or consolidation.

7 Sec. 29.06.150. ASSETS AND LIABILITIES. (a) When two or more
8 municipalities merge, one succeeds to the rights, powers, duties, assets,
9 and liabilities of the others.

10 (b) When two or more municipalities consolidate, the newly incor-
11 porated municipality succeeds to the rights, powers, duties, assets, and
12 liabilities of the consolidated municipalities.

13 Sec. 29.06.160. TRANSITION. After merger or consolidation, the
14 ordinances, resolutions, regulations, procedures, and orders of the
15 former municipalities remain in force in their respective territories
16 until superseded by the action of the new municipality.

17 Sec. 29.06.170. APPLICATION. AS 29.06.090 - 29.06.170 apply to
18 home rule and general law municipalities.

19 ARTICLE 4. UNIFICATION OF MUNICIPALITIES.

20 Sec. 29.06.190. UNIFICATION OF MUNICIPALITIES AUTHORIZED. A
21 borough and all cities in the borough may unite to form a single unit of
22 home rule government by complying with AS 29.06.190 - 29.06.400.

23 Sec. 29.06.200. UNIFICATION PROPOSED. (a) Formation of a charter
24 commission to prepare a unification charter shall be proposed by resolu-
25 tion of the assembly or by petition. A resolution to propose formation
26 of a charter commission may be adopted not more often than once every 12
27 months.

28 (b) An assembly, a council, or a person living in the area proposed
29 for unification may initiate a unification petition.

1 Sec. 29.06.210. PETITION REQUIREMENTS. (a) A unification peti-
2 tion shall read:

3 "PETITION FOR ELECTION OF CHARTER COMMISSION TO PROPOSE UNIFICATION
4 CHARTER. We, the undersigned, qualified voters of the borough do hereby
5 petition that the following proposition be placed before the voters as
6 provided by law: 'Shall a charter commission be formed (and charter com-
7 mission members be elected as elsewhere provided on this ballot) to
8 prepare, adopt and submit to the voters for their approval or rejection
9 a proposed charter uniting the borough and all cities within it as a
10 single unit of home rule government having the powers, duties and func-
11 tions of a unified municipality as authorized by law? Yes [] No []'

12 Inside First Class Outside First
13 Class or or
14 Signature Address Home Rule City Home Rule City"

15 (b) The petition shall be signed by at least

16 (1) the number of voters residing outside all home rule and
17 first class cities in the borough equal to 25 percent of the votes cast
18 in that area in the last regular borough election; and

19 (2) the number of voters residing in home rule or first class
20 cities in the borough equal to 25 percent of the votes cast in all home
21 rule and first class cities in the borough in the last regular borough
22 election.

23 Sec. 29.06.220. REVIEW OF PETITION. The assembly shall review a
24 unification petition within 15 days to determine whether it complies
25 with AS 29.06.210. If the petition does not meet the designated re-
26 quirements, it shall be immediately returned to the person who initiated
27 the petition with a statement indicating which requirements have not
28 been satisfied.

29 Sec. 29.06.230. COMPOSITION OF CHARTER COMMISSION. The charter

1 commission shall consist of 11 voters, three of whom are residents
2 elected at large from the borough and eight of whom, proportionate to
3 the population as determined by the department, are

4 (1) residents of and elected from the area outside all home
5 rule and first class cities in the borough; or,

6 (2) residents of and elected from home rule or first class
7 cities in the borough.

8 Sec. 29.06.240 CHARTER COMMISSION NOMINATIONS. (a) If the
9 assembly determines that a unification petition meets the requirements
10 of AS 29.06.210, or the assembly by its resolution proposes an election
11 on formation of a charter commission, the assembly shall issue a call
12 for the nomination of commission candidates, specifying the filing
13 deadline and the procedure for making nominations.

14 (b) Charter commission candidates shall be nominated by petition
15 signed by at least 50 voters of the area from which the candidate seeks
16 election, or by a number of voters from that area equal to at least 10
17 percent of the number of votes cast from that area in the last regular
18 borough election, whichever is less.

19 (c) Nomination petitions shall be filed with the borough clerk at
20 least 30 days after notice of the call for nominations has been given on
21 or before a date fixed by the assembly.

22 (d) If at least one nomination of a qualified charter commission
23 candidate for each available seat is not filed, the unification petition
24 or resolution to propose formation of a charter commission is void and
25 no election on the question shall be held.

26 Sec. 29.06.250. QUALIFICATIONS OF CANDIDATES. A person is eli-
27 gible to be nominated as a candidate for the charter commission if he
28 has been a voter of the area from which he seeks election for at least
29 one year immediately preceding the date his nomination petition is

1 filed.

2 Sec. 29.06.260. ELECTION. (a) After receipt of a valid unifica-
3 tion petition or adoption of an assembly resolution to propose formation
4 of a charter commission, the assembly shall submit to the voters the
5 question of whether a charter commission shall be formed to prepare a
6 proposed unification charter. The vote shall be held at the next regular
7 borough election scheduled at least 90 days after receipt of the petition
8 or adoption of the resolution. The ballot shall be worded exactly as in
9 AS 29.06.210(a).

10 (b) The election of charter commission members shall take place at
11 the same time as the election on the question of formation of the commis-
12 sion.

13 (c) All costs incurred in conducting an election under AS 29.06.-
14 190 - 29.06.400 shall be paid by the borough.

15 Sec. 29.06.270. REQUIREMENTS FOR APPROVAL OF FORMATION AND ELECTION
16 OF CHARTER COMMISSION. (a) The votes on the question of formation of a
17 charter commission shall be tabulated in two separate classifications.
18 One classification consists of all votes cast in first class and home
19 rule cities in the borough. The other classification consists of all
20 votes cast in the remaining area of the borough. In order for formation
21 of a charter commission to be approved, a majority of the votes in each
22 classification must favor formation of the commission.

23 (b) If formation of a charter commission is approved, candidates
24 who received the highest number of votes from their respective areas
25 shall serve as members of the commission.

26 Sec. 29.06.280. CHARTER COMMISSION ORGANIZATION AND PROCEDURE.

27 (a) The charter commission shall hold its first meeting within 30 days
28 after certification of its election. The commission shall elect from
29 among its members a chairman and a deputy chairman.

1 (b) A majority of the total membership of the charter commission
2 constitutes a quorum. A decision of the commission is not valid or
3 binding unless approved by the number of members necessary to constitute
4 a quorum.

5 (c) The charter commission may elect other officials from among
6 its membership, adopt rules governing its procedures that are consistent
7 with AS 29.06.190 - 29.06.400 and hire and discharge employees.

8 (d) Meetings of the charter commission shall be open to the public
9 at all times. A journal of commission proceedings shall be kept and
10 made available for public inspection at the borough office.

11 Sec. 29.06.290. VACANCIES. (a) Vacancies on the charter commis-
12 sion shall be filled by a majority vote of the commission, except the
13 assembly shall appoint members to fill vacancies if, after a proposed
14 charter is rejected by the voters, more than one-half of the members
15 resign.

16 (b) A person who fills a vacancy on the charter commission must be
17 a voter of the same area as the person whom he succeeds and must have
18 been a voter of that area for at least one year immediately preceding
19 the date he fills the vacancy.

20 Sec. 29.06.300. PER DIEM. The assembly may grant a per diem
21 allowance to members of the charter commission and may reimburse the
22 members for travel expenses incurred in carrying out the duties pre-
23 scribed by AS 29.06.190 - 29.06.400. Costs, fees, and other expenses
24 incurred by the commission are a debt of the borough and shall be paid
25 upon proper verification.

26 Sec. 29.06.310. CHARTER PREPARATION. The charter commission shall
27 prepare, adopt, and submit a proposed home rule charter for the area to
28 be unified to the voters for approval or rejection. The charter shall
29 include

1 (1) provision for adjustment of existing bonded indebtedness
2 and other obligations in a manner that will reserve a fair and equitable
3 burden of taxation for debt service, subject to AS 29.06.370;

4 (2) provision for

5 (A) the establishment of service areas; and

6 (B) if election of members of the governing body is not
7 areawide, the establishment of districts for the election of members
8 of the governing body of the proposed unified municipality and
9 procedures by which to reapportion the election districts;

10 (C) reapportionment of districts if they are established;

11 (3) provision for nonpartisan government, and the selection,
12 organization, authority, and responsibilities of the governing body and
13 its executive and administrator;

14 (4) the transfer or other disposition of property and other
15 rights, claims, assets, and franchises of the municipalities to be
16 unified under the charter;

17 (5) provision for exercise of the rights of initiative and
18 referendum;

19 (6) a method of amending the charter;

20 (7) the date on which the charter, if approved at the charter
21 election, is effective;

22 (8) designation of the proposed unified municipality's offi-
23 cial name;

24 (9) other charter provisions that may be included in a home
25 rule charter.

26 Sec. 29.06.320. PUBLIC HEARINGS. Both before and after drafting
27 the proposed home rule charter, the charter commission shall hold a
28 public hearing in each area represented on the assembly. Other public
29 hearings may be held by the commission as it considers necessary.

1 Sec. 29.06.330. FILING OF PROPOSED CHARTER. Upon the adoption of
2 a proposed home rule charter by the charter commission, the charter
3 shall be signed by at least a majority of the total membership of the
4 commission and shall be filed with the borough clerk. A copy of the
5 charter with signatures affixed shall also be filed with the clerk of
6 each city in the borough.

7 Sec. 29.06.340. PUBLICATION AND POSTING OF PROPOSED CHARTER.
8 Within 10 days after filing the proposed home rule charter, the borough
9 clerk shall have it published. In addition, the clerk shall have a copy
10 of the proposed charter posted in at least three public places in each
11 city and each unincorporated community in the borough. Copies of the
12 proposed charter shall be made available by the assembly to the public
13 at both the office of the borough clerk and the office of the clerk of
14 each city in the borough. The clerk shall have notice of the publica-
15 tion, posting, and availability of the proposed charter published.

16 Sec. 29.06.350. ELECTION ON CHARTER. (a) The proposed home rule
17 charter adopted by the charter commission shall be submitted to the
18 voters at a borough election held within 60 days of the date of publi-
19 cation and posting of the proposed charter. The borough clerk shall
20 prepare the ballots for use in the election and shall give notice of the
21 election by radio and television in a manner intended to apprise the
22 entire borough population of the election. The election shall be con-
23 ducted under procedures applicable to regular elections.

24 (b) A person who is a voter of the borough may vote in the elec-
25 tion on the proposed charter.

26 (c) If a majority of the votes in the area of the borough outside
27 all home rule or first class cities, and a majority of the votes in all
28 home rule and first class cities in the borough are cast in favor of the
29 proposed charter, the charter is ratified. If the charter is ratified,

1 election results shall be certified to the commission and two copies of
2 the charter shall be filed with

- 3 (1) the lieutenant governor;
- 4 (2) the commissioner of the department;
- 5 (3) the district recorder for the area of the borough;
- 6 (4) the clerk of the borough;
- 7 (5) the clerk of each city in the borough.

8 (d) If a proposed charter is rejected, the charter commission
9 shall prepare, adopt, and submit another proposed charter to the voters
10 at a borough election held within one year after the date of the first
11 charter election. If the second proposed charter is also rejected, the
12 charter commission shall be dissolved and the question of unification
13 shall be treated as if it had never been proposed or approved.

14 Sec. 29.06.360. EFFECT OF THE CHARTER AFTER RATIFICATION. Upon
15 ratification, the home rule charter of a unified municipality operates
16 to dissolve all municipalities in the area unified in accordance with
17 the charter.

18 Sec. 29.06.370. ASSETS AND LIABILITIES. A unified municipality
19 shall succeed to all the assets and liabilities of the municipalities it
20 unified. A bonded indebtedness or other debt incurred before unifi-
21 cation remains the tax obligation of the area that contracted the debt,
22 except that by ordinance the tax obligation may be assumed by a larger
23 area if the governing body determines that the asset for which the
24 bonded indebtedness or other debt was incurred benefited the larger area
25 before unification, or benefits the larger area after unification.
26 However, bonded indebtedness or other debt for sewage collection sys-
27 tems, water distribution systems, and streets, even if determined to be
28 benefiting a larger area than that which incurred the debt, remains the
29 tax obligation of the area that incurred the debt.

1 Sec. 29.06.380. TRANSITION. Within two years after ratification
2 of the home rule charter, the unified municipality shall revise, repeal,
3 or reaffirm all municipal ordinances, resolutions, and orders in effect
4 in the area of the unified municipality on the date of unification.
5 Each ordinance, resolution, regulation, or order in effect on the date
6 of unification remains in effect until superseded by action of the
7 unified municipality.

8 Sec. 29.06.390. RIGHT TO STATE AND FEDERAL AID. All provisions of
9 law authorizing aid from the state or federal government to a former
10 municipality that was in the area of a unified municipality remain in
11 effect after unification.

12 Sec. 29.06.400. POWERS OF A UNIFIED MUNICIPALITY. A municipality
13 unified under AS 29.06.190 - 29.06.400 has all powers

- 14 (1) not prohibited by law or charter; and
15 (2) granted to a home rule borough.

16 Sec. 29.06.410. APPLICATION. AS 29.06.190 - 29.06.410 apply to
17 home rule and general law municipalities.

18 ARTICLE 5. DISSOLUTION.

19 Sec. 29.06.450. METHODS OF DISSOLUTION. (a) Two petition methods
20 may be used to initiate dissolution of a municipality;

- 21 (1) petition to the Local Boundary Commission under regula-
22 tions adopted by the commission; or
23 (2) the local option method specified in AS 29.06.460 -
24 29.06.520.

25 (b) The department shall investigate a municipality that it con-
26 siders to be inactive and shall report to the Local Boundary Commission
27 on the status of the municipality. The commission may submit its
28 recommendation to the legislature that the municipality be dissolved in
29 the manner provided for submission of boundary changes in art. X, sec.

1 12 of the state constitution.

2 (c) A borough is dissolved when its entire territory is included
3 in a home rule or first class city or cities. A city is dissolved when
4 all its powers become areawide borough powers.

5 Sec. 29.06.460. PETITION. (a) Residents of a municipality may
6 file a dissolution petition with the department in the form prescribed
7 by the department. The petition must be signed by a number of voters
8 equal to at least 25 percent of the number of votes cast in the last
9 regular election in that municipality.

10 (b) The petition must include

11 (1) the name of the municipality;

12 (2) maps, documents, and other information showing that the
13 municipality meets the standards for dissolution.

14 Sec. 29.06.470. STANDARDS. (a) Except as provided in (b) of this
15 section, residents of a municipality may petition for dissolution when

16 (1) it is free of debt, or, if in debt, each of its creditors
17 is satisfied with a method of repayment; and

18 (2) either it no longer meets the minimum standards pre-
19 scribed for incorporation by AS 29.05, or former AS 29.18.030 if it is a
20 third class borough, or it ceases to use each one of its mandatory
21 powers.

22 (b) Residents of a city in a borough may petition for dissolution
23 if the borough consents to assume the city's rights, powers, duties,
24 assets, and liabilities. The consent must be ratified by a majority of
25 borough voters voting on the question.

26 Sec. 29.06.480. REVIEW. (a) The department shall review a dis-
27 solution petition for content and signatures, and shall return a defi-
28 cient petition for correction or completion.

29 (b) If the petition contains the required information and signa-

1 tures, the department shall investigate the proposal.

2 Sec. 29.06.490. REPORT AND HEARING. (a) The department shall
3 report its findings to the Local Boundary Commission with its recommen-
4 dation regarding the dissolution of a municipality .

5 (b) The Local Boundary Commission shall hold at least one public
6 hearing in the municipality proposed to be dissolved.

7 Sec. 29.06.500. DECISION. (a) If the Local Boundary Commission
8 determines that a municipality fails to meet the standards for dissolu-
9 tion, it shall reject the petition. If the commission determines that
10 the municipality meets the standards, it shall accept the petition.

11 (b) A Local Boundary Commission decision under this section may be
12 appealed under the Administrative Procedure Act (AS 44.62).

13 Sec. 29.06.510. ELECTION. (a) The Local Boundary Commission
14 shall immediately notify the director of elections of its acceptance of
15 a dissolution petition. Within 30 days after notification, the director
16 of elections shall order an election in the municipality to determine
17 whether the voters desire dissolution. The election must be held at
18 least 30 and not more than 90 days after the election order. A person
19 who is a voter of the municipality may vote in the dissolution election.

20 (b) The director of elections shall supervise the election in the
21 general manner prescribed by the Alaska Election Code (AS 15). The
22 state shall pay all election costs.

23 (c) The director of elections shall certify the election results.
24 If dissolution is approved, he shall declare that the municipality is
25 dissolved effective on the date of certification.

26 Sec. 29.06.520. SUCCESSION. The government succeeding to a dis-
27 solved municipality succeeds to all its rights, powers, duties, assets,
28 and liabilities.

29 Sec. 29.06.530. APPLICATION. AS 29.06.450 - 29.06.530 apply to

1 home rule and general law municipalities.

2 * Sec. 5. AS 29 is amended by adding a new chapter to read:

3 CHAPTER 10. HOME RULE MUNICIPALITIES.

4 ARTICLE 1. CHARTERS.

5 Sec. 29.10.010. MUNICIPAL CHARTER ADOPTION. (a) A general law
6 borough or first class city may adopt a charter for its own government.
7 A second class city may adopt a charter for its own government if the
8 department determines from the best figures available that the popula-
9 tion of the city is at least 600 permanent residents. A home rule
10 municipality may adopt a new charter.

11 (b) A charter is prepared by a charter commission of seven
12 elected members. A candidate for the commission shall be a voter of the
13 municipality for three years immediately preceding the charter commis-
14 sion election.

15 (c) A charter commission election is called by filing a
16 petition with the governing body or by resolution of the governing body.
17 The petition shall be signed by a number of voters equal to 15 percent
18 of the votes cast in the last regular election in the municipality.

19 Sec 29.10.020. NOMINATION. (a) A charter commission candidate is
20 nominated by a petition signed by 50 voters or the number of voters
21 equal to 10 percent of the number of votes cast in the municipality
22 during the last regular election, whichever is less.

23 (b) A nomination petition shall be filed with the municipal clerk
24 on or before a date fixed by the governing body. If at least seven
25 nominations for qualified charter commission candidates are not filed,
26 the petition or resolution calling for a charter commission is void and
27 no election on the question may be held.

28 Sec. 29.10.030. ELECTION. At a charter commission election the
29 voters shall consider the question "Shall a charter commission be elected

1 to prepare a proposed charter?" and shall elect the members of the
2 commission. If the question is approved, the seven candidates receiving
3 the highest number of votes shall immediately organize as a charter
4 commission.

5 Sec. 29.10.040. PREPARATION OF CHARTER. The charter commission
6 shall, within one year, prepare a proposed home rule charter. The
7 proposed charter shall be signed by a majority of the members of the
8 commission and filed in the office of the municipal clerk. Within 15
9 days, the clerk shall have the proposed charter published and make
10 copies available. The commission shall give published notice of and
11 hold at least one public hearing on the proposed charter before the
12 signing and filing of the charter.

13 Sec. 29.10.050. INITIATIVE AND REFERENDUM. (a) A home rule
14 charter shall provide procedures for initiative and referendum.

15 (b) A charter may not require an initiative or referendum petition
16 to have a number of signatures greater than 25 percent of the total
17 votes cast in the municipality at the last regular election.

18 (c) A charter may not permit the initiative and referendum to be
19 used for a purpose prohibited by art. XI, sec. 7 of the state constitu-
20 tion.

21 Sec. 29.10.060. CHARTER ELECTION. The proposed home rule charter
22 shall be submitted to the voters at an election held not less than 30
23 days or more than 90 days after the proposed charter is published.

24 Sec. 29.10.070. CHARTER ADOPTION. (a) If a majority of those
25 voting on the question favor the proposed charter, it becomes the organic
26 law of the municipality effective on the date the election is certified.
27 Thereafter, a court shall take judicial notice of the charter. The new
28 home rule municipality shall file the indicated number of copies of the
29 charter with

- 1 (1) the lieutenant governor -- two copies;
- 2 (2) the department -- two copies;
- 3 (3) the district recorder -- one copy;
- 4 (4) the municipal clerk -- one copy.

5 (b) At the time of voting on the proposed charter in a third class
6 borough, voters shall vote also on whether the borough shall on adoption
7 of the charter retain a combined assembly and school board or elect a
8 separate assembly and board as otherwise provided for home rule boroughs.
9 If the majority of votes cast on the question favors retention of the
10 combined assembly and board, the assembly serving at the time of the
11 charter election continues to serve as the assembly and board on voter
12 approval of the charter and until terms of assemblymen expire as pro-
13 vided before adoption of the charter. If a separate board and assembly
14 are approved at the charter election, a school board shall be elected in
15 conformity with AS 14.12.030 - 14.12.100 at the next regular election,
16 if it occurs within 90 days of the date of the charter election, or
17 otherwise at a special election within 90 days of the date of the charter
18 election. Expiration dates of terms of school board members elected at
19 a special election must coincide with the date of the regular election.
20 Until a board is elected and qualified, the assembly continues to serve
21 as the board.

22 (c) If a proposed charter is rejected, the charter commission
23 shall prepare another proposed charter to be submitted to the voters at
24 an election to be held within one year after the date of the first
25 charter election. If the second proposed charter is also rejected, the
26 charter commission shall be dissolved and the question of adoption of a
27 charter shall be treated as if it had never been proposed or approved.

28 Sec. 29.10.080. CHARTER AMENDMENT. (a) A home rule charter may
29 be amended as provided in the charter except that no amendment is effec-

1 tive unless ratified by the voters.

2 (b) This section applies to home rule municipalities.

3 **ARTICLE 2. HOME RULE LIMITATIONS.**

4 **Sec. 29.10.110. LIMITATION OF HOME RULE POWERS.** Only the follow-
5 ing provisions of this title apply to home rule municipalities as pro-
6 hibitions on acting otherwise than as provided. These provisions super-
7 sede existing and prohibit future home rule enactments that provide
8 otherwise:

- 9 (1) AS 29.05.140 (transition)
- 10 (2) AS 29.06.010 (change of municipal name)
- 11 (3) AS 29.06.040 - 29.06.060 (annexation and detachment)
- 12 (4) AS 29.06.090 - 29.06.170 (merger and consolidation)
- 13 (5) AS 29.06.190 - 29.06.410 (unification of municipalities)
- 14 (6) AS 29.06.450 - 29.06.530 (dissolution)
- 15 (7) AS 29.10.080 (charter amendment)
- 16 (8) AS 29.20.010 (conflict of interest)
- 17 (9) AS 29.20.020 (meetings public)
- 18 (10) AS 29.20.050 (legislative power)
- 19 (11) AS 29.20.060 - 29.20.120 (assembly composition and
20 apportionment)
- 21 (12) AS 29.20.140 (qualifications of members of governing
22 bodies)
- 23 (13) AS 29.20.150 (term of office)
- 24 (14) AS 29.20.220 (executive power)
- 25 (15) AS 29.20.630 (prohibitions)
- 26 (16) AS 29.20.640 (reports)
- 27 (17) AS 29.25.010(a)(10) (municipal exemption on contractor
28 bond requirements)
- 29 (18) AS 29.25.050 (codification)

- 1 (19) AS 29.25.060 (resolutions)
- 2 (20) AS 29.26.030 (notice of elections)
- 3 (21) AS 29.26.050 (voter qualification)
- 4 (22) AS 29.26.240 - 29.26.360 (recall)
- 5 (23) AS 29.35.020 (extraterritorial jurisdiction)
- 6 (24) AS 29.35.030 (eminent domain)
- 7 (25) AS 29.35.050 (garbage and solid waste services)
- 8 (26) AS 29.35.070 (public utilities)
- 9 (27) AS 29.35.110 (post audit)
- 10 (28) AS 29.35.150(b) (effect of areawide exercise of borough
- 11 powers)
- 12 (29) AS 29.35.160 (education)
- 13 (30) AS 29.35.170(b) (assessment and collection of taxes)
- 14 (31) AS 29.35.180(b) (land use regulation)
- 15 (32) AS 29.35.250 (cities inside boroughs)
- 16 (33) AS 29.35.260 (cities outside boroughs)
- 17 (34) AS 29.35.340 (acquisition of areawide power)
- 18 (35) AS 29.40.160(a) - (c) (title to vacated areas)
- 19 (36) AS 29.40.200 (subdivisions of state land)
- 20 (37) AS 29.45.010 - 29.45.570 (property taxes)
- 21 (38) AS 29.45.650(c) and (d) (sales and use tax)
- 22 (39) AS 29.46.090 (exemption from special assessment)
- 23 (40) AS 29.47.200(b) (security for bonds)
- 24 (41) AS 29.47.260 (construction)
- 25 (42) AS 29.60.050(a) (limitation on computation and use of
- 26 payment)
- 27 (43) AS 29.60.120(a) and (c) (state aid for health facilities
- 28 and hospitals)
- 29 (44) AS 29.60.230 (state aid for hospital and health facility

1 construction)

2 (45) AS 29.65.010 - 29.65.140 (general grant land)

3 * Sec. 6. AS 29 is amended by adding a new chapter to read:

4 CHAPTER 20. MUNICIPAL OFFICERS AND EMPLOYEES.

5 ARTICLE 1. CONFLICT OF INTEREST, PUBLIC MEETINGS.

6 Sec. 29.20.010. CONFLICT OF INTEREST. (a) Each municipality
7 shall adopt a conflict of interest ordinance that provides that

8 (1) a member of the governing body shall declare a substan-
9 tial financial interest he has in an official action and ask to be
10 excused from a vote on the matter;

11 (2) the presiding officer shall rule on a request to be
12 excused from a vote; and

13 (3) the decision of the presiding officer on a request to be
14 excused from a vote may be overridden by the majority vote of the govern-
15 ing body.

16 (b) This section applies to home rule and general law municipali-
17 ties.

18 Sec. 29.20.020. MEETINGS PUBLIC. (a) Meetings of all municipal
19 bodies shall be public as provided in AS 44.62.310. The governing body
20 shall provide reasonable opportunity for the public to be heard at
21 regular and special meetings.

22 (b) This section applies to home rule and general law municipali-
23 ties.

24 ARTICLE 2. GOVERNING BODIES.

25 Sec. 29.20.050. LEGISLATIVE POWER. (a) The legislative power of
26 a borough is vested in the assembly. The legislative power of a city is
27 vested in the council.

28 (b) This section applies to home rule and general law municipali-
29 ties.

1 Sec. 29.20.060. ASSEMBLY COMPOSITION AND APPORTIONMENT. (a)
2 Assembly composition and apportionment shall be consistent with
3 the equal representation standards of the Constitution of the United
4 States.

5 (b) The assembly of a newly incorporated borough is, after incor-
6 poration and until the adoption of an ordinance providing for a change
7 in composition or apportionment, composed of the number of members and
8 apportioned as set out in the incorporation petition approved by the
9 voters. If the borough is already incorporated, the assembly shall be
10 composed and apportioned in a manner that is consistent with the re-
11 quirements of this section and prescribed by charter or ordinance.

12 (c) An assembly may not provide for weighted voting.

13 (d) A member of the assembly may not be elected or appointed by
14 and from the council of a city in the borough.

15 (e) This section applies to home rule and general law municipali-
16 ties.

17 Sec. 29.20.070. COMPOSITION AND FORM OF REPRESENTATION. (a) The
18 assembly shall provide for its composition and for the form of its
19 representation.

20 (b) Not later than the first regular election that occurs after
21 the report of a federal decennial census, the assembly shall propose and
22 submit to the voters of the borough, at that regular election or at a
23 special election called for the purpose, one or more forms of assembly
24 representation. The forms of representation that the assembly may
25 submit to the voters are:

26 (1) election of members of the assembly at large by the
27 voters throughout the borough;

28 (2) election of members of the assembly by district, includ-
29 ing

1 (A) election at large by the voters throughout the
2 borough, but with a requirement that a candidate live in an election
3 district established by the borough for election of assembly
4 members; or

5 (B) election from election districts established by the
6 borough for the election of assembly members by the voters of a
7 district;

8 (3) election of members of the assembly both at large and by
9 district.

10 (c) A form of assembly representation that includes election of
11 assembly members under (b)(2) or (b)(3) of this section shall be sub-
12 mitted to the voters of the borough with a plan of apportionment as
13 required by AS 29.20.080.

14 (d) The assembly shall, within 30 days after certification of the
15 results of the election held under this section, adopt an ordinance
16 providing for

17 (1) composition of the assembly;

18 (2) the form of assembly representation that received the
19 most votes; and

20 (3) if applicable, the apportionment of assembly seats in
21 accordance with the form of representation that received the most votes.

22 (e) This section does not apply to a

23 (1) unified municipality;

24 (2) home rule borough if the home rule charter contains
25 procedures for changing assembly composition and form of representation.

26 Sec. 29.20.080. ASSEMBLY RECOMPOSITION AND REAPPORTIONMENT. (a)
27 Not later than two months after the official report of a federal de-
28 cennial census, the assembly shall determine and declare by resolution
29 whether the existing apportionment of the assembly meets the standards

1 of AS 29.20.060. If the assembly submits to the voters a form of repre-
2 sentation that includes election of assembly members under AS 29.-
3 20.070(b)(2) or (b)(3) the assembly shall submit with the proposition a
4 proposed plan of apportionment that corresponds to the form of represen-
5 tation proposed. The assembly shall describe the plan of apportionment
6 in the ballot proposition, and may present the plan in any manner that
7 it believes accurately describes the apportionment that is proposed
8 under the form of representation. If the assembly determines that its
9 existing apportionment meets the standards of AS 29.20.060, the assembly
10 may include the existing apportionment as a proposed plan of apportion-
11 ment of assembly seats that corresponds to a form of representation that
12 is proposed.

13 (b) The assembly shall provide, by ordinance, for a change in an
14 existing apportionment of the assembly whenever it determines that the
15 apportionment does not meet the standards of AS 29.20.060. At the same
16 time, the assembly may, by ordinance, change the composition of the
17 assembly.

18 (c) If a petition signed by not less than 50 voters requests
19 the assembly to determine whether the existing apportionment meets
20 the standards for apportionment in AS 29.20.060, and the petition con-
21 tains evidence that the existing apportionment does not meet those
22 standards, the assembly may make the determination requested. The
23 assembly shall make a determination required by this subsection within
24 two months of receipt of a petition that meets the requirements of this
25 subsection.

26 (d) An ordinance adopted by the assembly under (b) or (c) of this
27 section shall be submitted to the voters for approval. In order for the
28 ordinance to be approved it must receive the approval of a majority of
29 the votes cast.

1 (e) Within six months after a determination by the assembly under
2 (b) or (c) of this section that the current apportionment does not meet
3 the standards of AS 29.20.060 the assembly shall adopt an ordinance
4 providing for reapportionment and submit the ordinance to the voters.
5 If, at the end of the six-month time period, an ordinance providing for
6 reapportionment has not been approved by the voters, the commissioner
7 shall provide for the reapportionment in accordance with the standards
8 of AS 29.20.060 by preparing an order of reapportionment and delivering
9 the order to the borough mayor.

10 Sec. 29.20.090. APPORTIONMENT APPEALS. (a) A reapportionment
11 ordinance approved by the voters, or a decision of the assembly that the
12 standards of AS 29.20.060 do not require a change in apportionment, may
13 be appealed to the commissioner. Fifty voters may submit a petition to
14 the commissioner requesting the commissioner to determine whether the
15 proposed reapportionment ordinance approved by the voters meets the
16 standards of AS 29.20.060 or whether a decision of the assembly that the
17 standards of AS 29.20.060 do not require a change of apportionment is
18 correct. If the petition asks the commissioner to review an ordinance
19 approved by the voters under AS 29.20.080(e), the petition shall be
20 delivered to the commissioner not later than 20 days after certification
21 of the election. If the petition asks the commissioner to review a
22 decision of the assembly under AS 29.20.080(c), the petition shall be
23 delivered to the commissioner within 20 days of the decision of the
24 assembly.

25 (b) The commissioner shall review the petition and may make the
26 determination requested. The commissioner shall provide copies of his
27 determination to the persons petitioning for appeal and to borough
28 officials not later than 60 days after he receives the petition.

29 (c) If the commissioner determines that the proposed reapportionment

1 ment ordinance approved by the voters does not meet the standards of
2 AS 29.20.060, or if he determines that the decision of the assembly that
3 the standards of AS 29.20.060 do not require a change of apportionment
4 is not correct, the commissioner shall, by order, direct the assembly to
5 prepare a reapportionment ordinance that meets the standards of AS 29.-
6 20.060 and submit the ordinance to the voters.

7 (d) When the assembly has been directed by the commissioner to
8 prepare a reapportionment ordinance under (c) of this section, the
9 assembly shall, within two months after its receipt of the commissioner's
10 order, adopt an ordinance providing for reapportionment. The assembly
11 shall submit an ordinance adopted under this subsection to the voters at
12 an election held within 60 days after the date of adoption of the re-
13 apportionment ordinance.

14 (e) If at the end of the time period provided under (d) of this
15 section an ordinance providing for reapportionment has not been approved
16 by the voters, the commissioner shall provide for the reapportionment of
17 the assembly in accordance with the standards of AS 29.20.060 by pre-
18 paring an order of reapportionment and delivering the order to the
19 borough mayor.

20 Sec. 29.20.100. JUDICIAL REVIEW AND RELIEF. (a) The commissioner
21 may request the superior court to enforce a reapportionment order issued
22 under AS 29.20.090(e).

23 (b) Each of the following is subject to judicial review:

24 (1) a plan of reapportionment approved by the voters under
25 AS 29.20.080(a);

26 (2) a determination by the assembly under AS 29.20.080 that
27 the standards of AS 29.20.060 do not require a change in apportionment;

28 (3) a reapportionment ordinance approved by the voters under
29 AS 29.20.080(d);

1 (4) a reapportionment order of the commissioner made under
2 AS 29.20.090(c);

3 (5) a reapportionment ordinance approved by the voters under
4 AS 29.20.090(d); and

5 (6) a reapportionment order of the commissioner made under
6 AS 29.20.090(e).

7 Sec. 29.20.110. EFFECTIVE DATE OF APPORTIONMENT. (a) A change in
8 assembly apportionment or composition under AS 29.20.080 or 29.20.090 is
9 effective beginning with the first regular election for members of the
10 assembly that is held more than 60 days after the later of

11 (1) approval of a reapportionment ordinance by the voters
12 under AS 29.20.080(a), 29.20.080(e), or 29.20.090(d); or

13 (2) the delivery to the mayor of a reapportionment order of
14 the commissioner under AS 29.20.090(d).

15 (b) The provisions of (a) of this section do not apply to a borough
16 in which a change in assembly composition or apportionment is subject to
17 review and approval or determination of nonobjection by the Attorney
18 General of the United States under the Voting Rights Act of 1965, as
19 amended (42 U.S.C. 1971 - 1974). A change in assembly composition or
20 apportionment subject to review under the Voting Rights Act of 1965, as
21 amended, is effective beginning with the first regular election for
22 members of the assembly that is held more than 60 days after

23 (1) receipt by the assembly of approval by the Attorney
24 General of the United States of the proposed change in the composition
25 or apportionment of the assembly;

26 (2) the delivery to the mayor of a reapportionment order of
27 the commissioner under AS 29.20.090(e); or

28 (3) the last day on which the Attorney General of the United
29 States may review a proposed change in the composition or apportionment

1 of the assembly.

2 Sec. 29.20.120. APPLICABILITY OF APPORTIONMENT PROVISIONS. The
3 provisions of AS 29.20.080 - 29.20.110 do not apply to a

4 (1) unified municipality;

5 (2) home rule borough if the borough, by home rule charter,
6 provides for reapportionment of the assembly.

7 Sec. 29.20.130. CITY COUNCIL COMPOSITION. Each first class city
8 has a council of six members elected by the voters at large. Each
9 second class city has a council of seven members elected by the voters
10 at large. The council of a first or second class city may by ordinance
11 provide for election of members other than on an at-large basis for all
12 members.

13 Sec. 29.20.140 QUALIFICATIONS. (a) A borough voter is eligible
14 to be a member of the assembly and a city voter is eligible to be a
15 member of the council. A member of the governing body who ceases to be
16 a voter in the municipality immediately forfeits his office.

17 (b) A municipality may by ordinance establish a durational resi-
18 dency requirement not to exceed three years for members of the governing
19 body.

20 (c) A municipality may by ordinance establish district residency
21 requirements for members of its governing body. A member of the govern-
22 ing body who represents a district and who becomes a resident of another
23 district in the municipality continues to serve until the next regular
24 election unless provided otherwise by ordinance.

25 (d) Except by ordinance ratified by the voters, no limit may be
26 placed on the total number of terms or number of consecutive terms a
27 voter may serve on the governing body.

28 (e) This section applies to home rule and general law municipali-
29 ties.

1 Sec. 29.20.150. TERM OF OFFICE. (a) A member of the governing
2 body is elected for a three-year term and until his successor qualifies,
3 unless a different term not exceeding four years is prescribed by home
4 rule charter or ordinance.

5 (b) Except when otherwise required by a change in composition or
6 apportionment, if the term of a member of a governing body is changed by
7 charter or ordinance the term of an official holding office at the time
8 the change becomes effective is not affected.

9 (c) The regular term of office begins on the first Monday fol-
10 lowing certification of the election, unless a different date is pre-
11 scribed by charter or ordinance.

12 (d) This section applies to home rule and general law municipali-
13 ties.

14 Sec. 29.20.160. PROCEDURES OF GOVERNING BODIES. (a) The assembly
15 shall elect from among its members a presiding officer and a deputy
16 presiding officer to serve at the pleasure of the members, except that
17 in a borough that has adopted a manager form of government under AS 29.-
18 20.450 - 29.20.520 the mayor serves as presiding officer. In a city the
19 mayor serves as presiding officer. If the presiding officer is not
20 present or disqualifies himself, the deputy presiding officer shall
21 preside.

22 (b) A governing body shall hold at least one regular meeting each
23 month unless otherwise provided by ordinance. If a majority of the
24 members are given at least 24 hours oral or written notice and reasonable
25 efforts are made to notify all members, a special meeting of the govern-
26 ing body may be held at the call of the presiding officer or at least
27 one-third of the members. A special meeting may be conducted with less
28 than 24 hours notice if all members are present or if absent members
29 have waived in writing the required notice. Waiver of notice can be

1 made before or after the special meeting is held. A waiver of notice
2 shall be made a part of the journal for the meeting.

3 (c) A majority of the total membership of a governing body autho-
4 rized by law constitutes a quorum. A member disqualified by law from
5 voting on a question may be considered present for purposes of consti-
6 tuting a quorum. In the absence of a quorum any number of members may
7 recess or adjourn the meeting to a later date.

8 (d) Actions of a governing body are adopted by a majority of the
9 total membership of the body. All members present shall vote on every
10 question, unless they are required to abstain from voting on a question
11 by law. The final vote of each member on each ordinance, resolution, or
12 substantive motion shall be recorded "yes" or "no", except that if the
13 vote is unanimous it may be recorded "unanimous".

14 (e) A governing body shall maintain a journal of its official
15 proceedings that shall be a public record.

16 (f) To the extent otherwise permitted by law, a governing body may
17 determine by ordinance its own rules of procedure and order of business.

18 Sec. 29.20.170. VACANCIES. The governing body may provide by
19 ordinance the manner in which a vacancy occurs in any elected office
20 except the office of mayor or school board member. Unless otherwise
21 provided by ordinance, the governing body shall declare an elective
22 office, other than the office of mayor or school board member, vacant
23 when the person elected

24 (1) fails to qualify or take office within 30 days after his
25 election or appointment;

26 (2) unless excused by the governing body, is physically
27 absent from the municipality for 90 consecutive days;

28 (3) resigns and his resignation is accepted;

29 (4) is physically or mentally unable to perform the duties

1 of his office as determined by two-thirds vote of the governing body;

2 (5) is convicted of a felony or of an offense involving a
3 violation of his oath of office;

4 (6) is convicted of a felony or misdemeanor described in
5 AS 15.56 and two-thirds of the members of the governing body concur in
6 expelling him;

7 (7) no longer physically resides in the municipality and the
8 governing body by two-thirds vote declares the seat vacant; or

9 (8) if a member of the governing body, misses three consecu-
10 tive regular meetings and is not excused.

11 Sec. 29.20.180. FILLING A VACANCY. (a) If a vacancy occurs in a
12 governing body, the remaining members shall, within 30 days unless a
13 different period is provided by ordinance, appoint a qualified person to
14 fill the vacancy. If less than 30 days remain in a term, a vacancy may
15 not be filled.

16 (b) Notwithstanding (a) of this section, if the membership is
17 reduced to fewer than the number required to constitute a quorum, the
18 remaining members shall, within seven days, appoint a number of qualified
19 persons to constitute a quorum.

20 (c) A person appointed under this section serves until the next
21 regular election, when a successor shall be elected to serve the balance
22 of the term.

23 ARTICLE 3. MUNICIPAL EXECUTIVE AND ADMINISTRATOR.

24 Sec. 29.20.220. EXECUTIVE POWER. (a) The executive power in a
25 municipality is vested in a mayor. The mayor of a home rule or unified
26 municipality is elected by the voters, and the mayor of other municipali-
27 ties is elected in accordance with AS 29.20.230.

28 (b) The mayor acts as ceremonial head of government, executes
29 official documents on authorization of the governing body, and is

1 responsible for additional duties and powers prescribed by this chapter
2 or by home rule charter.

3 (c) This section applies to home rule and general law municipalities.
4 Sec. 29.20.230. ELECTION AND TERM OF MAYOR. (a) The mayor of a
5 borough or first class city is elected at large. The mayor of a borough
6 or first class city serves a term of three years, unless by ordinance a
7 different term not to exceed four years is provided. The current term
8 of an incumbent mayor may not be altered. The regular term of a mayor
9 of a borough or first class city begins on the first Monday following
10 certification of his election.

11 (b) The mayor of a second class city is elected by and from the
12 council, and serves until a successor is elected and qualifies. The
13 council of a second class city shall meet on the first Monday after
14 certification of the regular election and elect a mayor who takes office
15 immediately. The mayor of a second class city serves a one-year term,
16 unless a longer term is provided by ordinance. The mayor of a second
17 class city may serve only while he is a member of the council regardless
18 of the term established for the office of mayor.

19 (c) Except by ordinance ratified by the voters, no limit may be
20 placed on the total number of terms or number of consecutive terms a
21 mayor may serve.

22 Sec. 29.20.240. QUALIFICATIONS FOR THE OFFICE OF MAYOR. (a) A
23 voter of the municipality is eligible to hold the office of mayor in a
24 borough or first class city. A member of the city council is eligible
25 to hold the office of mayor in a second class city.

26 (b) Residency requirements for the office of mayor not exceeding
27 three years may be prescribed by ordinance.

28 Sec. 29.20.250. POWERS AND DUTIES OF MAYOR. (a) If a municipality
29 has not adopted a manager plan of government under AS 29.20.460 -

1 29.20.520, the administrative power is vested in the mayor and the mayor
2 has the same powers and duties as those of the manager.

3 (b) The mayor may take part in the discussion of a matter before
4 the governing body. The mayor may not vote, except that the mayor of a
5 first class city or the mayor of a borough with a manager form of gov-
6 ernment may vote in the case of a tie. The mayor of a second class
7 city, as a council member, may vote on all matters.

8 Sec. 29.20.260. EXECUTIVE ABSENCE. The borough mayor, subject to
9 assembly approval, shall designate a person to act as mayor during the
10 borough mayor's temporary absence or disability. If a manager plan has
11 been adopted, the assembly shall designate by resolution a borough
12 administrative official to act as manager during the manager's absence
13 or disability.

14 Sec. 29.20.270. VETO. (a) Except as provided in (c) and (d) of
15 this section, the mayor may veto an ordinance, resolution, motion, or
16 other action of the governing body and may strike or reduce appropria-
17 tion items.

18 (b) A veto must be exercised before the next regular meeting of
19 the governing body and must be accompanied by a written explanation of
20 the reasons for the veto. A veto may be overridden by vote of two-
21 thirds of the authorized membership of the governing body within 21 days
22 following exercise of the veto, or at the next regular meeting, whichever
23 is later.

24 (c) The veto does not extend to

- 25 (1) appropriation items in a school budget ordinance;
26 (2) actions of the governing body sitting as board of equali-
27 zation or the board of adjustment;
28 (3) adoption or repeal of a manager plan of government.

29 (d) The mayor of a second class city has no veto power.

1 Sec. 29.20.280. VACANCY IN THE OFFICE OF MAYOR. (a) The govern-
2 ing body shall, by two-thirds concurring vote, declare the office of
3 mayor vacant only when the person elected

4 (1) fails to qualify or take office within 30 days after his
5 election or appointment;

6 (2) unless excused by the governing body, is physically
7 absent for 90 consecutive days;

8 (3) resigns and his resignation is accepted;

9 (4) is physically or mentally unable to perform the duties of
10 his office;

11 (5) is convicted of a felony or of an offense involving a
12 violation of his oath of office;

13 (6) is convicted of a felony or misdemeanor described in
14 AS 15.56; or

15 (7) no longer physically resides in the municipality; or

16 (8) if, as a member of the governing body in a second class
17 city, he misses three consecutive regular meetings and is not excused.

18 (b) A vacancy in the office of mayor occurring six months before a
19 regular election shall be filled by the governing body. The person
20 appointed serves until the next regular election when a successor is
21 elected to serve the balance of the term. If a member of the governing
22 body is appointed mayor, he shall resign his seat on the governing body.
23 If a vacancy occurs more than six months before a regular election, the
24 governing body shall call a special election to fill the unexpired term.

25 (c) Notwithstanding (b) of this section, a vacancy in the office
26 of mayor of a second class city shall be filled by and from the council.
27 A mayor appointed under this section serves the balance of the term to
28 which appointed, except he may serve only while he is a member of the
29 council.

1 the utility.

2 Sec. 29.20.320. OTHER BOARDS AND COMMISSIONS. (a) The governing
3 body may by ordinance establish advisory, administrative, technical, or
4 quasi-judicial boards and commissions.

5 (b) Members of boards and commissions, except for members of the
6 board of adjustment and assembly members serving on the board of equali-
7 zation, are appointed by the mayor and confirmed by the governing body.

8 ARTICLE 5. OTHER OFFICIALS AND EMPLOYEES.

9 Sec. 29.20.360. APPOINTMENT OF OFFICIALS. Unless otherwise pro-
10 vided by ordinance, the municipal clerk, attorney, treasurer, and police
11 chief are appointed by the chief administrative official. Unless other-
12 wise provided by ordinance, an official described in this section serves
13 at the pleasure of the appointing authority and, if appointed by the
14 chief administrative official, must be confirmed by the governing body.

15 Sec. 29.20.370. MUNICIPAL ATTORNEY. The municipal attorney is the
16 legal advisor of the governing body, the school board, and the other
17 officials of the municipality. He represents the municipality as
18 attorney in civil and criminal proceedings. The school board may hire
19 independent counsel when in its judgment independent counsel is needed.

20 Sec. 29.20.380. MUNICIPAL CLERK. (a) The municipal clerk shall
21 (1) give notice of the time and place of meetings of the
22 governing body to the governing body and to the public;

23 (2) attend meetings of the governing body and keep the
24 journal;

25 (3) arrange publication of notices, ordinances, and resolu-
26 tions;

27 (4) maintain and make available for public inspection an
28 indexed file containing municipal ordinances, resolutions, rules, regula-
29 tions, and codas;

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(5) attest deeds and other documents;

(6) perform other duties specified in this title or prescribed by the chief executive or by the governing body.

(b) The governing body may combine the office of clerk with that of treasurer. If the offices are combined, the clerk-treasurer shall, as required of the treasurer, give his bond to the municipality for the faithful performance of his duties as clerk-treasurer.

Sec. 29.20.390. MUNICIPAL TREASURER. (a) Except as provided in AS 14.14.060, the treasurer is the custodian of all municipal funds. He shall keep an itemized account of money received and disbursed. He shall pay money on vouchers drawn against appropriations.

(b) The treasurer shall give bond to the municipality in a sum that the governing body directs.

Sec. 29.20.400. DEPARTMENTS. (a) The governing body may establish municipal departments and distribute functions among them.

(b) Each municipal department is administered by a department head. With the consent of the governing body, the mayor may serve as head of one or more departments or a single administrator may serve as head of two or more departments.

Sec. 29.20.410. PERSONNEL SYSTEM. (a) Except as provided by (b) of this section, appointments and promotions of municipal employees are made on the basis of merit. The governing body may provide for a personnel system and classified service.

(b) By ordinance the governing body may designate confidential or managerial positions that are wholly or partially exempt from the classified service. A wholly or partially exempt position is filled by a person who serves at the pleasure of the appointing authority and whose term of employment is determined by the appointing authority.

ARTICLE 6. MANAGER PLAN.

1 Sec. 29.20.460. **MANAGER PLAN.** A municipality may adopt a manager
2 plan of government. Adoption of a manager plan may be initiated either
3 by petition or by motion of the governing body. A petition for the
4 adoption of a manager plan is submitted to the governing body. The
5 petition must be signed by a number of voters equal to the following
6 percentage of the votes cast at the preceding regular election:

7 (1) 25 percent if the municipality has fewer than 7,500
8 persons;

9 (2) 15 percent if the municipality has 7,500 persons or more.

10 Sec. 29.20.470. **ELECTION.** On receipt of a petition to adopt a
11 manager plan or on its own motion to adopt a manager plan, the governing
12 body shall provide by ordinance or resolution for a vote on the question
13 at the next election.

14 Sec. 29.20.480. **ADOPTION.** (a) If a manager plan is approved, the
15 governing body shall, within 60 days, adopt the plan by ordinance or
16 resolution.

17 (b) The governing body shall notify the department of the adoption
18 of a manager plan.

19 Sec. 29.20.490. **APPOINTMENT.** (a) The governing body shall appoint
20 a manager by a majority vote of its membership. He is chosen on the
21 basis of his administrative qualifications and receives the compensation
22 set by the governing body. A member of the governing body may not be
23 appointed manager of the municipality sooner than one year after leaving
24 office, except by a vote of three-fourths of the authorized membership
25 of the governing body.

26 (b) Subject to the contract of employment, the manager holds
27 office at the pleasure of the governing body.

28 Sec. 29.20.500. **POWERS AND DUTIES OF A MANAGER.** As chief admin-
29 istrator the manager shall

1 (1) appoint, suspend, or remove municipal employees and
2 administrative officials, except as provided otherwise in this title and
3 AS 14.14.065; he may hire necessary administrative assistants and may
4 authorize an administrative official to appoint, suspend, or remove
5 subordinates;

6 (2) supervise the enforcement of municipal law and carry out
7 the directives of the governing body;

8 (3) prepare and submit an annual budget and capital improve-
9 ment program for consideration by the governing body, and execute the
10 budget and capital improvement program adopted;

11 (4) make monthly financial reports and other reports on
12 municipal finances and operations as required by the governing body;

13 (5) exercise custody over all real and personal property of
14 the municipality, except property of the school district;

15 (6) perform other duties required by law or by the governing
16 body; and

17 (7) serve as personnel officer, unless the governing body
18 authorizes him to appoint a personnel officer.

19 Sec. 29.20.510. INTERGOVERNMENT APPOINTMENTS. A borough adopting
20 a manager plan may, on agreement with a city in the borough, provide
21 that the manager of the city serve also as borough manager. A city
22 adopting a manager plan may, on agreement with the borough in which it
23 is located, provide that the manager of the borough serve also as city
24 manager. Appointment and service of the manager shall be as provided in
25 AS 29.20.490 - 29.20.500. Nothing in this section affects the authority
26 of the governing body to provide for other dual officeholding if the
27 dual offices held are compatible, or otherwise to appoint officials and
28 employees in accordance with law.

29 Sec. 29.20.520. REPEAL. A municipality may repeal a manager plan

1 in the same manner used for its adoption. Within 60 days after repeal
2 of a manager plan, the governing body shall enact provisions for the
3 reorganization of the municipal executive and administrative functions.

4 ARTICLE 7. MISCELLANEOUS PROVISIONS.

5 Sec. 29.20.600. OATHS OF OFFICE. Before taking office a municipal
6 official shall affirm in writing that he will honestly, faithfully, and
7 impartially perform his duties. The oath is filed with the municipal
8 clerk.

9 Sec. 29.20.610. BONDING. The manager and the other municipal
10 officials or employees that the governing body may designate shall give
11 bond in the amount and with the surety prescribed by the governing body.
12 Premiums on bonds are paid by the municipality.

13 Sec. 29.20.620. COMPENSATION FOR ELECTED OFFICIALS. The governing
14 body shall by ordinance provide a method of determining the salaries of
15 elected officials. The salary of the mayor may not be reduced during
16 his term of office, unless during his term a manager plan is adopted.
17 An elected official may not receive compensation for service to the
18 municipality in addition to his salary, unless otherwise provided by
19 ordinance. Per diem payments or reimbursements for expenses are not
20 compensation under this section.

21 Sec. 29.20.630. PROHIBITIONS. (a) Subject to AS 14.14.140, a
22 state employee or school district employee may not be denied the right
23 to serve as an elected municipal official because of his employment by
24 the state or a school district. For purposes of this section a school
25 district employee is not a municipal employee.

26 (b) This section applies to home rule and general law municipali-
27 ties.

28 Sec. 29.20.640. REPORTS. (a) A municipality shall file with the
29 department

1 (1) maps and descriptions of all annexed or detached ter-
2 ritory;

3 (2) a copy of the annual audit, or, for a second class city,
4 an audit or statement of annual income and expenditures;

5 (3) tax assessment and tax levy figures as requested;

6 (4) a copy of the current annual budget of the municipality;

7 (5) a summary of the optional property tax exemptions autho-
8 rized together with the estimate of the revenues lost to the municipal-
9 ity by operation of each of the exemptions.

10 (b) Compliance with the provisions of this section is a prerequi-
11 site to receipt of municipal tax resource equalization assistance under
12 AS 29.60.010 - 29.60.080 and state aid for miscellaneous municipal
13 services under AS 29.60.100 - 29.60.180. The department shall withhold
14 annual allocations under those sections in the event of noncompliance
15 until the report requirements are met.

16 (c) This section applies to home rule and general law municipali-
17 ties.

18 * Sec. 7. AS 29 is amended by adding a new chapter to read:

19 CHAPTER 25. MUNICIPAL ENACTMENTS.

20 Sec. 29.25.010. ACTS REQUIRED TO BE BY ORDINANCE. (a) In addi-
21 tion to other actions that this title requires to be by ordinance, the
22 governing body of a municipality shall use ordinances to

23 (1) establish, alter, or abolish municipal departments;

24 (2) provide for a fine or other penalty, or establish rules
25 or regulations for violation of which a fine or other penalty is im-
26 posed;

27 (3) provide for the levying of taxes;

28 (4) make appropriations, including supplemental appropriations
29 or transfer of appropriations;

1 (5) grant, renew, or extend a franchise;

2 (6) adopt, modify, or repeal the comprehensive plan, land use
3 and subdivision regulations, building and housing codes, and the official
4 map;

5 (7) approve the transfer of a power to a first or second
6 class borough from a city;

7 (8) designate the borough seat;

8 (9) provide for the retention or sale of tax-foreclosed
9 property;

10 (10) exempt contractors from compliance with general require-
11 ments relating to payment and performance bonds in the construction or
12 repair of municipal public works projects within the limitations set out
13 in AS 36.25.025; this paragraph applies to home rule and general law
14 municipalities.

15 (b) This section grants no authority but requires the governing
16 body to use ordinances in exercising certain of its powers.

17 Sec. 29.25.020. ORDINANCE PROCEDURE. (a) An ordinance is intro-
18 duced in writing in the form required by the governing body.

19 (b) The following procedure governs the enactment of all ordi-
20 nances, except emergency ordinances:

21 (1) an ordinance may be introduced by a member or committee
22 of the governing body, or by the mayor or manager;

23 (2) an ordinance shall be set by the governing body for a
24 public hearing by the affirmative vote of a majority of the votes autho-
25 rized on the question;

26 (3) at least five days before the public hearing a summary of
27 the ordinance shall be published together with a notice of the time and
28 place for the hearing;

29 (4) copies of the ordinance shall be available to all persons

1 present at the hearing, or the ordinance shall be read in full;

2 (5) during the hearing the governing body shall hear all
3 interested persons wishing to be heard;

4 (6) after the public hearing the governing body shall consider
5 the ordinance, and may adopt it with or without amendment;

6 (7) the governing body shall print and make available copies
7 of an ordinance that is adopted.

8 (c) An ordinance takes effect upon adoption or at a later date
9 specified in the ordinance.

10 Sec. 29.25.030. EMERGENCY ORDINANCES. (a) To meet a public
11 emergency the governing body may adopt an emergency ordinance effective
12 on adoption. Each emergency ordinance shall contain a finding by the
13 governing body that an emergency exists and a statement of the facts
14 upon which the finding is based. An emergency ordinance may be adopted,
15 amended and adopted, or rejected at the meeting at which it is intro-
16 duced. The affirmative vote of all members present, or the affirmative
17 vote of three-fourths of the total membership, whichever is less, is
18 required for adoption of an emergency ordinance. The governing body
19 shall print and make available copies of adopted emergency ordinances.

20 (b) An emergency ordinance may not be used to levy taxes, to
21 grant, renew, or extend a franchise, or to regulate the rate charged by
22 a public utility for its services.

23 (c) An emergency ordinance is effective for 60 days.

24 Sec. 29.25.040. CODES OF REGULATION. The governing body may in a
25 single ordinance adopt or amend by reference provisions of a published
26 code of municipal regulations. The procedure under AS 29.25.050 applies
27 to an ordinance adopted under this section, except that neither the
28 ordinance or its amendments must be distributed to the public or read in
29 full at the public hearing. For a period of 15 days before adoption of

1 an ordinance under this section, at least five copies of the code of
2 regulations shall be made available for public inspection at a time and
3 place set out in the hearing notice. Only the ordinance must be printed
4 after it is adopted under this section. The governing body shall provide
5 for an adopted code of regulations to be made available to the public at
6 no more money than cost.

7 Sec. 29.25.050. CODIFICATION. (a) Each ordinance shall be codi-
8 fied after it is adopted.

9 (b) Within three years after incorporation of a municipality, the
10 municipal clerk or his designee shall have prepared a general codifi-
11 cation of all municipal ordinances of general applicability having the
12 force and effect of law. The municipal code shall be revised and printed
13 at least every five years, unless the code is kept current by regular
14 supplements.

15 (c) In (a) of this section, "codified" means

16 (1) the ordinance has been given a serial number or other
17 permanent identifying number, and, bearing a notation of the date of
18 adoption and the adopting authority, it has been entered by the municipal
19 clerk in a properly indexed book maintained for the purposes of organ-
20 izing and recording the ordinances; or

21 (2) the ordinance is a provision that establishes a rule of
22 conduct or behavior and that is included, or to be included, in a code
23 of ordinances or other complete system of law enacted and kept current
24 at reasonable intervals.

25 (d) This section applies to home rule and general law munici-
26 palities.

27 Sec. 29.25.060. RESOLUTIONS. (a) The governing body shall provide
28 for the maintenance of a permanent file of resolutions that have been
29 adopted.

1 (b) This section applies to home rule and general law municipali-
2 ties.

3 Sec. 29.25.070. PENALTIES. (a) For the violation of an ordinance,
4 a municipality may prescribe penalties not to exceed those imposed for a
5 class B misdemeanor.

6 (b) The municipality or an aggrieved person may institute a civil
7 action against a person who violates an ordinance. In addition to
8 injunctive and compensatory relief, a civil penalty not to exceed \$1,000
9 may be imposed for each violation. An action to enjoin a violation may
10 be brought notwithstanding the availability of any other remedy. On
11 application for injunctive relief and a finding of a violation or a
12 threatened violation, the superior court shall grant the injunction.
13 Each day that a violation of an ordinance continues constitutes a separ-
14 ate violation.

15 (c) The penalties authorized under this section may be imposed
16 only if copies of the ordinance are made available for distribution to
17 the public at no more money than cost.

18 * Sec. 8. AS 29 is amended by adding a new chapter to read:

19 CHAPTER 26. ELECTIONS.

20 ARTICLE 1. REGULAR AND SPECIAL ELECTIONS.

21 Sec. 29.26.010. ADMINISTRATION. The governing body shall pre-
22 scribe the rules for conducting an election and shall appoint an elec-
23 tion board composed of at least three judges for each precinct. A judge
24 shall be a voter of the precinct for which he is appointed unless no
25 voter is willing to serve.

26 Sec. 29.26.020. NOMINATIONS. (a) Subject to other provisions of
27 this title, the governing body shall provide by ordinance for nomina-
28 tions of elected officials by providing for declaration of candidacy or
29 for petition requiring the signatures of not more than 10 voters, or for

1 both.

2 (b) A person may be nominated for and occupy more than one office,
3 but he may not serve simultaneously as borough mayor and as a member of
4 the assembly or, in a first class city, as city mayor and as a member of
5 the council.

6 Sec. 29.26.030. NOTICE OF ELECTIONS. (a) Subject to other pro-
7 visions of this title, a municipality shall give at least 20 days notice
8 of an election.

9 (b) This section applies to home rule and general law municipali-
10 ties.

11 Sec. 29.26.040. DATE. The date of a regular election is the first
12 Tuesday of October annually, unless a different date or interval of
13 years is provided by ordinance.

14 Sec. 29.26.050. VOTER QUALIFICATION. (a) A person may vote in a
15 municipal election only if he

16 (1) is a United States citizen who is qualified to vote in
17 state elections;

18 (2) has been a resident of the municipality for 30 days
19 immediately preceding the election;

20 (3) is registered to vote in state elections; and

21 (4) is not disqualified under art. V of the state constitu-
22 tion.

23 (b) Voter registration by the municipality may not be required.
24 However, a municipality may by ordinance require that a person be
25 registered to vote in state elections in the precinct in which he seeks
26 to vote in municipal elections.

27 (c) This section applies to home rule and general law municipali-
28 ties.

29 Sec. 29.26.060. MAJORITY ELECTIONS. (a) Unless otherwise pro-

1 vided by ordinance, a runoff election shall be held if no candidate
2 receives over 40 percent of the votes cast for the office of mayor or
3 member of the governing body or school board.

4 (b) Unless otherwise provided by ordinance, a runoff election
5 shall be held within three weeks after the date of certification of the
6 election for which a runoff is required, and notice of the runoff elec-
7 tion shall be published at least five days before the election date.

8 Sec. 29.26.070. ELECTION CONTEST AND APPEAL. (a) The governing
9 body may provide by ordinance the time and procedure for the contest of
10 an election.

11 (b) Unless otherwise provided by ordinance, an election may be
12 contested only by a voter by filing a written affidavit with the munici-
13 pal clerk specifying with particularity the grounds for the contest. An
14 election may be contested before or during the first canvass of ballots
15 by the governing body.

16 (c) Unless otherwise provided by ordinance, the governing body
17 shall declare the election results at the first meeting to canvass the
18 election, record the results in the minutes of that meeting, and autho-
19 rize the results to be certified.

20 (d) A contestant shall pay all costs and expenses incurred in a
21 recount of an election demanded by the contestant if the recount fails
22 to reverse a result of the election, or the difference between the
23 winning and losing vote on the result contested is more than two per-
24 cent.

25 (e) A person may not appeal or seek judicial review of an election
26 for any cause unless the person is a municipal voter, has exhausted his
27 administrative remedies before the governing body, and has commenced,
28 within 10 days after the governing body has declared the election
29 results, an action in the superior court in the judicial district in

1 which the municipality is located. If court action is not commenced
2 within the 10-day period, the election and election results are con-
3 clusive and valid.

4 ARTICLE 2. INITIATIVE AND REFERENDUM.

5 Sec. 29.26.100. RESERVATION OF POWERS. The powers of initiative
6 and referendum are reserved to the residents of municipalities, except
7 the powers do not extend to matters restricted by art. XI, sec. 7 of the
8 state constitution.

9 Sec. 29.26.110. APPLICATION FOR PETITION. (a) An initiative or
10 referendum is proposed by filing an application with the municipal clerk
11 containing the bill to be initiated or the act to be referred and the
12 address to which all correspondence relating to the petition may be
13 sent. An application shall be signed by at least 10 voters who will
14 sponsor the petition. An additional sponsor may be added at any time
15 before the petition is filed by submitting his name to the clerk.
16 Within two weeks the clerk shall certify the application if he finds
17 that it is in proper form and, for an initiative petition, that the
18 matter

19 (1) is not restricted by AS 29.26.100;

20 (2) includes only a single subject;

21 (3) relates to a legislative rather than to an administrative
22 matter; and

23 (4) would be enforceable as a matter of law.

24 (b) A decision by the clerk on an application for petition shall
25 be subject to judicial review.

26 Sec. 29.26.120. CONTENTS OF PETITION. (a) Within two weeks after
27 certification of an application for an initiative or referendum petition,
28 a petition shall be prepared by the municipal clerk. Each copy of the
29 petition shall contain

1 (1) a summary of the bill to be initiated or the act to be
2 referred;

3 (2) the complete ordinance or resolution sought to be ini-
4 tiated or referred as submitted by the sponsors;

5 (3) the date on which the petition is issued by the clerk;

6 (4) notice that signatures must be secured within 60 days
7 after the date the petition is issued;

8 (5) spaces for each signature, the printed name of each
9 signer, the date each signature is affixed, and the residence and mailing
10 addresses of each signer;

11 (6) a statement, with space for the sponsor's sworn signature
12 and date of signing, that the sponsor personally circulated the petition,
13 that all signatures were affixed in his presence, and that he believes
14 the signatures to be those of the persons whose names they purport to
15 be; and

16 (7) space for indicating the total number of signatures on
17 the petition.

18 (b) If a petition consists of more than one page, each page shall
19 contain the summary of the bill to be initiated or the act to be re-
20 ferred.

21 (c) Copies of the petition shall be provided to each sponsor by
22 the clerk.

23 Sec. 29.26.130. SIGNATURE REQUIREMENTS. (a) The signatures on an
24 initiative or referendum petition shall be secured within 60 days after
25 the clerk issues the petition. The statement provided under AS 29.26.-
26 120(a)(6) shall be signed and dated by the sponsor. Signatures shall be
27 in ink or indelible pencil.

28 (b) The clerk shall determine the number of signatures required on
29 a petition and inform each sponsor. A petition shall be signed by

1 a number of voters based on the number of votes cast at the last regular
2 election held before the date the petition was issued equal to

3 (1) 25 percent of the votes cast if a municipality has fewer
4 than 7,500 persons; or

5 (2) 15 percent of the votes cast if a municipality has 7,500
6 persons or more.

7 (c) Illegible signatures shall be rejected by the clerk unless
8 accompanied by a legible printed name. Signatures not accompanied by a
9 legible residence address shall be rejected.

10 (d) A petition signer may withdraw his signature on written appli-
11 cation to the clerk before certification of the petition.

12 Sec. 29.26.140. SUFFICIENCY OF PETITION. (a) All copies of an
13 initiative or referendum petition shall be assembled and filed as a
14 single instrument. Within 10 days after the date the petition is filed,
15 the municipal clerk shall

16 (1) certify on the petition whether it is sufficient; and

17 (2) if the petition is insufficient, identify the insuffi-
18 ciency and notify the sponsors at the address provided under AS 29.26.-
19 110(a) by certified mail.

20 (b) A petition that is insufficient may be supplemented with
21 additional signatures obtained and filed within 10 days after the date
22 on which the petition is rejected.

23 (c) A petition that is insufficient shall be rejected and filed as
24 a public record unless it is supplemented under (b) of this section.
25 Within 10 days after a supplementary filing the clerk shall recertify
26 the petition. If it is still insufficient, the petition is rejected and
27 filed as a public record.

28 Sec. 29.26.150. PROTEST. If the municipal clerk certifies an
29 initiative or referendum petition is insufficient, a signer of the

1 petition may file a protest with the mayor within seven days after the
2 certification. The mayor shall present the protest at the next regular
3 meeting of the governing body. The governing body shall hear and decide
4 the protest.

5 Sec. 29.26.160. NEW PETITION. Failure to secure sufficient signa-
6 tures does not preclude the filing of a new initiative or referendum
7 petition. However, a new petition on substantially the same matter may
8 not be filed sooner than six months after a petition is rejected as
9 insufficient.

10 Sec. 29.26.170. INITIATIVE ELECTION. (a) Unless substantially
11 the same measure is adopted, when a petition seeks an initiative vote
12 the clerk shall submit the matter to the voters at the next regular
13 election occurring no sooner than 45 days after certification of the
14 petition. If no regular election occurs within 75 days after the certi-
15 fication of a petition, the governing body shall hold a special election
16 within 75 days, but not sooner than 45 days after certification.

17 (b) If the governing body adopts substantially the same measure,
18 the petition is void and the matter initiated may not be placed before
19 the voters.

20 (c) The ordinance or resolution initiated shall be published in
21 full in the notice of the election, but may be summarized on the ballot
22 to indicate clearly the proposal submitted.

23 (d) If a majority vote favors the ordinance or resolution, it
24 becomes effective upon certification of the election, unless a different
25 effective date is provided in the ordinance or resolution.

26 Sec. 29.26.180. REFERENDUM ELECTION. (a) Unless the ordinance or
27 resolution is repealed, when a petition seeks a referendum vote the
28 clerk shall submit the matter to the voters at the next election occur-
29 ring no sooner than 45 days after certification of the petition. If no

1 election occurs within 75 days of certification of a petition, the
2 governing body shall hold a special election within 75 days, but not
3 sooner than 45 days after certification.

4 (b) If a petition is certified before the effective date of the
5 matter referred, the ordinance or resolution against which the petition
6 is filed shall be suspended pending the referendum vote. During the
7 period of suspension, the governing body may not enact an ordinance or
8 resolution substantially similar to the suspended measure.

9 (c) If the governing body repeals the ordinance or resolution
10 before the referendum election, the petition is void and the matter
11 referred shall not be placed before the voters.

12 (d) If a majority vote favors the repeal of the matter referred,
13 it is repealed. Otherwise, the matter referred remains in effect or, if
14 it has been suspended, becomes effective on certification of the elec-
15 tion.

16 Sec. 29.26.190. EFFECT. (a) An ordinance or resolution may not
17 be repealed or amended within one year after its effective date if
18 adopted in an initiative election or if adopted after a petition that
19 contains substantially the same measure has been filed.

20 (b) If an ordinance or resolution is repealed in a referendum
21 election or by the governing body after a petition that contains sub-
22 stantially the same measure has been filed, substantially similar legis-
23 lation may not be enacted by the governing body for a period of one
24 year.

25 (c) If an initiative or referendum measure fails to receive voter
26 approval, a new petition application for substantially the same measure
27 may not be filed sooner than six months after the election results are
28 certified.

29 ARTICLE 3. RECALL.

1 Sec. 29.26.240. RECALL. An official who is elected or appointed
2 to an elective municipal office may be recalled by the voters after he
3 has served the first 120 days of the term for which elected or appointed.

4 Sec. 29.26.250. GROUNDS. Grounds for recall are misconduct in
5 office, incompetence, or failure to perform prescribed duties.

6 Sec. 29.26.260. APPLICATION FOR RECALL PETITION. (a) An appli-
7 cation for a recall petition shall be filed with the municipal clerk and
8 shall contain

9 (1) the signatures and residence addresses of at least 10
10 municipal voters who will sponsor the petition;

11 (2) the address to which all correspondence relating to the
12 petition may be sent;

13 (3) a statement in 200 words or less of the grounds of the
14 recall stated with particularity.

15 (b) An additional sponsor may be added at any time before the
16 petition is filed by submitting his name to the clerk.

17 Sec. 29.26.270. RECALL PETITION. (a) If the municipal clerk
18 determines that an application for a recall petition meets the require-
19 ments of AS 29.26.260, he shall prepare a recall petition. All copies
20 of the petition shall contain

21 (1) the name of the official sought to be recalled;

22 (2) the statement of the grounds for recall as set out in the
23 application for petition;

24 (3) the date the petition is issued by the clerk;

25 (4) notice that signatures must be secured within 60 days
26 after the date the petition is issued;

27 (5) spaces for each signature, the printed name of each
28 signer, the date of each signature, and the residence and mailing
29 addresses of each signer;

1 (6) a statement, with space for the sponsor's sworn signature
2 and data of signing, that the sponsor personally circulated the peti-
3 tion, that all signatures were affixed in his presence, and that he
4 believes the signatures to be those of the persons whose names they
5 purport to be; and

6 (7) space for indicating the number of signatures on the
7 petition.

8 (b) Copies of the petition shall be provided to each sponsor by
9 the clerk.

10 Sec. 29.26.280. SIGNATURE REQUIREMENTS. (a) The signatures on a
11 recall petition shall be secured within 60 days after the date the clerk
12 issues the petition. The statement provided under AS 29.26.270(a)(6)
13 shall be completed and signed by the sponsor. Signatures shall be in
14 ink or indelible pencil.

15 (b) The clerk shall determine the number of signatures required on
16 a petition and inform each sponsor. If a petition seeks to recall an
17 official who represents the municipality at large, the petition shall be
18 signed by a number of voters equal to 25 percent of the number of votes
19 cast for that office at the last regular election held before the date
20 the petition was issued. If a petition seeks to recall an official who
21 represents a district, the petition shall be signed by a number of the
22 voters residing in the district equal to 25 percent of the number of
23 votes cast in the district for that office at the last regular election
24 held before the date the petition was issued.

25 (c) Illegible signatures shall be rejected by the clerk unless
26 accompanied by a legible printed name. Signatures not accompanied by a
27 legible residence address shall be rejected.

28 (d) A petition signer may withdraw his signature upon written
29 application to the clerk before certification of the petition.

1 Sec. 29.26.290. SUFFICIENCY OF PETITION. (a) The copies of a
2 recall petition shall be assembled and filed as a single instrument. A
3 petition may not be filed within 180 days before the end of the term of
4 office of the official sought to be recalled. Within 10 days after the
5 date a petition is filed, the municipal clerk shall

6 (1) certify on the petition whether it is sufficient; and

7 (2) if the petition is insufficient, identify the insuffi-
8 ciency and notify the sponsors at the address provided under AS 29.26.-
9 260(a)(2) by certified mail.

10 (b) A petition that is insufficient may be supplemented with addi-
11 tional signatures obtained and filed within 10 days after the date on
12 which the petition is rejected if

13 (1) the petition contains an adequate number of signatures,
14 counting both valid and invalid signatures; and

15 (2) the supplementary petition is filed more than 180 days
16 before the end of the term of office of the official sought to be re-
17 called.

18 (c) A petition that is insufficient shall be rejected and filed as
19 a public record unless it is supplemented under (b) of this section.
20 Within 10 days after the supplementary filing the clerk shall recertify
21 the petition. If it is still insufficient, the petition is rejected and
22 filed as a public record.

23 Sec. 29.26.300. NEW RECALL PETITION APPLICATION. A new applica-
24 tion for a petition to recall the same official may not be filed sooner
25 than six months after a petition is rejected as insufficient.

26 Sec. 29.26.310. SUBMISSION. If a recall petition is sufficient,
27 the clerk shall submit it to the governing body at the next regular
28 meeting or at a special meeting held before the next regular meeting.

29 Sec. 29.26.320. ELECTION. (a) If a regular election occurs

1 within 75 days but not sooner than 45 days after submission of the
2 petition to the governing body, the governing body shall submit the
3 recall at that election.

4 (b) If no regular election occurs within 75 days, the governing
5 body shall hold a special election on the recall question within 75 days
6 but not sooner than 45 days after a petition is submitted to the govern-
7 ing body.

8 (c) If a vacancy occurs in the office after a sufficient recall
9 petition is filed with the clerk, the recall question may not be sub-
10 mitted to the voters. The governing body may not appoint to the same
11 office an official who resigns after a sufficient recall petition is
12 filed naming him.

13 Sec. 29.26.330. FORM OF RECALL BALLOT. A recall ballot shall
14 contain

15 (1) the grounds of recall as stated in 200 words or less on
16 the recall petition;

17 (2) a statement by the official named on the recall petition
18 of 200 words or less, if the statement is filed with the clerk for
19 publication and public inspection within 20 days before the election;

20 (3) the following question: "Shall (name of person) be
21 recalled from the office of (office)? YES () NO ()".

22 Sec. 29.26.340. EFFECT. (a) If a majority vote favors recall,
23 the office becomes vacant upon certification of the recall election.

24 (b) If an official is not recalled at the election, an application
25 for a petition to recall the same official may not be filed sooner than
26 six months after the election.

27 Sec. 29.26.350. SUCCESSORS. (a) If an official is recalled from
28 the governing body, his office is filled in accordance with AS 29.20.-
29 180. If all members of the governing body are recalled, the governor

1 shall appoint three qualified persons to the governing body. The
2 appointees shall appoint additional members to fill remaining vacancies
3 in accordance with AS 29.20.180.

4 (b) If a member of the school board is recalled, his office is
5 filled in accordance with AS 14.12.070. If all members are recalled
6 from a school board, the governor shall appoint three qualified persons
7 to the school board. The appointees shall appoint additional members to
8 fill remaining vacancies in accordance with AS 14.12.070.

9 (c) A person appointed under (a) or (b) of this section serves
10 until a successor is elected and takes office.

11 (d) If an official other than a member of the governing body or
12 school board is recalled, a successor shall be elected to fill the
13 unexpired portion of the term. The election shall be held not more than
14 60 days after the date the recall election is certified, except that if
15 a regular election occurs within 75 days after certification the
16 successor shall be chosen at that election.

17 (e) Nominations for a successor may be filed until seven days
18 before the last date on which a first notice of the election must be
19 given. Nominations may not be filed before the certification of the
20 recall election.

21 Sec. 29.26.360. APPLICATION. AS 29.26.240 - 29.26.360 apply to
22 home rule and general law municipalities.

23 * Sec. 9. AS 29 is amended by adding a new chapter to read:

24 CHAPTER 35. MUNICIPAL POWERS AND DUTIES.

25 ARTICLE 1. GENERAL POWERS.

26 Sec. 29.35.010. GENERAL POWERS. All municipalities have the
27 following general powers, subject to other provisions of law:

28 (1) to establish and prescribe a salary for an elected or
29 appointed municipal official or employee;

1 (2) to combine two or more appointive or administrative
2 offices;

3 (3) to establish and prescribe the functions of a municipal
4 department, office, or agency;

5 (4) to require periodic and special reports from a municipal
6 department to be submitted through the mayor;

7 (5) to investigate an affair of the municipality and make
8 inquiries into the conduct of a municipal department;

9 (6) to levy a tax or special assessment, and impose a lien
10 for its enforcement;

11 (7) to enforce an ordinance and to prescribe a penalty for
12 violation of an ordinance;

13 (8) to acquire, manage, control, use, and dispose of real and
14 personal property, whether the property is situated inside or outside
15 the municipal boundaries; this power includes the power of a borough to
16 expend, for any purpose authorized by law, money received from the
17 disposal of land in a service area established under AS 29.35.450;

18 (9) to expend money for a community purpose, facility, or
19 service for the good of the municipality to the extent the municipality
20 is otherwise authorized by law to exercise the power necessary to
21 accomplish the purpose or provide the facility or service;

22 (10) to regulate the operation and use of a municipal right-
23 of-way, facility, or service;

24 (11) to borrow money and issue evidences of indebtedness;

25 (12) to acquire membership in an organization that promotes
26 legislation for the good of the municipality;

27 (13) to enter into an agreement, including an agreement for
28 cooperative or joint administration of any function or power with a
29 municipality, the state, or the United States;

1 (14) to sue and be sued.

2 Sec. 29.35.020. EXTRATERRITORIAL JURISDICTION. (a) To the extent
3 a municipality is otherwise authorized by law to exercise the power
4 necessary to provide the facility or service, the municipality may
5 provide parks, playgrounds, cemeteries, emergency medical services,
6 solid and septic waste disposal, utility services, airports, streets
7 (including ice roads), trails, transportation facilities, wharves,
8 harbors and other marine facilities outside its boundaries and may
9 regulate their use and operation to the extent that the jurisdiction in
10 which they are located does not regulate them. A regulation adopted
11 under this section must state that it applies outside the municipality.

12 (b) A municipality may adopt an ordinance to protect its water
13 supply and watershed, and may enforce the ordinance outside its bound-
14 aries. Before this power may be exercised inside the boundaries of
15 another municipality, the approval of the other municipality must be
16 given by ordinance.

17 (c) This section applies to home rule and general law municipali-
18 ties.

19 Sec. 29.35.030. EMINENT DOMAIN. (a) A municipality may exercise
20 the powers of eminent domain and declaration of taking in the perfor-
21 mance of a power or function of the municipality under the procedures
22 set out in AS 09.55.250 - 09.55.460.

23 (b) This section applies to home rule and general law municipali-
24 ties.

25 Sec. 29.35.040. EMERGENCY DISASTER POWERS. (a) A municipality
26 that is wholly or partially in an area that is declared by the President
27 or governor to be a disaster area may participate in and provide for
28 housing, urban renewal, and redevelopment in the same manner as a home
29 rule city. The exercise of these powers by a borough shall be on a

1 nonareawide basis, except a borough may exercise the powers transferred
2 to it by a city as provided by AS 29.35.310.

3 (b) Powers granted by this section must be initiated within a
4 period of not more than five years after the date of declaration of a
5 natural disaster by the President or governor, but these powers may be
6 extended for an additional period of not more than three years.

7 Sec. 29.35.050. GARBAGE AND SOLID WASTE SERVICES. (a) A munici-
8 pality may by ordinance

9 (1) provide for the establishment, maintenance, and operation
10 of a system of garbage and solid waste collection and disposal for the
11 entire municipality, or for districts or portions of it;

12 (2) require all persons in the municipality or district to
13 use the system and to dispose of their garbage and solid wastes as
14 provided in the ordinance;

15 (3) award contracts for collection and disposal, or provide
16 for the collection and disposal of garbage and solid waste by municipal
17 officials and employees;

18 (4) pay for garbage and solid waste collection and disposal
19 from available money;

20 (5) require property owners or occupants of premises to use
21 the garbage and solid waste collection and disposal system provided by
22 the municipality;

23 (6) fix charges against the property owners or occupants of
24 premises for the collection and disposal; and

25 (7) provide penalties for violations of the ordinances.

26 (b) The governing body of a municipality may not prohibit a person
27 holding a valid certificate from the Alaska Public Utilities Commission
28 from continuing to collect and dispose of garbage, refuse, trash, waste
29 material, or provide other related services in an area in the munici-

1 pality if the certificate authorizes the collection and disposal of
2 garbage, refuse, trash, or other waste material and providing of other
3 services in the area, and the certificate was originally issued before
4 the municipality provided similar services. A municipality may not
5 provide for a garbage, refuse, trash, or other waste material collection
6 and disposal service in an area to the extent it lies in an area granted
7 to a garbage, refuse, trash, or other waste material carrier by a cer-
8 tificate issued by the Alaska Public Utilities Commission to the carrier
9 until it has purchased the certificate, equipment and facilities of the
10 carrier, or that portion of the certificate that would be affected, at
11 fair market value. A municipality may exercise the right of eminent
12 domain to determine fair market value.

13 (c) This section applies to home rule and general law municipal-
14 ities.

15 Sec. 29.35.060. FRANCHISES AND PERMITS. (a) The assembly acting
16 for the area outside all cities in the borough and the council acting
17 for the area in a city may grant franchises, including exclusive fran-
18 chise privileges, and may permit the use of streets and other public
19 places by the franchise holder under regulations prescribed by ordi-
20 nance.

21 (b) Unless the grant is made on a competitive basis, the grant of
22 an exclusive right to use a public street or right-of-way for more than
23 five years to a utility or a transportation system not certificated by
24 the Alaska Public Utilities Commission or by the Alaska Transportation
25 Commission shall be valid only if approved by a majority of the voters
26 at an election.

27 Sec. 29.35.070. PUBLIC UTILITIES. (a) The assembly acting for
28 the area outside all cities in the borough and the council acting for
29 the area in a city may regulate, fix, establish, and change the rates

1 and charges imposed for a utility service provided to the municipality
2 or its inhabitants by a utility to the extent that it is not regulated
3 under AS 42.05, and may provide a reasonable deposit for meters and
4 service to be given if interest is paid on the deposit. All rates,
5 charges, and regulations shall be reasonable and shall permit a fair
6 return on invested capital.

7 (b) This section applies to home rule and general law municipali-
8 ties.

9 Sec. 29.35.080. MUNICIPAL PROPERTY. The governing body shall by
10 ordinance establish a formal procedure for acquisition and disposal of
11 land and interests in land by the municipality.

12 Sec. 29.35.090. BUDGET AND CAPITAL PROGRAM. (a) The governing
13 body shall establish the manner for the preparation and submission of
14 the budget and capital program. After a public hearing, the governing
15 body may approve the budget with or without amendments, and shall
16 appropriate the money required for the approved budget.

17 (b) The governing body may make supplemental and emergency appro-
18 priations. Payment may not be authorized or made and an obligation may
19 not be incurred except in accordance with appropriations.

20 Sec. 29.35.100. EXPENDITURE OF BOROUGH REVENUES. Borough revenues
21 received through taxes collected on an areawide basis by the borough may
22 be expended on general administrative costs and on areawide functions
23 only. Borough revenues received through taxes collected on a nonareawide
24 basis may be expended on general administrative costs and functions that
25 render service only to the area outside all cities in the borough.

26 Sec. 29.35.110. POST AUDIT. (a) The governing body shall provide
27 for an annual independent audit of the accounts and financial trans-
28 actions of the municipality or, in the case of a second class city, an
29 audit or statement of annual income and expenditures. To make the audit

1 the governing body shall designate a public accountant who has no
2 personal interest, direct or indirect, in the fiscal affairs of the
3 municipality. Copies of the audit shall be available to the public upon
4 request.

5 (b) This section applies to home rule and general law municipali-
6 ties.

7 ARTICLE 2. MANDATORY AREAWIDE POWERS.

8 Sec. 29.35.150. SCOPE OF AREAWIDE POWERS. (a) A borough shall
9 exercise the powers as specified and in the manner specified in AS 29.-
10 35.150 - 29.35.190 on an areawide basis.

11 (b) A city may not exercise an areawide power once that power is
12 being exercised by a borough. This subsection applies to home rule and
13 general law municipalities.

14 Sec. 29.35.160. EDUCATION. (a) Each borough constitutes a
15 borough school district and establishes, maintains, and operates a
16 system of public schools on an areawide basis as provided in AS 14.14.-
17 060. A military reservation in a borough is not part of the borough
18 school district until the military mission is terminated or until
19 inclusion in the borough school district is approved by the Department
20 of Education. However, operation of the military reservation schools by
21 the borough school district may be required by the Department of Educa-
22 tion under AS 14.14.110. If the military mission of a military reserva-
23 tion terminates or continued management and control by a regional educa-
24 tional attendance area is disapproved by the Department of Education,
25 operation, management, and control of schools on the military reservation
26 transfers to the borough school district in which the military reserva-
27 tion is located.

28 (b) This section applies to home rule and general law municipali-
29 ties.

1 Sec. 29.35.170. ASSESSMENT AND COLLECTION OF TAXES. (a) A
2 borough shall assess and collect property, sales, and use taxes that are
3 levied in its boundaries, subject to AS 29.45.

4 (b) Taxes levied by a city shall be collected by a borough and
5 returned in full to the levying city. This subsection applies to home
6 rule and general law municipalities.

7 Sec. 29.35.180. LAND USE REGULATION. (a) A first or second class
8 borough shall provide for planning, platting, and land use regulation in
9 accordance with AS 29.40.

10 (b) A home rule borough shall provide for planning, platting, and
11 land use regulation.

12 ARTICLE 3. ADDITIONAL POWERS.

13 Sec. 29.35.200. FIRST CLASS BOROUGH POWERS. (a) A first class
14 borough may exercise on a nonareawide basis any power not otherwise
15 prohibited by law.

16 (b) A first class borough may by ordinance exercise the following
17 powers on an areawide basis:

- 18 (1) provide transportation systems;
19 (2) provide water pollution control;
20 (3) provide air pollution control in accordance with AS 46.-
21 03.140 - 46.03.240;
22 (4) license day care facilities;
23 (5) license, impound, and dispose of animals.

24 (c) In addition to powers conferred by (b) of this section, a
25 first class borough may, on an areawide basis, exercise a power not
26 otherwise prohibited by law if the power has been acquired in accordance
27 with AS 29.35.300.

28 Sec. 29.35.210. SECOND CLASS BOROUGH POWERS. (a) A second class
29 borough may by ordinance exercise the following powers on a nonareawide

1 basis:

- 2 (1) provide transportation systems;
- 3 (2) regulate the offering for sale, exposure for sale, sale,
- 4 use or explosion of fireworks;
- 5 (3) license, impound, and dispose of animals;
- 6 (4) provide garbage, solid waste, and septic waste collection
- 7 and disposal;
- 8 (5) provide air pollution control in accordance with AS 46.-
- 9 03.140 - 46.03.240;
- 10 (6) provide water pollution control;
- 11 (7) participate in federal or state loan programs for housing
- 12 rehabilitation and improvement for energy conservation;
- 13 (8) provide for economic development;
- 14 (9) provide for the acquisition and construction of local
- 15 service roads and trails under AS 19.30.111 - 19.30.251;
- 16 (10) establish an emergency communications center.

17 (b) A second class borough may by ordinance exercise the following

18 powers on an areawide basis:

- 19 (1) provide transportation systems;
- 20 (2) license, impound, and dispose of animals;
- 21 (3) provide air pollution control in accordance with AS 46.-
- 22 03.140 - 46.03.240;
- 23 (4) provide water pollution control;
- 24 (5) license day care facilities.

25 (c) In addition to powers conferred by (a) of this section, a

26 second class borough may, on a nonareawide basis, exercise a power not

27 otherwise prohibited by law if the exercise of the power has been

28 approved at an election by a majority of voters living in the borough

29 but outside all cities in the borough.

1 (d) In addition to powers conferred by (b) of this section, a
2 second class borough may, on an areawide basis, exercise a power not
3 otherwise prohibited by law if the power has been acquired in accordance
4 with AS 29.35.300.

5 Sec. 29.35.220. THIRD CLASS BOROUGH POWERS. (a) A third class
6 borough may borrow money and issue negotiable or nonnegotiable bonds or
7 other evidences of indebtedness as provided by AS 29.47.

8 (b) Areawide exercise of a power by a third class borough other
9 than education and tax assessment and collection is not authorized.

10 (c) A third class borough may acquire under AS 29.35.300(b) the
11 power to provide for planning, platting, and land use regulation as
12 provided in AS 29.40 for first and second class boroughs, except the
13 power may only be exercised within a service area.

14 (d) A third class borough may acquire under AS 29.35.300(b) any
15 power not otherwise prohibited by law, except the power may only be
16 exercised within a service area.

17 ARTICLE 4. CITY POWERS.

18 Sec. 29.35.250. CITIES INSIDE BOROUGHES. (a) A city inside a
19 borough may exercise any power not otherwise prohibited by law. On
20 adoption of a borough ordinance to provide for areawide exercise of a
21 power, no city may exercise the power unless the borough ordinance
22 provides otherwise or the borough by ordinance ceases to exercise the
23 power.

24 (b) A home rule or first class city in a third class borough shall
25 provide for planning, platting, and land use regulation as provided by
26 AS 29.40 for first and second class boroughs. A second class city in a
27 third class borough may provide for planning, platting, and land use
28 regulation as provided by AS 29.40 for first and second class boroughs.

29 (c) This section applies to home rule and general law cities.

1 Sec. 29.35.260. CITIES OUTSIDE BOROUGHES. (a) A city outside a
2 borough may exercise a power not otherwise prohibited by law. Powers
3 that are incorporated by reference to laws governing boroughs apply to
4 home rule cities outside boroughs only in those cases in which they are
5 made applicable to home rule boroughs in the provisions incorporated.

6 (b) A home rule or first class city outside a borough is a city
7 school district and shall establish, operate, and maintain a system of
8 public schools as provided by AS 29.35.160 for boroughs. A second class
9 city is not a school district and may not establish a system of public
10 schools.

11 (c) A home rule or first class city outside a borough shall, and a
12 second class city outside a borough may, provide for planning, platting,
13 and land use regulation as provided by AS 29.40 for first and second
14 class boroughs.

15 (d) This section applies to home rule and general law cities.

16 ARTICLE 5. ACQUISITION OF ADDITIONAL POWERS.

17 Sec. 29.35.300. ADDITIONAL POWERS. (a) A first or second class
18 borough acquires an additional power by transfer from a city in accor-
19 dance with AS 29.35.310, or by holding an election on the question. For
20 acquisition of an areawide power, the election shall be held areawide.
21 For acquisition of a nonareawide power, the election shall be held
22 nonareawide.

23 (b) A third class borough acquires an additional power to exercise
24 in service areas by holding an election on the question in which each
25 person who is a voter of the borough may vote.

26 Sec. 29.35.310. TRANSFER BY CITY. (a) A city in a first or
27 second class borough may transfer to the borough in which it is located
28 any of its powers or functions, subject to the approval of the assembly.

29 (b) A first or second class borough shall exercise all powers

1 transferred to it by a city.

2 Sec. 29.35.320. INITIATION OF ACQUISITION OF POWER. (a) An
3 election on the question of adding an areawide or nonareawide power in a
4 first or second class borough may be initiated in two ways:

5 (1) a number of voters equal to 15 percent of the number of
6 votes cast at the preceding regular election in the area, either area-
7 wide or nonareawide, in which the election is to be held may file a
8 petition with the borough clerk; or

9 (2) the assembly may propose the acquisition of the power.

10 (b) An election on the question of adding a power in a third class
11 borough for exercise in service areas may be initiated in two ways:

12 (1) a number of voters equal to 15 percent of the number of
13 votes cast at the preceding regular election in a proposed service area
14 in which the power is sought to be exercised may file a petition with
15 the assembly; or

16 (2) the assembly may propose the acquisition of the power.

17 (c) The borough clerk shall certify whether a petition filed under
18 (a) or (b) of this section contains the required number of signatures.

19 (d) Within 30 days after a petition is certified as containing the
20 required number of signatures or the assembly proposes the acquisition
21 of a power, at least one public hearing shall be held in the borough on
22 the question. The assembly shall then evaluate the ability of the
23 borough to exercise the power and make its findings public. Within 60
24 days after its findings have been made public, the assembly shall order
25 an election on the question.

26 Sec. 29.35.330. ELECTION. (a) If more than one power is proposed
27 for acquisition under AS 29.35.320, each shall appear separately on the
28 ballot.

29 (b) A vote on the question of adding an areawide power in a first

1 or second class borough shall be tabulated in two separate classifica-
2 tions. One shall consist of all votes cast in all cities located in the
3 borough. The other shall consist of all votes cast in the borough area
4 outside all cities. If the majority of the votes cast in each classifi-
5 cation is favorable, the borough shall assume the added power within 30
6 days after certification of the election results.

7 (c) If a majority of the votes cast on the question of adding a
8 nonareawide power in a first or second class borough or a power to be
9 exercised in service areas in a third class borough is favorable, the
10 borough shall assume the added power within 30 days after certification
11 of the election results.

12 (d) The borough mayor shall certify the election results to the
13 department.

14 Sec. 29.35.340. EFFECT OF ACQUIRING AN AREAWIDE POWER. (a) On
15 acquisition of an areawide power the first or second class borough
16 succeeds to all of the rights, powers, and duties of any city or service
17 area with respect to that power. The borough succeeds to claims,
18 franchises, and other contractual obligations, liability for bonded and
19 all other indebtedness, and to all of the right, title, and interest in
20 the real and personal property held by a city or service area for the
21 exercise of the power.

22 (b) The assembly may levy and collect special charges, taxes, or
23 assessments including interest for the purpose of amortizing bonded in-
24 debtedness previously incurred by a city or service area for exercising
25 an areawide power acquired by the borough. When a city or service area
26 had previously incurred bonded indebtedness, all property that was in
27 the city or service area at the time the bonds were issued remains
28 subject to taxation to pay the principal of and interest on the bonds.

29 (c) On acquisition of an additional areawide power the first or

1 second class borough, in consultation with the city or service area
2 personnel, shall arrange for an orderly and equitable transfer of
3 rights, assets, liabilities, powers, duties, and other matters related
4 to acquisition of the areawide powers.

5 (d) This section applies to home rule and general law cities.

6 ARTICLE 6. CONSTRUCTION OF POWERS.

7 Sec. 29.35.400. GENERAL CONSTRUCTION. A liberal construction
8 shall be given to all powers and functions of a municipality conferred
9 in this title.

10 Sec. 29.35.410. EXTENT OF POWERS. Unless otherwise limited by
11 law, a municipality has and may exercise all powers and functions
12 necessarily or fairly implied in or incident to the purpose of all
13 powers and functions conferred in this title.

14 Sec. 29.35.420. ENUMERATION OF POWERS. Specific examples in an
15 enumerated power or function conferred upon a municipality in this title
16 is illustrative of the object and not a limitation on or exclusion from
17 the exercise of the power or function.

18 ARTICLE 7. SERVICE AREAS.

19 Sec. 29.35.450. SERVICE AREAS. (a) A service area to provide
20 special services in a borough may be established, operated, altered, or
21 abolished by ordinance. Special services include services not provided
22 on an areawide or nonareawide basis in the borough, or a higher or
23 different level of service than that provided on an areawide or non-
24 areawide basis. The borough may include a city in a service area if

25 (1) the city agrees by ordinance; or

26 (2) approval is granted by a majority of voters residing in
27 the city, and by a majority of voters residing inside the boundaries of
28 the proposed service area but outside of the city.

29 (b) A new service area may not be established if, consistent with

1 the purposes of art. X of the state constitution, the new service can be
2 provided by an existing service area, by annexation to a city, or by
3 incorporation as a city.

4 Sec. 29.35.460. SERVICE AREA BOARDS. The assembly may provide for
5 an appointed or elected board to supervise the furnishing of special
6 services in a service area.

7 Sec. 29.35.470. FINANCING. The assembly may levy or authorize the
8 levying of taxes, charges, or assessments in a service area to finance
9 the special services. If the assembly authorizes the levying of taxes,
10 charges, or assessments, the rate of taxation and the issuance of bonds
11 are subject to assembly approval.

12 Sec. 29.35.480. SERVICE AREAS IN FIRST CLASS BOROUGHES. In a first
13 class borough, the assembly may exercise in a service area any power
14 granted a first class city by law. The assembly may exercise in a
15 service area any nonareawide power that may be exercised by a first
16 class borough.

17 Sec. 29.35.490. SERVICE AREAS IN SECOND AND THIRD CLASS BOROUGHES.

18 (a) A second class borough may exercise in a service area any power
19 granted a first class city by law or a nonareawide power that may be
20 exercised by a first class borough if

21 (1) the exercise of the power is approved by a majority of
22 the voters residing in the service area; or

23 (2) all owners of real property in the service area consent
24 in writing to the exercise of the power if no voters reside in the
25 service area.

26 (b) A third class borough may exercise in a service area any power
27 acquired under AS 29.35.300(b) if the exercise of the power is approved
28 by a majority of the voters residing in the service area.

29 (c) A second or third class borough may establish a service area

1 that includes only vacant, unappropriated, and unreserved land owned by
2 the borough. A second or third class borough may establish a service
3 area, with the concurrence of the commissioner of natural resources,
4 that includes only vacant, unappropriated, and unreserved land owned by
5 the state and classified for disposal to individuals. By ordinance a
6 second or third class borough may provide the services in a service area
7 established under this subsection necessary to develop state or municipal
8 land as required by the planning, platting, and land use regulations of
9 the borough.

10 * Sec. 10. AS 29 is amended by adding a new chapter to read:

11 CHAPTER 40. PLANNING, PLATTING, AND LAND USE REGULATION.

12 Sec. 29.40.010. PLANNING, PLATTING, AND LAND USE REGULATION. (a)
13 A first or second class borough shall provide for planning, platting,
14 and land use regulation on an areawide basis.

15 (b) If a city in a borough consents by ordinance, the assembly may
16 by ordinance delegate any of its powers and duties under this chapter to
17 the city. The assembly may by ordinance, without first obtaining the
18 consent of the city, revoke any power or duty delegated under this
19 section.

20 Sec. 29.40.020. PLANNING COMMISSION. (a) Each first and second
21 class borough shall establish a planning commission consisting of five
22 residents unless a greater number is required by ordinance. Commission
23 membership shall be apportioned so that the number of members from home
24 rule and first class cities reflects the proportion of borough popula-
25 tion residing in home rule and first class cities located in the borough.
26 A member shall be appointed by the borough mayor for a term of three
27 years subject to confirmation by the assembly, except that a member from
28 a home rule or first class city shall be selected from a list of recom-
29 mendations submitted by the council. Members first appointed shall draw

1 lots for one, two, and three year terms. Appointments to fill vacancies
2 are for the unexpired term. The compensation and expenses of the plan-
3 ning commission and its staff are paid as directed by the assembly.

4 (b) In addition to the duties prescribed by ordinance, the plan-
5 ning commission shall

6 (1) prepare and submit to the assembly a proposed comprehen-
7 sive plan in accordance with AS 29.40.030 for the systematic and organ-
8 ized development of the borough;

9 (2) review, recommend, and administer measures necessary to
10 implement the comprehensive plan, including measures provided under
11 AS 29.40.040.

12 Sec. 29.40.030. COMPREHENSIVE PLAN. (a) The comprehensive plan
13 is a compilation of policy statements, goals, standards, and maps for
14 guiding the physical, social, and economic development, both private and
15 public, of the first or second class borough, and may include, but is
16 not limited to, the following:

17 (1) statements of policies, goals, and standards;

18 (2) a land use plan;

19 (3) a community facilities plan;

20 (4) a transportation plan; and

21 (5) recommendations for implementation of the plan.

22 (b) With the recommendations of the planning commission, the
23 assembly shall adopt by ordinance a comprehensive plan. The assembly
24 shall, after receiving the recommendations of the planning commission,
25 periodically undertake an overall review of the plan and update the plan
26 as necessary.

27 Sec. 29.40.040. LAND USE REGULATION. (a) In accordance with a
28 comprehensive plan adopted under AS 29.40.030 and in order to implement
29 the plan, the assembly by ordinance shall adopt or amend provisions

1 governing the use and occupancy of land that may include, but are not
2 limited to,

3 (1) zoning regulations restricting the use of land and
4 improvements by geographic districts;

5 (2) land use permit requirements designed to encourage or
6 discourage specified uses and construction of specified structures, or
7 to minimize unfavorable effects of uses and the construction of struc-
8 tures;

9 (3) measures to further the goals and objectives of the
10 comprehensive plan.

11 (b) A variance from a land use regulation adopted under this
12 section may not be granted if

13 (1) special conditions that require the variance are caused
14 by the person seeking the variance;

15 (2) the variance will permit a land use in a district in
16 which that use is prohibited; or

17 (3) the variance is sought solely to relieve pecuniary hard-
18 ship or inconvenience.

19 Sec. 29.40.050. APPEALS FROM ADMINISTRATIVE DECISIONS. (a) By
20 ordinance the assembly shall provide for an appeal from an administra-
21 tive decision of a municipal employee, board, or commission made in the
22 enforcement, administration, or application of a land use regulation
23 adopted under this chapter. The assembly may provide for an appeal to a
24 court, hearing officer, board of adjustment, or other body. The assembly
25 shall provide for an appeal from a decision on a request for a variance
26 from the terms of a land use regulation when literal enforcement would
27 deprive a property owner of rights commonly enjoyed by other properties
28 in the district.

29 (b) By ordinance the assembly may provide for appointment of a

1 hearing officer, or for the composition, appointment, and terms of
2 office of a board of adjustment or other body established to hear appeals
3 from administrative actions. The assembly may define proper parties and
4 prescribe evidentiary rules, standards of review, and remedies available
5 to the hearing officer, board of adjustment, or other body.

6 Sec. 29.40.060. JUDICIAL REVIEW. (a) The assembly shall provide
7 by ordinance for an appeal by a municipal officer or person aggrieved
8 from a decision of a hearing officer, board of adjustment, or other body
9 to the superior court.

10 (b) An appeal to the superior court under this section is an
11 administrative appeal heard solely on the record established by the
12 hearing officer, board of adjustment, or other body. A proceeding under
13 this section has preference over all other civil actions and proceedings.

14 Sec. 29.40.070. PLATTING REGULATION. By ordinance the assembly
15 shall adopt platting requirements that may include, but are not limited
16 to, the control of

17 (1) form, size, and other aspects of subdivision, dedica-
18 tions, and vacations of land;

19 (2) dimensions and design of lots;

20 (3) streetwidth, arrangement, and rights-of-way, including
21 requirements for public access to lots and installation of street paving,
22 curbs, gutters, sidewalks, sewers, water lines, drainage and other
23 public utility facilities and improvements;

24 (4) dedication of streets, rights-of-way, public utility
25 easements and areas considered necessary by the platting authority for
26 other public uses.

27 Sec. 29.40.080. PLATTING AUTHORITY. (a) The assembly by ordi-
28 nance shall establish a platting authority to administer subdivision
29 regulations and to perform other duties as required by the assembly.

1 The platting authority may consist of members of the planning commission
2 or of other municipal residents.

3 (b) The assembly may by ordinance provide for an administrative
4 official to act as the platting authority with regard to abbreviated
5 plats.

6 Sec. 29.40.090. ABBREVIATED PLATS AND WAIVERS. (a) Notwith-
7 standing other provisions of this chapter, the assembly shall by
8 ordinance establish an abbreviated plat procedure for a plat that will

9 (1) subdivide a single lot into not more than four lots;

10 (2) provide legal and physical access to a public highway or
11 street for each lot created by the subdivision;

12 (3) not contain or require a dedication of a street, right-
13 of-way, or other area;

14 (4) not require a vacation of a public dedication of land or
15 a variance from a subdivision regulation.

16 (b) The platting authority shall waive the preparation, submission
17 for approval, and recording of a plat on satisfactory evidence that the
18 subdivision meets the requirements of (a) of this section and each lot
19 created by the subdivision is five acres or larger.

20 Sec. 29.40.100. INFORMATION REQUIRED. A plat shall show

21 (1) initial point of survey;

22 (2) original or reestablished corners and their descriptions;

23 (3) actual traverse showing area of closure and all dis-
24 tances, angles, and calculations required to determine initial point,
25 corners, and distances of the plat; and

26 (4) other information that may be required by ordinance.

27 Sec. 29.40.110. PLAT PROCEDURE. (a) The platting authority shall
28 approve or disapprove a plat within 60 days after it is filed, or shall
29 return it to the applicant for modification or correction. Unless the

1 applicant for plat approval consents to an extension of time, the plat
2 is considered approved and a certificate of approval shall be issued by
3 the platting authority on demand if the platting authority fails to act
4 within 60 days.

5 (b) The platting authority shall state in writing its reasons for
6 disapproval of a plat. If the platting authority approves a plat, the
7 plat shall be acknowledged and filed in accordance with AS 40.15.010 -
8 40.15.020.

9 Sec. 29.40.120. ALTERATION OR REPLAT PETITION. A recorded plat
10 may not be altered or replatted except by the platting authority on
11 petition of the state, the borough, a public utility, or the owners of a
12 majority of the land affected by the alteration or replat. A platted
13 street may not be vacated, except on petition of the state, the borough,
14 a public utility, or owners of a majority of the land fronting the part
15 of the street sought to be vacated. The petition shall be filed with
16 the platting authority and shall be accompanied by a copy of the exist-
17 ing plat showing the proposed alteration or replat.

18 Sec. 29.40.130. NOTICE OF HEARING. The platting authority shall
19 fix a time for a hearing on an alteration or replat petition that may
20 not be more than 60 days after the petition is filed. Notice shall be
21 published by the platting authority stating when and by whom the peti-
22 tion was filed, its purpose, and the time and place of the hearing. The
23 notice shall generally describe the alteration or replat sought. The
24 platting authority shall also mail a copy of the notice to each affected
25 property owner who did not sign the petition.

26 Sec. 29.40.140. HEARING AND DETERMINATION. (a) The platting
27 authority shall consider the alteration or replat petition at a hearing
28 and make its decision on the merits of the proposal.

29 (b) Vacation of a city street may not be made without the consent

1 of the council. Vacation of a street in the borough area outside all
2 cities may not be made without the consent of the assembly. The govern-
3 ing body shall have 30 days from the decision of the platting authority
4 in which to veto a vacation of a street. If no veto is received by the
5 platting authority within the 30-day period, consent is considered to
6 have been given to the vacation.

7 Sec. 29.40.150. RECORDING. If the alteration or replat is ap-
8 proved, the revised plat shall be acknowledged and filed in accordance
9 with AS 40.15.010 - 40.15.020.

10 Sec. 29.40.160. TITLE TO VACATED AREA. (a) The title to the
11 street or other public area vacated on a plat attaches to the lot or
12 lands bordering the area in equal proportions, except that if the area
13 was originally dedicated by different persons, original boundary lines
14 shall be adhered to so that the street area that lies on one side of the
15 boundary line shall attach to the abutting property on that side, and
16 the street area that lies on the other side of the boundary line shall
17 attach to the property on that side. The portion of a vacated street
18 that lies inside the limits of a platted addition attaches to the lots
19 of the platted addition bordering on the area. If a public square is
20 vacated, the title to it vests in a city if it lies inside the city, and
21 in the borough if it lies inside the borough but outside all cities. If
22 the property vacated is a lot, title vests in the rightful owner.

23 (b) If the municipality acquired the street or other public area
24 vacated for legal consideration or by express dedication to the muni-
25 cipality other than as a subdivision platting requirement, before the
26 final act of vacation the fair market value of the street or public area
27 shall be deposited with the platting authority to be paid to the muni-
28 cipality on final vacation.

29 (c) The provisions of (a) and (b) of this section apply to home

1 rule and general law municipalities.

2 (d) The council of a second class city located outside a borough
3 may vacate streets, alleys, crossings, sidewalks, or other public ways
4 that may have been previously dedicated or established when the council
5 finds that the streets, alleys, crossings, sidewalks, or other public
6 ways are no longer necessary for the public welfare, or when the public
7 welfare will be enhanced by the vacation. If the council determines
8 that all or a portion of the area vacated under this subsection should
9 be devoted to another public purpose, title to the area vacated and held
10 for another public purpose does not vest as provided in (a) of this
11 section but remains in the city.

12 Sec. 29.40.170. DELEGATIONS. The planning commission and the
13 platting authority may, as authorized by ordinance, delegate powers to
14 hear and decide cases under this chapter, including, but not limited to,
15 delegations to

- 16 (1) one or more members of the planning commission or plat-
17 ting authority;
- 18 (2) other boards or commissions;
- 19 (3) a hearing officer designated by the planning commission
20 or platting authority.

21 Sec. 29.40.180. VIOLATIONS. It is unlawful for the owner of land
22 located in a subdivision to transfer, sell, offer to sell, or enter into
23 a contract to sell land in a subdivision before a plat of the subdivi-
24 sion has been prepared, approved, and filed in accordance with this
25 chapter. It is unlawful for a person to file a plat or other document
26 depicting subdivided land in a public recorder's office unless the plat
27 or document has been approved by the platting authority. A person con-
28 victed of violating a provision of this chapter, a subdivision regula-
29 tion adopted under this chapter, or a term, condition, or limitation

1 imposed by a platting authority in the exercise of its powers under this
2 chapter is guilty of a class B misdemeanor.

3 Sec. 29.40.190. REMEDIES. (a) The municipality or an aggrieved
4 person may institute a civil action against a person who violates a
5 provision of this chapter, a subdivision regulation adopted under this
6 chapter, or a term, condition, or limitation imposed by a platting
7 authority. In addition to other relief, a civil penalty not to exceed
8 \$1,000 may be imposed for each violation. An action to enjoin a viola-
9 tion may be brought notwithstanding the availability of any other remedy.
10 Upon application for injunctive relief and a finding of a violation or
11 threatened violation, the superior court shall grant the injunction.

12 (b) Each day that an unlawful act or condition continues consti-
13 tutes a separate violation.

14 Sec. 29.40.200. SUBDIVISIONS OF STATE LAND. (a) The subdivision
15 requirements adopted under this chapter apply to a subdivision plat of
16 undeveloped state land for disposal under AS 38.05 or AS 38.08 filed
17 with the platting authority. The platting authority may not disapprove
18 the subdivision plat on the basis of requirements for capital improve-
19 ments on or to state land included in the subdivision plat. Subdivision
20 ordinances and regulations adopted after the platting authority is
21 notified by the commissioner of natural resources of a proposed sale of
22 subdivided state land under AS 38.05 or AS 38.08 do not apply to the
23 state land in the proposed sale.

24 (b) The platting authority must approve and sign a subdivision
25 plat of state land within 60 days after its receipt from the commis-
26 sioner of natural resources unless the platting authority

27 (1) determines that the plat does not comply with subdivision
28 requirements other than those requiring capital improvements to state
29 land; and

1 (2) notifies the commissioner of each determination of non-
2 compliance within the 60-day period established in this subsection.

3 (c) The commissioner of natural resources may withdraw the sub-
4 division plat and amend it in response to the determination of non-
5 compliance by the platting authority under (b) of this section. The
6 platting authority shall respond within 30 days to the amendment or
7 response from the commissioner of natural resources.

8 (d) Notwithstanding any other provision of law, the provisions of
9 this section apply to all disposals of land under AS 38.05 or AS 38.08.

10 (e) Nothing in this section relieves the Department of Natural
11 Resources of its obligation to provide legal access to a subdivision.

12 (f) As used in this section, "capital improvements" includes but
13 is not limited to access roads, other physical improvements, and their
14 design and engineering.

15 (g) This section applies to home rule and general law municipali-
16 ties.

17 * Sec. 11. AS 29 is amended by adding a new chapter to read:

18 CHAPTER 45. MUNICIPAL TAXATION.

19 ARTICLE 1. MUNICIPAL PROPERTY TAX.

20 Sec. 29.45.010. PROPERTY TAX. (a) A unified municipality may
21 levy a property tax. A borough may levy

22 (1) an areawide property tax for areawide functions;

23 (2) a nonareawide property tax for functions limited to the
24 area outside cities;

25 (3) a property tax in a service area for functions limited to
26 the service area.

27 (b) A home rule or first class city may levy a property tax subject
28 to AS 29.45.550 - 29.45.560. A second class city may levy a property
29 tax subject to AS 29.45.590.

1 (c) A tax if levied on real property and personal property must be
2 assessed, levied, and collected as provided in this chapter.

3 Sec. 29.45.020. TAXPAYER NOTICE. (a) If a municipality levies
4 and collects property taxes, the governing body shall provide the
5 following notice:

6 "NOTICE TO TAXPAYER

7 For the current fiscal year the (city)(borough) has been allocated
8 the following amount of state aid for school and municipal purposes
9 under the applicable financial assistance Acts:

10 PUBLIC SCHOOL FOUNDATION PROGRAM ASSISTANCE

11 (AS 14.17) \$

12 STATE AID FOR RETIREMENT OF SCHOOL CONSTRUC-

13 TION DEBT (AS 43.18.100) \$

14 MUNICIPAL TAX RESOURCE EQUALIZATION ASSISTANCE

15 (AS 29.60.010 - 29.60.080) \$

16 STATE AID FOR MISCELLANEOUS MUNICIPAL

17 SERVICES (AS 29.60.100 - 29.60.180) \$

18 TOTAL AID \$

19 The millage equivalent of this state aid, based on the dollar value
20 of a mill in the municipality during the current assessment year
21 and for the preceding assessment year, is:

22 MILLAGE EQUIVALENT

23 PREVIOUS YEAR THIS YEAR

24 PUBLIC SCHOOL FOUNDATION PROGRAM

25 ASSISTANCEMILLSMILLS

26 STATE AID FOR RETIREMENT OF

27 SCHOOL CONSTRUCTION DEBTMILLSMILLS

28 MUNICIPAL TAX RESOURCE EQUALI-

29 ZATION ASSISTANCEMILLSMILLS

1 STATE AID FOR MISCELLANEOUS

2 MUNICIPAL SERVICESMILLSMILLS

3 TOTAL MILLAGE EQUIVALENTMILLSMILLS"

4 Notice shall be provided

5 (1) by furnishing a copy of the notice with tax statements
6 mailed for the fiscal year for which aid is received; or

7 (2) by publishing in a newspaper of general circulation in
8 the municipality a copy of the notice once each week for a period of
9 three successive weeks, with publication to occur not later than 45 days
10 after the final adoption of the municipality's budget.

11 (b) Compliance with the provisions of this section is a prerequi-
12 site to receipt of municipal tax resource equalization assistance under
13 AS 29.60.010 - 29.60.080 and state aid for miscellaneous municipal
14 services under AS 29.60.100 - 29.60.180. The department shall withhold
15 annual allocations under those sections until municipal officials
16 demonstrate that the requirements of this section have been met.

17 Sec. 29.45.030. REQUIRED EXEMPTIONS. (a) The following property
18 is exempt from general taxation:

19 (1) municipal, state, or federally owned property, except
20 that a private leasehold, contract, or other interest in the property is
21 taxable to the extent of the interest;

22 (2) household furniture of the head of a family or household;

23 (3) property used exclusively for nonprofit religious,
24 charitable, cemetery, hospital, or educational purposes;

25 (4) property of a nonbusiness organization or its auxiliary
26 composed entirely of persons with 90 days or more of active service in
27 the armed forces of the United States whose conditions of service and
28 separation were other than dishonorable;

29 (5) money on deposit;

1 (6) the real property of certain residents of the state to
2 the extent and subject to the conditions provided in (e) of this sec-
3 tion.

4 (b) "Property used exclusively for religious purposes" includes
5 the following property owned by a religious organization:

6 (1) the residence of a bishop, pastor, priest, rabbi,
7 minister, or religious order of a recognized religious organization;

8 (2) a structure, its furniture, and its fixtures used solely
9 for public worship, charitable purposes, religious administrative
10 offices, religious education, or a nonprofit hospital;

11 (3) lots required by local ordinance for parking near a
12 structure defined in (2) of this subsection.

13 (c) Property described in (a)(3) or (4) or (b) of this section
14 from which income is derived is exempt only if that income is solely
15 from use of the property by nonprofit religious, charitable, hospital,
16 or educational groups. If used by nonprofit educational groups, the
17 property is exempt only if used exclusively for classroom space.

18 (d) Laws exempting certain property from execution under the Code
19 of Civil Procedure (AS 09) do not exempt the property from taxes levied
20 and collected by municipalities.

21 (e) The real property owned and occupied as a permanent place of
22 abode by a resident 65 years of age or over is exempt from taxation of
23 the assessed value of the real property. Real property may not be
24 exempted under this subsection that the assessor determines, after
25 notice and hearing to the parties concerned, has been conveyed to the
26 applicant primarily for the purpose of obtaining the exemption. The
27 determination of the assessor is appealable under AS 44.62.560 and
28 44.62.570.

29 (f) An exemption may not be granted under (e) of this section

1 except upon written application for the exemption on a form prescribed
2 by the state assessor for use by local assessors. The claimant must
3 file the application no later than January 15, or a date provided by
4 ordinance that is not later than March 31, of the assessment year for
5 which the exemption is sought. The governing body of the municipality
6 for good cause shown may waive during a year the claimant's failure to
7 make timely application for exemption for that year and authorize the
8 assessor to accept the application as if timely filed. The claimant
9 must file a separate application for each assessment year in which the
10 exemption is sought. If an application is filed within the required
11 time and is approved by the assessor, he shall allow an exemption in
12 accordance with the provisions of this section. If a failure to file by
13 January 15, or a date provided by ordinance that is not later than
14 March 31, of the assessment year has been waived as provided in this
15 subsection and the application for exemption is approved, the amount of
16 tax that the claimant has already paid for the assessment year for the
17 property exempted shall be refunded to him. The assessor may at any
18 time require proof in the form he considers necessary of the right and
19 amount of an exemption claimed under (e) of this section.

20 (g) The state shall reimburse a borough or city, as appropriate,
21 for the real property tax revenues lost to it by the operation of (e) of
22 this section. However, reimbursement will be made to a municipality for
23 revenue lost to it only to the extent that the loss exceeds an exemption
24 that was granted by the municipality, or that on proper application by
25 an individual would have been granted under AS 29.45.050(a).

26 (h) Except as provided in (g) of this section, nothing in (e) -
27 (i) of this section affects similar exemptions from property taxes
28 granted by a municipality on September 10, 1972, or prevents a munici-
29 pality from granting similar exemptions by ordinance as provided in

1 AS 29.45.050.

2 (i) In (e) - (i) of this section "real property" includes but is
3 not limited to mobile homes, whether classified as real or personal
4 property for municipal tax purposes.

5 (j) Two percent of the assessed value of a structure is exempt
6 from taxation if the structure contains a fire protection system ap-
7 proved under AS 19.70.081, in operating condition, and incorporated as a
8 fixture or part of the structure. The exemption granted by this subsec-
9 tion is limited to

10 (1) an amount equal to two percent of the value of the struc-
11 ture based on the assessment for 1981, if the fire protection system is
12 a fixture of the structure on January 1, 1981; or

13 (2) an amount equal to two percent of the value of the struc-
14 ture based on the assessment as of January 1 of the year immediately
15 following the installation of the fire protection system if the fire
16 protection system becomes a fixture of the structure after January 1,
17 1981.

18 Sec. 29.45.040. PROPERTY TAX EQUIVALENCY PAYMENTS. (a) A resi-
19 dent of the state 65 years of age or older who rents a permanent place
20 of abode is eligible for tax equivalency payments from the state through
21 the department.

22 (b) For purposes of determining payments to eligible persons, the
23 department shall calculate a property tax equivalent percentage for each
24 municipality that levies a property tax at the rate of one percent per
25 mill. The property tax equivalent percentage applied to the annual rent
26 charged to the applicant equals the property tax equivalency payment
27 payable under this section.

28 (c) To obtain tax equivalency payments the eligible resident must
29 apply to the department for payment for the preceding year by January 15

1 of each year on forms and in the manner prescribed by the department.
2 Each applicant shall submit with the application rental receipts or, if
3 rental receipts are not available, other evidence satisfactory to the
4 department for determination of the fact of payment of rent and the
5 amount paid.

6 (d) If two or more persons occupy a residence as tenants, not all
7 of whom are eligible for tax equivalency payments under this section,
8 the assessor shall determine equitable partial payments to be made to
9 the eligible tenants. However, tax equivalency payments to an eligible
10 applicant may not be reduced because the spouse is less than 65 years of
11 age. If all occupants in a residence are eligible for tax equivalency
12 payments under this section, the occupants shall decide between and
13 among themselves which shall receive payment.

14 Sec. 29.45.050. OPTIONAL EXEMPTIONS AND EXCLUSIONS. (a) A municipi-
15 pality may exclude or exempt or partially exempt residential property
16 from taxation by ordinance ratified by the voters at an election. An
17 exclusion or exemption authorized by this section may not exceed the
18 assessed value of \$10,000 for any one residence.

19 (b) A municipality may by ordinance

20 (1) classify boats and vessels for the purposes of taxation
21 and may establish the assessed valuation of boats and vessels on the
22 basis of their registered or certificated net tonnage;

23 (2) classify and exempt from taxation

24 (A) the property of an organization not organized for
25 business or profit-making purposes and used exclusively for commun-
26 ity purposes if the income derived from rental of that property
27 does not exceed the actual cost to the owner of the use by the
28 renter;

29 (B) historic sites, buildings, and monuments;

1 (C) land of a nonprofit organization used for agricul-
2 tural purposes if rights to subdivide the land are conveyed to the
3 state and the conveyance includes a covenant restricting use of the
4 land to agricultural purposes only; rights conveyed to the state
5 under this subparagraph may be conveyed by the state only in accor-
6 dance with AS 38.05.069(c);

7 (3) exempt personal property from taxation.

8 (c) The provisions of (a) of this section notwithstanding,

9 (1) a borough may, by ordinance, adjust its property tax
10 structure in whole or in part to the property tax structure of a city in
11 the borough, including but not limited to, excluding personal property
12 from taxation, establishing exemptions, and extending the redemption
13 period;

14 (2) a home rule or first class city has the same power to
15 grant exemptions or exclude property from borough taxes that it has as
16 to city taxes if

17 (A) the exemptions or exclusions have been adopted as to
18 city taxes; and

19 (B) the city appropriates to the borough sufficient
20 money to equal revenues lost by the borough because of the exemp-
21 tions or exclusions, the amount to be determined annually by the
22 assembly;

23 (3) a city in a borough may, by ordinance, adjust its prop-
24 erty tax structure in whole or in part to the property tax structure of
25 the borough, including but not limited to exempting or partially exempt-
26 ing property from taxation.

27 (d) Exemptions or exclusions from property tax that have been
28 granted by a home rule municipality in addition to exemptions authorized
29 or required by law, and that are in effect on September 10, 1972, and

1 not later withdrawn, are not affected by this chapter.

2 (e) A municipality may by ordinance classify and exempt or par-
3 tially exempt from taxation privately owned land, wet land and water
4 areas for which a scenic, conservation, or public recreation use ease-
5 ment is granted to a governmental body. To be eligible for a tax exemp-
6 tion, or partial exemption, the easement must be in perpetuity. However,
7 the easement is automatically terminated before an eminent domain taking
8 of fee simple title or less than fee simple title to the property, so
9 that the property owner is compensated at a rate that does not reflect
10 the easement grant.

11 (f) A municipality may by ordinance exempt from taxation all or
12 part of the increase in assessed value of improvements to real property
13 if an increase in assessed value is directly attributable to alteration
14 of the natural features of the land, or new maintenance, repair, or
15 renovation of an existing structure, and if the alteration, maintenance,
16 repair, or renovation, when completed, enhances the exterior appearance
17 or aesthetic quality of the land or structure. An exemption may not be
18 allowed under this subsection for the construction of an improvement to
19 a structure if the principal purpose of the improvement is to increase
20 the amount of space for occupancy or nonresidential use in the structure
21 or for the alteration of land as a consequence of construction activity.
22 An exemption provided in this subsection may continue for up to four
23 years from the date the improvement is completed, or from the date of
24 approval for the exemption by the local assessor, whichever is later.

25 (g) A municipality may by ordinance exempt from taxation all or
26 part of the increase in assessed value of improvements to a single-
27 family dwelling if the principal purpose of the improvement is to
28 increase the amount of space for occupancy. An exemption provided in
29 this subsection may continue for up to two years from the date the

1 improvement is completed, or from the date of approval of an application
2 for the exemption by the local assessor, whichever is later.

3 Sec. 29.45.060. FARM OR AGRICULTURAL LAND AND GREENHOUSES. (a)
4 Farm use land included in a farm unit and not dedicated or being used
5 for nonfarm purposes shall be assessed on the basis of full and true
6 value for farm use and may not be assessed as if subdivided or used for
7 some other nonfarm purpose. A farm use greenhouse, whether classified
8 as real or personal property for municipal tax purposes, shall be
9 assessed on the basis of full and true value for farm use. The assessor
10 shall maintain records valuing the land or greenhouse for both full and
11 true value and farm use value. If the land or greenhouse is sold,
12 leased, or otherwise disposed of for uses incompatible with farm use or
13 converted to a use incompatible with farm use by the owner, the owner is
14 liable to pay an amount equal to the additional tax at the current mill
15 levy together with eight percent interest for the preceding seven years,
16 as though the land or greenhouse had not been assessed for farm use
17 purposes. Payment by the owner shall be made to the state to the extent
18 of its reimbursement for revenue loss under (e) of this section for the
19 preceding seven years. The balance of the payment shall be made to the
20 municipality.

21 (b) An owner of farm use land or a farm use greenhouse must, to
22 secure the assessment under this section, apply to the assessor before
23 May 15 of each year in which the assessment is desired. The application
24 shall be made upon forms prescribed by the state assessor for the use of
25 the local assessor, and shall include information that may reasonably be
26 required to determine the entitlement of the applicant. If the land or
27 greenhouse is leased for farm use purposes, the applicant shall furnish
28 to the assessor a copy of the lease bearing the signatures of both
29 lessee and lessor along with the completed application. The applicant

1 shall furnish the assessor a copy of the lease covering the period for
2 which the exemption is requested.

3 (c) In this section "farm use" means the use of land or a green-
4 house for profit for raising and harvesting crops or ornamental plants,
5 for the feeding, breeding, and management of livestock, for dairying, or
6 another agricultural use, or any combination of these. To be farm use
7 land, the owner or lessee must be actively engaged in farming the land,
8 and derive at least 10 percent of his yearly gross income from the land.
9 To be a farm use greenhouse, the owner or lessee must derive at least 10
10 percent of his yearly gross income from the greenhouse or from the
11 greenhouse together with other commercial greenhouses or farm use land.
12 This section does not apply to land for which the owner has granted, and
13 has outstanding, a lease or option to buy the surface rights. A property
14 owner wishing to file for farm use classification having no history of
15 farm-related income may submit a declaration of intent at the time of
16 filing the application with the assessor setting out the intended use of
17 the land or greenhouse and the anticipated percentage of income. An
18 applicant using this procedure shall file with the assessor before
19 February 1 of the following year a notarized statement of the percentage
20 of gross income attributable to the land or greenhouse. Failure to make
21 the filing required in this subsection forfeits the exemption.

22 (d) In the event of a crop failure by an act of God the previous
23 year, the owner or lessee may submit an affidavit affirming that 10
24 percent of his gross income for the past three years was from farming.

25 (e) Subject to legislative appropriations for the purpose, the
26 state shall reimburse a borough or city, as appropriate, for the prop-
27 erty tax revenues lost to it by the operation of this section.

28 Sec. 29.45.070. MOBILE HOMES. Mobile homes, trailers, house
29 trailers, trailer coaches and similar property used or intended to be

1 used for residential, office, or commercial purposes and attached to the
2 land or connected to water, gas, electric, or sewage facilities are
3 classified as real property for tax purposes unless expressly classified
4 as personal property by ordinance. This section does not apply to house
5 trailers and mobile homes that are unoccupied and held for sale by
6 persons engaged in the business of selling mobile homes.

7 Sec. 29.45.080. TAX ON OIL AND GAS PRODUCTION AND PIPELINE PROP-
8 ERTY. (a) A municipality may levy and collect taxes on property
9 taxable under AS 43.56 only by using one of the methods set out in (b)
10 or (c) of this section.

11 (b) A municipality may levy and collect a tax on the full and true
12 value of property taxable under this chapter and under AS 43.56 as
13 valued by the Department of Revenue at a rate not to exceed that which
14 produces an amount of revenue from the total municipal property tax
15 equivalent to \$1,500 a year for each person residing in its boundaries.

16 (c) A municipality may levy and collect a tax on the full and true
17 value of that portion of property taxable under this chapter and under
18 AS 43.56 as assessed by the Department of Revenue which value, when
19 combined with the value of property otherwise taxable by the munic-
20 ipality, does not exceed the product of 225 percent of the average per
21 capita assessed full and true value of property in the state multiplied
22 by the number of residents of the taxing municipality. For purposes of
23 this subsection, the average per capita assessed full and true value of
24 property in the state shall be calculated without regard to the assessed
25 value of taxable property under AS 43.58.

26 (d) By February 1 of each assessment year a taxing municipality
27 must inform the Department of Revenue which method of taxation the
28 municipality will use.

29 (e) For purposes of this section, population shall be determined

1 by the commissioner based on the latest statistics of the United States
2 Bureau of the Census or on other reliable population data, and the
3 commissioner shall advise each municipality of its population by
4 January 15 of each year.

5 Sec. 29.45.090. TAX LIMITATION. (a) A municipality may not,
6 during a year, levy and tax for any purpose in excess of three percent
7 of the assessed value of property in the municipality. All property on
8 which a tax is levied shall be taxed at the same rate during the year.

9 (b) A municipality, or combination of municipalities occupying the
10 same geographical area, in whole or in part, may not levy taxes (1) that
11 will result in tax revenues from all sources exceeding \$1,500 a year for
12 each person residing within the municipal boundaries; or (2) upon value
13 that, when combined with the value of property otherwise taxable by the
14 municipality, exceeds the product of 225 percent of the average per
15 capita assessed full and true value of property in the state multiplied
16 by the number of residents of the taxing municipality. If two or more
17 municipalities occupying the same geographical area, in whole or in
18 part, attempt to levy a tax (1) the combined levy of which would result
19 in tax revenues from all sources exceeding \$1,500 a year for each person
20 residing within the municipal boundaries; or (2) upon value that, when
21 combined with the value of property otherwise taxable by the munici-
22 pality, exceeds the product of 225 percent of the average per capita
23 assessed full and true value of property in the state multiplied by the
24 number of residents of the taxing municipality, the commissioner shall
25 apportion the lawful levy and equitably divide these revenues on the
26 basis of need, services performed, and other considerations in the
27 public interest. For the purpose of this subsection, population shall
28 be determined by the commissioner based on the latest statistics of the
29 United States Bureau of the Census or on other reliable population data.

1 For purposes of this subsection, the average per capita assessed full
2 and true value of property in the state shall be calculated without
3 regard to the assessed value of taxable property under AS 43.58.

4 Sec. 29.45.100. NO LIMITATIONS ON TAXES TO PAY BONDS. The limita-
5 tions provided for in AS 29.45.080 - 29.45.090 do not apply to taxes
6 levied or pledged to pay or secure the payment of the principal and
7 interest on bonds. Taxes to pay or secure the payment of principal and
8 interest on bonds may be levied without limitation as to rate or amount,
9 regardless of whether the bonds are in default or in danger of default.

10 Sec. 29.45.110. FULL AND TRUE VALUE. (a) The assessor shall
11 assess property at its full and true value as of January 1 of the
12 assessment year, except as provided in this section, AS 29.45.060, and
13 29.45.230. The full and true value is the estimated price that the
14 property would bring in an open market and under the then prevailing
15 market conditions in a sale between a willing seller and a willing buyer
16 both conversant with the property and with prevailing general price
17 levels.

18 (b) Assessment of business inventories may be based on the average
19 monthly method of assessment rather than the value existing on January 1.
20 The method used to assess business inventories shall be prescribed by
21 the governing body.

22 (c) In the case of cessation of business during the tax year, the
23 municipality may provide for reassessment of business inventories using
24 the average monthly method of assessment for the tax year rather than
25 the value existing on January 1 of the tax year, and for reduction and
26 refund of taxes. In enacting an ordinance authorized by this section,
27 the municipality may prescribe procedures, restrictions, and conditions
28 of assessing or reassessing business inventories and of remitting or
29 refunding taxes.

1 Sec. 29.45.120. RETURNS. (a) The municipality may require each
2 person having ownership or control of or an interest in property to
3 submit a return in the form prescribed by the assessor, based on prop-
4 erty values existing on January 1, except as otherwise provided in this
5 chapter.

6 (b) The assessor may, by written notice, require a person to
7 provide additional information within 30 days.

8 Sec. 29.45.130. INDEPENDENT INVESTIGATION. (a) The assessor is
9 not bound to accept a return as correct. He may make an independent
10 investigation of property returned or of taxable property on which no
11 return has been filed. In either case, the assessor may make his own
12 valuation of the taxable property and this valuation is prima facie
13 evidence.

14 (b) For investigation, the assessor or his agent may enter a
15 premise during reasonable hours and may examine property on the premise.
16 He may examine all property records involved. A person shall, on
17 request, furnish to the assessor or his agent every facility and assis-
18 tance for the investigation. The assessor may seek a court order to
19 compel entry and production of records needed for assessment purposes.

20 (c) An assessor may examine a person on oath. On request, the
21 person shall present himself for examination by the assessor.

22 Sec. 29.45.140. VIOLATIONS. A person who knowingly fails to file
23 a statement required by ordinance or who knowingly makes a false affi-
24 davit to a statement required by a tax ordinance relative to the amount,
25 location, kind or value of property subject to taxation with intent to
26 evade the taxation, is guilty of a class B misdemeanor.

27 Sec. 29.45.150. REEVALUATION. A systematic reevaluation of taxable
28 real and personal property undertaken by the assessor, whether of
29 specific areas in which real property is located or of specific classes

1 of real or personal property to be assessed, shall be made only in
2 accordance with a resolution or other act of the municipality directing
3 a systematic reevaluation of all taxable property in the municipality
4 over the shortest period of time practicable, as fixed in the resolution
5 or act.

6 Sec. 29.45.160. ASSESSMENT ROLL. (a) The assessor shall prepare
7 an annual assessment roll. The roll shall contain

- 8 (1) a description of all taxable property;
9 (2) the assessed value of all taxable property;
10 (3) the names and addresses of persons with property subject
11 to assessment and taxation.

12 (b) The assessor may list real property by any description that
13 may be made certain. Real property is assessed to the record owner.
14 The district recorder shall at least monthly provide the assessor a copy
15 of each recorded change of ownership showing the name and mailing
16 address of the owner and the name and mailing address of the person
17 recording the change of ownership. Other persons having an interest in
18 the property may be listed on the assessment records with the owner. The
19 person in whose name property is listed as owner is conclusively
20 presumed to be the legal record owner. If the property owner is un-
21 known, the property may be assessed to "unknown owner". An assessment
22 is not invalidated by a mistake, omission, or error in the name of the
23 owner, if the property is correctly described.

24 Sec. 29.45.170. ASSESSMENT NOTICE. (a) The assessor shall give
25 each person named in the assessment roll a notice of assessment, showing
26 the assessed value of his property. On each notice is printed a brief
27 summary of the dates when taxes are payable, delinquent, and subject to
28 penalty and interest, and the dates when the board of equalization will
29 sit.

1 (b) Sufficient assessment notice is given if mailed by first class
2 mail 30 days before the equalization hearings. If the address is not
3 known to the assessor, the notice may be addressed to the person at the
4 post office nearest the property. Notice is effective on the date of
5 mailing.

6 Sec. 29.45.180. CORRECTIONS. (a) A person receiving an assess-
7 ment notice shall advise the assessor of errors or omissions in the
8 assessment of his property. The assessor may correct errors or omis-
9 sions in the roll before the board of equalization hearing.

10 (b) If errors found in the preparation of the assessment roll are
11 adjusted, the assessor shall mail a corrected notice allowing 30 days
12 for appeal to the board of equalization.

13 Sec. 29.45.190. APPEAL. (a) A person whose name appears on the
14 assessment roll or his agent or assigns may appeal to the board of
15 equalization for relief from an alleged error in valuation not adjusted
16 by the assessor to the taxpayer's satisfaction.

17 (b) The appellant shall, within 30 days after the date of mailing
18 of notice of assessment, submit to the assessor a written appeal speci-
19 fying grounds in the form that the board of equalization may require.
20 Otherwise, the right of appeal ceases unless the board of equalization
21 finds that the taxpayer was unable to comply.

22 (c) The assessor shall notify an appellant by mail of the time and
23 place of his hearing.

24 (d) The assessor shall prepare for use by the board of equaliza-
25 tion a summary of assessment data relating to each assessment that is
26 appealed.

27 (e) A city in a borough may appeal an assessment to the borough
28 board of equalization in the same manner as a taxpayer. Within five
29 days after receipt of the appeal, the assessor shall notify the person

1 whose property assessment is being appealed by the city.

2 Sec. 29.45.200. BOARD OF EQUALIZATION. (a) The governing body
3 sits as a board of equalization for the purpose of hearing an appeal
4 from a determination of the assessor, or it may delegate this authority
5 to one or more boards appointed by it. An appointed board may be
6 composed of not less than three persons, who may be members of the
7 governing body, municipal residents, or a combination of members of the
8 governing body and residents. The governing body shall by ordinance
9 establish the qualifications for membership.

10 (b) The board of equalization is governed in its proceedings by
11 rules adopted by ordinance that are consistent with general rules of
12 administrative procedure. The board may alter an assessment of a lot
13 only pursuant to an appeal filed as to the particular lot.

14 (c) Notwithstanding other provisions in this section, a deter-
15 mination of the assessor as to whether property is taxable under law may
16 be appealed directly to the superior court.

17 Sec. 29.45.210. HEARING. (a) If an appellant fails to appear,
18 the board of equalization may proceed with the hearing in his absence.

19 (b) The appellant bears the burden of proof. The only grounds for
20 adjustment of assessment are proof of unequal, excessive, improper, or
21 under valuation based on facts that are stated in a valid written appeal
22 or proven at the appeal hearing. If a valuation is found to be too low,
23 the board of equalization may raise the assessment.

24 (c) The board of equalization shall certify its actions to the
25 assessor within seven days. Except as to supplementary assessments, the
26 assessor shall enter the changes and certify the final assessment roll
27 by June 1.

28 (d) An appellant or the assessor may appeal a determination of the
29 board of equalization to the superior court as provided by rules of

1 court applicable to appeals from the decisions of administrative
2 agencies. Appeals are heard on the record established at the hearing
3 before the board of equalization.

4 Sec. 29.45.220. SUPPLEMENTARY ASSESSMENT ROLLS. The assessor
5 shall include property omitted from the assessment roll on a supplemen-
6 tary roll, using the procedures set out in this chapter for the original
7 roll.

8 Sec. 29.45.230. TAX ADJUSTMENTS ON PROPERTY AFFECTED BY A NATURAL
9 DISASTER. (a) The municipality may provide for assessment or reassess-
10 ment and reduction of taxes for property destroyed, damaged, or other-
11 wise reduced in value as a result of a natural disaster.

12 (b) An assessment or reassessment under this section may be made
13 by the assessor only upon the receipt of a sworn statement of the tax-
14 payer that his losses exceed \$1,000. A reduction of taxes may be made
15 only on losses in excess of \$1,000 for the remainder of the year follow-
16 ing the disaster. On reassessment, the municipality shall recompute
17 this tax and refund taxes that have already been paid.

18 (c) The municipality shall give notice of assessment or reassess-
19 ment under this section and shall hold an equalization hearing as pro-
20 vided in this chapter, except that a notice of appeal must be filed with
21 the board of equalization within 10 days after notice of assessment or
22 reassessment is given to the person appealing. Otherwise, the right of
23 appeal ceases unless the board finds that the taxpayer is unable to
24 comply.

25 (d) In enacting an ordinance or resolution authorized by this
26 section the municipality may, consistent with this section, prescribe
27 procedures, restrictions, and conditions of assessing or reassessing
28 property and of remitting, refunding, or forgiving taxes.

29 (e) In this section "disaster" means a major disaster declared by

1 the President of the United States under the provisions of the Federal
2 Disaster Act of 1950, Title 42, United States Code, sec. 1855-1855g, or
3 other federal law, or a disaster declared by the governor under AS 26.-
4 23.010 - 26.23.110.

5 Sec. 29.45.240. TAX LEVY AND RATE. (a) The power granted to a
6 municipality to assess, levy, and collect a property tax shall be
7 exercised by means of an ordinance. The rate of levy, the date of
8 equalization, and the date when taxes become delinquent shall be fixed
9 by resolution.

10 (b) A municipality shall annually determine the rate of levy
11 before June 15. By July 1 the tax collector shall mail tax statements
12 setting out the levy, dates when taxes are payable and delinquent, and
13 penalties and interest.

14 Sec. 29.45.250. RATES OF PENALTY AND INTEREST. (a) A penalty not
15 to exceed 20 percent of the tax due may be added to all delinquent
16 taxes, and interest not to exceed 15 percent a year shall accrue upon
17 all unpaid taxes, not including penalty, from the due date until paid in
18 full. A municipality may impose a penalty not to exceed 20 percent of
19 the tax due upon the late return of personal property assessment forms.
20 A penalty under this section may be imposed according to a formula that
21 increases the amount of the penalty as the length of time increases
22 during which payment is delinquent or assessment forms are not returned.

23 (b) If a taxpayer is given the right to pay the tax in two in-
24 stallments, penalty and interest on an unpaid installment accrues from
25 the date the installment becomes due.

26 ARTICLE 2. ENFORCEMENT OF TAX LIENS.

27 Sec. 29.45.290. VALIDITY. Certified assessment and tax rolls are
28 valid and binding on all persons, notwithstanding a defect, error,
29 omission, or invalidity in the assessment rolls or proceedings pertain-

1 ing to the assessment roll.

2 Sec. 29.45.300. TAX LIABILITY. (a) The owner of assessed per-
3 sonal property is personally liable for the amount of taxes assessed
4 against his property. The tax, together with penalty and interest, may
5 be collected in a personal action brought in the name of the municipal-
6 ity.

7 (b) Property taxes, together with penalty and interest, are a lien
8 upon the property assessed, and the lien is prior and paramount to all
9 other liens or encumbrances against the property.

10 Sec. 29.45.310. ENFORCEMENT OF PERSONAL PROPERTY TAX LIENS BY
11 DISTRAINT AND SALE. (a) A lien for personal property taxes may be
12 enforced by distraint and sale of the property. The municipality shall
13 provide the procedure for distraint and sale by ordinance. A seizure,
14 levy, or distraint is not legal unless demand is first made of the
15 person assessed for the amount of the tax, penalty, and interest, and a
16 sale is not valid unless made at public auction no sooner than 15 days
17 after notice is published. The seizure is made by virtue of a warrant
18 issued by the municipal clerk to a peace officer.

19 (b) If the personal property sold is not sufficient to satisfy the
20 tax, penalty, and interest, and costs of sale, the warrant may authorize
21 the seizure of other personal property sufficient to satisfy the tax,
22 penalty, interest, and costs of sale. If the property is sold for more
23 money than is needed to satisfy the tax, the municipality shall remit
24 the excess to the former record owner upon presentation of a proper
25 claim. A claim for the excess filed after six months of the date of
26 sale is forever barred.

27 Sec. 29.45.320. REAL PROPERTY TAX COLLECTION. (a) The municipal-
28 ity shall enforce delinquent real property tax liens by annual fore-
29 closure, unless otherwise provided by ordinance.

1 (b) If the tax on property described in AS 29.45.070 or on a
2 taxable interest in tax-exempt property is not paid when due, a municipi-
3 pality may enforce the tax by a personal action against the delinquent
4 taxpayer brought in the district or superior court, in addition to other
5 remedies available to enforce the lien.

6 Sec. 29.45.330. FORECLOSURE LIST. (a) A municipality shall

7 (1) annually present a petition for judgment and a certified
8 copy of the foreclosure list for the previous year's delinquent taxes in
9 the superior court for judgment;

10 (2) publish the foreclosure list for four consecutive weeks
11 in a newspaper of general circulation distributed in the municipality
12 or, if there is no newspaper of general circulation distributed in the
13 municipality, post the list at three public places for at least 30 days;

14 (3) within 10 days after the first publication or posting,
15 mail to the last known owner of each property as his name and address
16 appear on the list a notice advising of the foreclosure proceeding in
17 which a petition for judgment of foreclosure has been filed and describ-
18 ing the property and the amount due as stated on the list.

19 (b) The list shall be arranged in alphabetical order as to the
20 last name and shall include

21 (1) the last known owner;

22 (2) the property description as stated on the assessment
23 roll;

24 (3) years and amounts of delinquency;

25 (4) penalty and interest due;

26 (5) a statement that the list is available for public inspec-
27 tion at the clerk's office;

28 (6) a statement that the list has been presented to the
29 superior court with a petition for judgment and decree.

1 (c) Completion of the requirements of (a) of this section consti-
2 tutes and has the same force and effect as the filing of an individual
3 and separate complaint and service of summons to foreclose a lien
4 against each property described on the foreclosure list.

5 Sec. 29.45.340. CLEARING DELINQUENCIES. During the publication or
6 posting of the foreclosure list and up to the time of transfer to the
7 municipality a person may pay the taxes, together with the penalty,
8 interest, and costs. The collector shall note payment on the foreclo-
9 sure list.

10 Sec. 29.45.350. LIST TO LIENHOLDER. A holder of a mortgage or
11 other lien on real property may request the clerk to send by certified
12 mail notice of a foreclosure list that includes the real property.

13 Sec. 29.45.360. GENERAL FORECLOSURE. A municipality shall bring
14 one general foreclosure proceeding in rem against the properties in-
15 cluded in the foreclosure list. If the owner is unknown, the property
16 is proceeded against as belonging to "unknown owner". Tax foreclosure
17 proceedings have priority over all other civil proceedings except
18 appeals under AS 29.40.060.

19 Sec. 29.45.370. ANSWER AND OBJECTION. A person having an interest
20 in a lot on the foreclosure list may file an answer within 30 days of
21 the date of last publication, specifying his objection. The court shall
22 make its decision in summary proceedings. The foreclosure list is prima
23 facie evidence that the assessment and levy of the tax is valid and that
24 the tax is unpaid.

25 Sec. 29.45.380. JUDGMENT. The court shall in a proper case give
26 judgment and decree that the tax liens be foreclosed. It is a several
27 judgment against each lot and a lien on each lot.

28 Sec. 29.45.390. TRANSFER AND APPEAL. (a) Foreclosed properties
29 are transferred to the municipality for the lien amount. When answers

1 are filed the court may enter judgment against and order the transfer to
2 the municipality of all other properties on the list pending deter-
3 mination of the matters in controversy. The court shall hear and
4 determine the issues raised by the complaint and answers in the same
5 manner and under the same rules as it hears and determines other
6 actions.

7 (b) The court clerk shall deliver a certified copy of the judgment
8 and decree to the municipal clerk. The certified judgment and decree
9 constitutes a transfer to the municipality.

10 (c) The judgment and decree stops objections to it that could have
11 been presented before judgment and decree. Appeal from a judgment and
12 decree of foreclosure, or from a final order in the proceeding, may be
13 taken in the manner provided for appeals in civil actions.

14 Sec. 29.45.400. REDEMPTION PERIOD. Properties transferred to the
15 municipality are held by the municipality for at least one year. During
16 the redemption period a party having an interest in the property may
17 redeem it by paying the lien amount plus penalties, interest, and costs,
18 including all costs incurred under AS 29.45.440(a). Property redeemed
19 is subject to all accrued taxes, assessments, liens, and claims as
20 though it had continued in private ownership. Only the amount applic-
21 able under the judgment and decree must be paid in order to redeem the
22 property.

23 Sec. 29.45.410. EFFECT. Receipt of redemption money by the muni-
24 cipality releases the judgment obtained under AS 29.45.380. The clerk
25 or his designee shall record the redemption and issue a certificate
26 containing a property description, the redemption amount, and the dates
27 of judgment and decree of foreclosure. The clerk or his designee shall
28 collect the recording fee at the time of redemption and shall file the
29 certificate with the record as part of the judgment roll.

1 Sec. 29.45.420. ADDITIONAL LIENS. If a property included in a
2 foreclosure list is removed after payment of delinquencies or redemption
3 by another lienholder, the payment represented by receipt for payment
4 constitutes an additional lien on the property, collectible by the
5 lienholder in the same manner as the original lien.

6 Sec. 29.45.430. POSSESSION DURING REDEMPTION PERIOD. Foreclosure
7 does not affect the former owner's right to possession during the
8 redemption period. If waste is committed by the former owner or by
9 anyone acting under his permission or control, the municipality may
10 declare an immediate forfeiture of the right to possession.

11 Sec. 29.45.440. EXPIRATION. (a) At least 30 days before the
12 expiration of the redemption period the clerk or his designee shall
13 publish a redemption period expiration notice. The notice shall contain
14 the date of judgment, the date of expiration of the period of redemp-
15 tion, and a warning that all properties ordered sold under the judgment,
16 unless redeemed, shall be deeded to the municipality immediately on
17 expiration of the period of redemption and that every right or interest
18 of a person in the properties will be forfeited forever to the muni-
19 cipality. The notice appears once a week for four consecutive weeks in
20 a newspaper of general circulation distributed in the municipality. If
21 there is no newspaper of general circulation distributed in the muni-
22 cipality, the notice is posted in three public places for at least four
23 consecutive weeks. The clerk shall send a copy of the notice by certi-
24 fied mail to each record owner of property against which a judgment of
25 foreclosure has been taken and, if the assessed value of the property is
26 more than \$100,000, to all holders of mortgages or other liens of record
27 on the property. The notice shall be mailed within five days after the
28 first publication. The mailing shall be sufficient if mailed to the
29 property owner and to the holder of a mortgage or recorded lien at the

1 last address of record.

2 (b) The right of redemption expires 30 days after the date of the
3 first notice publication.

4 (c) Costs incurred in the determination of holders of mortgages
5 and other liens of record and costs of notice publication incurred by a
6 municipality under (a) of this section are a lien on the property and
7 may be recovered by the municipality.

8 Sec. 29.45.450. DEED TO BOROUGH OR CITY. (a) Unredeemed property
9 in the area of the borough outside all cities is deeded to the borough
10 by the clerk of the court. Unredeemed property in a city is deeded to
11 the city subject to the payment by the city of unpaid borough taxes and
12 costs of foreclosure levied against the property before foreclosure.
13 The deed shall be recorded in the recording district in which the
14 property is located.

15 (b) Conveyance gives the municipality clear title, except for
16 prior recorded tax liens of the United States and the state.

17 (c) If unredeemed property lies in a city and if the city has no
18 immediate public use for the property but the borough does have an
19 immediate public use, the city shall deed the property to the borough.
20 If unredeemed property lies in the borough outside all cities and if the
21 borough does not have an immediate public use for the property but a
22 city does have an immediate public use, the borough shall deed the
23 property to the city.

24 (d) No deed is invalid for irregularities, omissions, or defects
25 in the proceedings under this chapter unless the former owner has been
26 misled to his injury. Two years after the date of the deed, its valid-
27 ity is conclusively presumed and a claim of the former owner or other
28 person having an interest in the property is forever barred.

29 Sec. 29.45.460. DISPOSITION AND SALE OF FORECLOSED PROPERTY. (a)

1 The municipality shall determine by ordinance whether foreclosed prop-
2 erty deeded to the municipality shall be retained for a public purpose.
3 The ordinance shall contain the legal description of the property, the
4 address or a general description of the property sufficient to provide
5 the public with notice of its location, and the name of the last record
6 owner of the property as his name appears on the assessment rolls.

7 (b) Tax-foreclosed property conveyed to a municipality by tax
8 foreclosure and not required for a public purpose may be sold. Before
9 the sale of tax-foreclosed property held for a public purpose, the
10 municipality, by ordinance, shall determine that a public need does not
11 exist. The ordinance shall contain the information required under (a)
12 of this section.

13 (c) The clerk or his designee shall send a copy of the published
14 notice of hearing of an ordinance to consider a determination required
15 under (a) or (b) of this section by certified mail to the former record
16 owner of the property that is the subject of the ordinance. The notice
17 shall be mailed within five days after its first publication and shall
18 be sufficient if mailed to the last record owner of the property as his
19 name appears on the assessment rolls of the municipality.

20 (d) The provisions of (c) of this section do not apply with
21 respect to property that has been held by the municipality for a period
22 of more than 10 years after the close of the redemption period.

23 Sec. 29.45.470. REPURCHASE BY RECORD OWNER. (a) The record owner
24 at the time of tax foreclosure of property acquired by a municipality,
25 or his assigns, may, within 10 years and before the sale or contract of
26 sale of the tax-foreclosed property by the municipality, repurchase the
27 property. The municipality shall sell the property for the full amount
28 applicable to the property under the judgment and decree, with interest
29 not to exceed 15 percent a year from the date of entry of the judgment

1 of foreclosure to the date of repurchase, delinquent taxes assessed and
2 levied as though it had continued in private ownership, and costs of
3 foreclosure and sale.

4 (b) After adoption of an ordinance providing for the retention of
5 tax-foreclosed property by the municipality for a public purpose, the
6 right of the former record owner to repurchase the property ceases.

7 Sec. 29.45.480. PROCEEDS OF TAX SALE. (a) On sale of foreclosed
8 real or personal property the municipality shall divide the proceeds
9 less cost of collection, between the borough and the city having unpaid
10 taxes against the property. The division is in proportion to the
11 respective municipal taxes against the property at the time of fore-
12 closure.

13 (b) The former record owner of tax-foreclosed real property that
14 has been held by a municipality for less than 10 years after the close
15 of the redemption period and never designated for a public purpose that
16 is sold at a tax-foreclosure sale is entitled to the portion of the
17 proceeds of the sale that exceeds the amount sufficient to satisfy
18 unpaid taxes, delinquent taxes assessed and levied as if the property
19 had continued in private ownership, penalty, interest, and costs of
20 property sold, including costs incurred under AS 29.45.440(a). If the
21 proceeds of the sale of tax-foreclosed property exceed the total of
22 unpaid and delinquent taxes, penalty, interest, and costs, the muni-
23 cipality shall provide the former owner of the property written notice
24 advising of the amount of the excess and the manner in which a claim for
25 the balance of the proceeds may be submitted. Notice is sufficient
26 under this subsection if mailed to the former owner at his last address
27 of record. On presentation of a proper claim, the municipality shall
28 remit the excess to the former record owner. A claim for the excess
29 filed after six months of the date of sale is forever barred.

1 Sec. 29.45.490. PAYMENT OF TAXES UPON PUBLIC UTILIZATION. If a
2 municipality takes title to tax-foreclosed property for a public pur-
3 pose, the municipality shall satisfy unpaid taxes and assessments
4 against the property held by other municipalities, with accrued interest
5 but without penalty. If the amount required to satisfy the unpaid taxes
6 and assessments exceeds the assessed value of the property, the munici-
7 pality shall pay the other municipalities the assessed value, which
8 shall be divided between the other municipalities in proportion to their
9 respective taxes and assessments against the property at the time of
10 foreclosure.

11 Sec. 29.45.500. REFUND OF TAXES. (a) If a taxpayer pays taxes
12 under protest, he may bring suit in the superior court against the
13 municipality for recovery of the taxes. If judgment for recovery is
14 given against the municipality, or, if in the absence of suit, it
15 becomes obvious to the governing body that judgment for recovery of the
16 taxes would be obtained if legal proceedings were brought, the munici-
17 pality shall refund the amount of the taxes to the taxpayer with inter-
18 est at eight percent from the date of payment plus costs.

19 (b) If, in payment of taxes legally imposed, a remittance by a
20 taxpayer through error or otherwise exceeds the amount due, and the
21 municipality, on audit of the account in question, is satisfied that
22 this is the case, the municipality shall refund the excess to the tax-
23 payer with interest at eight percent from the date of payment. A claim
24 for refund filed one year after the due date of the tax is forever
25 barred.

26 (c) The governing body may correct manifest clerical errors at
27 anytime.

28 ARTICLE 3. CITY PROPERTY TAX.

29 Sec. 29.45.550. CITIES OUTSIDE BOROUGHS. Home rule and first

1 class cities outside boroughs may assess, levy, and collect a property
2 tax. A property tax if levied must be assessed, levied, and collected
3 as provided by AS 29.45.010 - 29.45.500.

4 Sec. 29.45.560. CITIES INSIDE BOROUGHS. Home rule and first class
5 cities inside boroughs may levy a property tax. A property tax, if
6 levied, is subject to AS 29.45.010 - 29.45.050, 29.45.090 - 29.45.100,
7 29.45.250, 29.45.400 - 29.45.440 and 29.45.460 - 29.45.500. The council
8 shall by June 15 of each year present to the assembly a statement of the
9 city's rate of levy unless a different date is agreed upon by the borough
10 and city.

11 Sec. 29.45.570. APPLICATION. AS 29.45.010 - 29.45.570 apply to
12 home rule and general law municipalities.

13 Sec. 29.45.580. DIFFERENTIAL TAX ZONES. A city may by ordinance
14 establish, alter, and abolish differential tax zones to provide and levy
15 property taxes for services not provided generally in the city or a
16 different level of service than that provided generally in the city.

17 Sec. 29.45.590. LIMITED PROPERTY TAXING POWER FOR SECOND CLASS
18 CITIES. A second class city may by referendum levy property taxes as
19 provided for first class cities. However, levy by a second class city
20 may not exceed one-half of one percent of the assessed value of the
21 property taxed, except that the limit does not apply to a levy necessary
22 to avoid a default upon payment of principal and interest of bonded or
23 other indebtedness that is secured by a pledge to levy ad valorem or
24 other taxes without limit to meet debt payments.

25 Sec. 29.45.600. COMBINING PROPERTY TAX WITH INCORPORATION OF A
26 SECOND CLASS CITY. A petition for second class city incorporation may
27 request that a property tax proposal be placed on the same ballot. The
28 petition must state the proposed tax rate. The petition may request that
29 incorporation be dependent on the passage of the property tax proposi-

1 tion. If so, the incorporation proposition fails if the property tax
2 fails.

3 ARTICLE 4. BOROUGH SALES AND USE TAX.

4 Sec. 29.45.650. SALES AND USE TAX. (a) A borough may levy and
5 collect a sales tax not exceeding six percent on sales, rents, and on
6 services made in the borough. The sales tax may apply to any or all of
7 these sources. Exemptions may be granted by ordinance.

8 (b) A borough levying a sales tax may also by ordinance levy a use
9 tax on the storage, use, or consumption of tangible personal property in
10 the borough. The use tax rate must equal the sales tax rate and the use
11 tax shall be levied only on buyers.

12 (c) A person who furnishes proof, in the form required by the
13 borough tax collector, that he has paid a sales tax on the source on
14 which a use tax is levied by the borough is required to pay the use tax
15 only to the extent of the difference between the amount of the sales tax
16 paid and the amount of the use tax levied by the borough. This subsec-
17 tion applies to a sales tax levied in any taxing jurisdiction whether
18 inside or outside the state.

19 (d) If the assembly charges interest on sales taxes not paid when
20 due, the rate of interest may not exceed 15 percent a year on the
21 delinquent taxes and shall be charged from the due date until paid in
22 full. This subsection applies to home rule and general law municipali-
23 ties.

24 (e) A borough may provide for the creation, recording, and notice
25 of a lien on real or personal property to secure the payment of a sales
26 and use tax, and the interest, penalties, and administration costs in
27 the event of delinquency. When recorded, a lien authorized under this
28 section has priority over other liens except those for property taxes
29 and special assessments.

1 Sec. 29.45.660. NOTICE OF SALES AND USE TAX. (a) If the borough
2 levies and collects only a sales tax and use tax, the assembly shall
3 provide a notice substantially in the form set out in AS 29.45.020. In
4 providing notice under this subsection, the assembly shall substitute
5 for the millage equivalency its estimate of the equivalent sales tax
6 rate for each of the categories of financial assistance set out in
7 AS 29.45.020. Notice shall be provided

8 (1) by publishing in a newspaper of general circulation in
9 the borough a copy of the notice once each week for a period of three
10 successive weeks, with publication to occur not later than 45 days after
11 the final adoption of the borough's budget; or

12 (2) if there is no newspaper of general circulation in the
13 borough, by posting a copy of the notice for at least 20 days in at
14 least two public places in the borough, with posting to occur not later
15 than 45 days after the final adoption of the borough's budget.

16 (b) Compliance with the provisions of this section is a prerequi-
17 site to receipt of municipal tax resource equalization assistance under
18 AS 29.60.010 - 29.60.080 and state aid for miscellaneous municipal
19 services under AS 29.60.100 - 29.60.180. The department shall withhold
20 annual allocations under those sections until municipal officials demon-
21 strate that the requirements of this section have been met.

22 Sec. 29.45.670. REFERENDUM, ADOPTION, AND MODIFICATION. A new
23 sales and use tax or an increase in the rate of levy of a sales tax
24 approved by ordinance does not take effect until ratified by a majority
25 of the voters at an election.

26 ARTICLE 5. CITY SALES AND USE TAXES.

27 Sec. 29.45.700. POWER OF LEVY. (a) A city in a borough that
28 levies and collects areawide sales and use taxes may levy sales and use
29 taxes on all sources taxed by the borough in the manner provided for

1 boroughs, except that the assembly may by ordinance authorize a city to
2 levy and collect sales and use taxes on other sources.

3 (b) A city in a borough that does not levy and collect sales and
4 use taxes for areawide borough functions may levy and collect sales and
5 use taxes in the manner provided for boroughs.

6 (c) A city outside a borough may levy and collect sales and use
7 taxes in the manner provided for boroughs.

8 Sec. 29.45.710. COMBINING SALES AND USE TAX WITH INCORPORATION OF
9 A SECOND CLASS CITY. A petition for incorporation of a second class
10 city may request that a sales and use tax proposal be placed on the same
11 ballot. The petition must state the proposed tax rate. The petition
12 may request that incorporation be dependent on the passage of the tax
13 proposition. If so, the incorporation proposition fails if the tax
14 fails.

15 * Sec. 12. AS 29 is amended by adding a new chapter to read:

16 CHAPTER 46. SPECIAL ASSESSMENTS.

17 Sec. 29.46.010. ASSESSMENT AND PROPOSAL. The municipality may
18 assess against the property of a state or federal governmental unit and
19 private real property to be benefited by an improvement all or a portion
20 of the cost of acquiring, installing, or constructing capital improve-
21 ments. The state shall pay an assessment levied, except as otherwise
22 provided by law and subject to its right of protest under AS 29.46.020-
23 (a)(8). If a governmental unit other than the state benefited by an
24 improvement refuses to pay the assessment, it shall be denied the benefit
25 of the improvement. An improvement proposal may be initiated by

26 (1) petition to the governing body of the owners of one-half
27 in value of the property to be benefited; or

28 (2) the governing body.

29 Sec. 29.46.020. PROCEDURE. (a) The municipality may prescribe by

1 ordinance the procedures relating to creating special assessment dis-
2 tricts, making local improvements, levying and collecting assessments,
3 and financing improvements, including the following:

4 (1) a procedure for filing petitions;

5 (2) a survey and report by the mayor concerning the need for,
6 desirable extent of, and estimated cost of each proposed local improve-
7 ment;

8 (3) a public hearing on the necessity for the proposed local
9 improvement;

10 (4) a resolution or ordinance determining to proceed or not
11 to proceed with the proposed local improvement;

12 (5) a public hearing by the governing body on the special
13 assessment roll for the proposed local improvement;

14 (6) published notice of each public hearing required by this
15 section and mailing notice to each record owner of real property in the
16 special assessment district;

17 (7) a resolution or ordinance confirming the special assess-
18 ment roll for the proposed local improvement;

19 (8) if protests as to the necessity of a proposed local
20 improvement are made by owners of property that will bear 50 percent or
21 more of the estimated cost of the improvement, the governing body may
22 not proceed with the improvement until the objections have been reduced
23 to less than 50 percent, except on approval of not fewer than three-
24 fourths of the governing body.

25 (b) To the extent that the municipality does not prescribe a
26 procedure for special assessments as permitted by this section, the
27 municipality shall comply with the special assessment procedures set out
28 in AS 29.46.030 - 29.46.100.

29 Sec. 29.46.030. CREATION OF DISTRICT. (a) When an improvement

1 proposal is filed with the municipal clerk and presented to the govern-
2 ing body, the municipality shall find by resolution or ordinance whether
3 (1) the improvement requested is necessary and should be made, and (2)
4 if by petition, the request has sufficient and proper petitioners. The
5 findings under this section are conclusive.

6 (b) If the municipality approves an improvement proposal, it shall
7 develop a proposed improvement plan including the total cost estimate
8 and the percentage of the cost to be assessed against the benefited
9 property. The improvement plan shall be filed with the municipal clerk.

10 (c) The governing body shall set a time for public hearing on the
11 improvement plan and the period for filing objections to the plan. The
12 governing body shall publish a notice of the hearing and of the period
13 during which objections may be filed at least once a week for four
14 consecutive weeks in a newspaper of general circulation if distributed
15 in the municipality and shall send notice by mail to every record owner
16 of property in the special assessment district.

17 Sec. 29.46.040. RECORD OWNER. The person in whose name property
18 is listed on the municipal property tax roll as owner is conclusively
19 presumed to be the legal owner of record. If the owner is unknown, the
20 assessment roll may designate "unknown owner".

21 Sec. 29.46.050. OBJECTIONS AND REVISION. (a) Objections to an
22 improvement plan may be filed during a period of 60 days after publica-
23 tion of notice. The municipality may by resolution or ordinance approve
24 the plan and order the improvement subject to the limitation of (b) of
25 this section.

26 (b) If objections are made in writing during the period set for
27 objections by the owners of property bearing 50 percent or more of the
28 estimated total cost of the improvement, the governing body may not
29 proceed with the improvement unless it revises the plan to meet the

1 objections and the objections are reduced to less than 50 percent. A
2 revised plan shall be approved and adopted as an original plan in accor-
3 dance with AS 29.46.030.

4 Sec. 29.46.060. ASSESSMENT ROLL. (a) At any time after approval
5 of an improvement plan, the governing body shall assess the authorized
6 percentage of the cost against property in the district included in the
7 plan in proportion to the benefit received.

8 (b) The special assessment roll shall contain property descrip-
9 tions, names of record owners, and assessment amounts.

10 (c) The governing body shall fix a time to hear objections to the
11 roll. The municipal clerk shall send an assessment and hearing notice
12 by mail to each record owner of an assessed property not less than 15
13 days before the hearing.

14 Sec. 29.46.070. HEARING AND SETTLEMENT. After the public hearing,
15 the governing body shall correct errors and inequalities in the roll.
16 If an assessment is increased, a new hearing shall be set and notice
17 published, except that a new hearing and notice is not required if all
18 record owners of property subject to the increased assessment consent in
19 writing to the increase. Objections to the increased assessment shall
20 be limited to record owners of property on which the assessment was
21 increased. When the roll is corrected, it shall be confirmed by resolu-
22 tion or ordinance.

23 Sec. 29.46.080. PAYMENT. (a) The governing body shall fix times
24 of payment, penalties on delinquent payments, and the rate of interest
25 on the unpaid balance of the assessment. Payment may be in one sum or
26 by installments. If payment is to be in one sum, payment may not be
27 required sooner than 60 days after mailing of the assessment statement.
28 The entire assessment may be prepaid without interest or penalty within
29 30 days after mailing of the assessment statement, and thereafter the

1 assessment may be prepaid in whole or in part with interest to the
2 payment date.

3 (b) Within 30 days after fixing the time of payment the municipal
4 clerk shall mail a statement to the record owner of each property
5 assessed. The statement designates the property, the assessment amount,
6 method of payment, rate of interest on the unpaid balance of the assess-
7 ment, the time of delinquency, and penalties on delinquent payments.
8 Within five days after the statements are mailed, the clerk shall have
9 notice published that the statements have been mailed.

10 (c) Assessments are liens on the property assessed and are prior
11 and paramount to all liens except municipal tax liens. They may be
12 enforced as provided in AS 29.45.320 - 29.45.470 for enforcement of
13 property tax liens.

14 Sec. 29.46.090. EXEMPTION. (a) The real property owned and
15 occupied by a resident 65 years of age or over, or the spouse, widow,
16 widower, or minor heir of the original applicant, on which is located
17 only his permanent abode that is a single-family residence, is exempt
18 from (1) special sewer assessments levied by a municipality after
19 September 2, 1975, and (2) special water assessments levied by a muni-
20 cipality after September 2, 1975. Only one exemption may be granted
21 with respect to the same property, and, if two or more persons are
22 eligible for an exemption with respect to the same property, the parties
23 shall decide between or among themselves which shall receive the benefit
24 of the exemption. Real property may not be exempted under this sub-
25 section that the municipality determines, after notice and hearing to
26 the parties concerned, has been conveyed to the applicant primarily for
27 the purpose of obtaining the exemption. The determination of the muni-
28 cipality is appealable under AS 44.62.560 - 44.62.570.

29 (b) An exemption may not be granted under this section except upon

1 written application for the exemption on a form prescribed by the state
2 assessor for use by local assessors and in accordance with the following
3 requirements:

4 (1) The claimant must file the initial application during the
5 period of time between the date the assessment roll is confirmed and the
6 time of payment fixed by the governing body. Within one year after the
7 date the assessment roll is confirmed the governing body for good cause
8 shown may waive the claimant's failure to make timely initial application
9 for the exemption and authorize the assessor to accept the application
10 as if timely filed.

11 (2) A claimant receiving the exemption must file with the
12 assessor by March 15 of each subsequent year a separate application
13 proving eligibility as of January 1 in order to retain the exemption.
14 Within the same year the assessor for good cause shown may waive the
15 claimant's failure to make timely application and approve the applica-
16 tion as if timely filed.

17 (3) If an application is filed within the required time under
18 this subsection and is approved by the governing body, the exemption
19 shall be allowed in accordance with the provisions of this section. If
20 a waiver under this subsection is granted and the application for exemp-
21 tion approved, the amount of any assessment, penalty, or interest that
22 the claimant has already paid on the assessment shall be refunded to
23 him. The municipality may at any time require proof in the form con-
24 sidered necessary of the right and amount of an exemption claimed under
25 this section.

26 (c) The state shall reimburse a municipality for the sewer and
27 water assessment revenues that it would receive but for the operation of
28 this section. Reimbursement under this subsection is a lien in favor of
29 the state against the property exempted to the extent of the assessment

1 against the property exempted. When properly recorded, the lien is
2 prior and superior to other liens against the property except for
3 property taxes or other special assessments and may be enforced by lien
4 foreclosure. The lien becomes immediately due and payable

5 (1) upon sale or other transfer of the property except to a
6 spouse, widow, widower, or minor heir; however, if the property is
7 transferred to a minor heir the lien becomes due and payable on the date
8 the minor heir reaches the age of 25 years;

9 (2) when property exempted under (a)(1) or (2) of this section
10 receives more than one sewer connection or more than one water connec-
11 tion; or

12 (3) when the claimant fails to prove eligibility under (b)(2)
13 of this section.

14 (d) This section applies to home rule and general law municipali-
15 ties.

16 (e) In this section

17 (1) "minor heir" means a person who, at the time of transfer
18 of the property, has not attained the age of 19 years or who, if he has
19 not attained the age of 22 years, is a full-time student at an educa-
20 tional institution or a member of the armed forces of the United States;

21 (2) "real property" includes, but is not limited to, mobile
22 homes, whether classified as real or personal property for municipal tax
23 purposes;

24 (3) "resident" means a person who for 12 consecutive months
25 has maintained his permanent place of abode in the state.

26 Sec. 29.46.100. REASSESSMENT. (a) The governing body shall
27 within one year correct any deficiency in a special assessment found by
28 a court. Notice and hearing must conform to the initial assessment
29 procedures.

1 (b) Payments on the initial assessment are credited to the prop-
2 erty upon reassessment. The reassessment becomes a charge upon the
3 property notwithstanding failure to comply with any provision of the
4 assessment procedure.

5 Sec. 29.46.110. ALLOWABLE COSTS. (a) When a special assessment
6 district is created, there may be included in the assessments

7 (1) all of the cost of acquiring, installing, making, or
8 constructing the local improvement;

9 (2) the costs of all engineering and surveying to be done in
10 connection with creating the district or improvement;

11 (3) the cost of mailing and publishing notices;

12 (4) interest on interim financing;

13 (5) the cost of legal services and other expenses incurred in
14 the formation of the special assessment district;

15 (6) the cost of completing the improvement and financing the
16 improvement, including the issuance of bonds.

17 (b) The total amount of the assessment roll may not exceed actual
18 costs, but actual costs may include reasonable estimates of the costs to
19 be incurred in connection with issuance of bonds.

20 Sec. 29.46.120. OBJECTION AND APPEAL. (a) The validity of an
21 assessment may not be contested by a person who did not file with the
22 municipal clerk a written objection to the assessment roll before its
23 confirmation.

24 (b) The decision of the governing body on an objection may be
25 appealed to the superior court within 30 days after the date of confir-
26 mation of the assessment roll. If no objection is filed or appeal taken
27 within that time, the assessment procedure is considered valid in all
28 respects.

29 Sec. 29.46.130. INTERIM FINANCING. (a) A municipality may provide

1 by resolution or ordinance for the issuance of notes in payment of the
2 costs of a local improvement project, payable out of special assessments
3 for the improvement. The notes shall bear interest at a rate or rates
4 authorized by the resolution or ordinance, and shall be redeemed either
5 in cash or bonds for the improvement project.

6 (b) Notes issued against assessments shall be claims against the
7 assessments that are prior and superior to a right, lien or claim of a
8 surety on the bond given to the municipality to secure the performance
9 of its contract for a local improvement project, or to secure the payment
10 of persons who have performed work or furnished materials under the
11 contract.

12 (c) The municipal treasurer may accept notes against special
13 assessments on conditions prescribed by the governing body in payment of

14 (1) assessments against which the notes were issued in order
15 of priority;

16 (2) judgments rendered against property owners who have
17 become delinquent in the payment of assessments; and

18 (3) certificates of purchase when property has been sold
19 under execution or at tax sale for failure to pay the assessments.

20 Sec. 29.46.140. SPECIAL ASSESSMENT BONDS. (a) The municipality
21 may by ordinance authorize the issuance and sale of special assessment
22 bonds to pay all or part of the cost of an improvement in a special
23 assessment district. The principal and interest of bonds issued shall
24 be payable solely from the levy of special assessments against the
25 property to be benefited. The assessments shall constitute a sinking
26 fund for the payment of principal and interest on the bonds. The bene-
27 fited property may be pledged by the governing body to secure a payment.

28 (b) On default in a payment due on a special assessment bond, a
29 bondholder may enforce payment of principal, interest, and costs of

1 collection in a civil action in the same manner and with the same effect
2 as actions for the foreclosure of mortgages on real property. Fore-
3 closure shall be against all property on which assessments are in
4 default. The period for redemption is the same as for a mortgage
5 foreclosure on real property.

6 (c) Before the governing body may issue special assessment bonds,
7 it shall establish a guarantee fund and appropriate to the fund annually
8 a sum adequate to cover a deficiency in meeting payments of principal
9 and interest on bonds if the reason for the deficiency is nonpayment of
10 assessments when due. Money received from actions taken against prop-
11 erty for nonpayment of assessments shall be credited to the guarantee
12 fund.

13 * Sec. 13. AS 29 is amended by adding a new chapter to read:

14 CHAPTER 47. MUNICIPAL DEBT.

15 ARTICLE 1. REVENUE ANTICIPATION NOTES.

16 Sec. 29.47.010. BORROWING IN ANTICIPATION OF REVENUE. A muni-
17 cipality that is authorized to incur indebtedness may borrow money to
18 meet appropriations for any fiscal year in anticipation of the collec-
19 tion of the revenues for that year, but all debt so contracted shall be
20 paid before the end of the next fiscal year. Negotiable or nonnegotiable
21 revenue anticipation notes may be issued as evidence of the borrowing.

22 Sec. 29.47.020. ISSUANCE OF NOTES. A municipality may by ordi-
23 nance or resolution authorize the issuance of revenue anticipation
24 notes. The governing body may delegate to its chief fiscal officer the
25 power to issue the notes from time to time under the terms and condi-
26 tions of the ordinance or resolution that provides for the manner of
27 their sale.

28 Sec. 29.47.030. ISSUANCE OF NOTES IN ANTICIPATION OF STATE, FED-
29 ERAL GRANTS. (a) A municipality, on adoption of a long-range capital

1 improvement budget by ordinance or resolution, may by resolution provide
2 for negotiable or nonnegotiable revenue anticipation notes in an amount
3 not to exceed the total amount of any state or federal grants finally
4 committed for these projects. The notes mature no later than the end of
5 the next fiscal year. The notes may be for single or multiple projects
6 outlined in the adopted capital improvement budget.

7 (b) If the state or federal grants for capital improvement pro-
8 jects have not been paid to the municipality before maturity of the
9 notes issued in anticipation of the receipt of the revenue, the govern-
10 ing body may issue new notes in order to meet payment of the notes then
11 maturing or may renew the outstanding revenue anticipation notes. New
12 notes issued or renewals of outstanding revenue anticipation notes
13 mature not later than the end of the next fiscal year.

14 Sec. 29.47.040. PRIORITY OF REPAYMENT. The payment of the princi-
15 pal and interest on revenue anticipation notes is payable from revenues,
16 and their payment additionally shall be secured by a pledge of the full
17 faith and credit of the municipality issuing them.

18 ARTICLE 2. BOND ANTICIPATION NOTES.

19 Sec. 29.47.080. BOND ANTICIPATION BORROWING. A municipality may
20 borrow money in anticipation of the sale of general obligation and
21 revenue bonds if

22 (1) the general obligation bonds to be sold have been autho-
23 rized by ordinance and ratified by a majority vote at an election;

24 (2) the revenue bonds to be sold have been authorized by
25 ordinance.

26 Sec. 29.47.090. ISSUANCE OF NOTES. The governing body shall issue
27 negotiable or nonnegotiable notes for the amounts borrowed with a matur-
28 ity date not to exceed one year from the date of issue. All notes and
29 the interest on them are payable at fixed places on or before a fixed

1 time from the proceeds of the sale of bonds in anticipation of which the
2 original note or notes were issued, unless the bonds have not been sold
3 by the maturity date of the notes.

4 Sec. 29.47.100. ISSUANCE OF NEW NOTES. If the sale of the bonds
5 has not occurred before the maturity of the notes issued in anticipation
6 of the sale, the governing body shall issue new notes in order to meet
7 payment of the notes then maturing, or shall renew the outstanding bond
8 anticipation notes. New notes issued or renewals of outstanding bond
9 anticipation notes bear a maturity date not to exceed one year from the
10 date of issue. Notes, new notes, and renewals of notes may not be
11 outstanding for a total elapsed time of more than three years.

12 Sec. 29.47.110. REPAYMENT OF NOTES. Every note is payable from
13 the proceeds of the sale of bonds that the notes anticipated or from the
14 proceeds of the sale of new bond anticipation notes.

15 Sec. 29.47.120. SECURITY. (a) Notwithstanding other provisions
16 of this chapter as to payment of notes, notes issued in anticipation of
17 the sale of general obligation bonds and the interest on them are secured
18 by the full faith and credit of the municipality. The municipality may
19 levy ad valorem taxes for payment without limitation of rate or amount.

20 (b) Notes issued in anticipation of the sale of revenue bonds and
21 the interest on them are secured in the same manner as are the revenue
22 bonds in anticipation of which the notes are issued.

23 Sec. 29.47.130. LIMITATION. The total amount of notes issued and
24 outstanding may at no time exceed the total amount of bonds authorized
25 to be issued.

26 Sec. 29.47.140. USE OF PROCEEDS. The proceeds from the sale of
27 notes shall be used only for the purposes for which the proceeds from
28 the sale of bonds may be used, or to meet payment of outstanding bond
29 anticipation notes.

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ARTICLE 3. GENERAL OBLIGATION BONDS.

Sec. 29.47.180. GENERAL OBLIGATION BONDS. A municipality may acquire, construct, improve, and equip capital improvements and issue negotiable or nonnegotiable general obligation bonds for these purposes.

Sec. 29.47.190. VOTE AND NOTICE OF EXISTING INDEBTEDNESS REQUIRED.

(a) A municipality may incur general obligation bond debt only after a bond authorization ordinance is approved by a majority vote at an election. Any municipal voter may vote in the bond election, except as otherwise provided by law.

(b) Before a general obligation bond issue election, the governing body shall have published a notice of the total existing bond indebtedness at least once a week for three consecutive weeks. The first notice shall be published at least 20 days before the date of the election. A notice shall include

- (1) the current total general obligation bonded indebtedness, including authorized but unsold bonds of the municipality;
- (2) the cost of the debt service on the current indebtedness;
- (3) the total assessed value of property in the municipality.

Sec. 29.47.200. PAYMENT. (a) The full faith and credit of a municipality are pledged for the payment of principal and interest on general obligation bonds. The municipality may levy ad valorem taxes for payment without limitation of rate or amount to pay or secure the payment of the principal and interest on bonds, regardless of whether the bonds are in default or in danger of default.

(b) General obligation bonds issued for acquiring, constructing, improving and equipping a municipally owned utility or other revenue-generating enterprise may be additionally secured by a pledge of the revenue derived from operation. Bonds so secured are not subject to a debt limitation imposed by a home rule charter. This subsection applies

1 to home rule and general law municipalities.

2 **ARTICLE 4. REVENUE BONDS.**

3 Sec. 29.47.240. **REVENUE BONDS.** (a) A municipality may issue
4 negotiable or nonnegotiable revenue bonds for a public enterprise or
5 public corporation of the municipality where the only security is the
6 revenue of the public enterprise or corporation.

7 (b) A municipality may issue its revenue bonds to finance the
8 purchase of residential mortgage loans. The revenue bonds issued under
9 this subsection are payable solely from the principal and interest of
10 the mortgage loans and from other amounts pledged by the municipality,
11 except the pledge of revenues derived from taxes. Revenue bonds issued
12 under this subsection do not constitute a general obligation of the
13 municipality.

14 Sec. 29.47.250. **NO ELECTION REQUIRED.** An election is not required
15 to authorize the issuance and sale of revenue bonds, unless otherwise
16 provided by ordinance.

17 Sec. 29.47.260. **CONSTRUCTION.** The prohibitions of AS 37.10.085 do
18 not apply to the issuance of revenue bonds or the use of proceeds from
19 revenue bonds by a home rule or general law municipality.

20 **ARTICLE 5. REFUNDING BONDS.**

21 Sec. 29.47.300. **AUTHORIZATION.** If a municipality has outstanding
22 general obligation or revenue bonds and the governing body determines
23 that it would be financially advantageous to refund the bonds, the
24 municipality may provide by ordinance or resolution for the issuance of
25 negotiable or nonnegotiable

- 26 (1) general obligation refunding bonds; or
27 (2) revenue refunding bonds.

28 Sec. 29.47.310. **EFFECT OF BONDS.** The refunding bonds may take up
29 and refund all or part of outstanding bonds at or before their maturity

1 or redemption date. The governing body may include various series and
2 issues of bonds in a single issue of refunding bonds.

3 Sec. 29.47.320. NO ELECTION REQUIRED. An election is not required
4 to authorize the issuance and sale of refunding bonds. Their issuance
5 may be authorized and all proceedings with reference to them prescribed
6 by ordinance. However, when it is desirable to use general obligation
7 bonds to refund a revenue bond issue, the governing body shall call an
8 election on the question.

9 Sec. 29.47.330. PAYMENT OF REFUNDING BONDS. General obligation
10 refunding bonds are payable according to AS 29.47.200. Revenue refund-
11 ing bonds are payable according to AS 29.47.240.

12 Sec. 29.47.340. SALE OF REFUNDING BONDS. General obligation or
13 revenue refunding bonds may, at the discretion of the governing body, be
14 exchanged for the bonds being refunded, or may be sold at public or
15 private sale. They may be issued and delivered at any time before the
16 date of maturity or redemption of the refunded bonds.

17 ARTICLE 6. MISCELLANEOUS PROVISIONS.

18 Sec. 29.47.390. OTHER MUNICIPAL FINANCING. (a) A municipality
19 may authorize by ordinance or resolution the issuance of negotiable or
20 nonnegotiable revenue bonds to finance any project that serves a public
21 purpose, and the bonds shall be secured and payable solely from the
22 revenue and property of the project.

23 (b) Bonds issued under this section are not a debt or liability of
24 the municipality and do not create or constitute an indebtedness,
25 liability, or obligation of the municipality, nor do they constitute a
26 pledge of faith, credit, or taxing power of the municipality. Each bond
27 must contain on its face a statement that the principal and interest on
28 the bond are payable solely from the revenues and property of the project
29 being financed, that the municipality is not obligated to pay the prin-

1 cipal or the interest on the bonds except from those sources, and that
2 neither the faith and credit nor the taxing power of the municipality is
3 pledged to the payment of principal or interest on the bond.

4 (c) A municipality may

5 (1) loan the proceeds of the bonds issued under this section;

6 (2) pledge, mortgage or assign money, leases, agreements,
7 property, or other assets of the project being financed;

8 (3) enter into covenants and agreements concerning bonds
9 issued under this section that the municipality determines to be de-
10 sirable;

11 (4) provide for any matter that affects the security of the
12 bonds.

13 (d) In this section

14 (1) "bonds" means bonds, notes, or other evidence of indebt-
15 edness;

16 (2) "project" includes but is not limited to commercial,
17 manufacturing, agricultural, industrial, residential housing, recrea-
18 tion, tourism, and medical projects and programs.

19 Sec. 29.47.400. SALE. Bonds and notes issued under this chapter
20 may be sold at either public or private sale by the municipality in the
21 manner and at the price it determines.

22 Sec. 29.47.410. FORMS AND TERMS. The municipality may by ordi-
23 nance or resolution fix the date, denominations, maturities, rate or
24 rates of interest, redemption terms, registration privileges, manner of
25 execution, signatures required, purchase price, manner of sale, and
26 other requirements for issuing bonds or notes under this chapter. If an
27 official whose signature appears on the bonds or coupons ceases to be an
28 official before delivery of the bonds, his signature is valid as if he
29 had remained in office until delivery.

1 Sec. 29.47.420. INTEREST RATE. The interest rate payable on a
2 bond or note issued under this chapter shall be determined by the muni-
3 cipality and is not subject to the usury rate limitations of AS 45.-
4 45.010.

5 Sec. 29.47.430. REDEMPTION BEFORE MATURITY. A bond or note issued
6 under this chapter may be made subject to redemption before maturity as
7 stated in the authorization or in the bond or note.

8 Sec. 29.47.440. BOROUGH INDEBTEDNESS. (a) A borough may incur
9 indebtedness

10 (1) on an areawide basis for areawide functions; or

11 (2) on a nonareawide basis for functions performed only in
12 the borough area outside all cities; or

13 (3) on a service area basis for functions performed only in a
14 service area.

15 (b) Payment of debt principal and interest as well as other costs
16 shall be derived from the area incurring the debt under (a)(2) or (a)(3)
17 of this section, except that the full faith and credit of the entire
18 borough may be pledged to guarantee payment of principal and interest.

19 (c) If the bonded debt to be incurred by a borough is an areawide
20 debt, the vote is areawide. If the full faith and credit of the entire
21 borough is pledged for the payment of the debt of the borough area
22 outside all cities or of a service area, an areawide election is held
23 and the proposition must pass both areawide and in the area that will
24 benefit from the improvement. If the bonded indebtedness to be incurred
25 is limited to the borough area outside all cities, the vote is limited
26 to voters outside all cities. If the indebtedness to be incurred is
27 limited to a service area, the vote is limited to voters in the service
28 area. Only the full faith and credit of the area voting on the in-
29 debtedness is pledged for the payment of the debt.

1 (d) The indebtedness of a municipality reclassified under AS 29.-
2 04.040 is not affected by reclassification. All property in a muni-
3 cipality that is reclassified remains subject to taxation to amortize
4 bonded or other indebtedness affecting the municipality and authorized
5 on the effective date of reclassification.

6 Sec. 29.47.450. SERVICE AREA DEBT. The indebtedness of a service
7 area acquired under AS 29.47.440 remains the indebtedness of the area
8 that incurred the debt, notwithstanding a subsequent court determination
9 that the service area was not validly formed under law or by virtue of a
10 defect in the proceedings creating the service area. All property in
11 the service area remains subject to taxation to pay the bonded indebted-
12 ness.

13 * Sec. 14. AS 29 is amended by adding a new chapter to read:

14 CHAPTER 55. MUNICIPAL PROGRAMS.

15 Sec. 29.55.010. CREATION OF LOCAL HISTORICAL DISTRICT COMMISSIONS.
16 The governing body of a municipality may establish a local historical
17 district commission or designate the planning commission or itself to
18 serve as the historical district commission.

19 Sec. 29.55.020. ESTABLISHMENT OF HISTORICAL DISTRICTS. (a) In
20 addition to existing municipal authority providing for the preservation,
21 protection, and maintenance of historic sites, the local historical
22 district commission, in consultation with the Historic Sites Advisory
23 Committee in the Department of Natural Resources, may establish a his-
24 torical district in the boundaries of the municipality.

25 (b) A historical district shall be a reasonably compact area of
26 historical significance in which two or more structures important in
27 state or national history, and related by physical proximity or histori-
28 cal association, are located. For purposes of this section, "structures
29 important in state or national history" means properties recommended by

1 historical district commissions that are listed in the National Register
2 of Historic Places or are characteristic of the Russian-American period
3 before October 18, 1867, the early territorial period before 1930, or
4 early Native heritage, reflecting the indigenous characteristics of
5 Native culture in Alaska. On recommendation of the governing body of a
6 municipality and the Historic Sites Advisory Committee, the Department
7 of Natural Resources may by regulation formulate additional criteria for
8 the establishment of historical districts not inconsistent with this
9 subsection.

0 (c) The establishment of a historical district under this section
1 shall be consistent with any applicable comprehensive plan for the
2 municipality.

13 * Sec. 15. AS 29 is amended by adding a new chapter to read:

14 CHAPTER 60. STATE PROGRAMS.

15 ARTICLE 1. MUNICIPAL TAX RESOURCE EQUALIZATION.

16 Sec. 29.60.010. STATE EQUALIZATION OF TAX RESOURCES FOR MUNICIPAL
17 SERVICES. (a) During each fiscal year the department shall compute an
18 equalization entitlement for municipal services provided by a taxing
19 unit.

20 (b) The equalization entitlement computed for a taxing unit is
21 based on the population, relative ability to generate revenue, and local
22 tax burden of the taxing unit and is determined by the application of
23 the formula

24 Entitlement = P x R

25 where P = population, and

26 R = millage rate equivalent, determined by dividing the sum of
27 the locally generated revenue of the taxing unit by one-tenth of one
28 percent of the full and true value of assessed property of the taxing
29 unit determined under AS 29.60.030(d); however, the per capita property

1 value used under this subsection may not be less than 15 percent of the
2 statewide average per capita full and true assessed property value.

3 (c) For purposes of this section, locally generated revenue

4 (1) includes

5 (A) the actual revenue derived from the levy and collec-
6 tion of local taxes in the taxing unit for municipal services
7 during the preceding fiscal year of the taxing unit;

8 (B) motor vehicle payments received by the municipality
9 during the preceding fiscal year under AS 28.10.431;

10 (C) revenue from fees, rentals, leases, penalties,
11 licenses or permits received during the preceding fiscal year by
12 the municipality for a function or service over which it has con-
13 trol, including revenues derived from parks and recreation ser-
14 vices, mass transit, offstreet parking, and garbage and solid waste
15 disposal services;

16 (D) special assessments received during the preceding
17 fiscal year; and

18 (E) payments received by a municipality from a utility
19 that are in place of taxes levied and collected by the municipal-
20 ity;

21 (2) excludes

22 (A) revenue derived from the levy and collection of
23 municipal taxes and appropriated for the operating expenses and
24 debt service of utilities;

25 (B) revenue from interest earned on investments and from
26 the sale and lease of land or equipment; and

27 (C) all other revenue from whatever service derived.

28 Sec. 29.60.020. DETERMINATION OF POPULATION. (a) For purposes of
29 AS 29.60.010 - 29.60.080, the population of a taxing unit shall be

1 determined annually by the latest figures of the United States Bureau of
2 the Census or other population data that, in the judgment of the depart-
3 ment, is reliable.

4 (b) The population of the taxing unit includes the population of
5 any military reservation that is a part of the taxing unit.

6 Sec. 29.60.030. DETERMINATION OF MILLAGE RATE EQUIVALENT. (a)
7 The department may require a municipality to return a certification,
8 signed by the municipal treasurer or manager and the mayor, that pro-
9 vides an estimate of the locally generated revenue received by the
10 municipality during the preceding fiscal year.

11 (b) By October 15 of each year, the department shall make an
12 initial determination of the millage rate equivalent of each taxing unit
13 to be used for computing and distributing equalization entitlements for
14 the current fiscal year under AS 29.60.010 - 29.60.080. The department
15 shall base the initial determination on the estimates in the certifica-
16 tion returned by a municipality under (a) of this section.

17 (c) As early as possible, but not later than December 15 of each
18 year, the department shall make a final determination of the millage
19 rate equivalent of each taxing unit to use to compute and distribute
20 equalization entitlements under AS 29.60.010 - 29.60.080. The depart-
21 ment shall base the determination on audits, financial statements and
22 other financial reports prepared and submitted by a municipality. The
23 department shall adjust the locally generated revenue reported by a
24 municipality to exclude the municipal revenue claimed that does not
25 qualify for inclusion in or recognition as locally generated revenue for
26 municipal purposes under AS 29.60.010(c)(1). The adjustment shall be
27 made by deducting from total revenue claimed by the municipality the
28 amount of the department's estimate of revenue that is not recognized
29 for municipal purposes.

1 (d) The full and true assessed property value shall be determined
2 by the department in the manner provided for the computation of state
3 aid to education under AS 14.17.140. When the determination of locally
4 generated revenue includes revenue of a utility received under AS 29.-
5 60.010(c)(1)(E), the full and true assessed property value shall include
6 the computed assessed value of the utility, determined by dividing the
7 amount of the payment in place of taxes made by the utility by the
8 millage rate that would apply to the utility if the utility were subject
9 to levy and collection of taxes under AS 29.45.

10 (e) In addition to the computation for municipalities that levy
11 and collect a property tax, the department shall determine an estimated
12 full and true assessed property value under (d) of this section for

13 (1) each municipality that is a school district and that does
14 not levy and collect a property tax;

15 (2) each second class city with a population of 750 or more
16 persons; however, a computation is not required under this paragraph
17 more often than once during a period of three successive calendar years;
18 and

19 (3) all other second class cities, by determining the average
20 per capita full and true assessed property value of all cities having a
21 population of less than 750 persons in which an assessment has been
22 completed by a municipality or for which a determination is not made
23 under (1) or (2) of this subsection.

24 (f) The department shall annually compute a statewide average per
25 capita full and true assessed property value.

26 Sec. 29.60.040. REPORTS. A payment of an equalization entitlement
27 may not be made to a municipality under AS 29.60.010 - 29.60.080 until
28 the municipality has submitted its certificate of estimated revenue and
29 its financial report to the department for the fiscal year preceding the

1 year for which the equalization entitlement is sought, together with a
2 budget for the municipality's current fiscal year. The financial report
3 shall include a listing of general revenue collected from taxes levied
4 and assessed and any other revenue that, in the opinion of the municipal
5 officials, is eligible for inclusion in computations of the locally
6 generated revenue of the taxing unit.

7 Sec. 29.60.050. LIMITATION ON COMPUTATION AND USE OF PAYMENTS.

8 (a) An equalization entitlement generated by the tax levy of a taxing
9 unit may be used only for authorized expenditures of that taxing unit,
10 but up to 15 percent of the payment of an equalization entitlement
11 generated by areawide revenue of a municipality may be used by the
12 municipality for areawide or nonareawide purposes at the discretion of
13 its governing body. This subsection applies to home rule and general
14 law municipalities.

15 (b) An equalization entitlement determined with reference to
16 revenue other than revenue obtained from the levy and collection of
17 taxes may be used for areawide or nonareawide purposes, at the discre-
18 tion of the governing body.

19 Sec. 29.60.060. TAX EQUALIZATION ACCOUNT. The tax equalization
20 account is established. Money to carry out the provisions of AS 29.60.-
21 010 - 29.60.080 shall be allocated by the department to the account.
22 The amount allocated to the account shall be fully distributed by the
23 department as payments to municipalities to fulfill each share autho-
24 rized under AS 29.60.010. The amount allocated to the account shall be
25 distributed by the department pro rata among eligible municipalities.

26 Sec. 29.60.070. ADMINISTRATION. (a) The department may adopt
27 regulations necessary to implement AS 29.60.010 - 29.60.080. The regu-
28 lations shall include, among other provisions,

29 (1) procedures and filing dates for submitting certification

1 and financial reports;

2 (2) procedures for obtaining information required to compute
3 and determine the municipality's millage rate equivalent; and

4 (3) procedures by which the department shall notify a munic-
5 ipality in writing of the reasons for a proposed disallowance or adjust-
6 ment of any factor bearing upon the determination of the municipality's
7 entitlement and by which the municipality will be provided reasonable
8 time in which to respond or to challenge the department's determination.

9 (b) The department shall make reasonable efforts to advise and
10 assist municipalities in collecting information and completing reports
11 necessary for the determination of entitlements under AS 29.60.010 -
12 29.60.080.

13 (c) The department shall, by regulation, classify for inclusion or
14 exclusion as a component of a municipality's millage rate equivalent
15 under AS 29.60.010 any tax revenue appropriated for a utility not in-
16 cluded in the definition set out in AS 29.60.080(4).

17 Sec. 29.60.080. DEFINITIONS. In AS 29.60.010 - 29.60.080

18 (1) "taxing unit" means a municipality and

19 (A) in a borough or unified municipality, a service area
20 or the entire area outside cities;

21 (B) in a city, a differential tax zone;

22 (2) "utility" means electric, water, sewer, gas heat, tele-
23 phone, or refuse and garbage collection service.

24 ARTICLE 2. STATE AID FOR MISCELLANEOUS PURPOSES.

25 Sec. 29.60.100. REVENUE SHARING PAYABLE. In addition to the
26 equalization entitlements paid under AS 29.60.010 - 29.60.080, during
27 each fiscal year the department shall pay aid

28 (1) to a municipality or other eligible recipient that has
29 the power to provide the services described in AS 29.60.030 - 29.60.070

1 and exercises the power in the manner required by AS 29.60.100 - 29.60.-
2 180;

3 (2) to a Native village government under AS 29.60.140.

4 Sec. 29.60.110. STATE AID TO MUNICIPALITIES FOR ROADS. (a) The
5 department shall pay to a municipality that has power to provide for
6 road maintenance and exercises that power, \$2,500 a mile for each mile
7 of road, street, or highway maintained by the municipality, excluding
8 (1) the official state highway system, (2) roads, streets, or highways
9 not dedicated to public use, (3) roads, streets, or highways maintained
10 under the local service road program (AS 19.30.111 - 19.30.251), and (4)
11 alleyways, in accordance with regulations adopted by the Department of
12 Transportation and Public Facilities. A payment may not be made under
13 this subsection for maintenance of a road that is not used by automotive
14 equipment.

15 (b) A frozen waterway and a connection from an inhabited area to a
16 waterway that may be safely used for public transportation by automotive
17 equipment and is so used during a portion of a year is eligible for a
18 payment of \$1,500 per mile if the waterway and connection are maintained
19 during the period of use by a municipality or combination of municipali-
20 ties. The department, after consultation with the Department of Trans-
21 portation and Public Facilities, shall determine which waterways and
22 connections qualify and, where the waterways or connections lie outside
23 the corporate limits of a municipality, which municipalities shall
24 receive the payments under this subsection, unless the municipalities
25 involved have agreed in writing to a particular distribution.

26 Sec. 29.60.120. STATE AID TO MUNICIPALITIES AND OTHER ELIGIBLE
27 RECIPIENTS FOR HEALTH FACILITIES AND HOSPITALS. (a) The department
28 shall pay

29 (1) to a municipality that has the power to provide hospital

1 facilities and services and that exercises that power, \$1,000 per bed
2 for each bed actually used for patient care, limited to the number of
3 beds provided for in the construction design of the hospital, or
4 \$250,000 a hospital for those hospitals with 10 or more beds, or \$50,000
5 a hospital for those hospitals with less than 10 beds, as the municipal-
6 ity may elect; money received under this paragraph may be used only for
7 hospitals and shall be apportioned among qualifying hospitals as the
8 municipality determines;

9 (2) on the basis set out in (1) of this subsection to a
10 municipality for a nonprofit hospital not operated by a municipality if
11 the municipality first certifies to the department that the nonprofit
12 hospital is in compliance with all standards for hospitals that have
13 been adopted by the municipality; money may not be paid on behalf of a
14 nonprofit hospital without this certification; payments to the municipi-
15 pality shall be transferred to the nonprofit hospital in accordance with
16 the basis by which the payment was generated by the hospital, and shall
17 be applied to the annual cost of operation and maintenance of the hos-
18 pital or for the provision of health care service at the hospital as the
19 directors of the hospital determine;

20 (3) to a municipality in which a health facility is operated,
21 \$2,000 per bed for each bed actually used for patient care, limited to
22 the number of beds provided for in the construction design of the health
23 facility, or \$8,000 per health facility as the municipality determines.

24 (b) A hospital may not receive payment under both (a)(1) and
25 (a)(2) of this section.

26 (c) Money received by a municipality under (a)(3) of this section
27 shall be used for expenses of health services or operation and main-
28 tenance of health facilities as the municipality determines.

29 (d) Before money may be distributed under this section, the com-

1 missioner of health and social services shall certify to the commis-
2 sioner of community and regional affairs that any accumulation of assets
3 by nonprofit corporations or other recipients under this section is
4 dedicated irrevocably to a public purpose.

5 (e) Subsections (a) and (c) of this section apply to home rule and
6 general law municipalities.

7 Sec. 29.60.130. STATE AID TO VOLUNTEER FIRE DEPARTMENTS NOT IN
8 ORGANIZED MUNICIPALITY. (a) The department shall pay to a volunteer
9 fire department registered with the state fire marshal and serving an
10 area not in an organized municipality a sum for protection purposes
11 equal to \$10 per capita for the population served by the fire department,
12 as determined by the state fire marshal.

13 (b) A grant shall be made under (a) of this section to facilitate
14 the organization of a volunteer fire department in an area not in an
15 organized municipality, upon application of the proposed fire protection
16 group to the state fire marshal and upon approval of applications
17 according to standards of organization and service prescribed by regula-
18 tions adopted by the state fire marshal.

19 Sec. 29.60.140. STATE AID TO NATIVE VILLAGE GOVERNMENTS. The
20 state shall pay \$25,000 to a Native village government for a village
21 that is not incorporated as a city under this title. In this section,
22 "Native village government" means

23 (1) a local governing body organized by authority of the Act
24 of Congress of June 18, 1934 (25 U.S.C. sec. 476); or

25 (2) a traditional village council or, if there is no tradi-
26 tional village council, the paramount chief or other local governing
27 body of a Native village that meets the requirements of the Alaska
28 Native Claims Settlement Act (43 U.S.C. sec 1601 - 1628).

29 Sec. 29.60.150. POPULATION DETERMINATION. For purposes of AS 29.-

1 60.100 - 29.60.180, population shall be determined by the latest figures
2 of the United States Bureau of the Census or other reliable population
3 data, including but not limited to public school enrollment figures,
4 public utility connection, registered voters, or certified employment
5 payrolls.

6 Sec. 29.60.160. AREA COST-OF-LIVING DIFFERENTIAL. (a) Payments
7 to a municipality or other eligible recipient under AS 29.60.110 -
8 29.60.120 shall reflect area cost-of-living differentials. Payments
9 shall be based on the sum of per capita, per mile and per bed or facil-
10 ity grants due each municipality or other recipient multiplied by the
11 appropriate area cost-of-living differential. The area cost-of-living
12 differential for each recipient shall be determined annually by election
13 district under the provisions of AS 39.27.030. Application of the area
14 cost-of-living differential may not result in distribution of an amount
15 less than the amount of the payment determined without reference to
16 application of this section.

17 (b) The election districts used to establish area cost-of-living
18 differentials under (a) of this section are those designated by the
19 proclamation of reapportionment and redistricting of December 7, 1961,
20 and retained for the house of representatives by proclamation of the
21 governor September 3, 1965.

22 Sec. 29.60.170. MISCELLANEOUS SERVICES ACCOUNT. The miscellaneous
23 services account is established. Money to carry out the provisions of
24 AS 29.60.100 - 29.60.180 shall be allocated by the department to the
25 account in accordance with AS 29.60.280. If amounts in the account are
26 insufficient to pay each municipality's or other recipient's share
27 authorized under AS 29.60.100 - 29.60.180, the amounts that are avail-
28 able shall be distributed pro rata among eligible municipalities and
29 other recipients.

1 Sec. 29.60.180. REGULATIONS. The department shall adopt regula-
2 tions necessary to carry out the purposes of AS 29.60.100 - 29.60.180.
3 The regulations shall include minimum standards required to qualify a
4 municipality or other recipient for payments for each service. The
5 department may require a municipality or other recipient to submit a
6 performance report adequate to demonstrate to the department that a
7 service for which payment is requested under AS 29.60.100 - 29.60.180
8 was performed by the municipality or other recipient and meets minimum
9 standards of service prescribed by regulation.

10 ARTICLE 3. STATE AID FOR HOSPITAL AND
11 HEALTH FACILITY CONSTRUCTION.

12 Sec. 29.60.230. STATE AID FOR HOSPITAL AND HEALTH FACILITY CON-
13 STRUCTION. (a) If construction of a hospital began after January 1,
14 1968, or if construction of a health facility began after January 1,
15 1980, and before July 1, 1980, and state matching aid for construction
16 approved for payment to a municipality or other hospital or health
17 facility sponsor constitutes less than 25 percent of the total project
18 cost, the department shall pay to the municipality or other hospital or
19 health facility sponsor each fiscal year \$2,500 a bed for the maximum
20 number of beds provided for in the construction design of the hospital
21 or health facility or five percent of the total project cost, whichever
22 is greater. State aid provided for in this section shall continue until
23 the municipality or other hospital or health facility sponsor has re-
24 ceived an amount that, combined with state matching money for construc-
25 tion of the hospital or health facility, equals 25 percent of the total
26 project cost. Money received for construction may not be used for any
27 other purpose.

28 (b) In this section "total project cost" means

29 (1) costs directly related to the project; and

1 (2) the total of all costs of financing and carrying out the
2 project, including but not limited to,

3 (A) the costs of all necessary studies, surveys, plans
4 and specifications, architectural, engineering or other special
5 services, acquisition of real property, site preparation and
6 development, purchase, construction, reconstruction and improvement
7 of real property, and the acquisition of machinery and equipment as
8 may be necessary in connection with the project;

9 (B) an allocable portion of the administrative and
10 operating expenses of the municipality or other hospital or health
11 facility sponsor;

12 (C) the cost of financing the project, including inter-
13 est on bonds issued to finance the project; and

14 (D) the cost of other items, including any indemnity and
15 surety bonds and premiums on insurance, legal fees, fees and ex-
16 penses of trustees, depositaries, financial advisors, and paying
17 agents for the bonds issued as the issuer considers necessary.

18 (c) This section applies to home rule and general law municipali-
19 ties.

20 Sec. 29.60.240. HOSPITAL AND HEALTH FACILITY CONSTRUCTION ASSIS-
21 TANCE ACCOUNT. The hospital and health facility construction assistance
22 account is established. Money to carry out the provisions of AS 29.-
23 60.230 - 29.60.240 shall be allocated by the department to the account
24 in accordance with AS 29.60.280. If amounts in the account are insuffi-
25 cient to pay each recipient's share authorized under AS 29.60.230 -
26 29.60.240, the amounts that are available shall be distributed pro rata
27 among eligible recipients.

28 ARTICLE 4. GENERAL PROVISIONS.

29 Sec. 29.60.280. ALLOCATION AND DISTRIBUTION. (a) Each year, the

1 department shall allocate money appropriated to the accounts established
2 in AS 29.60.060, 29.60.170, and 29.60.240 in the amounts determined by
3 the legislature.

4 (b) Money in the miscellaneous services account established in
5 AS 29.60.170 that exceeds the amount required to fully fund distribu-
6 tions authorized by AS 29.60.100 - 29.60.180 shall be reallocated to the
7 tax equalization account established in AS 29.60.060 and distributed
8 according to the provisions of AS 29.60.010 - 29.60.080.

9 (c) Money in the hospital and health facility construction assis-
10 tance account established in AS 29.60.240 that exceeds the amount re-
11 quired to fully fund distributions authorized by AS 29.60.230 - 29.60.-
12 240 shall be reallocated to the tax equalization account established in
13 AS 29.60.060 and distributed according to the provisions of AS 29.60.-
14 010 - 29.60.080.

15 Sec. 29.60.290. QUALIFICATION FOR MINIMUM PAYMENT. (a) A munici-
16 pality qualifying for an entitlement under AS 29.60.010 - 29.60.080 or
17 29.60.100 - 29.60.180 shall receive a minimum payment of \$25,000 plus an
18 area cost-of-living differential for each fiscal year if

19 (1) the municipality has conducted a regular election during
20 the fiscal year preceding the year for which payment of an entitlement
21 is authorized by AS 29.60.010 - 29.60.080 or 29.60.100 - 29.60.180 and
22 has reported the results of the election to the commissioner;

23 (2) regular meetings of the governing body are held in the
24 municipality during the fiscal year preceding the year for which payment
25 of an entitlement is authorized by AS 29.60.010 - 29.60.080 or 29.60.-
26 100 - 29.60.180 and a record of the proceedings is maintained;

27 (3) a municipal budget has been adopted for the fiscal year
28 during which payment of an entitlement is authorized by AS 29.60.010 -
29 29.60.080 or 29.60.100 - 29.60.180 and an audit or financial statement

1 for the preceding fiscal year has been prepared and furnished to the
2 department in accordance with AS 29.20.640(a); and

3 (4) local ordinances adopted by the municipality have been
4 codified in accordance with AS 29.25.050.

5 (b) The area cost-of-living differential payable to each munici-
6 pality under this section shall be determined annually by election
7 district under the provisions of AS 39.27.030. Except as provided in
8 AS 29.60.300, application of the area cost-of-living differential may
9 not result in a payment that is less than the minimum payment determined
10 under (a) of this section. For purposes of this subsection, the elec-
11 tion districts used are those designated by the proclamation of reappor-
12 tionment and redistricting of December 7, 1961, and retained for the
13 house of representatives by proclamation of the governor September 3,
14 1965.

15 (c) The department shall pay to each municipality eligible to
16 receive a minimum payment under this section an amount equal to the
17 difference between the minimum payment determined under (a) and (b) of
18 this section and the sum of the amounts payable for the same fiscal year
19 under AS 29.60.010 - 29.60.080 and 29.60.100 - 29.60.180.

20 (d) A payment under this section may be prorated and reduced under
21 AS 29.60.300.

22 (e) Payments under this section shall be made from the money
23 allocated to the tax equalization account established in AS 29.60.060.

24 Sec. 29.60.300. PRORATION OF PAYMENTS. (a) Payments under AS 29.-
25 60.290 and 29.60.010 - 29.60.180 shall equal the amount allocated to the
26 tax equalization account (AS 29.60.060), adjusted in accordance with
27 AS 29.60.280.

28 (b) Adjustments of payments shall be determined by prorating
29 amounts payable under AS 29.60.290 and amounts payable under AS 29.-

1 60.010 - 29.60.180 by a factor that, when applied, reduces all payments
2 in equal proportion so that payment under AS 29.60.290 and payments
3 under AS 29.60.010 - 29.60.180 equal the amount allocated to the tax
4 equalization account established in AS 29.60.060.

5 Sec. 29.60.310. DEFINITIONS. In this chapter

6 (1) "health facility"

7 (A) means a facility is licensed, when required, by the
8 state under AS 18.20.010 - 18.20.130 and that is owned or operated
9 or both by a municipality or by a nonprofit corporation or other
10 nonprofit sponsor;

11 (B) includes a public health center, maternity home,
12 community mental health center, facility for the mentally or
13 physically handicapped, nursing home, or convalescent center;

14 (C) excludes a facility operated or wholly supported by
15 the state or the federal government;

16 (2) "hospital" means a licensed hospital determined by the
17 Department of Health and Social Services to be a general hospital; the
18 term excludes a facility operated or wholly supported by the state or
19 the federal government.

20 * Sec. 16. AS 29 is amended by adding a new chapter to read:

21 CHAPTER 65. GENERAL GRANT LAND.

22 Sec. 29.65.010. DETERMINATION OF ENTITLEMENT OF BOROUGHES AND
23 UNIFIED MUNICIPALITIES. The general grant land entitlement of each of
24 the municipalities in this section is the amount set out opposite each:

- 25 (1) Municipality of Anchorage - 44,893 acres;
26 (2) City and Borough of Juneau - 19,584 acres;
27 (3) City and Borough of Sitka - 10,500 acres;
28 (4) Bristol Bay Borough - 2,898 acres;
29 (5) Fairbanks North Star Borough - 112,000 acres;

- 1 (6) Haines Borough - 2,800 acres;
- 2 (7) Kenai Peninsula Borough - 155,780 acres;
- 3 (8) Ketchikan Gateway Borough - 11,593 acres;
- 4 (9) Kodiak Island Borough - 56,500 acres;
- 5 (10) Matanuska-Susitna Borough - 355,210 acres;
- 6 (11) North Slope Borough - 89,850 acres.

7 Sec. 29.65.020. DETERMINATION OF ENTITLEMENT FOR CITIES. The
8 general grant land entitlement of a city formerly eligible to receive
9 general grant land under the provisions of AS 29.18.190 and 29.18.200 is
10 10 percent of the maximum total acreage of vacant, unappropriated,
11 unreserved land in the boundaries of each city at any time between the
12 initial date of eligibility under former AS 29.18.190 and 29.18.200 and
13 July 1, 1978. Within six months after July 1, 1978, the director shall
14 determine the entitlement for each city eligible to receive general
15 grant land under this section and certify that entitlement to the city.

16 Sec. 29.65.030. DETERMINATION OF ENTITLEMENT FOR NEWLY INCOR-
17 PORATED MUNICIPALITIES. (a) The general grant land entitlement of a
18 municipality incorporated after July 1, 1978, is 10 percent of the total
19 acreage of vacant, unappropriated, unreserved land within the boundaries
20 of the municipality on the date of its incorporation.

21 (b) Within six months after the date of incorporation of a muni-
22 cipality that is incorporated after July 1, 1978, the director shall
23 determine the entitlement of each municipality eligible to receive
24 general grant land under (a) of this section and certify the entitlement
25 to the municipality.

26 Sec. 29.65.040. STATUS OF ENTITLEMENTS. (a) After July 1, 1978,
27 general grant land entitlements provided in AS 29.65.010 and 29.65.020
28 are vested property rights that must be fulfilled as provided in AS 29.-
29 65.050 or 29.65.080.

1 (b) General grant land entitlements provided by AS 29.65.030 are
2 property rights that vest on the date of incorporation of the munic-
3 pality. The entitlement must be fulfilled as provided in AS 29.65.050.

4 (c) Land may be selected or nominated for selection by a munic-
5 pality to satisfy a general grant land entitlement under AS 29.65.010
6 and 29.65.020 at any time before October 1, 1980. However, if a muni-
7 cipal selection or nomination or a part of a municipal selection or
8 nomination is rejected by the director, the municipality may, not later
9 than 90 days after receipt of the director's rejection, select addi-
10 tional state land as necessary to satisfy its entitlement.

11 (d) Land may be selected by a municipality to satisfy a general
12 grant land entitlement under AS 29.65.030 at any time within one year
13 after the director certifies the entitlement to the municipality.

14 (e) The time limitations imposed by (c) and (d) of this section
15 for exercising a vested general grant land entitlement do not apply to

16 (1) the portion of an entitlement that cannot be satisfied by
17 that date because of a shortage of land suitable for residential, com-
18 mercial, and industrial purposes that is vacant, unappropriated, unre-
19 served land;

20 (2) payments for land deficiency under AS 29.65.080;

21 (3) the portion of an entitlement that cannot be satisfied
22 because the land selected by a municipality has been selected by a party
23 entitled to select land owned by the United States or the state; or

24 (4) the portion of an entitlement that cannot be satisfied
25 because the land nominated for selection by the municipality is not
26 tentatively approved for patent to the state.

27 Sec. 29.65.050. FULFILLMENT OF LAND ENTITLEMENTS. (a) The acreage
28 of each municipality's land selections for which patent has been issued
29 before July 1, 1978, shall be credited toward fulfillment of the entitle-

1 ment of that municipality.

2 (b) All approved selections under former AS 29.18.190 and 29.-
3 18.200 for which patent has not been issued to a municipality on July 1,
4 1978, shall be reviewed by the director within nine months after July 1,
5 1978. Any approved selection of land that was vacant, unappropriated,
6 or unreserved on the date of selection is valid as of the date of the
7 approval under former AS 29.18.190 and 29.18.200, and a patent shall be
8 issued to the municipality within three months after approval by the
9 director of a plat of survey. The acreage shall be credited toward
10 fulfillment of the municipality's entitlement. A municipality is not
11 entitled to receive patent under this chapter to more than its entitle-
12 ment determined under AS 29.65.010 - 29.65.030. Any prior approval by
13 the director of municipal selections for land that was not vacant,
14 unappropriated, or unreserved on the date of selection shall be re-
15 scinded, and patent may not be issued except when disposal to a third
16 party by sale or lease has occurred. Transfers of land to municipali-
17 ties under this chapter are subject to AS 38.05.321. Classification
18 actions as reflected on the land status records of the Department of
19 Natural Resources are determinative of land classification status for
20 purposes of this chapter.

21 (c) The director shall approve each selection for patent within
22 nine months of its selection by a municipality, and a patent shall be
23 issued to the municipality for land selected in satisfaction of a
24 general grant land entitlement vested under AS 29.65.010 - 29.65.030
25 within three months after approval by the director of a plat of survey.

26 Sec. 29.65.060. SCHOOL, UNIVERSITY, AND MENTAL HEALTH LAND. (a)
27 If an entitlement determined in AS 29.65.010 or 29.65.020 results in a
28 per capita entitlement for the municipality of less than one and one-
29 half acre, the municipality may select vacant school, university, or

1 mental health land in the municipality in partial fulfillment of its
2 land entitlement under this chapter. School, university, or mental
3 health land may be selected notwithstanding the fact that these lands
4 are not unappropriated and unreserved within the meaning of this chapter
5 and under former AS 29.18.190 and 29.18.200, but each selection of
6 school, university, or mental health land by a municipality must be
7 vacant, unappropriated, or unreserved land as defined in this chapter,
8 except that it need not be general grant land.

9 (b) The acreage of school, university, or mental health land, if
10 any, in a municipality may not be included in the determination of
11 entitlement under AS 29.65.010 or 29.65.020.

12 (c) Land conveyed under this section will be credited against a
13 municipality's remaining land entitlement under this chapter.

14 (d) Within six months after approval of a municipal selection of
15 school, university, or mental health land, the director shall identify
16 state general grant land of approximately equal value to the land re-
17 quested by the municipality and shall propose the replacement land for
18 the concurrence of the appropriate board. If a proposal by the director
19 is rejected by the board, the director shall meet with the board as
20 often as necessary to determine the type and amount of equal value
21 replacement land that would be required to obtain the board's concur-
22 rence, and shall propose the replacement land for consideration by the
23 board. The replacement land shall thereafter be managed for the pur-
24 poses for which the land selected by the municipality was acquired by
25 the Territory and State of Alaska.

26 (e) The notice and review provisions of AS 38.05.305 and 38.05.345
27 apply to the designation of other general grant land as school, univer-
28 sity, or mental health land in replacement of land selected under this
29 section. The provisions of AS 38.50 and AS 38.05.032 do not apply to

1 such designations under this section. The provisions of AS 38.05.-
2 030(a), 38.05.030(e), and 38.05.035(a)(13) that require the approval of
3 the respective trust board before disposal of land by the director do
4 not apply to selections of school, university, or mental health land by
5 a local government under this section.

6 (f) For purposes of determining the per capita entitlement under
7 (a) of this section, the population of a municipality shall be the
8 population determined by the commissioner under former AS 43.18.010 for
9 the program year beginning July 1, 1978, for a municipality whose en-
10 titlement is determined under AS 29.65.010.

11 Sec. 29.65.070. SELECTION AND CONVEYANCE PROCEDURE. (a) If land
12 selected by a municipality is unsurveyed at the time of approval, the
13 director shall survey, or may approve the municipality's survey of, the
14 exterior boundaries of an approved selection without interior subdivi-
15 sion, and shall issue patent in terms of the exterior boundary survey.
16 The cost of the survey shall be borne by the municipality. If land
17 selected by a municipality has been surveyed at the time of its selec-
18 tion, the boundaries shall conform to the public land subdivisions
19 established by the approved survey.

20 (b) The director may approve municipal selections of land that
21 have been tentatively approved or patented to the state by the federal
22 government, but he may not issue patent to a municipality until the land
23 has first been patented to the state. After approval of a selection by
24 the director, but before patent to a municipality, the municipality may
25 execute conditional leases and make conditional sales only with the
26 consent of the director. Conditional sales and conditional leases made
27 before July 1, 1978, do not require the consent of the director.

28 (c) Nothing in this chapter affects a valid existing claim, loca-
29 tion, or entry under the laws of the state or the United States whether

1 for homestead, mineral, right-of-way, or other purposes. Nothing in
2 this chapter affects the rights of an owner, claimant, locater, or
3 entryman to the full use and enjoyment of the land so occupied.

4 Sec. 29.65.080. PAYMENT FOR LAND DEFICIENCY. (a) The Alaska
5 municipal land account is established in the general fund for the follow-
6 ing purposes:

7 (1) providing payment to the boroughs and unified municipali-
8 ties designated in AS 29.65.010 for a deficiency of land physically
9 suitable for residential, commercial, or industrial purposes; or

10 (2) providing payment to the boroughs and unified municipali-
11 ties designated in AS 29.65.010 for certain general grant lands selected
12 by the state and conveyed to a Native corporation under the provisions
13 of the Alaska Native Claims Settlement Act.

14 (b) A municipality shall receive payment for its land deficiency
15 from the municipal land account. A municipality is eligible to receive
16 payment for land deficiency if, after July 1, 1980, the amount of land
17 selected by a municipality that is physically suitable for residential,
18 commercial, or industrial purposes amounts to less than one-third acre
19 per capita. Any entitlement under AS 29.65.010 that is less than one-
20 third acre per capita will, for the purposes of this subsection, be
21 considered a land deficiency. An unselected remaining entitlement will,
22 for the purpose of deficiency payment under this subsection, be con-
23 sidered as land physically suitable for residential, commercial, or
24 industrial purposes. A municipality eligible under this subsection is
25 entitled to receive a payment for land deficiency equal to \$1,000 per
26 acre for a number of acres equal to the difference between one-third of
27 the population of the municipality less the number of acres physically
28 suitable for residential, commercial or industrial purposes that has
29 been selected by the municipality. For the purpose of this subsection,

1 the population of the municipality shall be the population determined in
2 accordance with AS 29.65.060(f). No payment may be made to a munici-
3 pality under this subsection in excess of \$9,000,000.

4 (c) If a municipality selected vacant, unappropriated, unreserved
5 land on or before December 18, 1971, to which the state had received
6 tentative approval or patent, and that land was also selected by a
7 Native corporation organized under the Alaska Native Claims Settlement
8 Act (P.L. 92-203), and title to that land is ultimately vested in that
9 Native corporation, the municipality may, at its option, request payment
10 for land deficiency from the municipal land account. The acceptance of
11 payment under this subsection by a municipality constitutes a relin-
12 quishment of any other right, title, or claim to the land by that muni-
13 cipality. The total payment to a municipality under this subsection may
14 not exceed \$1,000 per acre to a maximum of 8,000 acres.

15 (d) The governor shall annually submit to the legislature a request
16 for an appropriation to the municipal land account for the municipali-
17 ties that have elected to receive payments under (b) or (c) of this
18 section. The request for appropriation shall distinguish between
19 amounts necessary to make payments for land deficiency under (b) of this
20 section and those required to make payments for land deficiency under
21 (c) of this section.

22 (e) For purposes of fulfilling entitlements under this section,
23 the legislature is authorized to appropriate

24 (1) not more than \$4,000,000 per fiscal year, and not more
25 than \$12,000,000 in total, for the purpose of paying entitlements under
26 (b) of this section;

27 (2) not more than \$1,000,000 per fiscal year, and not more
28 than \$8,000,000 in total, for the purpose of paying entitlements under
29 (c) of this section.

1 (f) If an annual appropriation is not sufficient to meet the
2 amount due to all municipalities that have elected to accept payment for
3 land deficiency under (b) or (c) of this section, the governor shall
4 apportion the appropriation among the municipalities in proportion to
5 the payment calculated for each municipality for that year. When a
6 distribution of payments is made under (c) of this section, the remain-
7 ing entitlement of a municipality to which payment is made shall be
8 reduced in an amount equal to the number of acres for which payment was
9 received. An appropriation made under this section is in addition to
10 other grants and entitlements authorized to eligible municipalities.

11 (g) Payments authorized by this section may not be made to a muni-
12 cipality eligible for an entitlement under AS 29.65.020 or 29.65.030.

13 (h) Payments made under this section shall be used by a municipal-
14 ity that levies property taxes to reduce the levy in proportion to the
15 amount of state payments received by the municipality for a given fiscal
16 year. The governing body of each municipality shall furnish a notice
17 with the tax statement describing the effect on property tax levies of
18 payments received under this section.

19 Sec. 29.65.090. AUTHORIZATION FOR LAND EXCHANGES. The director,
20 with the concurrence of the commissioner, and a municipality are autho-
21 rized to exchange land or interests in land when it is in the public
22 interest. Land or interests in land exchanged under this section must
23 be of approximately equal value, including the nonmonetary value of
24 public benefits. Exchange procedures shall comply with applicable law
25 and municipal ordinances. The notice and review provisions of AS 38.-
26 05.305 and 38.05.345 apply to exchanges of land under this section. The
27 provisions of AS 38.50 do not apply to exchanges of land under this
28 section.

29 Sec. 29.65.100. PUBLIC PURPOSE AND EXPANSION NEEDS. (a) Consis-

1 tent with the best interests of the state, if a municipality does not
2 contain and cannot reasonably acquire sufficient nonfederal land within
3 its boundaries to meet its legitimate needs for public or private
4 settlement or development, it shall be the policy of the state to select
5 federal land reasonably necessary to meet the needs of the municipality
6 and to make the land selected available to the municipality under AS 38.-
7 05.315 or (b) of this section.

8 (b) Where state land is the most logical location for demonstrated
9 municipal expansion for nonpublic settlement and development purposes,
10 and when an exchange of land under AS 29.65.090 is not possible or is
11 not in the public interest, it is the policy of the state to sell or
12 lease the land at public auction. The state may contract with a muni-
13 cipality to act as its agent in an auction of state land under appli-
14 cable statutes. When a municipality acts as the agent of the state in
15 an auction, the municipality may retain from the proceeds of the auction
16 the expenses that the director determines to be necessary and reason-
17 able.

18 (c) Nothing in this chapter limits or impairs the authority of the
19 director to transfer land to municipalities, without limit or considera-
20 tion, for public purposes in accordance with AS 38.05.315. If there is
21 a remaining entitlement of the municipality, land transferred under
22 AS 38.05.315 shall be credited toward fulfillment of the entitlement.

23 Sec. 29.65.110. ELECTION OF BENEFITS. (a) A municipality that on
24 July 1, 1978, is engaged in litigation, or that becomes engaged in
25 litigation, regarding a claim to state land under former AS 29.18.190
26 and 29.18.200 shall elect either to obtain the benefits provided in this
27 chapter or to pursue the litigation and waive any claim to entitlement
28 under this chapter. An election shall be made by filing a motion for
29 dismissal with prejudice in the court in which the litigation is pending.

1 If the claim involves a municipality identified in AS 29.65.010, the
2 municipality shall file its motion for dismissal within 60 days after
3 July 1, 1978. If a claim involves a city eligible to receive an entitle-
4 ment under AS 29.65.020 the city shall file its motion for dismissal
5 within 60 days after receiving the certificate of entitlement provided
6 by the director under AS 29.65.020. Failure of the municipality to file
7 a motion for dismissal during the time period provided in this subsec-
8 tion is considered a waiver of entitlement under this chapter.

9 (b) A municipality that was eligible to file land selections under
10 former AS 29.18.190 and 29.18.200 and that does not enter into litiga-
11 tion over a claim to rights under those sections before the expiration
12 of the time period within which it could make an election under (a) of
13 this section is considered to have elected to receive benefits under
14 this chapter and to have waived any claim that might have been raised
15 under former AS 29.18.190 and 29.18.200.

16 (c) The provisions of this chapter do not affect the rights of a
17 party to litigation regarding the former AS 29.18.190, 29.18.200 or
18 29.18.420 maintained by a municipality that has elected not to obtain
19 the benefits provided by this chapter.

20 Sec. 29.65.120. ADMINISTRATION. The commissioner of natural
21 resources may adopt regulations in accordance with the Administrative
22 Procedure Act (AS 44.62) necessary to carry out the purposes of this
23 chapter.

24 Sec. 29.65.130. DEFINITIONS. In this chapter, unless the context
25 otherwise requires,

26 (1) "approved selection" means a municipal land selection
27 that has been approved in writing by the director for transfer by patent
28 to a municipality;

29 (2) "director" means the director of the division of lands,

1 Department of Natural Resources, or his designee;

2 (3) "general grant land" means land patented or tentatively
3 approved to the state from the United States under sec. 6(a) or (b) of
4 the Alaska Statehood Act;

5 (4) "mental health land" means land granted under Title II,
6 sec. 202 of P.L. 84-830, as amended before or after July 1, 1978;

7 (5) "municipal land selection" means a request by a munici-
8 pality, filed in writing with the director under authority of former
9 AS 29.18.190 and 29.18.200 or under this chapter for vacant, unappro-
10 priated, unreserved general grant land within its municipal boundaries
11 in partial fulfillment of its municipal entitlement;

12 (6) "patent" means a document, issued by the director to a
13 municipality for a previously approved selection, that conveys and
14 quitclaims all the right, title, and interest of the state without
15 reservation or condition except as may be required by law;

16 (7) "remaining entitlement" means the general grant land
17 entitlement determined in accordance with this chapter, reduced by the
18 total acreage of approved selections, including both patented and un-
19 patented parcels;

20 (8) "school land" means those rectangular sections 16 and 36
21 within each township surveyed on or before January 3, 1959, and con-
22 firmed and transferred to the State of Alaska upon its admission under
23 sec. 6(k), Alaska Statehood Act, 72 Stat. 339, and any other land
24 designated solely for school revenues;

25 (9) "university land" means all sections 33 reserved to the
26 university under 38 Stat. 1214, as amended (48 U.S.C. 353) and all land
27 granted to or reserved for the benefit of the university;

28 (10) "vacant, unappropriated, unreserved land" means general
29 grant land as defined in (4) of this section, excluding minerals as

1 required by sec. 6(1) of the Alaska Statehood Act, that

2 (A) has not been set aside by statute for one or more
3 particular uses or purposes;

4 (B) has not been approved for patent to a municipality
5 under this chapter or former AS 29.18.190 and 29.18.200; or

6 (C) is unclassified or, if classified under AS 38.05.-
7 300, is classified for agricultural, grazing, commercial, indus-
8 trial, private recreational, residential, utility, or open-to-entry
9 purposes, or is classified in accordance with an agreement between
10 a municipality and the state providing for state management of land
11 of the municipality.

12 Sec. 29.65.140. APPLICATION. This chapter applies to home rule
13 and general law municipalities.

14 * Sec. 17. AS 29 is amended by adding a new chapter to read:

15 CHAPTER 71. GENERAL PROVISIONS.

16 Sec. 29.71.010. ADVERSE POSSESSION. A municipality may not be
17 divested of title to real property by adverse possession.

18 Sec. 29.71.020. DEDICATION OF MUNICIPAL PROPERTY. Dedication of
19 streets, rights-of-way, easements or other areas for public use may not
20 be construed to require the municipality to maintain, improve or provide
21 for municipal services in the area dedicated and the dedication does not
22 impose any liability on the municipality for the condition of the area
23 dedicated.

24 Sec. 29.71.030. TAXATION OF MUNICIPALITIES. No state law or
25 regulation may assess or tax, or be construed to assess or tax, a muni-
26 cipality unless the law or regulation expressly provides that the muni-
27 cipality is to be assessed or taxed by the particular law or regulation.

28 Sec. 29.71.040. DEFINITIONS. In this title, unless otherwise
29 provided or the context otherwise requires,

1 (1) "areawide" means throughout a borough, both inside and
2 outside all cities in the borough;

3 (2) "assembly" means the governing body of a borough;

4 (3) "borough" means a general law first or second class
5 borough or a home rule borough;

6 (4) "city" means a general law first or second class city or
7 a home rule city;

8 (5) "commissioner" means the commissioner of community and
9 regional affairs;

10 (6) "consolidation" means dissolution of two or more muni-
11 cipalities and their incorporation as a new municipality;

12 (7) "council" means the governing body of a city;

13 (8) "department" means the Department of Community and
14 Regional Affairs;

15 (9) "election" means a regular or special municipal election
16 and does not include a state election;

17 (10) "governing body" means the legislative body of a muni-
18 cipality that is the assembly of a borough or the council of a city;

19 (11) "majority" means a simple majority;

20 (12) "merger" means dissolution of a municipality and its
21 absorption by another municipality;

22 (13) "municipality" means a political subdivision incorporated
23 under the laws of the state that is a home rule or general law city, a
24 home rule or general law borough, or a unified municipality;

25 (14) "nonareawide" means throughout the area of a borough
26 outside all cities in the borough;

27 (15) "owner" or "record owner" means the owner of record or
28 purchaser of record as shown in the records of the district recorder;

29 (16) "personal property" means tangible property other than

1 real property, such as merchandise, stock in trade, machinery, equip-
2 ment, furniture, fixtures, vehicles, boats, and aircraft;

3 (17) "property" means real and personal property;

4 (18) "published" means appearing at least once in a newspaper
5 of general circulation distributed in the municipality or, if there is
6 no newspaper of general circulation distributed in the municipality,
7 posting in three public places for at least five days;

8 (19) "real property" means land and improvements, all posses-
9 sory rights and privileges appurtenant to the property, and includes
10 personal property affixed to the land or improvements;

11 (20) "regular election" means the municipal election held on
12 the first Tuesday of October annually, or on a different date or inter-
13 val of years provided by ordinance or charter;

14 (21) "special election" means a municipal election and does
15 not include a regular election or a state election;

16 (22) "street" includes streets, avenues, boulevards, roads,
17 lanes, alleys, and other ways;

18 (23) "subdivision" means the division of a parcel of land into
19 two or more lots or other divisions for the purpose of sale or building
20 development, includes resubdivision, and relates to the process of
21 subdividing or to the land subdivided;

22 (24) "unified municipality" means a municipality unified in
23 accordance with AS 29.06.190 - 29.06.410;

24 (25) "voter" means a United States citizen who is qualified to
25 vote in state elections, has been a resident of the municipality for 30
26 days immediately preceding the election, is registered to vote in state
27 elections, and is not disqualified under art. V of the state constitu-
28 tion.

29 * Sec. 18. AS 01.10.060 is amended by adding a new paragraph to read:

1 (15) "municipality" means a political subdivision incorporated
2 under the laws of the state that is a home rule or general law city, a
3 home rule or general law borough, or a unified municipality.

4 * Sec. 19. AS 09.55.275 is amended to read:

5 Sec. 09.55.275. REPLAT APPROVAL. No agency of the state or
6 municipality may acquire property located within a municipality exercis-
7 ing the powers conferred by AS 29.40.070 - 29.40.160 that [AS 29.33.-
8 150 - 29.33.245 WHICH] results in a boundary change unless the agency or
9 municipality first obtains from the municipal platting authority pre-
10 liminary approval of a replat showing clearly the location of the pro-
11 posed public streets, easements, rights-of-way, and other taking of
12 private property. Final approval of replat shall be similarly obtained.
13 However, if a state agency clearly demonstrates an overriding state
14 interest, a waiver to the approval requirements of this section may be
15 granted by the governor. The platting authority shall treat applica-
16 tions for replat made by state or local governmental agencies in the
17 same manner as replat petitions originated by private landowners.

18 * Sec. 20. AS 09.65.070(e)(1) is amended to read:

19 (1) "municipality" means a home rule borough or city, a
20 general law borough or city of any class, or a unified municipality
21 [ESTABLISHED UNDER AS 29.68.240 - 29.68.440, OR A MUNICIPALITY ESTAB-
22 LISHED BY MERGER OR CONSOLIDATION UNDER AS 29.68.030 - 29.68.110]; the
23 term includes a public corporation established by a municipality;

24 * Sec. 21. AS 14.08.071(b) is amended to read:

25 (b) Except for the first election of regional school members under
26 (a) of this section, elections [ELECTION] shall be held annually on the
27 first Tuesday in October. Elections shall be supervised by the director
28 of elections in the office of the lieutenant governor, but shall be
29 administered within second class cities as part of the regular municipal

1 election. The lieutenant governor shall adopt [PROMULGATE] regulations
2 for the conduct of the election of regional school board members com-
3 parable, as far as practicable, to those prescribed for election of
4 school board members under AS 14.12 and AS 29.20.300 [AS 29.28] except
5 that the majority election requirements of AS 29.26.060 [AS 29.28.040]
6 do not apply to, nor may the regulations require runoff elections for,
7 the first election of regional school board members under (a) of this
8 section or, if a school board by resolution so requests, to subsequent
9 elections in the regional educational attendance area served by that
10 school board.

11 * Sec. 22. AS 14.08.081 is amended to read:

12 Sec. 14.08.081. RECALL. The members of a regional school board
13 are subject to recall in accordance with AS 29.26.240 - 29.26.360
14 [AS 29.28.130 - 29.28.250], except that the director of the division of
15 elections shall perform the functions of a municipal clerk, and the
16 lieutenant governor shall perform the functions of the assembly or
17 council under those sections.

18 * Sec. 23. AS 14.12.030(c) is amended to read:

19 (c) The [NOTWITHSTANDING THE] provisions of (a) and (b) of this
20 section do not apply if [, WHERE] the [BOROUGH] assembly serves as the
21 school board of the borough school district [UNDER AS 29.41.020 THE
22 NUMBER OF MEMBERS OF THE ASSEMBLY-SCHOOL BOARD SHALL BE DETERMINED IN
23 THE MANNER PRESCRIBED BY AS 29.23.020].

24 * Sec. 24. AS 14.12.110 is amended to read:

25 Sec. 14.12.110. SINGLE BODY AS ASSEMBLY AND SCHOOL BOARD. Not-
26 withstanding the provisions of this chapter or other law, a single body
27 may serve as both the [BOROUGH] assembly and [BOROUGH] school board in
28 the manner provided for third class boroughs under AS 29.20.300(b)
29 [AS 07.17.030], if

1 (1) an [A BOROUGH] ordinance for that purpose is approved by
2 the assembly and ratified by a referendum of a majority of the qualified
3 borough voters voting on the question at a regular or special election;
4 [,] and

5 (2) [IF] the public school population within the borough is
6 500 pupils or less.

7 * Sec. 25. AS 14.14.020 is amended to read:

8 Sec. 14.14.020. BOND REQUIRED. Before the officer responsible for
9 custody [OF], investment, or management of school district money enters
10 upon the duties of office, the district, or the municipality if the
11 treasury is centralized, shall obtain a bond with sufficient sureties in
12 an amount equal to the money that may come into the officer's official
13 custody, but not to exceed \$50,000. The bond shall be conditioned on
14 the officer's honest and faithful disbursement and accounting of all
15 money that may come into his official custody. The bond shall be filed
16 with the clerk of the school board. This section does not apply to an
17 officer who has been bonded under AS 29.20.610 [AS 29.23.520].

18 * Sec. 26. AS 14.14.050(d) is amended to read:

19 (d) The school board shall not make the audit if an audit that
20 [WHICH] satisfies the requirements of this section and that [WHICH] is
21 filed and posted as required by this section [,] is made according to
22 AS 29.35.110 [AS 29.48.220].

23 * Sec. 27. AS 14.17.140(a) is amended to read:

24 (a) To determine the equalized percentage to be applied to basic
25 need under AS 14.17.021, and the matching ratio for required local
26 effort under AS 14.17.071, the Department of Community and Regional
27 Affairs, in consultation with the assessor for each district, shall
28 determine the full value of the taxable real and personal property in
29 each district. Exemptions granted under ch. 129, SLA 1957, known as the

1 Alaska Industrial Incentive Act (AS 43.25), shall be honored. If there
2 is no local assessor or current local assessment for a district, then
3 the Department of Community and Regional Affairs shall make the deter-
4 mination of full value from information available. In making the deter-
5 mination, the Department of Community and Regional Affairs shall be
6 guided by AS 29.45.110 [AS 29.53.060]. The determination of full value
7 shall be made before October 1 and sent by certified mail, return
8 receipt requested, before that date to the president of the school board
9 in each district. Duplicate copies shall be sent to the commissioner.
10 The governing body of the municipality that [BOROUGH OR CITY WHICH] is
11 the district may obtain judicial review of the determination by filing a
12 motion in the superior court of the judicial district in which the
13 district is located within 30 days after receipt of the determination.
14 The superior court may modify the determination of the Department of
15 Community and Regional Affairs only upon a finding of abuse of discre-
16 tion or upon a finding that there is no substantial evidence to support
17 the determination.

18 * Sec. 28. AS 15.13.010(a) is amended to read:

19 (a) This chapter applies in every election for governor, lieu-
20 tenant governor, a member of the state legislature, a delegate to a
21 constitutional convention, or judge seeking electoral confirmation. It
22 also applies to every candidate for election to a municipal office in a
23 municipality [CITY OR BOROUGH] with a population of more than 1,000
24 inhabitants according to the latest United States census figures or
25 estimates of population certified as correct for administrative purposes
26 by the Department of Community and Regional Affairs. A municipality may
27 exempt its elected municipal officers from the requirements of this
28 chapter if a majority of the voters voting on the question at a [ANY]
29 regular election, as defined by AS 29.71.040(20) [AS 29.78.010(14)], or

1 a special municipality-wide election called for that purpose, vote to
2 exempt its elected municipal officers from the requirements of this
3 chapter. The question of exemption from the requirements of this
4 chapter may be submitted by the governing body [CITY COUNCIL OR BOROUGH
5 ASSEMBLY] by ordinance or by initiative election [ORDINANCE]. Nothing
6 in this chapter prohibits a municipality from regulating by ordinance
7 campaign contributions and expenditures.

8 * Sec. 29. AS 15.56.110(b)(2) is amended to read:

9 (2) a borough assemblyman under AS 29.20.170(6) [AS 29.23.-
10 060(c)];

11 * Sec. 30. AS 15.56.110(b)(3) is amended to read:

12 (3) a borough mayor under AS 29.20.280(6) [AS 29.23.130(f)];

13 * Sec. 31. AS 15.56.110(b)(4) is amended to read:

14 (4) a city councilman under AS 29.20.170(6) [AS 29.23.-
15 210(b)];

16 * Sec. 32. AS 15.56.110(b)(5) is amended to read:

17 (5) a city mayor under AS 29.20.280(6) [AS 29.23.255];

18 * Sec. 33. AS 16.20.036(g) is amended to read:

19 (g) The establishment of a refuge under this section does not
20 impair or alter existing rights of a municipality [BOROUGH OR CITY] to
21 state land selected [SELECT STATE LAND] under former AS 29.18.190 -
22 29.18.200.

23 * Sec. 34. AS 16.20.038(g) is amended to read:

24 (g) The establishment of a refuge under this section does not
25 impair or alter existing rights of a municipality [BOROUGH OR CITY] to
26 state land selected [SELECT STATE LAND] under former AS 29.18.190 -
27 29.18.200.

28 * Sec. 35. AS 18.26.250(2) is amended to read:

29 (2) municipality [MUNICIPAL CORPORATION OR POLITICAL SUB-

1 DIVISION OF THE STATE AS THE TERMS ARE USED IN AS 29];

2 * Sec. 36. AS 18.80.290(d) is amended to read:

3 (d) The governing [LEGISLATIVE] body of a general law or home rule
4 municipality has the authority under AS 29.20.320 [AS 29.48.035] to
5 grant to local commissions powers and duties similar to those exercised
6 by the Alaska Human Rights Commission under the provisions of this Act.

7 * Sec. 37. AS 19.30.241(2) is amended to read:

8 (2) "home rule city" means a city as defined in AS 29.04.010
9 [AS 29.08.010];

10 * Sec. 38. AS 19.30.241(3) is amended to read:

11 (3) "local government" means an organized borough of any
12 class, a unified municipality [ORGANIZED UNDER AS 29.68.240 - 29.68.440],
13 a home rule city, or a first class city [OF THE FIRST CLASS];

14 * Sec. 39. AS 23.30.005 is amended by adding a new subsection to read:

15 (m) The board shall adopt regulations that permit two or more
16 municipalities to form an employer group for the purpose of providing
17 self-insurance under this chapter.

18 * Sec. 40. AS 26.23.230(5) is amended to read:

19 (5) "political subdivision" means a home rule or general law
20 borough or city [, WHETHER HOME RULE OR OTHERWISE,] including a unified
21 municipality [MUNICIPALITIES UNIFIED UNDER AS. 29.68.240 - 29.68.440],
22 an unincorporated village, or other unit of local government;

23 * Sec. 41. AS 28.15.051(d) is amended to read:

24 (d) The department may issue a special driver's permit to a person
25 who is at least 14 years of age with the consent of his parents or
26 guardians for the purpose of driving a motor-driven cycle. This permit
27 may be issued upon application and successful completion of all pre-
28 scribed tests and fees, and is valid for the same period of time as a
29 driver's license. The permit is not valid in a municipality that

1 [WHICH] by ordinance prohibits the driving of a motor-driven cycle by a
2 person under the age of 16 years; a borough may adopt the ordinance on a
3 nonareawide basis only, unless the power to adopt it on an areawide
4 basis is acquired under AS 29.35.300 - 29.35.330 or former AS 29.33.250 -
5 29.33.290.

6 * Sec. 42. AS 38.04.020(b)(1) is amended to read:

7 (1) land nominated for selection or selected by a municipal-
8 ity to satisfy a general grant land entitlement under AS 29.65 or former
9 AS 29.18.201 - 29.18.213;

10 * Sec. 43. AS 38.04.020(e)(4) is amended to read:

11 (4) for preliminary feasibility studies, engineering design
12 work, and construction of access roads and capital improvements required
13 by municipal subdivision ordinance or regulation of the platting author-
14 ity [BOARD UNDER AS 29.33.150]; if an accurate determination of the
15 amounts necessary for access roads or capital improvements cannot be
16 made at the time the estimate is submitted, a schedule for obtaining the
17 estimates, constructing the access roads or capital improvements, and
18 disposing of the land shall be submitted;

19 * Sec. 44. AS 38.04.021(a) is amended to read:

20 (a) A municipality may apply for financial assistance for the
21 execution of a land disposal program of general grant land entitlements
22 received from the state under AS 29.65 or former AS 29.18.201 - 29.18.-
23 213 by submitting a request to the commissioner for inclusion in the
24 request submitted to the legislature under AS 38.04.020(e). A munici-
25 pality may request financial assistance for expenses of surveying land,
26 designing subdivision plats, installing improvements required by munici-
27 pal ordinance or regulation of the local platting authority [BOARD], and
28 other reasonable direct costs of land disposal.

29 * Sec. 45. AS 38.04.021(d) is amended to read:

1 (d) A grant made under this section may not exceed five times the
2 amount of money appropriated by a first class city, a borough, or a
3 unified municipality [UNIFIED UNDER AS 29.68.240 - 29.68.440] for the
4 disposal of municipal land in the current fiscal year unless the commis-
5 sioner exempts the municipality from this subsection.

6 * Sec. 46. AS 38.04.021(e)(2) is amended to read:

7 (2) a first class city, a borough, or a unified municipality
8 that [UNIFIED UNDER AS 29.68.240 - 29.68.440 WHICH] is exempted by the
9 commissioner under (d) of this section.

10 * Sec. 47. AS 38.04.900(b) is amended to read:

11 (b) A municipality has standing to petition the commissioner for
12 the adoption of a regulation, or for the amendment or repeal of an
13 existing regulation, or to appeal a decision of the commissioner with
14 respect to classification, management, or disposal of land made under
15 authority of a regulation adopted under (a) of this section with respect
16 to state land outside the corporate boundaries of the municipality to
17 protect any interest which the municipality is authorized to regulate
18 outside its boundaries under AS 29.35.020 [AS 29.48.037].

19 * Sec. 48. AS 38.05.127(d) is amended to read:

20 (d) Upon application by a municipality or an affected owner of
21 land, the department may vacate, release, modify, or relocate an ease-
22 ment and right-of-way for public access to or along navigable or public
23 waters reserved by the department in a patent issued under AS 29.18.-
24 510 - 29.18.610, AS 29.05, AS 29.65, or former AS 29.18.011 - 29.18.460,
25 [AS 29.18] if the commissioner determines the action is consistent with
26 the public interest.

27 * Sec. 49. AS 38.05.290(b) is amended to read:

28 (b) Consistent with the best interests of the state, in the selec-
29 tion of general grant land it is the policy of the state to make avail-

1 able the maximum land area from which municipalities may fulfill land
2 entitlements under AS 29.65 or former AS 29.18.201 - 29.18.213.

3 * Sec. 50. AS 38.05.321(b) is amended to read:

4 (b) State land classified as agricultural land that [WHICH] has
5 been selected by a municipality under former AS 29.18.190 - 29.18.200 or
6 former AS 29.18.205(e) may be approved by the director for patent under
7 AS 29.65.050(c) or former AS 29.18.205(f); however, only rights in the
8 land for agricultural purposes may be transferred and all other inter-
9 ests in the land will remain with the state. Agricultural land approved
10 for patent to a municipality [UNDER AS 29.18.205(f)] shall be credited,
11 acre for acre, toward fulfillment of that municipality's entitlement
12 under AS 29.65.010 - 29.65.030 or former AS 29.18.201 - 29.18.203. If
13 the director later determines it to be in the best interests of the
14 state to transfer some or all of the additional rights in that approved
15 or patented agricultural land, those rights shall pass without consider-
16 ation to the municipality in which the land is located. The notice and
17 review provisions of [AS 38.05.305 AND] AS 38.05.345 are applicable to
18 conveyance of rights under this section.

19 * Sec. 51. AS 38.05.321(c) is amended to read:

20 (c) The provisions of this section do not apply to state land
21 classified as agricultural land which has been selected by a municipal-
22 ity under the provisions of former AS 29.18.190 - 29.18.200 if the
23 selection is an approved selection before April 1, 1978 and is otherwise
24 valid under AS 29.65.050(b) or former AS 29.18.205(b).

25 * Sec. 52. AS 38.05.362(b) is amended to read:

26 (b) Nothing in this section affects the selection rights of a
27 municipality [BOROUGH OR CITY] under former AS 29.18.190 - 29.18.200 for
28 areas selected as of July 1, 1977, or a valid existing claim, location,
29 or entry under law, as of July 1, 1976.

1 * Sec. 53. AS 39.50.145 is amended to read:

2 Sec. 39.50.145. PARTICIPATION BY MUNICIPALITIES. A municipality
3 may exempt its municipal officers from the requirements of this chapter
4 if a majority of the voters voting on the question at a [ANY] regular
5 election, as defined by AS 29.71.040(20) [AS 29.78.010(14)], or a
6 special municipality-wide election, vote to exempt its municipal
7 officers from the requirements of this chapter. The question of
8 exemption from the requirements of this chapter may be submitted by the
9 city council or borough assembly by ordinance or by initiative election
10 [ORDINANCE].

11 * Sec. 54. AS 39.50.200(a)(6) is amended to read:

12 (6) "municipal officer" includes a borough or city mayor,
13 borough assemblyman, city councilman, school board member, elected
14 utility board member, city or borough manager, members of a city or
15 borough planning or zoning commission within a home rule or general law
16 city or borough or [INCLUDING BUT NOT LIMITED TO] a unified municipality
17 [UNDER AS 29.68];

18 * Sec. 55. AS 40.15.075 is amended to read:

19 Sec. 40.15.075. AUTHORITY IN THE UNORGANIZED BOROUGH AND THIRD
20 CLASS BOROUGH. The division of lands is the platting authority in the
21 area outside organized boroughs and outside cities in the unorganized
22 borough and in the third class borough for only the purposes of hearing
23 and acting on petitions for the change or vacation of plats and shall
24 execute this function substantially in conformity with the provisions of
25 AS 29.40.130 - 29.40.160 [AS 29.33.210 - 29.33.240]. Costs of publica-
26 tion and mailing [AS WELL AS OTHER COSTS] authorized in AS 29.40.130
27 [AS 29.33.210] shall be paid to the division by the petitioner. The
28 Department of Natural Resources shall adopt reasonable regulations
29 governing the exercise of the authority conferred by this section upon

1 the division of lands.

2 * Sec. 56. AS 40.15.200 is amended to read:

3 Sec. 40.15.200. APPLICATION TO STATE AND POLITICAL SUBDIVISIONS.

4 All subdivisions of land made by the state, its agencies, instrumentali-
5 ties and political subdivisions are subject to the provisions of this
6 chapter and AS 29.40.070 - 29.40.160 [AS 29.33.150 - 29.33.240], or home
7 rule ordinances or regulations governing subdivisions, and shall comply
8 with ordinances and other local regulations adopted under this chapter
9 and AS 29.40.070 - 29.40.160 or former AS 29.33.150 - 29.33.240, or
10 under home rule authority, in the same manner and to the same extent as
11 subdivisions made by other landowners.

12 * Sec. 57. AS 41.22.020(d) is amended to read:

13 (d) In (a) of this section "municipalities" includes cities or
14 organized boroughs of any class and unified municipalities exercising
15 powers to initiate projects described in AS 41.22.020 and acquire parks
16 and open space land, as otherwise authorized by law [, AND INCLUDES BUT
17 IS NOT LIMITED TO UNIFIED MUNICIPALITIES ORGANIZED UNDER AS 29.68.240 -
18 29.68.440].

19 * Sec. 58. AS 41.35.180(5) is amended to read:

20 (5) consult with local historical district commissions re-
21 garding the establishment of historical districts under AS 29.55.010 -
22 29.55.020 [AS 29.48.108 - 29.48.110] and the approval of project altera-
23 tions under AS 45.98.040; recommend, if appropriate, the formulation of
24 additional criteria for the designation of historical districts under
25 AS 29.55.020(b) [AS 29.48.110(b)]; approve plans for and evaluate the
26 suitability of specific structures for purposes of loan eligibility and
27 continuance under the historical district revolving loan fund (AS 45.98);
28 and consult with the Department of Commerce and Economic Development
29 relative to the adoption of regulations for historical district loans

1 under AS 45.98.

2 * Sec. 59. AS 43.18.430 is amended to read:

3 Sec. 43.18.430. POWER OF MUNICIPALITY. A municipality may own,
4 maintain and employ a facility constructed under AS 43.18.400 - 43.18.-
5 460. The exercise of this power on an areawide basis is at the option
6 of the borough and is not subject to the restrictions on acquiring
7 additional areawide powers in AS 29.35.300 - 29.35.330 [AS 29.33.250 -
8 29.33.290].

9 * Sec. 60. AS 43.18.500(d)(2)(A) is amended to read:

10 (A) has the authority under AS 29.35 [AS 29.41 OR AS 29.-
11 48] to provide and maintain a cultural facility;

12 * Sec. 61. AS 43.56.010(b) is amended to read:

13 (b) A municipality may levy and collect a tax under AS 29.45.080
14 [AS 29.53.045] at the rate of taxation that applies to other property
15 taxed by the municipality. The tax shall be levied at a rate no higher
16 than the rate applicable to other property taxable by the municipality.
17 No municipality may exempt from taxation property authorized to be taxed
18 under this chapter. Exemptions shall be limited to those in AS 29.-
19 45.030, 29.45.050, [AS 29.53.020 AND AS 29.53.025] and AS 43.56.020.

20 * Sec. 62. AS 43.56.010(c) is amended to read:

21 (c) If the total value of assessed property of a municipality
22 taxing under AS 29.45.080(c) [AS 29.53.045(c)] exceeds the product of
23 225 percent of the average per capita assessed full and true value of
24 property in the state (to be determined by the department and reported
25 to each municipality by January 15 of each year) multiplied by the
26 number of residents of the taxing municipality, the department shall
27 designate the portion of the tax base against which the local tax may be
28 applied. For purposes of this subsection the average per capita
29 assessed full and true value of property in the state shall be calcu-

1 lated without regard to the assessed value of taxable property under
2 AS 43.58.

3 * Sec. 63. AS 43.56.010(d) is amended to read:

4 (d) A tax paid to a municipality under AS 29.45.080 [AS 29.53.045]
5 on or before June 30 of the tax year shall be credited against the tax
6 levied under (a) of this section for that tax year. If, however, a tax
7 is not paid to a municipality until after June 30 of the taxable year,
8 the department upon application shall refund to the taxpayer the amount
9 of tax paid to the municipality under AS 29.45.080 [AS 29.53.045]. The
10 credit or refund of taxes paid to a municipality may not exceed the
11 total amount of tax levied by the department upon the taxpayer for the
12 tax year, under (a) of this section.

13 * Sec. 64. AS 43.56.060(a) is amended to read:

14 (a) The department shall assess property for the tax levied under
15 AS 43.56.010(b) and AS 29.45.080 [AS 29.53.045] on property used or
16 committed by contract or other agreement for use for the pipeline trans-
17 portation of gas or unrefined oil or for the production of gas or un-
18 refined oil at its full and true value as of January 1 of the assessment
19 year.

20 * Sec. 65. AS 43.75.130(1) is amended to read:

21 (1) to each unified municipality [UNIFIED UNDER AS 29.68.-
22 240 - 29.68.440,] and to each city located in the unorganized borough,
23 50 percent of the amount of tax revenue collected in the municipality
24 from taxes levied by AS 43.75;

25 * Sec. 66. AS 44.07.360(8) is amended to read:

26 (8) "municipality" means a home rule or general law city or
27 borough including but not limited to the capital city and a unified
28 municipality [ORGANIZED UNDER AS 29.68.240 - 29.68.440];

29 * Sec. 67. AS 44.08.065(c) is amended to read:

1 (c) A property owner aggrieved by determination of his assessment
2 may appeal under AS 29.45.190 [AS 29.53.130 - 29.53.135].

3 * Sec. 68. AS 44.08.065(d) is amended to read:

4 (d) All adjustments in valuation approved by the board of equali-
5 zation are subject to review and final approval by the commissioner. A
6 property owner may appeal the final determination in accordance with
7 AS 29.45.210 [AS 29.53.140].

8 * Sec. 69. AS 44.83.162(m) is amended to read:

9 (m) For purposes of (c) of this section, the number of residents
10 of the community equals the number of residents of the community deter-
11 mined by the Department of Community and Regional Affairs in accordance
12 with AS 29.60.020 [AS 29.88.015].

13 * Sec. 70. AS 44.85.270(1) is amended to read:

14 (1) All references to the "reserve fund" in this section include
15 special accounts within the reserve fund which may be created by the
16 authority to secure the payment of particular bonds, including, without
17 limitation, bonds issued by the capital city established under AS 29.-
18 14.010 [AS 29.18.510]. The commissioner of revenue may lend surplus
19 money in the general fund to the authority for deposit to any account in
20 the reserve fund in an amount equal to the required debt service
21 reserve. The loans shall be made on such terms and conditions as may be
22 agreed upon by the commissioner of revenue and the authority, including,
23 without limitation, terms and conditions providing that the loans need
24 not be repaid until the obligations of the corporation secured and to be
25 secured by the account in the reserve fund are no longer outstanding.

26 * Sec. 71. AS 44.85.410(3)(A) is amended to read:

27 (A) a general obligation bond that [WHICH] is a direct
28 and general obligation of a political subdivision of the state, all
29 the taxable property within which is subject to taxation to pay the

1 bond, note or evidence of debt, and the interest without limita-
2 tion, as to rate or amount generally to the extent permitted by law
3 or to avoid a default as provided for second class cities under
4 AS 29.45.590 [AS 29.53.410]; or

5 * Sec. 72. AS 44.85.410(3)(D) is amended to read:

6 (D) a bond of a borough issued as a general obligation
7 of a service area under AS 29.47.440 or former AS 29.58.340; [.]

8 * Sec. 73. AS 45.98.020 is amended to read:

9 Sec. 45.98.020. HISTORICAL DISTRICT LOANS. Upon endorsement and
10 plan approval by a local historical district commission established
11 under AS 29.55.010 or former AS 29.48.108 and the recommendation of a
12 majority of the members of the Historic Sites Advisory Committee, the
13 Department of Commerce and Economic Development may make loans to a
14 person, firm, business or municipality subject to applicable laws for
15 the restoration, improvement, rehabilitation, or maintenance of a struc-
16 ture that [WHICH] is

17 (1) within the boundaries of a historical district estab-
18 lished under AS 29.55.020 or former AS 29.48.110;

19 (2) identified as important in state or national history as
20 provided for in AS 29.55.020(b) or former AS 29.48.110(b); and

21 (3) another building or structure within a historical dis-
22 trict, and suitable for superficial modification so that it can conform
23 to the period or motif of the surrounding buildings or structures that
24 are the reason for the area's designation as a historical district.

25 * Sec. 74. AS 46.03.210(a) is amended to read:

26 (a) A municipality with a population in excess of 1,000 may,
27 within five years from August 5, 1969, establish and administer within
28 its jurisdiction an air pollution control program. Organized boroughs
29 may establish an air pollution control program on an areawide basis, and

1 the exercise of powers with respect to the program is not subject to the
2 restrictions on acquiring additional areawide powers specified in
3 AS 29.35.300 - 29.35.330 [AS 29.33.250 - 29.33.290]. Local programs
4 shall

5 (1) provide by ordinance for requirements compatible with
6 those imposed by the provisions of AS 46.03.140 and 46.03.170 and
7 applicable regulations;

8 (2) provide for the enforcement of the requirements imposed
9 through appropriate administrative and judicial processes;

10 (3) provide for a local administrative organization, staff,
11 and other resources necessary to effectively carry out the purposes of
12 the program; and

13 (4) be approved by the department as being satisfactory to
14 meet the requirements of AS 46.03.140 - 46.03.170 and the applicable
15 regulations.

16 * Sec. 75. AS 46.11.040(3)(A) is amended to read:

17 (A) is constructed under an exception to the municipal
18 building code granted because the exception will result in in-
19 creased energy efficiency [UNDER AS 29.33.080(g)];

20 * Sec. 76. AS 46.11.900(8) is amended to read:

21 (8) "state financial assistance" means a loan, grant, guaran-
22 tee, insurance, payment, rebate, subsidy, or other form of state assis-
23 tance (other than aid under AS 29.60 [AS 29.88, AS 29.89, AS 29.90,
24 AS 29.95] and AS 43.18) including the purchase by a state agency of a
25 loan to finance the construction of a new residential, commercial, or
26 industrial building;

27 * Sec. 77. AS 46.35.200(3) is amended to read:

28 (3) "local government" means a city or borough including a
29 unified municipality [UNIFIED UNDER AS 29.68.240 - 29.68.440];

1 * Sec. 78. AS 46.40.140(h) is amended to read:

2 (h) Members of coastal resource service area boards are subject to
3 recall on the same grounds and in the same manner as provided for recall
4 of municipal officials in AS 29.26.240 - 29.26.350 [AS 29.28.130 -
5 29.28.250]. The lieutenant governor functions in place of the assembly
6 or council and municipal clerk for receipt and review of recall petitions
7 and the conduct of recal. elections.

8 * Sec. 79. AS 46.40.210(2)(A) is amended to read:

9 (A) unified municipalities [ESTABLISHED UNDER AS 29.-
10 68.240 - 29.68.440];

11 * Sec. 80. AS 47.35.010(b) is amended to read:

12 (b) The department shall, within 90 days after receiving a written
13 request that it do so, delegate its powers relating to nurseries under
14 this section and under AS 47.35.040, 47.35.050 and 47.35.060 to a muni-
15 cipality which has adopted an ordinance providing for day care licensing
16 under home rule powers or as authorized under AS 29.35.200 - 29.35.210
17 [AS 29.48.035(a)(20)]. A municipality to which these powers have been
18 delegated may waive or modify any regulation or standard established by
19 the department under the authority of AS 47.35.010 - 47.35.080 as it
20 applies to nurseries or the application of any such regulation or stan-
21 dard as it applies to a particular day care licensee but must notify the
22 department of any waiver.

23 * Sec. 81. The following laws are repealed: AS 04.11.340(4), 04.11.-
24 400(c); AS 04.21.080(11); AS 14.56.065(b), 14.56.180(3); AS 15.13.130(6);
25 AS 18.55.950(10); AS 24.55.330(3); AS 28.35.260(10); AS 29.08; AS 29.13;
26 AS 29.18.011 - 29.18.460; 29.18; AS 29.23; AS 29.28; AS 29.33; AS 29.38;
27 AS 29.41; AS 29.43; AS 29.48; AS 29.53; AS 29.58; AS 29.63; AS 29.68; AS 29.-
28 73; AS 29.78; AS 29.88; AS 29.89; AS 29.90; AS 29.95; AS 30.15.070(3);
29 AS 30.30.170(2); AS 35.15.080(3), 35.15.120(3); AS 42.06.630(6); AS 43.18.-

1 500(j)(6); AS 43.56.210(8); AS 44.47.310(5); and AS 44.85.410(4).

2 * Sec. 82. A right or liability of a municipality existing on July 1,
3 1982, is not affected by the enactment of this Act. Ordinances and regula-
4 tions in effect on July 1, 1982, remain in effect unless they conflict with
5 provisions of this Act. Ordinances and regulations in effect on July 1,
6 1982, that conflict with provisions of this Act remain in effect for 180 days
7 after July 1, 1982. The terms of elected or appointed municipal officials in
8 office on July 1, 1982, are not affected by this Act, and their terms expire
9 as provided before July 1, 1982.

10 * Sec. 83. This Act takes effect July 1, 1982.

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