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Referred: Judiciary

Original sponsors: Gilman, Sturgulewski  
and P.Fischer

BY THE COMMUNITY AND  
REGIONAL AFFAIRS COMMITTEE

1 IN THE SENATE

2 CS FOR SENATE BILL NO. 1 (C&RA)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to municipal government; and provid-  
7 ing 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,  
11 the Department of Natural Resources is the platting authority in the  
12 unorganized 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  
16 municipal corporation and political subdivision. It is a city or a  
17 borough that has adopted a home rule charter, or it is a unified  
18 municipality. A home rule municipality has all legislative powers not  
19 prohibited by 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 OF SECOND CLASS CITIES. (a) A  
2 second class city may be reclassified as a first class city by holding  
3 an election on the question, if the department determines from the  
4 best figures available that the population of the city has reached 600  
5 permanent residents.

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

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

11           (2) the council may propose reclassification.

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

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

22           (e) The council shall certify the election results to the de-  
23 partment. If the majority of votes cast is favorable, the city shall  
24 be considered reclassified to first class status 30 days after certi-  
25 fication of the election results.

26           Sec. 29.04.050. RECLASSIFICATION OF SECOND CLASS BOROUGHS. A  
27 second class borough may reclassify as a first class borough in the  
28 manner provided by AS 29.35.320 - 29.35.330 for the addition of an  
29 areawide power by a first or second class borough, except the petition

1 or proposal requests reclassification instead of requesting addition  
2 of a power.

3 Sec. 29.04.060. RECLASSIFICATION OF THIRD CLASS BOROUGHS. (a)

4 A third class borough may reclassify as a first or second class bor-  
5 ough in the manner provided by AS 29.35.320 - 29.35.330 for the addi-  
6 tion of an areawide power by a first or second class borough, except  
7 the petition or proposal requests reclassification instead of request-  
8 ing addition of a power. At the time of voting on reclassification of  
9 a third class borough to first or second class status, voters shall  
10 vote also on whether the borough shall on reclassification retain a  
11 combined assembly and school board or elect a separate assembly and  
12 board as otherwise provided for first and second class boroughs.

13 (b) If a combined assembly and school board are approved at the  
14 reclassification election, the assembly serving at the time of the  
15 election continues to serve as the assembly and board on voter ap-  
16 proval of reclassification and until terms of assembly members expire  
17 as provided before reclassification. If a separate assembly and  
18 school board are approved at the reclassification election, a school  
19 board shall be elected in conformity with AS 14.12.030 - 14.12.100 at  
20 the next regular election, if it occurs within 90 days of the date of  
21 the reclassification election, or otherwise at a special election  
22 within 90 days of the date of the reclassification election. Expira-  
23 tion dates of terms of school board members elected at a special  
24 election must coincide with the date of the regular election. Until a  
25 board is elected and qualified, the assembly continues to serve as the  
26 board.

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

28 CHAPTER 05. INCORPORATION.

29 ARTICLE 1. REQUIREMENTS.

1           Sec. 29.05.010. INCORPORATION OF A CITY. (a) A community that  
2 meets the following standards may incorporate as a home rule or first  
3 class city:

4           (1) the community has 600 or more permanent residents;

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

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

14           (4) the population of the community is stable enough to  
15 support city government;

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

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

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

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

27           Sec. 29.05.030. INCORPORATION OF A BOROUGH. (a) An area that  
28 meets the following standards may incorporate as a home rule, first  
29 class, or second class borough:

1 (1) the population of the area is interrelated and inte-  
2 grated as to its social, cultural, and economic activities, and is  
3 large and stable enough to support borough government;

4 (2) the boundaries of the proposed borough conform gener-  
5 ally to natural geography and include all areas necessary for full  
6 development of municipal services;

7 (3) the economy of the area includes the human and finan-  
8 cial resources capable of providing municipal services; evaluation of  
9 an area's economy includes land use, property values, total economic  
10 base, total personal income, resource and commercial development,  
11 anticipated functions, expenses, and income of the proposed borough;

12 (4) land, water, and air transportation facilities allow  
13 the communication and exchange necessary for the development of inte-  
14 grated borough government.

15 (b) An area may not incorporate as a third class borough.

16 ARTICLE 2. PROCEDURE.

17 Sec. 29.05.060. PETITION. Municipal incorporation is proposed  
18 by filing a petition with the department. The petition shall include  
19 the following information about the proposed municipality:

20 (1) class;

21 (2) name;

22 (3) boundaries;

23 (4) maps, documents, and other information required by the  
24 department;

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

26 (6) a proposed operating budget for the municipality pro-  
27 jecting sources of income and items of expenditure through the first  
28 full fiscal year of operation;

29 (7) for a borough, based on the number who voted in the

1     respective areas in the last general election, the signature and  
2     resident address of 15 percent of the voters in

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

5             (B) the area of the proposed borough outside home rule  
6     and first class cities;

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

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

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

13            (11) for a home rule or first class city, based on the  
14    number who voted in the area in the last general election, the signa-  
15    tures and resident address of 50 voters in the proposed city or of 15  
16    percent of the voters in the proposed city, whichever is greater;

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

21            (13) for a home rule municipality, a proposed home rule  
22    charter.

23            Sec. 29.05.070. REVIEW. The department shall review an incorpo-  
24    ration petition for content and signatures and shall return a defi-  
25    cient petition for correction and completion.

26            Sec. 29.05.080. INVESTIGATION. (a) If an incorporation peti-  
27    tion contains the required information and signatures, the department  
28    shall investigate the proposal and shall hold at least one public  
29    informational meeting in the area proposed for incorporation. The

1 department shall publish notice of the meeting.

2 (b) The department may combine incorporation petitions from the  
3 same general area.

4 (c) The department shall report its findings to the Local Bound-  
5 ary Commission with its recommendations regarding the incorporation.

6 Sec. 29.05.090. HEARING. The Local Boundary Commission shall  
7 hold at least one public hearing in the area proposed to be incorpo-  
8 rated for the purpose of receiving testimony and evidence on the  
9 proposal.

10 Sec. 29.05.100. DECISION. (a) If the Local Boundary Commission  
11 determines that a proposed municipality fails to meet the standards  
12 for incorporation, it shall reject the petition. If the commission  
13 determines that the proposed municipality meets the standards, it  
14 shall accept the petition. If the commission determines that the  
15 proposed boundaries can be altered to meet the standards, it may alter  
16 the boundaries and accept the petition.

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

19 Sec. 29.05.110. INCORPORATION ELECTION. (a) The Local Boundary  
20 Commission shall immediately notify the director of elections of its  
21 acceptance of an incorporation petition. Within 30 days after notifi-  
22 cation, the director of elections shall order an election in the pro-  
23 posed municipality to determine whether the voters desire incorpora-  
24 tion and, if so, to elect the initial municipal officials. If incor-  
25 poration is rejected, no officials are elected. The election must be  
26 held not less than 30 or more than 90 days after the date of the  
27 election order. The election order must specify the dates during  
28 which nomination petitions for election of initial officials may be  
29 filed.

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

4 (c) Areawide borough powers included in an incorporation peti-  
5 tion are considered to be part of the incorporation question. In an  
6 election for the incorporation of a second class borough, each non-  
7 areawide power to be exercised is placed separately on the ballot.  
8 Adoption of a nonareawide power requires a majority of the votes cast  
9 on the question, and the vote is limited to the voters residing in the  
10 proposed borough but outside all cities in the proposed borough.

11 (d) A home rule charter included in an incorporation petition  
12 under AS 29.05.060(13) is considered to be part of the incorporation  
13 question. The home rule charter is adopted if the voters approve in-  
14 corporation of the municipality.

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

18 Sec. 29.05.120. ELECTION OF INITIAL OFFICIALS. (a) Nominations  
19 for initial municipal officials are made by petition. The petition  
20 shall be in the form prescribed by the director of elections and shall  
21 include the name and address of the nominee and a statement of the  
22 nominee that the nominee is qualified under the provisions of this  
23 title for the office that is sought. A person may file for and occupy  
24 more than one office, but may not serve simultaneously as

25 (1) borough mayor and as a member of the assembly; or

26 (2) city mayor and as a member of the council of a first  
27 class city.

28 (b) Except for a proposed second class city, petitions to nomi-  
29 nate initial officials must include the signature and resident address

1 of 50 voters in the area of the proposed municipality, or that area of  
2 the proposed municipality from which the officials are to be elected  
3 under the composition and apportionment set out in the accepted incor-  
4 poration petition.

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

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

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

13 (f) The initial elected members of the governing body shall  
14 determine by lot the length of their terms of office so that a propor-  
15 tionate number of terms expire each year, resulting in staggered terms  
16 of office for members subsequently elected.

17 Sec. 29.05.130. INTEGRATION OF SPECIAL DISTRICTS AND SERVICE  
18 AREAS. (a) A service area in a newly incorporated municipality shall  
19 be integrated into the municipality within two years after the date of  
20 incorporation. On integration the municipality succeeds to all the  
21 rights, powers, duties, assets and liabilities of the service area.  
22 On integration all property in the service area subject to taxation to  
23 pay the principal and interest on bonds at the time of integration  
24 remains subject to taxation for that purpose.

25 (b) After integration, the municipality may exercise in a former  
26 service area all of the rights and powers exercised by the service  
27 area at the time of integration, and, as successor to the service  
28 area, may levy and collect special charges, taxes, or assessments to  
29 amortize bonded indebtedness incurred by the service area or by a

1 municipality in which the service area was formerly located.

2           Sec. 29.05.140. TRANSITION. (a) The powers and duties exer-  
3 cised by cities and service areas that are succeeded to by a newly  
4 incorporated municipality continue to be exercised by the cities and  
5 service areas until the new municipality assumes the powers and func-  
6 tions, which may not exceed two years after the date of incorporation.  
7 Ordinances, rules, resolutions, procedures, and orders in effect  
8 before the transfer remain in effect until superseded by the action of  
9 the new municipality.

10           (b) Before the assumption, the new municipality shall give  
11 written notice of its assumption of the rights, powers, duties,  
12 assets, and liabilities under this section and AS 29.05.130 to the  
13 city or service area concerned. Municipal officials shall consult  
14 with the officials of the city or service area concerned and arrange  
15 an orderly transfer.

16           (c) After the incorporation of a new municipality, no service  
17 area in it may assume new bonded indebtedness, make a contract, or  
18 transfer an asset without the consent of the governing body.

19           (d) This section applies to home rule and general law municipal-  
20 ities.

21           Sec. 29.05.150. CHALLENGE OF LEGALITY. A person may not chal-  
22 lenge the formation of a municipality except within six months after  
23 the date of its incorporation.

24                           ARTICLE 3. TRANSITIONAL ASSISTANCE.

25           Sec. 29.05.180. ORGANIZATION GRANTS TO CITIES. (a) To defray  
26 the cost of transition to city government and to provide for interim  
27 government operations, each city incorporated after July 1, 1983 is  
28 entitled to an organization grant of \$50,000 for the first full or  
29 partial fiscal year after incorporation.

1 (b) To defray the cost of reclassification, each second class  
2 city incorporated in the unorganized borough before July 1, 1983 that  
3 reclassifies as a home rule or first class city after July 1, 1983 is  
4 entitled to an organization grant equal to \$50,000 for the first full  
5 or partial fiscal year after reclassification.

6 (c) A city entitled to an organization grant under (a) or (b) of  
7 this section is entitled to a second organization grant of \$25,000.  
8 The Department of Community and Regional Affairs shall disburse the  
9 second organization grant within 30 days after the beginning of the  
10 city's second fiscal year after incorporation or reclassification, or  
11 as soon after that time as money is appropriated and available for the  
12 purpose.

13 (d) The Department of Community and Regional Affairs shall  
14 disburse an organization grant under (a) and (b) of this section  
15 within 30 days after certification of the incorporation election or  
16 the reclassification election, or as soon after certification as money  
17 is appropriated and available for the purpose.

18 Sec. 29.05.190. ORGANIZATION GRANTS TO BOROUGHES. (a) For the  
19 purpose of defraying the cost of transition to borough government and  
20 to provide for interim governmental operations, each borough incorpo-  
21 rated after July 1, 1983, is entitled to organization grants as  
22 follows:

23 (1) \$300,000 for the borough's first full or partial fiscal  
24 year;

25 (2) \$200,000 for the borough's second fiscal year; and

26 (3) \$100,000 for the borough's third fiscal year.

27 (b) The department shall disburse the first organization grant  
28 to a borough within 30 days after certification of the incorporation  
29 election favoring incorporation of a borough, or as soon after that as

1 money is appropriated and available for the purpose. The second grant  
2 shall be disbursed within 30 days after the beginning of the borough's  
3 second fiscal year, or as soon after that as money is appropriated and  
4 available for the purpose. The third grant shall be disbursed within  
5 30 days after the beginning of the borough's third fiscal year, or as  
6 soon after that as money is appropriated and available for the pur-  
7 pose.

8 (c) This section does not apply to a borough incorporated by  
9 consolidation or to a unified municipality.

10 Sec. 29.05.200. ORGANIZATION GRANT FUND. (a) The organization  
11 grant fund is established in the department. An appropriation made to  
12 the fund shall be used for organization grants to municipalities that  
13 qualify under AS 29.05.180 or 29.05.190.

14 (b) Before August 31 of each fiscal year the department shall  
15 submit a report to the Department of Administration indicating

16 (1) each municipality expected to qualify to receive an  
17 organization grant during the next fiscal year;

18 (2) the amount of money needed to cover all organization  
19 grants expected to be awarded during the next fiscal year.

20 Sec. 29.05.210. TRANSITIONAL ASSISTANCE TO BOROUGHES. (a)  
21 Within 30 days after the date of incorporation of a borough incorpo-  
22 rated after July 1, 1983, the department shall determine the popula-  
23 tion of the borough.

24 (b) The department shall provide assistance to each borough in-  
25 corporated after July 1, 1983, in

26 (1) establishing the initial sales and use tax assessment  
27 and collection department if the borough has adopted a sales or use  
28 tax;

29 (2) determining the initial property tax assessment roll if

1 the borough has adopted a property tax, including contracting for  
2 appraisals of property needed to complete the initial assessment.

3 (c) This section does not apply to a borough incorporated by  
4 consolidation or to a unified municipality.

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

6 CHAPTER 06. ALTERATION OF MUNICIPALITIES.

7 ARTICLE 1. CHANGE OF NAME.

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

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

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

28 (d) This section applies to home rule and general law municipal-  
29 ities.

1                   ARTICLE 2. ANNEXATION AND DETACHMENT.

2                   Sec. 29.06.040. LOCAL BOUNDARY COMMISSION.   (a)    The Local  
3   Boundary Commission may consider any proposed municipal boundary  
4   change. It may reject the proposed change, accept the proposed  
5   change, or alter the boundaries and accept the proposal as altered. A  
6   Local Boundary Commission decision under this subsection may be ap-  
7   pealed under the Administrative Procedure Act (AS 44.62).

8                   (b)   The Local Boundary Commission may present a proposed muni-  
9   cipal boundary change to the legislature during the first 10 days of a  
10   regular session. The change becomes effective 45 days after presenta-  
11   tion or at the end of the session, whichever is earlier, unless dis-  
12   approved by a resolution concurred in by a majority of the members of  
13   each house.

14                  (c)   In addition to the regulations governing annexation by local  
15   action adopted under AS 44.47.567, the Local Boundary Commission shall  
16   establish standards and procedures for annexation and detachment of  
17   territory by municipalities by local action. The standards and  
18   procedures established under this subsection that apply to detachment  
19   shall be the same as the standards and procedures that apply to  
20   annexation, except that the standards and procedures that apply to  
21   detachment must include provisions for equitable prorated payment of  
22   debts acquired by the municipality before the detachment. The  
23   procedures established under this subsection include a provision that

24                   (1)   subject to (2) and (3) of this subsection, a proposed  
25   annexation or detachment must be approved by a majority of votes on  
26   the question cast by voters residing in the area proposed to be  
27   annexed or detached;

28                   (2)   municipally owned property adjoining the municipality  
29   may be annexed or detached by ordinance without an election;

1           (3) an area adjoining the municipality may be annexed or  
2 detached by ordinance without an election if all property owners and  
3 voters in the area petition the governing body; and

4           (4) within 90 days after receipt of a petition for  
5 annexation or detachment the local boundary commission shall make a  
6 decision on the petition.

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

10           Sec. 29.06.050. ANNEXATION OF MILITARY RESERVATIONS. A military  
11 reservation may be annexed to a municipality in the same manner as  
12 prescribed for other territory under AS 29.06.040. If a city in a  
13 borough annexes a military reservation under this section, the area  
14 encompassing the military reservation automatically is annexed to the  
15 borough in which the city is located.

16           Sec. 29.06.060. APPLICATION. AS 29.06.040 - 29.06.060 apply to  
17 home rule and general law municipalities.

18           ARTICLE 3. MERGER AND CONSOLIDATION.

19           Sec. 29.06.090. MERGER AND CONSOLIDATION. (a) Two or more  
20 municipalities may merge or consolidate to form a single municipality,  
21 except a third class borough may not be formed through merger or  
22 consolidation.

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

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

27           (2) the local option method specified in AS 29.06.100 -  
28 29.06.160.

29           Sec. 29.06.100. PETITION. (a) Residents of two or more

1 municipalities may file a merger or consolidation petition with the  
2 department. The petition must be signed by a number of voters of each  
3 existing municipality equal to at least 25 percent of the number of  
4 votes cast in each municipality's last regular election.

5 (b) The petition includes

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

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

8 (3) the proposed composition and apportionment of the  
9 governing body;

10 (4) maps, documents, and other information that shows that  
11 the proposed municipality meets the standards for municipal incorpora-  
12 tion.

13 Sec. 29.06.110. REVIEW. (a) The department shall review a  
14 merger or consolidation petition for content and signatures and shall  
15 return a deficient petition for correction or completion.

16 (b) If the petition contains the required information and signa-  
17 tures, the department shall investigate the proposal.

18 (c) The department shall report its findings to the Local Bound-  
19 ary Commission with its recommendations regarding the merger or con-  
20 solidation.

21 Sec. 29.06.120. HEARING. After receipt of the report by the  
22 department on a merger or consolidation petition, the Local Boundary  
23 Commission shall hold at least one public hearing in each of the  
24 existing municipalities included in the petition, unless officials of  
25 the municipalities agree to a single hearing.

26 Sec. 29.06.130. DECISION. (a) If the Local Boundary Commission  
27 determines that the proposed municipality fails to meet the standards  
28 for incorporation, it shall reject the merger or consolidation peti-  
29 tion. If the commission determines that the proposed municipality

1 meets these standards, it shall accept the petition. If the commis-  
2 sion determines that the proposed boundaries or the composition and  
3 apportionment of the governing body can be altered to meet the stan-  
4 dards, it may alter the proposal and accept the petition.

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

7 Sec. 29.06.140. ELECTION. (a) The Local Boundary Commission  
8 shall immediately notify the director of elections of its acceptance  
9 of a merger or consolidation petition. Within 30 days after notifica-  
10 tion, the director of elections shall order an election in the area to  
11 be included in the new municipality to determine whether the voters  
12 desire merger or consolidation. The election must be held not less  
13 than 30 or more than 90 days after the election order. A voter who is  
14 a resident of the area to be included in the proposed municipality may  
15 vote.

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

19 (c) The director of elections shall certify the election re-  
20 sults. If merger or consolidation is approved, the director of elec-  
21 tions shall, within 10 days, set a date for election of officials of  
22 the new municipality. The election date must be not less than 60 or  
23 more than 90 days after the election order and it is the effective  
24 date for the merger or consolidation.

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

28 (b) When two or more municipalities consolidate, the newly  
29 incorporated municipality succeeds to the rights, powers, duties,

1 assets, and liabilities of the consolidated municipalities.

2 Sec. 29.06.160. TRANSITION. After merger or consolidation, the  
3 ordinances, resolutions, regulations, procedures, and orders of the  
4 former municipalities remain in force in their respective territories  
5 until superseded by the action of the new municipality.

6 Sec. 29.06.170. APPLICATION. AS 29.06.090 - 29.06.170 apply to  
7 home rule and general law municipalities.

8 ARTICLE 4. UNIFICATION OF MUNICIPALITIES.

9 Sec. 29.06.190. UNIFICATION OF MUNICIPALITIES AUTHORIZED. A  
10 borough and all cities in the borough may unite to form a single unit  
11 of home rule government by complying with AS 29.06.190 - 29.06.410.

12 Sec. 29.06.200. UNIFICATION PROPOSED. (a) Formation of a  
13 charter commission to prepare a unification charter shall be proposed  
14 by resolution of the assembly or by petition. A resolution to propose  
15 formation of a charter commission may be adopted not more often than  
16 once every 12 months.

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

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

21 "PETITION FOR ELECTION OF CHARTER COMMISSION TO PROPOSE UNIFICA-  
22 TION CHARTER. We, the undersigned, qualified voters of the borough do  
23 hereby petition that the following proposition be placed before the  
24 voters as provided by law: 'Shall a charter commission be formed (and  
25 charter commission members be elected as elsewhere provided on this  
26 ballot) to prepare, adopt and submit to the voters for their approval  
27 or rejection a proposed charter uniting the borough and all cities  
28 within it as a single unit of home rule government having the powers,  
29 duties and functions of a unified municipality as authorized by law?



1           Sec. 29.06.250. CHARTER COMMISSION NOMINATIONS. (a) If the  
2 assembly determines that a unification petition meets the requirements  
3 of AS 29.06.210, or the assembly by its resolution proposes an elec-  
4 tion on formation of a charter commission, the assembly shall issue a  
5 call for the nomination of commission candidates, specifying the  
6 filing deadline and the procedure for making nominations.

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

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

15           (d) If at least one nomination of a qualified charter commission  
16 candidate for each available seat is not filed, the unification peti-  
17 tion or resolution to propose formation of a charter commission is  
18 void and no election on the question shall be held.

19           Sec. 29.06.260. QUALIFICATIONS OF CANDIDATES. A person is eli-  
20 gible to be nominated as a candidate for the charter commission if  
21 that person was a voter of the area from which election is sought for  
22 at least one year immediately preceding the date the nomination peti-  
23 tion is filed.

24           Sec. 29.06.270. ELECTION OF CHARTER COMMISSION. (a) After  
25 receipt of a valid unification petition or adoption of an assembly  
26 resolution to propose formation of a charter commission, the assembly  
27 shall submit to the voters the question of whether a charter commis-  
28 sion shall be formed to prepare a proposed unification charter. The  
29 vote shall be held at the next regular borough election scheduled at

1 least 90 days after receipt of the petition or adoption of the resolu-  
2 tion. The ballot shall be worded exactly as in AS 29.06.210(a).

3 (b) The election of charter commission members shall take place  
4 at the same time as the election on the question of formation of the  
5 commission.

6 (c) All costs incurred in conducting an election under AS 29.-  
7 06.190 - 29.06.410 shall be paid by the borough.

8 Sec. 29.06.280. REQUIREMENTS FOR APPROVAL OF FORMATION AND  
9 ELECTION OF CHARTER COMMISSION. (a) The votes on the question of  
10 formation of a charter commission shall be tabulated in two separate  
11 classifications. One classification consists of all votes cast in  
12 first class and home rule cities in the borough. The other classifi-  
13 cation consists of all votes cast in the remaining area of the bor-  
14 ough. In order for formation of a charter commission to be approved,  
15 a majority of the votes in each classification must favor formation of  
16 the commission.

17 (b) If formation of a charter commission is approved, the candi-  
18 dates who received the highest number of votes from their respective  
19 areas shall serve as members of the commission.

20 Sec. 29.06.290. CHARTER COMMISSION ORGANIZATION AND PROCEDURE.

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

24 (b) A majority of the total membership of the charter commission  
25 constitutes a quorum. A decision of the commission is not valid or  
26 binding unless approved by the number of members necessary to consti-  
27 tute a quorum.

28 (c) The charter commission may elect other officials from among  
29 its membership, adopt rules governing its procedures that are

1 consistent with AS 29.06.190 - 29.06.410 and hire and discharge  
2 employees.

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

6 Sec. 29.06.300. VACANCIES. (a) Vacancies on the charter com-  
7 mission shall be filled by a majority vote of the commission, except  
8 the assembly shall appoint members to fill vacancies if, after a  
9 proposed charter is rejected by the voters, more than one-half of the  
10 members resign.

11 (b) A person who fills a vacancy on the charter commission must  
12 be a voter of the same area as the person succeeded and must have been  
13 a voter of that area for at least one year immediately preceding the  
14 date the vacancy is filled.

15 Sec. 29.06.310. PER DIEM. The assembly may grant a per diem  
16 allowance to members of the charter commission and may reimburse the  
17 members for travel expenses incurred in carrying out the duties pre-  
18 scribed by AS 29.06.190 - 29.06.410. Costs, fees, and other expenses  
19 incurred by the commission are a debt of the borough and shall be paid  
20 upon proper verification.

21 Sec. 29.06.320. CHARTER PROVISIONS. The charter shall include

22 (1) provision for

23 (A) adjustment of existing bonded indebtedness and  
24 other obligations in a manner that will assure a fair and equit-  
25 able burden of taxation for debt service, subject to AS 29.06.-  
26 380;

27 (B) the establishment of service areas;

28 (C) if election of members of the governing body is  
29 not areawide, the establishment of districts for the election of

1 members of the governing body of the proposed unified municipal-  
2 ity and procedures by which to reapportion the election dis-  
3 tricts;

4 (D) reapportionment of districts if they are estab-  
5 lished;

6 (E) nonpartisan government, and the selection, organi-  
7 zation, authority, and responsibilities of the governing body and  
8 its executive and administrator;

9 (F) the transfer or other disposition of property and  
10 other rights, claims, assets, and franchises of the municipal-  
11 ities to be unified under the charter;

12 (G) exercise of the rights of initiative and referen-  
13 dum;

14 (2) a method of amending the charter;

15 (3) the date on which the charter, if approved at the  
16 charter election, is effective;

17 (4) designation of the proposed unified municipality's  
18 official name;

19 (5) other charter provisions that may be included in a home  
20 rule charter.

21 Sec. 29.06.330. PUBLIC HEARINGS. Both before and after drafting  
22 the proposed home rule charter, the charter commission shall hold a  
23 public hearing in each area represented on the assembly. Other public  
24 hearings may be held by the commission as it considers necessary.

25 Sec. 29.06.340. FILING OF PROPOSED CHARTER. Upon the adoption  
26 of a proposed home rule charter by the charter commission, the charter  
27 shall be signed by at least a majority of the total membership of the  
28 commission and shall be filed with the borough clerk. A copy of the  
29 charter with signatures affixed shall also be filed with the clerk of

1 each city in the borough.

2       Sec. 29.06.350. PUBLICATION AND POSTING OF PROPOSED CHARTER.  
3 Within 10 days after filing the proposed home rule charter, the bor-  
4 ough clerk shall have it published. In addition, the clerk shall have  
5 a copy of the proposed charter posted in at least three public places  
6 in each city and each unincorporated community in the borough. Copies  
7 of the proposed charter shall be made available by the assembly to the  
8 public at both the office of the borough clerk and the office of the  
9 clerk of each city in the borough. The clerk shall have notice of the  
10 publication, posting, and availability of the proposed charter pub-  
11 lished.

12       Sec. 29.06.360. ELECTION ON CHARTER. (a) The proposed home  
13 rule charter adopted by the charter commission shall be submitted to  
14 the voters at a borough election held within 60 days of the date of  
15 publication and posting of the proposed charter. The borough clerk  
16 shall prepare the ballots for use in the election and shall give  
17 notice of the election by radio and television in a manner intended to  
18 apprise the entire borough population of the election. The election  
19 shall be conducted under procedures applicable to regular elections.

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

22       (c) If a majority of the votes in the area of the borough out-  
23 side all home rule or first class cities, and a majority of the votes  
24 in all home rule and first class cities in the borough are cast in  
25 favor of the proposed charter, the charter is ratified. If the char-  
26 ter is ratified, election results shall be certified to the commission  
27 and two copies of the charter shall be filed with

28               (1) the lieutenant governor;

29               (2) the commissioner of the department;

- 1                   (3) the district recorder for the area of the borough;  
2                   (4) the clerk of the borough;  
3                   (5) the clerk of each city in the borough.

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

11                   Sec. 29.06.370. EFFECT OF THE CHARTER AFTER RATIFICATION. Upon  
12 ratification, the home rule charter of a unified municipality operates  
13 to dissolve all municipalities in the area unified in accordance with  
14 the charter.

15                   Sec. 29.06.380. ASSETS AND LIABILITIES. A unified municipality  
16 shall succeed to all the assets and liabilities of the municipalities  
17 it unified. A bonded indebtedness or other debt incurred before  
18 unification remains the tax obligation of the area that contracted the  
19 debt, except that by ordinance the tax obligation may be assumed by a  
20 larger area if the governing body determines that the asset for which  
21 the bonded indebtedness or other debt was incurred benefited the  
22 larger area before unification, or benefits the larger area after  
23 unification. However, bonded indebtedness or other debt for sewage  
24 collection systems, water distribution systems, and streets, even if  
25 determined to be benefiting a larger area than that which incurred the  
26 debt, remains the tax obligation of the area that incurred the debt.

27                   Sec. 29.06.390. TRANSITION. Within two years after ratification  
28 of the home rule charter, the unified municipality shall revise,  
29 repeal, or reaffirm all municipal ordinances, resolutions, and orders

1 in effect in the area of the unified municipality on the date of  
2 unification. Each ordinance, resolution, regulation, or order in  
3 effect on the date of unification remains in effect until superseded  
4 by action of the unified municipality.

5 Sec. 29.06.400. RIGHT TO STATE AND FEDERAL AID. All provisions  
6 of law authorizing aid from the state or federal government to a  
7 former municipality that was in the area of a unified municipality  
8 remain in effect after unification.

9 Sec. 29.06.410. POWERS OF A UNIFIED MUNICIPALITY. A municipal-  
10 ity unified under AS 29.06.190 - 29.06.410 has all powers

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

13 Sec. 29.06.420. APPLICATION. AS 29.06.190 - 29.06.420 apply to  
14 home rule and general law municipalities.

#### 15 ARTICLE 5. DISSOLUTION.

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

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

20 (2) the local option method specified in AS 29.06.460 -  
21 29.06.510.

22 (b) The department shall investigate a municipality that it con-  
23 siders to be inactive and shall report to the Local Boundary Commis-  
24 sion on the status of the municipality. The commission may submit its  
25 recommendation to the legislature that the municipality be dissolved  
26 in the manner provided for submission of boundary changes in art. X,  
27 sec. 12 of the state constitution.

28 (c) A borough is dissolved when its entire territory is included  
29 in a home rule or first class city or cities. A city is dissolved

1 when all its powers become areawide borough powers.

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

7 (b) The petition must include

8 (1) the name of the municipality;

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

11 Sec. 29.06.470. STANDARDS. (a) Except as provided in (b) of  
12 this section, residents of a municipality may petition for dissolution  
13 when the municipality is free of debt, or, if in debt, each of its  
14 creditors is satisfied with a method of repayment and

15 (1) it no longer meets the minimum standards prescribed for  
16 incorporation by AS 29.05, or former AS 29.18.030 if it is a third  
17 class borough; or

18 (2) the municipality ceases to use each of its mandatory  
19 powers.

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

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

27 (b) If the petition contains the required information and signa-  
28 tures, the department shall investigate the proposal.

29 Sec. 29.06.490. REPORT AND HEARING. (a) The department shall

1 report its findings to the Local Boundary Commission with its recom-  
2 mendation regarding the dissolution of a municipality .

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

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

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

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

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

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

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

1           Sec. 29.06.530. APPLICATION. AS 29.06.450 - 29.06.530 apply to  
2 home rule and general law municipalities.

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

4           CHAPTER 10. HOME RULE MUNICIPALITIES.

5                   ARTICLE 1. CHARTERS.

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

11           (b) At an election to incorporate as a city, an unincorporated  
12 community with at least 600 permanent residents may adopt a charter  
13 for its own government and incorporate as a home rule municipality.

14           (c) At an election for borough incorporation, an area in the  
15 unorganized borough may adopt a charter for its own government and in-  
16 corporate as a home rule municipality.

17           (d) A home rule municipality may adopt a new charter.

18           (e) A proposed charter for an existing municipality is prepared  
19 by a charter commission of seven elected members. A charter  
20 commission election is called by filing a petition with the governing  
21 body or by resolution of the governing body. The petition shall be  
22 signed by a number of voters equal to 15 percent of the votes cast in  
23 the last regular election in the municipality.

24           (f) The proposed charter for an unincorporated community or an  
25 area of the unorganized borough shall be prepared by the petitioners  
26 and filed under AS 29.05.060 with the petition to incorporate a home  
27 rule municipality.

28           Sec. 29.10.020. MODEL CHARTERS. The department shall prepare at  
29 least one model home rule charter for a borough and at least one model

1 home rule charter for a city. The model charters shall be made avail-  
2 able to persons interested in filing a petition to incorporate a home  
3 rule municipality under AS 29.05.060.

4 Sec. 29.10.030. INITIATIVE AND REFERENDUM. (a) A home rule  
5 charter shall provide procedures for initiative and referendum.

6 (b) A charter may not require an initiative or referendum peti-  
7 tion to have a number of signatures greater than 25 percent of the  
8 total votes cast in the municipality at the last regular election.

9 (c) A charter may not permit the initiative and referendum to be  
10 used for a purpose prohibited by art. XI, sec. 7 of the state consti-  
11 tution.

12 Sec. 29.10.040. CHARTER COMMISSION CANDIDATES. (a) A candidate  
13 for a charter commission shall be a voter of an existing municipality  
14 for three years immediately preceding the charter commission election.

15 (b) A charter commission candidate is nominated by a petition  
16 signed by at least 50 voters or the number of voters equal to 10  
17 percent of the number of votes cast in the municipality during the  
18 last regular election, whichever is less. A nomination petition shall  
19 be filed with the municipal clerk on or before a date fixed by the  
20 governing body.

21 (c) If at least seven nominations for qualified charter commis-  
22 sion candidates are not filed, the petition or resolution calling for  
23 a charter commission is void and no election on the question may be  
24 held.

25 Sec. 29.10.050. CHARTER COMMISSION ELECTION. At a charter com-  
26 mission election the voters of an existing municipality shall consider  
27 the question "Shall a charter commission be elected to prepare a pro-  
28 posed charter?" and shall elect the members of the commission. If the  
29 question is approved, the seven candidates receiving the highest

1 number of votes shall immediately organize as a charter commission.

2           Sec. 29.10.060. PREPARATION OF CHARTER BY CHARTER COMMISSION.  
3 The charter commission shall, within one year, prepare a proposed home  
4 rule charter for an existing municipality. The proposed charter shall  
5 be signed by a majority of the members of the commission and filed in  
6 the office of the municipal clerk. Within 15 days, the clerk shall  
7 have the proposed charter published and make copies available. The  
8 commission shall give published notice of and hold at least one public  
9 hearing on the proposed charter before the signing and filing of the  
10 charter.

11           Sec. 29.10.070. CHARTER ELECTION. The proposed home rule char-  
12 ter for an existing municipality shall be submitted to the voters at  
13 an election held not less than 30 days or more than 90 days after the  
14 proposed charter is published. The proposed home rule charter for an  
15 unincorporated community or area in the unorganized borough shall be  
16 submitted to the voters at an incorporation election held under  
17 AS 29.05.110.

18           Sec. 29.10.080. CHARTER ADOPTION. (a) If a majority of those  
19 voting in an existing municipality favor the proposed charter or if a  
20 majority of those voting in an unincorporated area in the unorganized  
21 borough favor incorporation of a home rule municipality, the proposed  
22 charter becomes the organic law of the municipality effective on the  
23 date the election is certified. Thereafter, a court shall take judi-  
24 cial notice of the charter. The new home rule municipality shall file  
25 the indicated number of copies of the charter with

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

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

18 Sec. 29.10.090. CHARTER REJECTION. (a) If a proposed charter  
19 for an existing municipality is rejected, the charter commission shall  
20 prepare another proposed charter to be submitted to the voters at an  
21 election to be held within one year after the date of the first char-  
22 ter election. If the second proposed charter is also rejected, the  
23 charter commission shall be dissolved and the question of adoption of  
24 a charter shall be treated as if it had never been proposed or ap-  
25 proved.

26 (b) If incorporation of a home rule municipality is rejected by  
27 the voters in an unincorporated community or area in the unorganized  
28 borough, the proposed charter is rejected.

29 Sec. 29.10.100. CHARTER AMENDMENT. (a) A home rule charter may

1 be amended as provided in the charter except that no amendment is  
2 effective unless ratified by the voters.

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

4 ARTICLE 2. HOME RULE LIMITATIONS.

5 Sec. 29.10.200. LIMITATION OF HOME RULE POWERS. Only the fol-  
6 lowing provisions of this title apply to home rule municipalities as  
7 prohibitions on acting otherwise than as provided. These provisions  
8 supersede existing and prohibit future home rule enactments that  
9 provide otherwise:

- 10 (1) AS 29.05.140 (transition)
- 11 (2) AS 29.06.010 (change of municipal name)
- 12 (3) AS 29.06.040 - 29.06.060 (annexation and detachment)
- 13 (4) AS 29.06.090 - 29.06.170 (merger and consolidation)
- 14 (5) AS 29.06.190 - 29.06.420 (unification of  
15 municipalities)
- 16 (6) AS 29.06.450 - 29.06.530 (dissolution)
- 17 (7) AS 29.10.100 (charter amendment)
- 18 (8) AS 29.20.010 (conflict of interest)
- 19 (9) AS 29.20.020 (meetings public)
- 20 (10) AS 29.20.050 (legislative power)
- 21 (11) AS 29.20.060 - 29.20.120 (assembly composition and  
22 apportionment)
- 23 (12) AS 29.20.140 (qualifications of members of governing  
24 bodies)
- 25 (13) AS 29.20.150 (term of office)
- 26 (14) AS 29.20.220 (executive power)
- 27 (15) AS 29.20.630 (prohibitions)
- 28 (16) AS 29.20.640 (reports)
- 29 (17) AS 29.25.010(a)(10) (municipal exemption on contractor

1 bond requirements)

2 (18) AS 29.25.050 (codification)

3 (19) AS 29.25.060 (resolutions)

4 (20) AS 29.26.030 (notice of elections)

5 (21) AS 29.26.050 (voter qualification)

6 (22) AS 29.26.240 - 29.26.360 (recall)

7 (23) AS 29.35.020 (extraterritorial jurisdiction)

8 (24) AS 29.35.030 (eminent domain)

9 (25) AS 29.35.050 (garbage and solid waste services)

10 (26) AS 29.35.060 (franchises and permits)

11 (27) AS 29.35.070 (public utilities)

12 (28) AS 29.35.080 (alcoholic beverages)

13 (29) AS 29.35.120 (post audit)

14 (30) AS 29.35.150(b) (effect of areawide exercise of

15 borough powers)

16 (31) AS 29.35.160 (education)

17 (32) AS 29.35.170(b) (assessment and collection of taxes)

18 (33) AS 29.35.180(b) (land use regulation)

19 (34) AS 29.35.250 (cities inside boroughs)

20 (35) AS 29.35.260 (cities outside boroughs)

21 (36) AS 29.35.340 (acquisition of areawide power)

22 (37) AS 29.40.160(a) - (c) (title to vacated areas)

23 (38) AS 29.40.200 (subdivisions of state land)

24 (39) AS 29.45.010 - 29.45.570 (property taxes)

25 (40) AS 29.45.650(c) and (d) (sales and use tax)

26 (41) AS 29.46.090 (exemption from special assessment)

27 (42) AS 29.47.200(b) (security for bonds)

28 (43) AS 29.47.260 (construction)

29 (44) AS 29.60.050(a) (limitation on computation and use of

1 payment)

2 (45) AS 29.60.120(a) and (c) (state aid for health  
3 facilities and hospitals)

4 (46) AS 29.60.230 (state aid for hospital and health  
5 facility construction)

6 (47) AS 29.65.010 - 29.65.140 (general grant land)

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

8 CHAPTER 20. MUNICIPAL OFFICERS AND EMPLOYEES.

9 ARTICLE 1. CONFLICT OF INTEREST AND PUBLIC MEETINGS.

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

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

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

17 (3) the decision of the presiding officer on a request to  
18 be excused from a vote may be overridden by the majority vote of the  
19 governing body.

20 (b) This section applies to home rule and general law municipal-  
21 ities.

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

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

28 ARTICLE 2. GOVERNING BODIES.

29 Sec. 29.20.050. LEGISLATIVE POWER. (a) The legislative power

1 of a borough is vested in the assembly. The legislative power of a  
2 city is vested in the council.

3 (b) This section applies to home rule and general law municipal-  
4 ities.

5 Sec. 29.20.060. ASSEMBLY COMPOSITION AND APPORTIONMENT. (a)  
6 Assembly composition and apportionment shall be consistent with the  
7 equal representation standards of the Constitution of the United  
8 States.

9 (b) The assembly of a newly incorporated borough is, after  
10 incorporation and until the adoption of an ordinance providing for a  
11 change in composition or apportionment, composed of the number of  
12 members and apportioned as set out in the incorporation petition  
13 approved by the voters. If the borough is already incorporated, the  
14 assembly shall be composed and apportioned in a manner that is consis-  
15 tent with the requirements of this section and prescribed by charter  
16 or ordinance.

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

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

20 (e) This section applies to home rule and general law municipal-  
21 ities.

22 Sec. 29.20.070. ASSEMBLY COMPOSITION AND FORM OF REPRESENTATION.

23 (a) The assembly shall provide for its composition and for the form  
24 of its representation.

25 (b) Not later than the first regular election that occurs after  
26 the report of a federal decennial census, the assembly shall propose  
27 and submit to the voters of the borough, at that regular election or  
28 at a special election called for the purpose, one or more forms of  
29 assembly representation. The forms of representation that the

1 assembly may submit to the voters are:

2 (1) election of members of the assembly at large by the  
3 voters throughout the borough;

4 (2) election of members of the assembly by district, in-  
5 cluding

6 (A) election at large by the voters throughout the  
7 borough, but with a requirement that a candidate live in an  
8 election district established by the borough for election of  
9 assembly members; or

10 (B) election from election districts established by  
11 the borough for the election of assembly members by the voters of  
12 a district;

13 (3) election of members of the assembly both at large and  
14 by district.

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

19 (d) The assembly shall, within 30 days after certification of  
20 the results of the election held under this section, adopt an ordi-  
21 nance providing for

22 (1) composition of the assembly;

23 (2) the form of assembly representation that received the  
24 most votes; and

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

28 (e) This section does not apply to a

29 (1) unified municipality;

1           (2) home rule borough if the home rule charter contains  
2 procedures for changing assembly composition and form of representa-  
3 tion.

4           Sec. 29.20.080. ASSEMBLY RECOMPOSITION AND REAPPORTIONMENT. (a)  
5 Not later than two months after the official report of a federal de-  
6 cennial census, the assembly shall determine and declare by resolution  
7 whether the existing apportionment of the assembly meets the standards  
8 of AS 29.20.060. If the assembly submits to the voters a form of  
9 representation that includes election of assembly members under  
10 AS 29.20.070(b)(2) or (b)(3) the assembly shall submit with the propo-  
11 sition a proposed plan of apportionment that corresponds to the form  
12 of representation proposed. The assembly shall describe the plan of  
13 apportionment in the ballot proposition, and may present the plan in  
14 any manner that it believes accurately describes the apportionment  
15 that is proposed under the form of representation. If the assembly  
16 determines that its existing apportionment meets the standards of  
17 AS 29.20.060, the assembly may include the existing apportionment as a  
18 proposed plan of apportionment of assembly seats that corresponds to a  
19 form of representation that is proposed.

20           (b) The assembly shall provide, by ordinance, for a change in an  
21 existing apportionment of the assembly whenever it determines that the  
22 apportionment does not meet the standards of AS 29.20.060. At the  
23 same time, the assembly may, by ordinance, change the composition of  
24 the assembly.

25           (c) If a petition signed by not less than 50 voters requests the  
26 assembly to determine whether the existing apportionment meets the  
27 standards for apportionment in AS 29.20.060, and the petition contains  
28 evidence that the existing apportionment does not meet those stan-  
29 dards, the assembly may make the determination requested. The

1 assembly shall make a determination required by this subsection within  
2 two months of receipt of a petition that meets the requirements of  
3 this subsection.

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

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

17 Sec. 29.20.090. APPORTIONMENT APPEALS. (a) A reapportionment  
18 ordinance approved by the voters, or a decision of the assembly that  
19 the standards of AS 29.20.060 do not require a change in apportion-  
20 ment, may be appealed to the commissioner. Fifty voters may submit a  
21 petition to the commissioner requesting the commissioner to determine  
22 whether the proposed reapportionment ordinance approved by the voters  
23 meets the standards of AS 29.20.060 or whether a decision of the  
24 assembly that the standards of AS 29.20.060 do not require a change of  
25 apportionment is correct. If the petition asks the commissioner to  
26 review an ordinance approved by the voters under AS 29.20.080(e), the  
27 petition shall be delivered to the commissioner not later than 20 days  
28 after certification of the election. If the petition asks the commis-  
29 sioner to review a decision of the assembly under AS 29.20.080(c), the

1 petition shall be delivered to the commissioner within 20 days of the  
2 decision of the assembly.

3 (b) The commissioner shall review the petition and may make the  
4 determination requested. The commissioner shall provide copies of the  
5 determination to the persons petitioning for appeal and to borough  
6 officials not later than 60 days after the commissioner receives the  
7 petition.

8 (c) If the commissioner determines that the proposed reapportionment  
9 ordinance approved by the voters does not meet the standards  
10 of AS 29.20.060, or if the commissioner determines that the decision  
11 of the assembly that the standards of AS 29.20.060 do not require a  
12 change of apportionment is not correct, the commissioner shall, by  
13 order, direct the assembly to prepare a reapportionment ordinance that  
14 meets the standards of AS 29.20.060 and submit the ordinance to the  
15 voters.

16 (d) When the assembly has been directed by the commissioner to  
17 prepare a reapportionment ordinance under (c) of this section, the  
18 assembly shall, within two months after its receipt of the commis-  
19 sioner's order, adopt an ordinance providing for reapportionment. The  
20 assembly shall submit an ordinance adopted under this subsection to  
21 the voters at an election held within 60 days after the date of adop-  
22 tion of the reapportionment ordinance.

23 (e) If at the end of the time period provided under (d) of this  
24 section an ordinance providing for reapportionment has not been ap-  
25 proved by the voters, the commissioner shall provide for the reappor-  
26 tionment of the assembly in accordance with the standards of AS 29.-  
27 20.060 by preparing an order of reapportionment and delivering the  
28 order to the borough mayor.

29 Sec. 29.20.100. JUDICIAL REVIEW AND RELIEF. (a) The

1 commissioner may request the superior court to enforce a  
2 reapportionment order issued under AS 29.20.090(e).

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

4 (1) a plan of reapportionment approved by the voters under  
5 AS 29.20.080(a);

6 (2) a determination by the assembly under AS 29.20.080 that  
7 the standards of AS 29.20.060 do not require a change in apportion-  
8 ment;

9 (3) a reapportionment ordinance approved by the voters  
10 under AS 29.20.080(d);

11 (4) a reapportionment order of the commissioner made under  
12 AS 29.20.090(c);

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

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

17 Sec. 29.20.110. EFFECTIVE DATE OF APPORTIONMENT. (a) A change  
18 in assembly apportionment or composition under AS 29.20.080 or 29.20.-  
19 090 is effective beginning with the first regular election for members  
20 of the assembly that is held more than 60 days after the later of

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

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

25 (b) The provisions of (a) of this section do not apply to a  
26 borough in which a change in assembly composition or apportionment is  
27 subject to review and approval or determination of nonobjection by the  
28 Attorney General of the United States under the Voting Rights Act of  
29 1965, as amended (42 U.S.C. 1971 - 1974). A change in assembly

1 composition or apportionment subject to review under the Voting Rights  
2 Act of 1965, as amended, is effective beginning with the first regular  
3 election for members of the assembly that is held more than 60 days  
4 after

5 (1) receipt by the assembly of approval by the Attorney  
6 General of the United States of the proposed change in the composition  
7 or apportionment of the assembly;

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

10 (3) the last day on which the Attorney General of the  
11 United States may review a proposed change in the composition or  
12 apportionment of the assembly.

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

15 (1) unified municipality;

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

18 Sec. 29.20.130. CITY COUNCIL COMPOSITION. Each first class city  
19 has a council of six members elected by the voters at large. Each  
20 second class city has a council of seven members elected by the voters  
21 at large. The council of a first or second class city may by ordi-  
22 nance provide for election of members other than on an at-large basis  
23 for all members.

24 Sec. 29.20.140. QUALIFICATIONS. (a) A borough voter is eligi-  
25 ble to be a member of the assembly and a city voter is eligible to be  
26 a member of the council. A member of the governing body who ceases to  
27 be a voter in the municipality immediately forfeits his office.

28 (b) A municipality may by ordinance establish a durational resi-  
29 dency requirement not to exceed three years for members of the

1 governing body.

2 (c) A municipality may by ordinance establish district residency  
3 requirements for members of its governing body. A member of the  
4 governing body who represents a district and who becomes a resident of  
5 another district in the municipality continues to serve until the next  
6 regular election unless provided otherwise by ordinance.

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

10 (e) This section applies to home rule and general law municipal-  
11 ities.

12 Sec. 29.20.150. TERM OF OFFICE. (a) A member of the governing  
13 body is elected for a three-year term and until his successor qual-  
14 ifies, unless a different term not exceeding four years is prescribed  
15 by home rule charter or ordinance.

16 (b) Except when otherwise required by a change in composition or  
17 apportionment, if the term of a member of a governing body is changed  
18 by charter or ordinance the term of the member holding office when the  
19 change becomes effective is not affected.

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

23 (d) This section applies to home rule and general law municipal-  
24 ities.

25 Sec. 29.20.160. PROCEDURES OF GOVERNING BODIES. (a) The assem-  
26 bly shall elect from among its members a presiding officer and a  
27 deputy presiding officer to serve at the pleasure of the members,  
28 except that in a borough that has adopted a manager form of government  
29 under AS 29.20.460 - 29.20.520 the mayor serves as presiding officer.

1 In a city the mayor serves as presiding officer. If the presiding  
2 officer is not present or if the presiding officer is personally  
3 disqualified, the deputy presiding officer shall preside.

4 (b) A governing body shall hold at least one regular meeting  
5 each month unless otherwise provided by ordinance. If a majority of  
6 the members are given at least 24 hours oral or written notice and  
7 reasonable efforts are made to notify all members, a special meeting  
8 of the governing body may be held at the call of the presiding officer  
9 or at least one-third of the members. A special meeting may be con-  
10 ducted with less than 24 hours notice if all members are present or if  
11 absent members have waived in writing the required notice. Waiver of  
12 notice can be made before or after the special meeting is held. A  
13 waiver of notice shall be made a part of the journal for the meeting.

14 (c) A majority of the total membership of a governing body  
15 authorized by law constitutes a quorum. A member disqualified by law  
16 from voting on a question may be considered present for purposes of  
17 constituting a quorum. In the absence of a quorum any number of  
18 members may recess or adjourn the meeting to a later date.

19 (d) Actions of a governing body are adopted by a majority of the  
20 total membership of the body. Each member present shall vote on every  
21 question, unless required to abstain from voting on a question by law.  
22 The final vote of each member on each ordinance, resolution, or sub-  
23 stantive motion shall be recorded "yes" or "no", except that if the  
24 vote is unanimous it may be recorded "unanimous".

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

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

1           Sec. 29.20.170. VACANCIES. The governing body may provide by  
2 ordinance the manner in which a vacancy occurs in any elected office  
3 except the office of mayor or school board member. Unless otherwise  
4 provided by ordinance, the governing body shall declare an elective  
5 office, other than the office of mayor or school board member, vacant  
6 when the person elected

7                   (1) fails to qualify or take office within 30 days after  
8 election or appointment;

9                   (2) is physically absent from the municipality for 90  
10 consecutive days unless excused by the governing body;

11                   (3) resigns and the resignation is accepted;

12                   (4) is physically or mentally unable to perform the duties  
13 of office as determined by two-thirds vote of the governing body;

14                   (5) is convicted of a felony or of an offense involving a  
15 violation of the oath of office;

16                   (6) is convicted of a felony or misdemeanor described in  
17 AS 15.56 and two-thirds of the members of the governing body concur in  
18 expelling the person elected;

19                   (7) is convicted of a violation of AS 15.13;

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

22                   (9) if a member of the governing body, misses three consec-  
23 utive regular meetings and is not excused.

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

29                   (b) Notwithstanding (a) of this section, if the membership is

1 reduced to fewer than the number required to constitute a quorum, the  
2 remaining members shall, within seven days, appoint a number of quali-  
3 fied persons to constitute a quorum.

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

7 ARTICLE 3. MUNICIPAL EXECUTIVE AND ADMINISTRATOR.

8 Sec. 29.20.220. EXECUTIVE POWER. (a) The executive power in a  
9 municipality is vested in a mayor. The mayor of a home rule or uni-  
10 fied municipality is elected by the voters. The mayors of other  
11 municipalities are elected in accordance with AS 29.20.230.

12 (b) The mayor acts as ceremonial head of government, executes  
13 official documents on authorization of the governing body, and is  
14 responsible for additional duties and powers prescribed by this chap-  
15 ter or by home rule charter.

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

18 Sec. 29.20.230. ELECTION AND TERM OF MAYOR. (a) The mayor of a  
19 borough or first class city is elected at large. The mayor of a  
20 borough or first class city serves a term of three years, unless by  
21 ordinance a different term not to exceed four years is provided. The  
22 current term of an incumbent mayor may not be altered. The regular  
23 term of a mayor of a borough or first class city begins on the first  
24 Monday following certification of the election.

25 (b) The mayor of a second class city is elected by and from the  
26 council, and serves until a successor is elected and qualifies. The  
27 council of a second class city shall meet on the first Monday after  
28 certification of the regular election and elect a mayor who takes  
29 office immediately. The mayor of a second class city serves a one-

1 year term, unless a longer term is provided by ordinance. The mayor  
2 of a second class city may serve only while a member of the council  
3 regardless of the term established for the office of mayor.

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

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

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

13 Sec. 29.20.250. POWERS AND DUTIES OF MAYOR. (a) If a munici-  
14 pality has not adopted a manager plan of government, the mayor is the  
15 chief administrator and the mayor has the same powers and duties as  
16 those of a manager under AS 29.20.500.

17 (b) The mayor may take part in the discussion of a matter before  
18 the governing body. The mayor may not vote, except that the mayor of  
19 a first class city or the mayor of a borough with a manager form of  
20 government may vote in the case of a tie. The mayor of a second class  
21 city, as a council member, may vote on all matters.

22 Sec. 29.20.260. EXECUTIVE ABSENCE. The borough mayor, subject  
23 to assembly approval, shall designate a person to act as mayor during  
24 the borough mayor's temporary absence or disability. If a manager  
25 plan has been adopted, the assembly shall designate by resolution a  
26 borough administrative official to act as manager during the manager's  
27 absence or disability.

28 Sec. 29.20.270. VETO. (a) Except as provided in (c) and (d) of  
29 this section, the mayor may veto an ordinance, resolution, motion, or

1 other action of the governing body and may strike or reduce appropria-  
2 tion items.

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

9 (c) The veto does not extend to

- 10 (1) appropriation items in a school budget ordinance;  
11 (2) actions of the governing body sitting as the board of  
12 equalization or the board of adjustment;  
13 (3) adoption or repeal of a manager plan of government.

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

15 Sec. 29.20.280. VACANCY IN THE OFFICE OF MAYOR. (a) The gov-  
16 erning body shall, by two-thirds concurring vote, declare the office  
17 of mayor vacant only when the person elected

- 18 (1) fails to qualify or take office within 30 days after  
19 election or appointment;  
20 (2) unless excused by the governing body, is physically  
21 absent for 90 consecutive days;  
22 (3) resigns and the resignation is accepted;  
23 (4) is physically or mentally unable to perform the duties  
24 of office;  
25 (5) is convicted of a felony or of an offense involving a  
26 violation of the oath of office;  
27 (6) is convicted of a felony or misdemeanor described in  
28 AS 15.56;  
29 (7) is convicted of a violation of AS 15.13;

1 (8) no longer physically resides in the municipality; or  
2 (9) if a member of the governing body in a second class  
3 city, misses three consecutive regular meetings and is not excused.

4 (b) A vacancy in the office of mayor occurring six months before  
5 a regular election shall be filled by the governing body. The person  
6 appointed serves until the next regular election when a successor is  
7 elected to serve the balance of the term. If a member of the govern-  
8 ing body is appointed mayor, the member shall resign the seat on the  
9 governing body. If a vacancy occurs more than six months before a  
10 regular election, the governing body shall call a special election to  
11 fill the unexpired term.

12 (c) Notwithstanding (b) of this section, a vacancy in the office  
13 of mayor of a second class city shall be filled by and from the coun-  
14 cil. A mayor appointed under this subsection serves the balance of  
15 the term to which appointed, except the mayor may serve only while a  
16 member of the council.

17 ARTICLE 4. BOARDS AND COMMISSIONS.

18 Sec. 29.20.300. SCHOOL BOARDS. (a) Each municipal school dis-  
19 trict has a school board. Except as provided in (b) of this section,  
20 members of a school board are elected at the regular election for  
21 three- year terms and until their successors take office. Members are  
22 elected at large unless a different method of election has been ap-  
23 proved by the voters in a regular election.

24 (b) The assembly is the school board for a third class borough.  
25 The mayor is the presiding officer of the assembly and president of  
26 the school board. However, the mayor may not veto an action of the  
27 school board.

28 Sec. 29.20.310. UTILITY BOARDS. (a) The governing body of a  
29 municipality operating a public utility may provide by ordinance for a

1 utility board of five members and define the board's powers and  
2 duties.

3 (b) As determined by ordinance, members of a utility board are  
4 either appointed by the mayor and confirmed by the governing body or  
5 are elected at a regular election. The term of a utility board member  
6 is two years and until a successor is selected and qualifies. How-  
7 ever, the governing body may by ordinance provide for a different term  
8 not to exceed four years. The current term of an elected incumbent  
9 may not be altered.

10 (c) Vacancies on a utility board are filled by the mayor.  
11 Executive appointments shall be confirmed by the governing body. A  
12 person appointed to fill a vacancy on a utility board serves until the  
13 expiration of the term for which appointed and until a successor is  
14 elected and qualifies.

15 (d) Unless otherwise provided by ordinance, a utility board  
16 shall

17 (1) choose its chairman and secretary;

18 (2) appoint the manager of the public utility for a term  
19 not longer than five years and set the manager's salary;

20 (3) formulate and enforce the general rules and policies of  
21 the utility.

22 Sec. 29.20.320. OTHER BOARDS AND COMMISSIONS. (a) The govern-  
23 ing body may by ordinance establish advisory, administrative, techni-  
24 cal, or quasi-judicial boards and commissions.

25 (b) Members of boards and commissions, except for members of the  
26 board of adjustment and assembly members serving on the board of  
27 equalization, are appointed by the mayor and confirmed by the govern-  
28 ing body.

29 ARTICLE 5. OTHER OFFICIALS AND EMPLOYEES.

1           Sec. 29.20.360. APPOINTMENT OF OFFICIALS. Unless otherwise pro-  
2           vided by ordinance, the municipal clerk, attorney, treasurer, and  
3           police chief are appointed by the chief administrator. Unless other-  
4           wise provided by ordinance, an official described in this section  
5           serves at the pleasure of the appointing authority and, if appointed  
6           by the chief administrator, must be confirmed by the governing body.

7           Sec. 29.20.370. MUNICIPAL ATTORNEY. The municipal attorney is  
8           the legal advisor of the governing body, the school board, and the  
9           other officials of the municipality. The municipal attorney repre-  
10          sents the municipality as attorney in civil and criminal proceedings.  
11          The school board may hire independent counsel when in its judgment  
12          independent counsel is needed.

13          Sec. 29.20.380. MUNICIPAL CLERK. (a) The municipal clerk shall

14                 (1) give notice of the time and place of meetings of the  
15                 governing body to the governing body and to the public;

16                 (2) attend meetings of the governing body and keep the  
17                 journal;

18                 (3) arrange publication of notices, ordinances, and resolu-  
19                 tions;

20                 (4) maintain and make available for public inspection an  
21                 indexed file containing municipal ordinances, resolutions, rules,  
22                 regulations, and codes;

23                 (5) attest deeds and other documents;

24                 (6) perform other duties specified in this title or pre-  
25                 scribed by the chief administrator or by the governing body.

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

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

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

8           Sec. 29.20.400. DEPARTMENTS. (a) The governing body may estab-  
9 lish municipal departments and distribute functions among them.

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

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

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

#### 23                           ARTICLE 6. MANAGER PLAN.

24          Sec. 29.20.460. MANAGER PLAN. A municipality may adopt a man-  
25 ager plan of government. Adoption of a manager plan may be initiated  
26 either by petition or by motion of the governing body. A petition for  
27 the adoption of a manager plan is submitted to the governing body.  
28 The petition must be signed by a number of voters equal to the follow-  
29 ing percentage of the votes cast at the preceding regular election:

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

3 (2) 15 percent if the municipality has 7,500 persons or  
4 more.

5 Sec. 29.20.470. ELECTION ON ADOPTION OF MANAGER PLAN. On re-  
6 ceipt of a petition to adopt a manager plan or on its own motion to  
7 adopt a manager plan, the governing body shall provide by ordinance or  
8 resolution for a vote on the question at the next election.

9 Sec. 29.20.480. ADOPTION OF MANAGER PLAN. (a) If a manager  
10 plan is approved, the governing body shall, within 60 days, adopt the  
11 plan by ordinance or resolution.

12 (b) The governing body shall notify the department of the adop-  
13 tion of a manager plan.

14 Sec. 29.20.490. APPOINTMENT OF MANAGER. (a) The governing body  
15 shall appoint a manager by a majority vote of its membership. A  
16 manager is chosen on the basis of administrative qualifications and  
17 receives the compensation set by the governing body. A member of the  
18 governing body may not be appointed manager of the municipality sooner  
19 than one year after leaving office, except by a vote of three-fourths  
20 of the authorized membership of the governing body.

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

23 Sec. 29.20.500. POWERS AND DUTIES OF A MANAGER. The manager may  
24 hire necessary administrative assistants and may authorize an adminis-  
25 trative official to appoint, suspend, or remove subordinates. As  
26 chief administrator the manager shall

27 (1) appoint, suspend, or remove municipal employees and  
28 administrative officials, except as provided otherwise in this title  
29 and AS 14.14.065;

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

3 (3) prepare and submit an annual budget and capital im-  
4 provement program for consideration by the governing body, and execute  
5 the budget and capital improvement program adopted;

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

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

10 (6) perform other duties required by law or by the govern-  
11 ing body; and

12 (7) serve as personnel officer, unless the governing body  
13 authorizes the manager to appoint a personnel officer.

14 Sec. 29.20.510. INTERGOVERNMENTAL APPOINTMENT OF MANAGER. A  
15 borough adopting a manager plan may, on agreement with a city in the  
16 borough, provide that the manager of the city serve also as borough  
17 manager. A city adopting a manager plan may, on agreement with the  
18 borough in which it is located, provide that the manager of the bor-  
19 ough serve also as city manager. Appointment and service of the  
20 manager shall be as provided in AS 29.20.490 - 29.20.500. Nothing in  
21 this section affects the authority of the governing body to provide  
22 for other dual officeholding if the dual offices held are compatible,  
23 or otherwise to appoint officials and employees in accordance with  
24 law.

25 Sec. 29.20.520. REPEAL OF MANAGER PLAN. A municipality may  
26 repeal a manager plan in the same manner used for its adoption.  
27 Within 60 days after repeal of a manager plan, the governing body  
28 shall enact provisions for the reorganization of the municipal execu-  
29 tive and administrative functions.

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ARTICLE 7. MISCELLANEOUS PROVISIONS.

Sec. 29.20.600. OATHS OF OFFICE. Before taking office a municipal official shall affirm in writing that the duties of the office will be honestly, faithfully, and impartially performed by the official. The oath is filed with the municipal clerk.

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

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

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

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

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

(1) maps and descriptions of all annexed or detached territory;

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

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

4 (4) a copy of the current annual budget of the municipal-  
5 ity;

6 (5) a summary of the optional property tax exemptions  
7 authorized together with the estimate of the revenues lost to the  
8 municipality by operation of each of the exemptions.

9 (b) Compliance with the provisions of this section is a prereq-  
10 uisite to receipt of municipal tax resource equalization assistance  
11 under AS 29.60.010 - 29.60.080 and state aid for miscellaneous munici-  
12 pal services under AS 29.60.100 - 29.60.180. If a municipality does  
13 not comply with this section, the department shall withhold the allo-  
14 cations until the required reports are filed.

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

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

18 CHAPTER 25. MUNICIPAL ENACTMENTS.

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

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

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

26 (3) provide for the levying of taxes;

27 (4) make appropriations, including supplemental appropria-  
28 tions or transfer of appropriations;

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

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

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

6           (8) designate the borough seat;

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

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

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

16           Sec. 29.25.020. ORDINANCE PROCEDURE. (a) An ordinance is  
17 introduced in writing in the form required by the governing body.

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

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

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

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

28           (4) copies of the ordinance shall be available to all  
29 persons present at the hearing, or the ordinance shall be read in

1 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  
5 consider the ordinance, and may adopt it with or without amendment;

6 (7) the governing body shall print and make available  
7 copies 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 effec-  
12 tive on adoption. Each emergency ordinance shall contain a finding by  
13 the governing body that an emergency exists and a statement of the  
14 facts upon which the finding is based. An emergency ordinance may be  
15 adopted, amended and adopted, or rejected at the meeting at which it  
16 is introduced. The affirmative vote of all members present, or the  
17 affirmative vote of three-fourths of the total membership, whichever  
18 is less, is required for adoption of an emergency ordinance. The  
19 governing body shall print and make available copies of adopted emer-  
20 gency ordinances.

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

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

25 Sec. 29.25.040. CODES OF REGULATION. The governing body may in  
26 a single ordinance adopt or amend by reference provisions of a pub-  
27 lished code of municipal regulations. The procedure under AS 29.25.-  
28 020 applies to an ordinance adopted under this section, except that  
29 neither the ordinance or its amendments must be distributed to the

1 public or read in full at the public hearing. For a period of 15 days  
2 before adoption of an ordinance under this section, at least five  
3 copies of the code of regulations shall be made available for public  
4 inspection at a time and place set out in the hearing notice. Only  
5 the ordinance must be printed after it is adopted under this section.  
6 The governing body shall provide for an adopted code of regulations to  
7 be made available to the public at no more than cost.

8 Sec. 29.25.050. CODIFICATION. (a) Each ordinance shall be  
9 codified after it is adopted.

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

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

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

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

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

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

1 have been adopted.

2 (b) This section applies to home rule and general law municipal-  
3 ities.

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

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

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

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

20 CHAPTER 26. ELECTIONS.

21 ARTICLE 1. REGULAR AND SPECIAL ELECTIONS.

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

27 Sec. 29.26.020. NOMINATIONS. (a) Subject to other provisions  
28 of this title, the governing body shall provide by ordinance for  
29 nominations of elected officials by providing for declaration of

1 candidacy or for petition requiring the signatures of not more than 10  
2 voters, or for both.

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

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

10 (b) This section applies to home rule and general law municipal-  
11 ities.

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

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

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

19 (2) has been a resident of the municipality for at least 30  
20 days immediately preceding the municipal election;

21 (3) has been registered to vote in state elections for at  
22 least 30 days immediately preceding the municipal election; and

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

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

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

1 municipalities.

2           Sec. 29.26.060. RUNOFF ELECTIONS. (a) Unless otherwise pro-  
3 vided by ordinance, a runoff election shall be held if no candidate  
4 receives over 40 percent of the votes cast for the office of

5                   (1) mayor; or

6                   (2) member of the governing body or school board if candi-  
7 dates run for a designated seat.

8           (b) Unless otherwise provided by ordinance, if candidates for  
9 the governing body or school board run at large, a runoff election for  
10 a seat shall be held if no candidate receives a number of votes  
11 greater than 40 percent of the total votes cast for all candidates  
12 divided by the number of seats to be filled.

13           (c) Unless otherwise provided by ordinance, a runoff election  
14 shall be held within three weeks after the date of certification of  
15 the election for which a runoff is required, and notice of the runoff  
16 election shall be published at least five days before the election  
17 date.

18           (d) A runoff election held under this section shall be between  
19 the two candidates that received the greatest number of votes for the  
20 seat.

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

24           (b) Unless otherwise provided by ordinance, an election may be  
25 contested only by a voter by filing a written affidavit with the  
26 municipal clerk specifying with particularity the grounds for the  
27 contest. An election may be contested before or during the first  
28 canvass of ballots by the governing body.

29           (c) Unless otherwise provided by ordinance, the governing body

1 shall declare the election results at the first meeting to canvass the  
2 election, record the results in the minutes of that meeting, and  
3 authorize the results to be certified.

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

9 (e) A person may not appeal or seek judicial review of an elec-  
10 tion for any cause unless the person is a municipal voter, has ex-  
11 hausted all administrative remedies before the governing body, and has  
12 commenced, within 10 days after the governing body has declared the  
13 election results, an action in the superior court in the judicial  
14 district in which the municipality is located. If court action is not  
15 commenced within the 10-day period, the election and election results  
16 are conclusive and valid.

17 ARTICLE 2. INITIATIVE AND REFERENDUM.

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

22 Sec. 29.26.110. APPLICATION FOR PETITION. (a) An initiative or  
23 referendum is proposed by filing an application with the municipal  
24 clerk containing the ordinance or resolution to be initiated or the  
25 ordinance or resolution to be referred and the address to which all  
26 correspondence relating to the petition may be sent. An application  
27 shall be signed by at least 10 voters who will sponsor the petition.  
28 An additional sponsor may be added at any time before the petition is  
29 filed by submitting the name of the sponsor to the clerk. Within two

1 weeks the clerk shall certify the application if the clerk finds that  
2 it is in proper form and, for an initiative petition, that the matter

3 (1) is not restricted by AS 29.26.100;

4 (2) includes only a single subject;

5 (3) relates to a legislative rather than to an administra-  
6 tive matter; and

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

8 (b) A decision by the clerk on an application for petition is  
9 subject to judicial review.

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

14 (1) a summary of the ordinance or resolution to be  
15 initiated or referred;

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

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

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

21 (5) spaces for each signature, the printed name of each  
22 signer, the date each signature is affixed, and the residence and  
23 mailing addresses of each signer;

24 (6) a statement, with space for the sponsor's sworn signa-  
25 ture and date of signing, that the sponsor personally circulated the  
26 petition, that all signatures were affixed in the presence of the  
27 sponsor, and that the sponsor believes the signatures to be those of  
28 the persons whose names they purport to be; and

29 (7) space for indicating the total number of signatures on

1 the petition.

2 (b) If a petition consists of more than one page, each page  
3 shall contain the summary of the ordinance or resolution to be  
4 initiated or referred.

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

7 Sec. 29.26.130. SIGNATURE REQUIREMENTS. (a) The signatures on  
8 an initiative or referendum petition shall be secured within 60 days  
9 after the clerk issues the petition. The statement provided under  
10 AS 29.26.120(a)(6) shall be signed and dated by the sponsor. Signa-  
11 tures shall be in ink or indelible pencil.

12 (b) The clerk shall determine the number of signatures required  
13 on a petition and inform each sponsor. A petition shall be signed by  
14 a number of voters based on the number of votes cast at the last  
15 regular election held before the date the petition was issued equal to

16 (1) 25 percent of the votes cast if a municipality has  
17 fewer than 7,500 persons; or

18 (2) 15 percent of the votes cast if a municipality has  
19 7,500 persons or more.

20 (c) Illegible signatures shall be rejected by the clerk unless  
21 accompanied by a legible printed name. Signatures not accompanied by  
22 a legible residence address shall be rejected.

23 (d) A petition signer may withdraw the signer's signature on  
24 written application to the clerk before certification of the petition.

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

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

1           (2) if the petition is insufficient, identify the insuffi-  
2           ciency and notify the sponsors at the address provided under AS 29.-  
3           26.110(a) by certified mail.

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

7           (c) A petition that is insufficient shall be rejected and filed  
8           as a public record unless it is supplemented under (b) of this sec-  
9           tion. Within 10 days after a supplementary filing the clerk shall  
10          recertify the petition. If it is still insufficient, the petition is  
11          rejected and filed as a public record.

12          Sec. 29.26.150. PROTEST. If the municipal clerk certifies an  
13          initiative or referendum petition is insufficient, a signer of the  
14          petition may file a protest with the mayor within seven days after the  
15          certification. The mayor shall present the protest at the next regu-  
16          lar meeting of the governing body. The governing body shall hear and  
17          decide the protest.

18          Sec. 29.26.160. NEW PETITION. Failure to secure sufficient  
19          signatures does not preclude the filing of a new initiative or refer-  
20          endum petition. However, a new petition on substantially the same  
21          matter may not be filed sooner than six months after a petition is  
22          rejected as insufficient.

23          Sec. 29.26.170. INITIATIVE ELECTION. (a) Unless substantially  
24          the same measure is adopted, when a petition seeks an initiative vote  
25          the clerk shall submit the matter to the voters at the next regular  
26          election occurring no sooner than 45 days after certification of the  
27          petition. If no regular election occurs within 75 days after the  
28          certification of a petition, the governing body shall hold a special  
29          election within 75 days, but not sooner than 45 days after

1 certification.

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

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

8 (d) If a majority vote favors the ordinance or resolution, it  
9 becomes effective upon certification of the election, unless a diff-  
10 erent effective date is provided in the ordinance or resolution.

11 Sec. 29.26.180. REFERENDUM ELECTION. (a) Unless the ordinance  
12 or resolution is repealed, when a petition seeks a referendum vote the  
13 clerk shall submit the matter to the voters at the next election  
14 occurring no sooner than 45 days after certification of the petition.  
15 If no election occurs within 75 days of certification of a petition,  
16 the governing body shall hold a special election within 75 days, but  
17 not sooner than 45 days after certification.

18 (b) If a petition is certified before the effective date of the  
19 matter referred, the ordinance or resolution against which the peti-  
20 tion is filed shall be suspended pending the referendum vote. During  
21 the period of suspension, the governing body may not enact an ordi-  
22 nance or resolution substantially similar to the suspended measure.

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

26 (d) If a majority vote favors the repeal of the matter referred,  
27 it is repealed. Otherwise, the matter referred remains in effect or,  
28 if it has been suspended, becomes effective on certification of the  
29 election.

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

5           (b) If an ordinance or resolution is repealed in a referendum  
6 election or by the governing body after a petition that contains sub-  
7 stantially the same measure has been filed, substantially similar  
8 legislation may not be enacted by the governing body for a period of  
9 one year.

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

14                           ARTICLE 3. RECALL.

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

19          Sec. 29.26.250. GROUNDS FOR RECALL. Grounds for recall are mis-  
20 conduct in office, incompetence, or failure to perform prescribed  
21 duties.

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

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

27                 (2) the address to which all correspondence relating to the  
28 petition may be sent;

29                 (3) a statement in 200 words or less of the grounds of the

1 recall stated with particularity.

2 (b) An additional sponsor may be added at any time before the  
3 petition is filed by submitting the name of the sponsor to the clerk.

4 Sec. 29.26.270. RECALL PETITION. (a) If the municipal clerk  
5 determines that an application for a recall petition meets the re-  
6 quirements of AS 29.26.260, the clerk shall prepare a recall petition.  
7 All copies of the petition shall contain

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

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

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

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

14 (5) spaces for each signature, the printed name of each  
15 signer, the date of each signature, and the residence and mailing  
16 addresses of each signer;

17 (6) a statement, with space for the sponsor's sworn signa-  
18 ture and date of signing, that the sponsor personally circulated the  
19 petition, that all signatures were affixed in the presence of the  
20 sponsor, and that the sponsor believes the signatures to be those of  
21 the persons whose names they purport to be; and

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

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

26 Sec. 29.26.280. SIGNATURE REQUIREMENTS. (a) The signatures on  
27 a recall petition shall be secured within 60 days after the date the  
28 clerk issues the petition. The statement provided under AS 29.26.-  
29 270(a)(6) shall be completed and signed by the sponsor. Signatures

1 shall be in ink or indelible pencil.

2 (b) The clerk shall determine the number of signatures required  
3 on a petition and inform each sponsor. If a petition seeks to recall  
4 an official who represents the municipality at large, the petition  
5 shall be signed by a number of voters equal to 25 percent of the  
6 number of votes cast for that office at the last regular election held  
7 before the date the petition was issued. If a petition seeks to  
8 recall an official who represents a district, the petition shall be  
9 signed by a number of the voters residing in the district equal to 25  
10 percent of the number of votes cast in the district for that office at  
11 the last regular election held before the date the petition was is-  
12 sued.

13 (c) Illegible signatures shall be rejected by the clerk unless  
14 accompanied by a legible printed name. Signatures not accompanied by  
15 a legible residence address shall be rejected.

16 (d) A petition signer may withdraw the signer's signature upon  
17 written application to the clerk before certification of the petition.

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

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

24 (2) if the petition is insufficient, identify the insuffi-  
25 ciency and notify the sponsors at the address provided under AS 29.-  
26 26.260(a)(2) by certified mail.

27 (b) A petition that is insufficient may be supplemented with  
28 additional signatures obtained and filed within 10 days after the date  
29 on which the petition is rejected if

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

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

6           (c) A petition that is insufficient shall be rejected and filed  
7 as a public record unless it is supplemented under (b) of this sec-  
8 tion. Within 10 days after the supplementary filing the clerk shall  
9 recertify the petition. If it is still insufficient, the petition is  
10 rejected and filed as a public record.

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

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

17           Sec. 29.26.320. ELECTION. (a) If a regular election occurs  
18 within 75 days but not sooner than 45 days after submission of the  
19 petition to the governing body, the governing body shall submit the  
20 recall at that election.

21           (b) If no regular election occurs within 75 days, the governing  
22 body shall hold a special election on the recall question within 75  
23 days but not sooner than 45 days after a petition is submitted to the  
24 governing body.

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

1           Sec. 29.26.330. FORM OF RECALL BALLOT. A recall ballot shall  
2 contain

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

5                   (2) a statement by the official named on the recall peti-  
6 tion of 200 words or less, if the statement is filed with the clerk  
7 for publication and public inspection within 20 days before the elec-  
8 tion;

9                   (3) the following question: "Shall (name of person) be  
10 recalled from the office of (office)? Yes [ ] No [ ]".

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

13                   (b) If an official is not recalled at the election, an applica-  
14 tion for a petition to recall the same official may not be filed  
15 sooner than six months after the election.

16           Sec. 29.26.350. SUCCESSORS. (a) If an official is recalled  
17 from the governing body, the office of that official is filled in  
18 accordance with AS 29.20.180. If all members of the governing body  
19 are recalled, the governor shall appoint three qualified persons to  
20 the governing body. The appointees shall appoint additional members  
21 to fill remaining vacancies in accordance with AS 29.20.180.

22                   (b) If a member of the school board is recalled, the office of  
23 that member is filled in accordance with AS 14.12.070. If all members  
24 are recalled from a school board, the governor shall appoint three  
25 qualified persons to the school board. The appointees shall appoint  
26 additional members to fill remaining vacancies in accordance with  
27 AS 14.12.070.

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

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

7 (e) Nominations for a successor may be filed until seven days  
8 before the last date on which a first notice of the election must be  
9 given. Nominations may not be filed before the certification of the  
10 recall election.

11 Sec. 29.26.360. APPLICATION. AS 29.26.240 - 29.26.360 apply to  
12 home rule and general law municipalities.

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

14 CHAPTER 35. MUNICIPAL POWERS AND DUTIES.

15 ARTICLE 1. GENERAL POWERS.

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

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

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

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

24 (4) to require periodic and special reports from a munici-  
25 pal department to be submitted through the mayor;

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

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

1 (7) to enforce an ordinance and to prescribe a penalty for  
2 violation of an ordinance;

3 (8) to acquire, manage, control, use, and dispose of real  
4 and personal property, whether the property is situated inside or  
5 outside the municipal boundaries; this power includes the power of a  
6 borough to expend, for any purpose authorized by law, money received  
7 from the disposal of land in a service area established under AS 29.-  
8 35.450;

9 (9) to expend money for a community purpose, facility, or  
10 service for the good of the municipality to the extent the municipal-  
11 ity is otherwise authorized by law to exercise the power necessary to  
12 accomplish the purpose or provide the facility or service;

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

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

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

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

21 (14) to sue and be sued.

22 Sec. 29.35.020. EXTRATERRITORIAL JURISDICTION. (a) To the  
23 extent a municipality is otherwise authorized by law to exercise the  
24 power necessary to provide the facility or service, the municipality  
25 may provide parks, playgrounds, cemeteries, emergency medical ser-  
26 vices, solid and septic waste disposal, airports, streets (including  
27 ice roads), trails, transportation facilities, wharves, harbors and  
28 other marine facilities outside its boundaries and may regulate their  
29 use and operation to the extent that the jurisdiction in which they

1 are located does not regulate them. A regulation adopted under this  
2 section must state that it applies outside the municipality.

3 (b) A municipality may adopt an ordinance to protect its water  
4 supply and watershed, and may enforce the ordinance outside its bound-  
5 aries. Before this power may be exercised inside the boundaries of  
6 another municipality, the approval of the other municipality must be  
7 given by ordinance.

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

10 Sec. 29.35.030. EMINENT DOMAIN. (a) A municipality may exer-  
11 cise the powers of eminent domain and declaration of taking in the  
12 performance of a power or function of the municipality under the  
13 procedures set out in AS 09.55.250 - 09.55.460.

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

16 Sec. 29.35.040. EMERGENCY DISASTER POWERS. (a) A municipality  
17 that is wholly or partially in an area that is declared by the Presi-  
18 dent or governor to be a disaster area may participate in and provide  
19 for housing, urban renewal, and redevelopment in the same manner as a  
20 home rule city. The exercise of these powers by a borough shall be on  
21 a nonareawide basis, except a borough may exercise the powers trans-  
22 ferred to it by a city as provided by AS 29.35.310.

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

27 Sec. 29.35.050. GARBAGE AND SOLID WASTE SERVICES. (a) A muni-  
28 cipality may by ordinance

29 (1) provide for the establishment, maintenance, and

1 operation of a system of garbage and solid waste collection and  
2 disposal for the entire municipality, or for districts or portions of  
3 it;

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

7 (3) award contracts for collection and disposal, or provide  
8 for the collection and disposal of garbage and solid waste by, munici-  
9 pal officials and employees;

10 (4) pay for garbage and solid waste collection and disposal  
11 from available money;

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

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

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

18 (b) The governing body of a municipality may not prohibit a  
19 person holding a valid certificate from the Alaska Public Utilities  
20 Commission from continuing to collect and dispose of garbage, refuse,  
21 trash, waste material, or provide other related services in an area in  
22 the municipality if the certificate authorizes the collection and  
23 disposal of garbage, refuse, trash, or other waste material and pro-  
24 viding of other services in the area, and the certificate was orig-  
25 inally issued before the municipality provided similar services. A  
26 municipality may not provide for a garbage, refuse, trash, or other  
27 waste material collection and disposal service in an area to the  
28 extent it lies in an area granted to a garbage, refuse, trash, or  
29 other waste material carrier by a certificate issued by the Alaska

1 Public Utilities Commission to the carrier until it has purchased the  
2 certificate, equipment and facilities of the carrier, or that portion  
3 of the certificate that would be affected, at fair market value. A  
4 municipality may exercise the right of eminent domain to determine  
5 fair market value.

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

8 Sec. 29.35.060. FRANCHISES AND PERMITS. (a) The assembly  
9 acting for the area outside all cities in the borough and the council  
10 acting for the area in a city may grant franchises, including exclu-  
11 sive franchise privileges, to a person, corporation, organization, or  
12 utility not certificated by the Alaska Public Utilities Commission and  
13 may permit the use of streets and other public places by the franchise  
14 holder under regulations prescribed by ordinance.

15 (b) Unless the grant is made on a competitive basis, the grant  
16 of an exclusive right to use a public street or right-of-way for more  
17 than five years to a utility or a transportation system not certif-  
18 icated by the Alaska Public Utilities Commission or by the Alaska  
19 Transportation Commission shall be valid only if approved by a major-  
20 ity of the voters at an election.

21 (c) This section applies to home rule and general law  
22 municipalities.

23 Sec. 29.35.070. PUBLIC UTILITIES. (a) The assembly acting for  
24 the area outside all cities in the borough and the council acting for  
25 the area in a city may regulate a utility service and fix, establish,  
26 and change the rates and charges imposed for a utility service  
27 provided to the municipality or its inhabitants by a utility except to  
28 the extent

29 (1) the utility is subject to regulation under AS 42.05;

1 and

2 (2) municipal regulation is prohibited by AS 42.05.711(k)  
3 or other law.

4 (b) A municipality may provide for a reasonable deposit for  
5 meters and service to be given if interest is paid on the deposit.

6 (c) A municipality that owns or operates a utility may extend  
7 service to adjacent areas outside its municipal boundaries. For that  
8 purpose the municipality may acquire, maintain, and operate utility  
9 facilities together with necessary interests in real property outside  
10 its municipal boundaries.

11 (d) Unless a utility is owned by the municipality that is  
12 regulating it, all rates, charges, and regulations shall be  
13 established by the municipality in accordance with an ordinance that  
14 provides procedures for regulating service and establishing and  
15 changing rates and charges. The ordinance shall provide for  
16 procedures necessary to guarantee due process, including notice and  
17 hearing requirements. Rates and charges established under this  
18 section shall be reasonable and permit a fair return on invested  
19 capital.

20 (e) A dispute involving a utility certificated under AS 42.05 as  
21 to the reasonableness of the fees for or the terms, conditions, or  
22 exceptions to a permit to use municipal streets shall be decided under  
23 AS 42.05.251.

24 (f) In case of a conflict between the provisions of this section  
25 and AS 42.05 or concerning an action taken under this section or  
26 AS 42.05 involving the regulation of service or the rates or charges  
27 of a utility certificated under AS 42.05, the provisions of  
28 AS 42.05.641 apply.

29 (g) This section applies to home rule and general law

1 municipalities.

2 Sec. 29.35.080. ALCOHOLIC BEVERAGES. (a) A municipality may  
3 regulate the barter, sale, importation, and consumption of alcoholic  
4 beverages in accordance with AS 04.11.480 - 04.11.506 and AS 04.21.-  
5 010.

6 (b) This section applies to home rule and general law munici-  
7 palities.

8 Sec. 29.35.090. MUNICIPAL PROPERTY. The governing body shall by  
9 ordinance establish a formal procedure for acquisition and disposal of  
10 land and interests in land by the municipality.

11 Sec. 29.35.100. BUDGET AND CAPITAL PROGRAM. (a) The governing  
12 body shall establish the manner for the preparation and submission of  
13 the budget and capital program. After a public hearing, the governing  
14 body may approve the budget with or without amendments, and shall  
15 appropriate the money required for the approved budget.

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

19 Sec. 29.35.110. EXPENDITURE OF BOROUGH REVENUES. Borough reve-  
20 nues received through taxes collected on an areawide basis by the  
21 borough may be expended on general administrative costs and on area-  
22 wide functions only. Borough revenues received through taxes col-  
23 lected on a nonareawide basis may be expended on general administra-  
24 tive costs and functions that render service only to the area outside  
25 all cities in the borough.

26 Sec. 29.35.120. POST AUDIT. (a) The governing body shall  
27 provide for an annual independent audit of the accounts and financial  
28 transactions of the municipality or, in the case of a second class  
29 city, an audit or statement of annual income and expenditures. To

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

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

7 Sec. 29.35.130. EMERGENCY SERVICES COMMUNICATIONS CENTERS. (a)  
8 A municipality may establish an emergency services communications  
9 center with one or more other municipalities and one or more state,  
10 federal, or private agencies that provide emergency service communica-  
11 tions to the same geographic area. An emergency services communica-  
12 tions center established under this section may be organized and  
13 operated as a public nonprofit corporation under AS 10.20.

14 (b) An emergency services communications center under this  
15 section may be governed by a board of directors. A member of a board  
16 of directors of an emergency services communications center serves  
17 without compensation but is entitled to per diem and travel expenses.  
18 If an emergency services communications center is organized as a  
19 nonprofit corporation, a member of its board of directors may not be  
20 employed by the nonprofit corporation.

21 (c) An emergency services communications center may assess the  
22 feasibility and desirability of providing emergency services communi-  
23 cations for the geographic area in which it is located through one  
24 central office. An emergency services communications center may

25 (1) combine or coordinate the existing emergency services  
26 communications programs of the participating municipalities and agen-  
27 cies;

28 (2) operate a dispatch center to receive all requests for  
29 emergency services and dispatch those services;

1           (3) study the need for improvement in the timely delivery  
2 of emergency services to residents of the participating municipali-  
3 ties;

4           (4) hold public hearings to obtain information concerning  
5 the timely delivery of emergency services;

6           (5) apply for and accept federal, state, municipal, and  
7 private money, property, or assistance for use in providing the timely  
8 delivery of emergency services;

9           (6) enter into contracts to carry out the provisions of  
10 this section;

11           (7) employ personnel necessary to carry out the provisions  
12 of this section.

13           (d) In this section

14           (1) "emergency services" means services provided by law  
15 enforcement agencies, fire departments, ambulance services, and other  
16 organizations that are intended to respond to emergency situations of  
17 imminent danger to life or property;

18           (2) "state agency" means a department, division, or office  
19 in the executive branch of state government.

20           ARTICLE 2. MANDATORY AREAWIDE POWERS.

21           Sec. 29.35.150. SCOPE OF AREAWIDE POWERS. (a) A borough shall  
22 exercise the powers as specified and in the manner specified in  
23 AS 29.35.150 - 29.35.180 on an areawide basis.

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

27           Sec. 29.35.160. EDUCATION. (a) Each borough constitutes a  
28 borough school district and establishes, maintains, and operates a  
29 system of public schools on an areawide basis as provided in

1 AS 14.14.060. A military reservation in a borough is not part of the  
2 borough school district until the military mission is terminated or  
3 until inclusion in the borough school district is approved by the  
4 Department of Education. However, operation of the military  
5 reservation schools by the borough school district may be required by  
6 the Department of Education under AS 14.14.110. If the military  
7 mission of a military reservation terminates or continued management  
8 and control by a regional educational attendance area is disapproved  
9 by the Department of Education, operation, management, and control of  
10 schools on the military reservation transfers to the borough school  
11 district in which the military reservation is located.

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

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

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

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

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

25 ARTICLE 3. ADDITIONAL POWERS.

26 Sec. 29.35.200. FIRST CLASS BOROUGH POWERS. (a) A first class  
27 borough may exercise by ordinance on a nonareawide basis any power not  
28 otherwise prohibited by law.

29 (b) A first class borough may by ordinance exercise the

1 following powers on an areawide basis:

- 2 (1) provide transportation systems;
- 3 (2) provide water pollution control;
- 4 (3) provide air pollution control in accordance with
- 5 AS 46.03.140 - 46.03.240;
- 6 (4) license day care facilities;
- 7 (5) license, impound, and dispose of animals.

8 (c) In addition to powers conferred by (b) of this section, a  
9 first class borough may, on an areawide basis, exercise a power not  
10 otherwise prohibited by law if the power has been acquired in accor-  
11 dance with AS 29.35.300.

12 Sec. 29.35.210. SECOND CLASS BOROUGH POWERS. (a) A second  
13 class borough may by ordinance exercise the following powers on a  
14 nonareawide basis:

- 15 (1) provide transportation systems;
- 16 (2) regulate the offering for sale, exposure for sale,  
17 sale, use or explosion of fireworks;
- 18 (3) license, impound, and dispose of animals;
- 19 (4) provide garbage, solid waste, and septic waste col-  
20 lection and disposal;
- 21 (5) provide air pollution control in accordance with  
22 AS 46.03.140 - 46.03.240;
- 23 (6) provide water pollution control;
- 24 (7) participate in federal or state loan programs for  
25 housing rehabilitation and improvement for energy conservation;
- 26 (8) provide for economic development;
- 27 (9) provide for the acquisition and construction of local  
28 service roads and trails under AS 19.30.111 - 19.30.251;
- 29 (10) establish an emergency services communications center

1 under AS 29.35.130.

2 (b) A second class borough may by ordinance exercise the follow-  
3 ing powers on an areawide basis:

4 (1) provide transportation systems;

5 (2) license, impound, and dispose of animals;

6 (3) provide air pollution control in accordance with  
7 AS 46.03.140 - 46.03.240;

8 (4) provide water pollution control;

9 (5) license day care facilities.

10 (c) In addition to powers conferred by (a) of this section, a  
11 second class borough may, on a nonareawide basis, exercise a power not  
12 otherwise prohibited by law if the exercise of the power has been  
13 approved at an election by a majority of voters living in the borough  
14 but outside all cities in the borough.

15 (d) In addition to powers conferred by (b) of this section, a  
16 second class borough may, on an areawide basis, exercise a power not  
17 otherwise prohibited by law if the power has been acquired in accor-  
18 dance with AS 29.35.300.

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

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

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

28 (d) A third class borough may acquire under AS 29.35.300(b) any  
29 power not otherwise prohibited by law, except the power may only be

1 exercised within a service area.

2 ARTICLE 4. CITY POWERS.

3 Sec. 29.35.250. CITIES INSIDE BOROUGHES. (a) A city inside a  
4 borough may exercise any power not otherwise prohibited by law.

5 (b) On adoption of a borough ordinance to provide for areawide  
6 exercise of a power, no city may exercise the power unless the borough  
7 ordinance provides otherwise or the borough by ordinance ceases to  
8 exercise the power.

9 (c) A home rule city in a third class borough shall provide for  
10 planning, platting, and land use regulation as provided by AS 29.35.-  
11 180(b) for home rule boroughs. A first class city in a third class  
12 borough shall provide for planning, platting, and land use regulation  
13 as provided by AS 29.35.180(a) for first and second class boroughs. A  
14 second class city in a third class borough may provide for planning,  
15 platting, and land use regulation as provided by AS 29.35.180(a) for  
16 first and second class boroughs.

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

18 Sec. 29.35.260. CITIES OUTSIDE BOROUGHES. (a) A city outside a  
19 borough may exercise a power not otherwise prohibited by law. A  
20 provision that is incorporated by reference to laws governing boroughs  
21 applies to home rule cities outside boroughs only if the provision is  
22 made applicable to home rule boroughs.

23 (b) A home rule or first class city outside a borough is a city  
24 school district and shall establish, operate, and maintain a system of  
25 public schools as provided by AS 29.35.160 for boroughs. A second  
26 class city outside a borough is not a school district and may not  
27 establish a system of public schools.

28 (c) A home rule city outside a borough shall provide for plan-  
29 ning, platting, and land use regulation as provided by AS 29.35.180(b)

1 for home rule boroughs. A first class city outside a borough shall,  
2 and a second class city outside a borough may, provide for planning,  
3 platting, and land use regulation as provided by AS 29.35.180(a) for  
4 first and second class boroughs.

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

6 ARTICLE 5. ACQUISITION OF ADDITIONAL POWERS.

7 Sec. 29.35.300. ADDITIONAL POWERS. (a) A first class borough  
8 acquires an additional areawide power by transfer of the power by a  
9 city or by holding an areawide election on the question.

10 (b) A second class borough acquires an additional power by  
11 transfer of the power by a city or by holding an election on the ques-  
12 tion. For acquisition of an areawide power, the election shall be  
13 held areawide. For acquisition of a nonareawide power, the election  
14 shall be held nonareawide.

15 (c) A third class borough acquires an additional power to exer-  
16 cise in a service area by forming a service area in accordance with  
17 AS 29.35.490(b) and (c).

18 Sec. 29.35.310. TRANSFER BY CITY. (a) A city in a first or  
19 second class borough may transfer to the borough in which it is lo-  
20 cated any of its powers or functions, subject to the approval of the  
21 assembly.

22 (b) A first or second class borough shall exercise all powers  
23 transferred to it by a city.

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

28 (1) a number of voters equal to 15 percent of the number of  
29 votes cast at the preceding regular election in the area, either

1 areawide or nonareawide, in which the election is to be held may file  
2 a petition with the borough clerk; or

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

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

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

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

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

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

22 Sec. 29.35.330. ELECTION. (a) If more than one power is pro-  
23 posed for acquisition under AS 29.35.320, each shall appear separately  
24 on the ballot.

25 (b) A vote on the question of adding an areawide power in a  
26 first or second class borough shall be tabulated in two separate  
27 classifications. One shall consist of all votes cast in all cities  
28 located in the borough. The other shall consist of all votes cast in  
29 the borough area outside all cities. If the majority of the votes

1 cast in each classification is favorable, the borough shall assume the  
2 added power within 30 days after certification of the election re-  
3 sults.

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

9 (d) The borough mayor shall certify the election results to the  
10 department.

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

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

27 (c) On acquisition of an additional areawide power the first or  
28 second class borough, in consultation with the city or service area  
29 personnel, shall arrange for an orderly and equitable transfer of

1 rights, assets, liabilities, powers, duties, and other matters related  
2 to acquisition of the areawide powers.

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

4 ARTICLE 6. CONSTRUCTION OF POWERS.

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

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

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

16 ARTICLE 7. SERVICE AREAS.

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

24 (1) the city agrees by ordinance; or

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

28 (b) A new service area may not be established if, consistent  
29 with the purposes of art. X of the state constitution, the new service

1 can be provided by an existing service area, by annexation to a city,  
2 or by incorporation as a city.

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

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

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

16 Sec. 29.35.490. SERVICE AREAS IN SECOND AND THIRD CLASS BOR-  
17 OUGHS. (a) A second class borough may exercise in a service area any  
18 power granted a first class city by law or a nonareawide power that  
19 may be exercised by a first class borough if

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

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

25 (b) If the exercise of the power is approved by a majority of  
26 the voters residing in the service area, a third class borough may  
27 exercise in a service area any power that may be assumed by a second  
28 class borough under this title.

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

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

10 ARTICLE 8. MISCELLANEOUS PROVISIONS.

11 Sec. 29.35.700. DEFINITION. In AS 29.35.200 - 29.35.340 "power"  
12 means the provision of a public facility or service, or the exercise  
13 of a regulatory power.

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

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

16 Sec. 29.40.010. PLANNING, PLATTING, AND LAND USE REGULATION.

17 (a) A first or second class borough shall provide for planning,  
18 platting, and land use regulation on an areawide basis.

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

24 Sec. 29.40.020. PLANNING COMMISSION. (a) Each first and second  
25 class borough shall establish a planning commission consisting of five  
26 residents unless a greater number is required by ordinance. Commis-  
27 sion membership shall be apportioned so that the number of members  
28 from home rule and first class cities reflects the proportion of  
29 borough population residing in home rule and first class cities

1 located in the borough. A member shall be appointed by the borough  
2 mayor for a term of three years subject to confirmation by the assem-  
3 bly, except that a member from a home rule or first class city shall  
4 be selected from a list of recommendations submitted by the council.  
5 Members first appointed shall draw lots for one, two, and three year  
6 terms. Appointments to fill vacancies are for the unexpired term.  
7 The compensation and expenses of the planning commission and its staff  
8 are paid as directed by the assembly.

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

11 (1) prepare and submit to the assembly a proposed compre-  
12 hensive plan in accordance with AS 29.40.030 for the systematic and  
13 organized development of the borough;

14 (2) review, recommend, and administer measures necessary to  
15 implement the comprehensive plan, including measures provided under  
16 AS 29.40.040.

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

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

23 (2) a land use plan;

24 (3) a community facilities plan;

25 (4) a transportation plan; and

26 (5) recommendations for implementation of the comprehensive  
27 plan.

28 (b) With the recommendations of the planning commission, the  
29 assembly shall adopt by ordinance a comprehensive plan. The assembly

1 shall, after receiving the recommendations of the planning commission,  
2 periodically undertake an overall review of the comprehensive plan and  
3 update the plan as necessary.

4 Sec. 29.40.040. LAND USE REGULATION. (a) In accordance with a  
5 comprehensive plan adopted under AS 29.40.030 and in order to imple-  
6 ment the plan, the assembly by ordinance shall adopt or amend provi-  
7 sions governing the use and occupancy of land that may include, but  
8 are not limited to,

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

11 (2) land use permit requirements designed to encourage or  
12 discourage specified uses and construction of specified structures, or  
13 to minimize unfavorable effects of uses and the construction of struc-  
14 tures;

15 (3) measures to further the goals and objectives of the  
16 comprehensive plan.

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

19 (1) special conditions that require the variance are caused  
20 by the person seeking the variance;

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

23 (3) the variance is sought solely to relieve pecuniary  
24 hardship or inconvenience.

25 Sec. 29.40.050. APPEALS FROM ADMINISTRATIVE DECISIONS. (a) By  
26 ordinance the assembly shall provide for an appeal from an administra-  
27 tive decision of a municipal employee, board, or commission made in  
28 the enforcement, administration, or application of a land use regula-  
29 tion adopted under this chapter. The assembly may provide for an

1 appeal to a court, hearing officer, board of adjustment, or other  
2 body. The assembly shall provide for an appeal from a decision on a  
3 request for a variance from the terms of a land use regulation when  
4 literal enforcement would deprive a property owner of rights commonly  
5 enjoyed by other properties in the district.

6 (b) By ordinance the assembly may provide for appointment of a  
7 hearing officer, or for the composition, appointment, and terms of  
8 office of a board of adjustment or other body established to hear  
9 appeals from administrative actions. The assembly may define proper  
10 parties and prescribe evidentiary rules, standards of review, and  
11 remedies available to the hearing officer, board of adjustment, or  
12 other body.

13 Sec. 29.40.060. JUDICIAL REVIEW. (a) The assembly shall pro-  
14 vide by ordinance for an appeal by a municipal officer or person  
15 aggrieved from a decision of a hearing officer, board of adjustment,  
16 or other body to the superior court.

17 (b) An appeal to the superior court under this section is an  
18 administrative appeal heard solely on the record established by the  
19 hearing officer, board of adjustment, or other body.

20 Sec. 29.40.070. PLATTING REGULATION. By ordinance the assembly  
21 shall adopt platting requirements that may include, but are not lim-  
22 ited to, the control of

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

25 (2) dimensions and design of lots;

26 (3) street width, arrangement, and rights-of-way, including  
27 requirements for public access to lots and installation of street  
28 paving, curbs, gutters, sidewalks, sewers, water lines, drainage and  
29 other public utility facilities and improvements;

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

4 Sec. 29.40.080. PLATTING AUTHORITY. (a) The assembly by ordi-  
5 nance shall establish a platting authority to administer subdivision  
6 regulations and to perform other duties as required by the assembly.  
7 The platting authority may consist of members of the planning commis-  
8 sion or of other municipal residents.

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

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

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

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

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

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

22 (b) The platting authority shall waive the preparation, submis-  
23 sion for approval, and recording of a plat on satisfactory evidence  
24 that the subdivision meets the requirements of (a) of this section and  
25 each lot created by the subdivision is five acres or larger.

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

27 (1) initial point of survey;

28 (2) original or reestablished corners and their descrip-  
29 tions;

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

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

5                   Sec. 29.40.110. PLAT PROCEDURE. (a) The platting authority  
6 shall approve or disapprove a plat within 60 days after it is filed,  
7 or shall return it to the applicant for modification or correction.  
8 Unless the applicant for plat approval consents to an extension of  
9 time, the plat is considered approved and a certificate of approval  
10 shall be issued by the platting authority on demand if the platting  
11 authority fails to act within 60 days.

12                   (b) The platting authority shall state in writing its reasons  
13 for disapproval of a plat. If the platting authority approves a plat,  
14 the plat shall be acknowledged and filed in accordance with AS 40.15.-  
15 010 - 40.15.020.

16                   Sec. 29.40.120. ALTERATION OR REPLAT PETITION. A recorded plat  
17 may not be altered or replatted except by the platting authority on  
18 petition of the state, the borough, a public utility, or the owners of  
19 a majority of the land affected by the alteration or replat. A plat-  
20 ted street may not be vacated, except on petition of the state, the  
21 borough, a public utility, or owners of a majority of the land front-  
22 ing the part of the street sought to be vacated. The petition shall  
23 be filed with the platting authority and shall be accompanied by a  
24 copy of the existing plat showing the proposed alteration or replat.

25                   Sec. 29.40.130. NOTICE OF HEARING. The platting authority shall  
26 fix a time for a hearing on an alteration or replat petition that may  
27 not be more than 60 days after the petition is filed. Notice shall be  
28 published by the platting authority stating when and by whom the peti-  
29 tion was filed, its purpose, and the time and place of the hearing.

1 The notice shall generally describe the alteration or replat sought.  
2 The platting authority shall also mail a copy of the notice to each  
3 affected property owner who did not sign the petition.

4 Sec. 29.40.140. HEARING AND DETERMINATION. (a) The platting  
5 authority shall consider the alteration or replat petition at a hear-  
6 ing and make its decision on the merits of the proposal.

7 (b) Vacation of a city street may not be made without the con-  
8 sent of the council. Vacation of a street in the borough area outside  
9 all cities may not be made without the consent of the assembly. The  
10 governing body shall have 30 days from the decision of the platting  
11 authority in which to veto a vacation of a street. If no veto is  
12 received by the platting authority within the 30-day period, consent  
13 is considered to have been given to the vacation.

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

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

1       rightful owner.

2               (b) If the municipality acquired the street or other public area  
3 vacated for legal consideration or by express dedication to the muni-  
4 cipality other than as a subdivision platting requirement, before the  
5 final act of vacation the fair market value of the street or public  
6 area shall be deposited with the platting authority to be paid to the  
7 municipality on final vacation.

8               (c) The provisions of (a) and (b) of this section apply to home  
9 rule and general law municipalities.

10              (d) The council of a second class city located outside a borough  
11 may vacate streets, alleys, crossings, sidewalks, or other public ways  
12 that may have been previously dedicated or established when the coun-  
13 cil finds that the streets, alleys, crossings, sidewalks, or other  
14 public ways are no longer necessary for the public welfare, or when  
15 the public welfare will be enhanced by the vacation. If the council  
16 determines that all or a portion of the area vacated under this sub-  
17 section should be devoted to another public purpose, title to the area  
18 vacated and held for another public purpose does not vest as provided  
19 in (a) of this section but remains in the city.

20              Sec. 29.40.170. DELEGATIONS. The planning commission and the  
21 platting authority may, as authorized by ordinance, delegate powers to  
22 hear and decide cases under this chapter, including, but not limited  
23 to, delegations to

24                      (1) one or more members of the planning commission or plat-  
25 ting authority;

26                      (2) other boards or commissions;

27                      (3) a hearing officer designated by the planning commission  
28 or platting authority.

29              Sec. 29.40.180. VIOLATIONS. It is unlawful for the owner of

1 land located in a subdivision to transfer, sell, offer to sell, or  
2 enter into a contract to sell land in a subdivision before a plat of  
3 the subdivision has been prepared, approved, and filed in accordance  
4 with this chapter. It is unlawful for a person to file a plat or  
5 other document depicting subdivided land in a public recorder's office  
6 unless the plat or document has been approved by the platting author-  
7 ity. A person convicted of violating a provision of this chapter, a  
8 subdivision regulation adopted under this chapter, or a term, condi-  
9 tion, or limitation imposed by a platting authority in the exercise of  
10 its powers under this chapter is guilty of a class B misdemeanor.

11 Sec. 29.40.190. REMEDIES. (a) The municipality or an aggrieved  
12 person may institute a civil action against a person who violates a  
13 provision of this chapter, a subdivision regulation adopted under this  
14 chapter, or a term, condition, or limitation imposed by a platting  
15 authority. In addition to other relief, a civil penalty not to exceed  
16 \$1,000 may be imposed for each violation. An action to enjoin a  
17 violation may be brought notwithstanding the availability of any other  
18 remedy. Upon application for injunctive relief and a finding of a  
19 violation or threatened violation, the superior court shall grant the  
20 injunction.

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

23 Sec. 29.40.200. SUBDIVISIONS OF STATE LAND. (a) The subdivi-  
24 sion requirements adopted under this chapter apply to a subdivision  
25 plat of undeveloped state land for disposal under AS 38.05 or AS 38.08  
26 filed with the platting authority. The platting authority may not  
27 disapprove the subdivision plat on the basis of requirements for  
28 capital improvements on or to state land included in the subdivision  
29 plat. Subdivision ordinances and regulations adopted after the

1 platting authority is notified by the commissioner of natural  
2 resources of a proposed sale of subdivided state land under AS 38.05  
3 or AS 38.08 do not apply to the state land in the proposed sale.

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

7 (1) determines that the plat does not comply with subdivi-  
8 sion requirements other than those requiring capital improvements to  
9 state land; and

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

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

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

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

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

25 (g) This section applies to home rule and general law municipal-  
26 ities.

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

28 CHAPTER 45. MUNICIPAL TAXATION.

29 ARTICLE 1. MUNICIPAL PROPERTY TAX.

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

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

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

6                   (3) a property tax in a service area for functions limited  
7 to the service area.

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

11           (c) If a tax is levied on real property or on personal property,  
12 the tax must be assessed, levied, and collected as provided in this  
13 chapter.

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

17                                   "NOTICE TO TAXPAYER

18           For the current fiscal year the (city)(borough) has been allo-  
19 cated the following amount of state aid for school and municipal  
20 purposes under the applicable financial assistance Acts:

21	PUBLIC SCHOOL FOUNDATION PROGRAM ASSISTANCE	
22	(AS 14.17)	\$
23	STATE AID FOR RETIREMENT OF SCHOOL CONSTRUC-	
24	TION DEBT (AS 43.18.100)	\$
25	MUNICIPAL TAX RESOURCE EQUALIZATION ASSISTANCE	
26	(AS 29.60.010 - 29.60.080)	\$
27	STATE AID FOR MISCELLANEOUS MUNICIPAL	
28	SERVICES (AS 29.60.100 - 29.60.180)	\$
29	TOTAL AID	\$

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

	MILLAGE EQUIVALENT	
	PREVIOUS YEAR	THIS YEAR
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Notice shall be provided

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

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

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

Sec. 29.45.030. REQUIRED EXEMPTIONS. (a) The following

1 property is exempt from general taxation:

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

5 (2) household furniture of the head of a family or house-  
6 hold;

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

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

13 (5) money on deposit;

14 (6) the real property of certain residents of the state to  
15 the extent and subject to the conditions provided in (e) of this sec-  
16 tion;

17 (7) real property or interests in real property that are  
18 exempt from taxation under 43 U.S.C. 1620(d), as amended, as more  
19 fully provided in (m) and (n) of this section.

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

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

24 (2) a structure, its furniture, and its fixtures used  
25 solely for public worship, charitable purposes, religious administra-  
26 tive offices, religious education, or a nonprofit hospital;

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

29 (c) Property described in (a)(3) or (4) or (b) of this section

1 from which income is derived is exempt only if that income is solely  
2 from use of the property by nonprofit religious, charitable, hospital,  
3 or educational groups. If used by nonprofit educational groups, the  
4 property is exempt only if used exclusively for classroom space.

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

8 (e) The real property owned and occupied as a permanent place of  
9 abode by a resident 65 years of age or over is exempt from taxation of  
10 the assessed value of the real property. Real property may not be  
11 exempted under this subsection that the assessor determines, after  
12 notice and hearing to the parties concerned, has been conveyed to the  
13 applicant primarily for the purpose of obtaining the exemption. The  
14 determination of the assessor is appealable under AS 44.62.560 and  
15 44.62.570.

16 (f) An exemption may not be granted under (e) of this section  
17 except upon written application for the exemption on a form prescribed  
18 by the state assessor for use by local assessors. The claimant must  
19 file the application no later than January 15, or a date provided by  
20 ordinance that is not later than March 31, of the assessment year for  
21 which the exemption is sought. The governing body of the municipality  
22 for good cause shown may waive during a year the claimant's failure to  
23 make timely application for exemption for that year and authorize the  
24 assessor to accept the application as if timely filed. The claimant  
25 must file a separate application for each assessment year in which the  
26 exemption is sought. If an application is filed within the required  
27 time and is approved by the assessor, the assessor shall allow an  
28 exemption in accordance with the provisions of this section. If a  
29 failure to file by January 15, or a date provided by ordinance that is

1 not later than March 31, of the assessment year has been waived as  
2 provided in this subsection and the application for exemption is  
3 approved, the amount of tax that the claimant has already paid for the  
4 assessment year for the property exempted shall be refunded to the  
5 claimant. The assessor may at any time require proof in the form the  
6 assessor considers necessary of the right and amount of an exemption  
7 claimed under (e) of this section.

8 (g) The state shall reimburse a borough or city, as appropriate,  
9 for the real property tax revenues lost to it by the operation of (e)  
10 of this section. However, reimbursement will be made to a municipal-  
11 ity for revenue lost to it only to the extent that the loss exceeds an  
12 exemption that was granted by the municipality, or that on proper  
13 application by an individual would have been granted under AS 29.45.-  
14 050(a).

15 (h) Except as provided in (g) of this section, nothing in (e) -  
16 (j) of this section affects similar exemptions from property taxes  
17 granted by a municipality on September 10, 1972, or prevents a munici-  
18 pality from granting similar exemptions by ordinance as provided in  
19 AS 29.45.050.

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

23 (j) One motor vehicle per household owned by a resident 65 years  
24 of age or older on January 1 of the assessment year is exempt either  
25 from taxation on its assessed value or from the registration tax under  
26 AS 28.10.431. An exemption may be granted under this subsection only  
27 upon written application on a form prescribed by the Department of  
28 Public Safety. The state shall reimburse a municipality for tax reve-  
29 nues lost to it because of the exemption required by this subsection.

1 Reimbursement to a municipality equals the amount of registration tax  
2 authorized under AS 28.10.431(b) for each vehicle exempted under this  
3 subsection.

4 (k) The department shall adopt regulations to implement the pro-  
5 visions of (g) and (j) of this section.

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

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

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

19 (m) The tax exemption required by 43 U.S.C. 1620(d), as amended,  
20 shall be implemented according to the following conditions and inter-  
21 pretations:

22 (1) "developed" means a purposeful modification of the  
23 property from its original state that effectuates a condition of  
24 gainful or productive present use without further substantial modifi-  
25 cation; surveying, construction of roads, providing utilities or other  
26 similar actions normally considered to be component parts of the  
27 development process, but which do not create the condition described  
28 in this paragraph, do not constitute a developed state within the  
29 meaning of this paragraph; developed property, in order to remove the

1 exemption, must be developed for purposes other than exploration, and  
2 be limited to the smallest practicable tract of the property actually  
3 used in the developed state;

4 (2) "exploration" means the examination and investigation  
5 of undeveloped land to determine the existence of subsurface nonrenew-  
6 able resources;

7 (3) "lease" means a grant of primary possession entered  
8 into for gainful purposes with a determinable fee remaining in the  
9 hands of the grantor; with respect to a lease that conveys rights of  
10 exploration and development, this exemption shall continue with re-  
11 spect to that portion of the leased tract that is used solely for the  
12 purpose of exploration.

13 (n) If the property or interest in the property reverts to an  
14 undeveloped state, or if the lease is terminated, the exemption shall  
15 be reinstated, subject to the provisions of (m) of this section.

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

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

26 (c) To obtain tax equivalency payments the eligible resident  
27 must apply to the department for payment for the preceding year by  
28 January 15 of each year on forms and in the manner prescribed by the  
29 department. Each applicant shall submit with the application rental

1 receipts or, if rental receipts are not available, other evidence  
2 satisfactory to the department for determination of the fact of pay-  
3 ment of rent and the amount paid.

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

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

17 (b) A municipality may by ordinance

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

21 (2) classify and exempt from taxation

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

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

28 (C) land of a nonprofit organization used for agricul-  
29 tural purposes if rights to subdivide the land are conveyed to

1 the state and the conveyance includes a covenant restricting use  
2 of the land to agricultural purposes only; rights conveyed to the  
3 state under this subparagraph may be conveyed by the state only  
4 in accordance with AS 38.05.069(c);

5 (3) exempt personal property from taxation.

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

7 (1) a borough may, by ordinance, adjust its property tax  
8 structure in whole or in part to the property tax structure of a city  
9 in the borough;

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

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

15 (B) the city appropriates to the borough sufficient  
16 money to equal revenues lost by the borough because of the exemp-  
17 tions or exclusions, the amount to be determined annually by the  
18 assembly;

19 (3) a city in a borough may, by ordinance, adjust its prop-  
20 erty tax structure in whole or in part to the property tax structure  
21 of the borough, including but not limited to exempting or partially  
22 exempting property from taxation.

23 (d) Exemptions or exclusions from property tax that have been  
24 granted by a home rule municipality in addition to exemptions autho-  
25 rized or required by law, and that are in effect on September 10,  
26 1972, and not later withdrawn, are not affected by this chapter.

27 (e) A municipality may by ordinance classify and exempt or par-  
28 tially exempt from taxation privately owned land, wet land and water  
29 areas for which a scenic, conservation, or public recreation use

1     easement is granted to a governmental body. To be eligible for a tax  
2     exemption, or partial exemption, the easement must be in perpetuity.  
3     However, the easement is automatically terminated before an eminent  
4     domain taking of fee simple title or less than fee simple title to the  
5     property, so that the property owner is compensated at a rate that  
6     does not reflect the easement grant.

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

22            (g) A municipality may by ordinance exempt from taxation all or  
23    part of the increase in assessed value of improvements to a single-  
24    family dwelling if the principal purpose of the improvement is to  
25    increase the amount of space for occupancy. An exemption provided in  
26    this subsection may continue for up to two years from the date the  
27    improvement is completed, or from the date of approval of an applica-  
28    tion for the exemption by the local assessor, whichever is later.

29            Sec. 29.45.060. FARM OR AGRICULTURAL LAND AND GREENHOUSES. (a)

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

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

29 (c) In this section "farm use" means the use of land or a

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

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

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

26 Sec. 29.45.070. MOBILE HOMES. Mobile homes, trailers, house  
27 trailers, trailer coaches and similar property used or intended to be  
28 used for residential, office, or commercial purposes and attached to  
29 the land or connected to water, gas, electric, or sewage facilities

1 are classified as real property for tax purposes unless expressly  
2 classified as personal property by ordinance. This section does not  
3 apply to house trailers and mobile homes that are unoccupied and held  
4 for sale by persons engaged in the business of selling mobile homes.

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

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

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

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

28 (e) For purposes of this section, population shall be determined  
29 by the commissioner based on the latest statistics of the United

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

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

9 (b) A municipality, or combination of municipalities occupying  
10 the same geographical area, in whole or in part, may not levy taxes

11 (1) that will result in tax revenues from all sources ex-  
12 ceeding \$1,500 a year for each person residing within the municipal  
13 boundaries; or

14 (2) upon value that, when combined with the value of prop-  
15 erty otherwise taxable by the municipality, exceeds the product of 225  
16 percent of the average per capita assessed full and true value of  
17 property in the state multiplied by the number of residents of the  
18 taxing municipality.

19 (c) The commissioner shall apportion the lawful levy and equi-  
20 tably divide the tax revenues on the basis of need, services per-  
21 formed, and other considerations in the public interest if two or more  
22 municipalities occupying the same geographical area, in whole or in  
23 part, attempt to levy a tax

24 (1) the combined levy of which would result in tax revenues  
25 from all sources exceeding \$1,500 a year for each person residing  
26 within the municipal boundaries; or

27 (2) upon value that, when combined with the value of prop-  
28 erty otherwise taxable by the municipality, exceeds the product of 225  
29 percent of the average per capita assessed full and true value of

1 property in the state multiplied by the number of residents of the  
2 taxing municipality.

3 (d) For the purpose of (b) and (c) of this section, population  
4 shall be determined by the commissioner based on the latest statistics  
5 of the United States Bureau of the Census or on other reliable popula-  
6 tion data. For purposes of (b) and (c) of this section, the average  
7 per capita assessed full and true value of property in the state shall  
8 be calculated without regard to the assessed value of taxable property  
9 under AS 43.58.

10 Sec. 29.45.100. NO LIMITATIONS ON TAXES TO PAY BONDS. The  
11 limitations provided for in AS 29.45.080 - 29.45.090 do not apply to  
12 taxes levied or pledged to pay or secure the payment of the principal  
13 and interest on bonds. Taxes to pay or secure the payment of princi-  
14 pal and interest on bonds may be levied without limitation as to rate  
15 or amount, regardless of whether the bonds are in default or in danger  
16 of default.

17 Sec. 29.45.110. FULL AND TRUE VALUE. (a) The assessor shall  
18 assess property at its full and true value as of January 1 of the  
19 assessment year, except as provided in this section, AS 29.45.060, and  
20 29.45.230. The full and true value is the estimated price that the  
21 property would bring in an open market and under the then prevailing  
22 market conditions in a sale between a willing seller and a willing  
23 buyer both conversant with the property and with prevailing general  
24 price levels.

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

29 (c) In the case of cessation of business during the tax year,

1 the municipality may provide for reassessment of business inventories  
2 using the average monthly method of assessment for the tax year rather  
3 than the value existing on January 1 of the tax year, and for reduc-  
4 tion and refund of taxes. In enacting an ordinance authorized by this  
5 section, the municipality may prescribe procedures, restrictions, and  
6 conditions of assessing or reassessing business inventories and of  
7 remitting or refunding taxes.

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

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

15 Sec. 29.45.130. INDEPENDENT INVESTIGATION. (a) The assessor is  
16 not bound to accept a return as correct. The assessor may make an  
17 independent investigation of property returned or of taxable property  
18 on which no return has been filed. In either case, the assessor may  
19 make the assessor's own valuation of the taxable property and this  
20 valuation is prima facie evidence of the value of the property.

21 (b) For investigation, the assessor or the assessor's agent may  
22 enter a premise during reasonable hours and may examine property on  
23 the premise. The assessor or the assessor's agent may examine all  
24 property records involved. A person shall, on request, furnish to the  
25 assessor or the assessor's agent every facility and assistance for the  
26 investigation. The assessor may seek a court order to compel entry  
27 and production of records needed for assessment purposes.

28 (c) An assessor may examine a person on oath. On request, the  
29 person shall submit to examination at a reasonable time and place

1 selected by the assessor.

2 Sec. 29.45.140. VIOLATIONS. A person who knowingly fails to  
3 file a statement required by ordinance or who knowingly makes a false  
4 affidavit to a statement required by a tax ordinance relative to the  
5 amount, location, kind or value of property subject to taxation with  
6 intent to evade the taxation, is guilty of a class B misdemeanor.

7 Sec. 29.45.150. REEVALUATION. A systematic reevaluation of  
8 taxable real and personal property undertaken by the assessor, whether  
9 of specific areas in which real property is located or of specific  
10 classes of real or personal property to be assessed, shall be made  
11 only in accordance with a resolution or other act of the municipality  
12 directing a systematic reevaluation of all taxable property in the  
13 municipality over the shortest period of time practicable, as fixed in  
14 the resolution or act.

15 Sec. 29.45.160. ASSESSMENT ROLL. (a) The assessor shall pre-  
16 pare an annual assessment roll. The roll shall contain

- 17 (1) a description of all taxable property;  
18 (2) the assessed value of all taxable property;  
19 (3) the names and addresses of persons with property sub-  
20 ject to assessment and taxation.

21 (b) The assessor may list real property by any description that  
22 may be made certain. Real property is assessed to the record owner.  
23 The district recorder shall at least monthly provide the assessor a  
24 copy of each recorded change of ownership showing the name and mailing  
25 address of the owner and the name and mailing address of the person  
26 recording the change of ownership. Other persons having an interest  
27 in the property may be listed on the assessment records with the  
28 owner. The person in whose name property is listed as owner is conclu-  
29 sively presumed to be the legal record owner. If the property owner

1 is unknown, the property may be assessed to "unknown owner". An  
2 assessment is not invalidated by a mistake, omission, or error in the  
3 name of the owner, if the property is correctly described.

4 Sec. 29.45.170. ASSESSMENT NOTICE. (a) The assessor shall give  
5 each person named in the assessment roll a notice of assessment,  
6 showing the assessed value of the person's property. On each notice  
7 is printed a brief summary of the dates when taxes are payable, delin-  
8 quent, and subject to penalty and interest, and the dates when the  
9 board of equalization will sit.

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

15 Sec. 29.45.180. CORRECTIONS. (a) A person receiving an assess-  
16 ment notice shall advise the assessor of errors or omissions in the  
17 assessment of the person's property. The assessor may correct errors  
18 or omissions in the roll before the board of equalization hearing.

19 (b) If errors found in the preparation of the assessment roll  
20 are adjusted, the assessor shall mail a corrected notice allowing 30  
21 days for appeal to the board of equalization.

22 Sec. 29.45.190. APPEAL. (a) A person whose name appears on the  
23 assessment roll or the agent or assigns of that person may appeal to  
24 the board of equalization for relief from an alleged error in valua-  
25 tion not adjusted by the assessor to the taxpayer's satisfaction.

26 (b) The appellant shall, within 30 days after the date of mail-  
27 ing of notice of assessment, submit to the assessor a written appeal  
28 specifying grounds in the form that the board of equalization may  
29 require. Otherwise, the right of appeal ceases unless the board of

1 equalization finds that the taxpayer was unable to comply.

2 (c) The assessor shall notify an appellant by mail of the time  
3 and place of hearing.

4 (d) The assessor shall prepare for use by the board of equaliza-  
5 tion a summary of assessment data relating to each assessment that is  
6 appealed.

7 (e) A city in a borough may appeal an assessment to the borough  
8 board of equalization in the same manner as a taxpayer. Within five  
9 days after receipt of the appeal, the assessor shall notify the person  
10 whose property assessment is being appealed by the city.

11 Sec. 29.45.200. BOARD OF EQUALIZATION. (a) The governing body  
12 sits as a board of equalization for the purpose of hearing an appeal  
13 from a determination of the assessor, or it may delegate this author-  
14 ity to one or more boards appointed by it. An appointed board may be  
15 composed of not less than three persons, who may be members of the  
16 governing body, municipal residents, or a combination of members of  
17 the governing body and residents. The governing body shall by ordi-  
18 nance establish the qualifications for membership.

19 (b) The board of equalization is governed in its proceedings by  
20 rules adopted by ordinance that are consistent with general rules of  
21 administrative procedure. The board may alter an assessment of a lot  
22 only pursuant to an appeal filed as to the particular lot.

23 (c) Notwithstanding other provisions in this section, a deter-  
24 mination of the assessor as to whether property is taxable under law  
25 may be appealed directly to the superior court.

26 Sec. 29.45.210. HEARING. (a) If an appellant fails to appear,  
27 the board of equalization may proceed with the hearing in the absence  
28 of the appellant.

29 (b) The appellant bears the burden of proof. The only grounds

1 for adjustment of assessment are proof of unequal, excessive, im-  
2 proper, or under valuation based on facts that are stated in a valid  
3 written appeal or proven at the appeal hearing. If a valuation is  
4 found to be too low, the board of equalization may raise the assess-  
5 ment.

6 (c) The board of equalization shall certify its actions to the  
7 assessor within seven days. Except as to supplementary assessments,  
8 the assessor shall enter the changes and certify the final assessment  
9 roll by June 1.

10 (d) An appellant or the assessor may appeal a determination of  
11 the board of equalization to the superior court as provided by rules  
12 of court applicable to appeals from the decisions of administrative  
13 agencies. Appeals are heard on the record established at the hearing  
14 before the board of equalization.

15 Sec. 29.45.220. SUPPLEMENTARY ASSESSMENT ROLLS. The assessor  
16 shall include property omitted from the assessment roll on a supple-  
17 mentary roll, using the procedures set out in this chapter for the  
18 original roll.

19 Sec. 29.45.230. TAX ADJUSTMENTS ON PROPERTY AFFECTED BY A  
20 NATURAL DISASTER. (a) The municipality may provide for assessment or  
21 reassessment and reduction of taxes for property destroyed, damaged,  
22 or otherwise reduced in value as a result of a natural disaster.

23 (b) An assessment or reassessment under this section may be made  
24 by the assessor only upon the receipt of a sworn statement of the tax-  
25 payer that losses exceed \$1,000. A reduction of taxes may be made  
26 only on losses in excess of \$1,000 for the remainder of the year  
27 following the disaster. On reassessment, the municipality shall  
28 recompute this tax and refund taxes that have already been paid.

29 (c) The municipality shall give notice of assessment or

1 reassessment under this section and shall hold an equalization hearing  
2 as provided in this chapter, except that a notice of appeal must be  
3 filed with the board of equalization within 10 days after notice of  
4 assessment or reassessment is given to the person appealing. Other-  
5 wise, the right of appeal ceases unless the board finds that the  
6 taxpayer is unable to comply.

7 (d) In enacting an ordinance or resolution authorized by this  
8 section the municipality may, consistent with this section, prescribe  
9 procedures, restrictions, and conditions of assessing or reassessing  
10 property and of remitting, refunding, or forgiving taxes.

11 (e) In this section "disaster" means a major disaster declared  
12 by the President of the United States under the provisions of the  
13 Federal Disaster Act of 1950, Title 42, United States Code, sec.  
14 1855-1855g, or other federal law, or a disaster declared by the gover-  
15 nor under AS 26.23.010 - 26.23.110.

16 Sec. 29.45.240. TAX LEVY AND RATE. (a) The power granted to a  
17 municipality to assess, levy, and collect a property tax shall be  
18 exercised by means of an ordinance. The rate of levy, the date of  
19 equalization, and the date when taxes become delinquent shall be fixed  
20 by resolution.

21 (b) A municipality shall annually determine the rate of levy  
22 before June 15. By July 1 the tax collector shall mail tax statements  
23 setting out the levy, dates when taxes are payable and delinquent, and  
24 penalties and interest.

25 Sec. 29.45.250. RATES OF PENALTY AND INTEREST. (a) A penalty  
26 not to exceed 20 percent of the tax due may be added to all delinquent  
27 taxes, and interest not to exceed 15 percent a year shall accrue upon  
28 all unpaid taxes, not including penalty, from the due date until paid  
29 in full. A municipality may impose a penalty not to exceed 20 percent

1 of the tax due upon the late return of personal property assessment  
2 forms. A penalty under this section may be imposed according to a  
3 formula that increases the amount of the penalty as the length of time  
4 increases during which payment is delinquent or assessment forms are  
5 not returned.

6 (b) If a taxpayer is given the right to pay the tax in two in-  
7 stallments, penalty and interest on an unpaid installment accrues from  
8 the date the installment becomes due.

9 ARTICLE 2. ENFORCEMENT OF TAX LIENS.

10 Sec. 29.45.290. VALIDITY. Certified assessment and tax rolls  
11 are valid and binding on all persons, notwithstanding a defect, error,  
12 omission, or invalidity in the assessment rolls or proceedings per-  
13 taining to the assessment roll.

14 Sec. 29.45.300. TAX LIABILITY. (a) The owner of assessed per-  
15 sonal property is personally liable for the amount of taxes assessed  
16 against the property. The tax, together with penalty and interest,  
17 may be collected in a personal action brought in the name of the  
18 municipality.

19 (b) Property taxes, together with penalty and interest, are a  
20 lien upon the property assessed, and the lien is prior and paramount  
21 to all other liens or encumbrances against the property.

22 Sec. 29.45.310. ENFORCEMENT OF PERSONAL PROPERTY TAX LIENS BY  
23 DISTRAINT AND SALE. (a) A lien for personal property taxes may be  
24 enforced by distraint and sale of the property. The municipality  
25 shall provide the procedure for distraint and sale by ordinance. A  
26 seizure, levy, or distraint is not legal unless demand is first made  
27 of the person assessed for the amount of the tax, penalty, and inter-  
28 est, and a sale is not valid unless made at public auction no sooner  
29 than 15 days after notice is published. The seizure is made by virtue

1 of a warrant issued by the municipal clerk to a peace officer.

2 (b) If the personal property sold is not sufficient to satisfy  
3 the tax, penalty, and interest, and costs of sale, the warrant may  
4 authorize the seizure of other personal property sufficient to satisfy  
5 the tax, penalty, interest, and costs of sale. If the property is  
6 sold for more money than is needed to satisfy the tax, the municipal-  
7 ity shall remit the excess to the former record owner upon presenta-  
8 tion of a proper claim. A claim for the excess filed after six months  
9 of the date of sale is forever barred.

10 Sec. 29.45.320. REAL PROPERTY TAX COLLECTION. (a) The municipi-  
11 pality shall enforce delinquent real property tax liens by annual  
12 foreclosure, unless otherwise provided by ordinance.

13 (b) If the tax on property described in AS 29.45.070 or on a  
14 taxable interest in tax-exempt property is not paid when due, a muni-  
15 cipality may enforce the tax by a personal action against the delin-  
16 quent taxpayer brought in the district or superior court, in addition  
17 to other remedies available to enforce the lien.

18 Sec. 29.45.330. FORECLOSURE LIST. (a) A municipality shall

19 (1) annually present a petition for judgment and a certi-  
20 fied copy of the foreclosure list for the previous year's delinquent  
21 taxes in the superior court for judgment;

22 (2) publish the foreclosure list for four consecutive weeks  
23 in a newspaper of general circulation distributed in the municipality  
24 or, if there is no newspaper of general circulation distributed in the  
25 municipality, post the list at three public places for at least 30  
26 days;

27 (3) within 10 days after the first publication or posting,  
28 mail to the last known owner of each property as the owner's name and  
29 address appear on the list a notice advising of the foreclosure

1 proceeding in which a petition for judgment of foreclosure has been  
2 filed and describing the property and the amount due as stated on the  
3 list.

4 (b) The list shall be arranged in alphabetical order as to the  
5 last name and shall include

6 (1) the last known owner;

7 (2) the property description as stated on the assessment  
8 roll;

9 (3) years and amounts of delinquency;

10 (4) penalty and interest due;

11 (5) a statement that the list is available for public  
12 inspection at the clerk's office;

13 (6) a statement that the list has been presented to the  
14 superior court with a petition for judgment and decree.

15 (c) Completion of the requirements of (a) of this section con-  
16 stitutes and has the same force and effect as the filing of an indi-  
17 vidual and separate complaint and service of summons to foreclose a  
18 lien against each property described on the foreclosure list.

19 Sec. 29.45.340. CLEARING DELINQUENCIES. During the publication  
20 or posting of the foreclosure list and up to the time of transfer to  
21 the municipality a person may pay the taxes, together with the  
22 penalty, interest, and costs. The collector shall note payment on the  
23 foreclosure list.

24 Sec. 29.45.350. LIST TO LIENHOLDER. A holder of a mortgage or  
25 other lien on real property may request the clerk to send by certified  
26 mail notice of a foreclosure list that includes the real property.

27 Sec. 29.45.360. GENERAL FORECLOSURE. A municipality shall bring  
28 one general foreclosure proceeding in rem against the properties in-  
29 cluded in the foreclosure list. If the owner is unknown, the property

1 is proceeded against as belonging to "unknown owner".

2           Sec. 29.45.370. ANSWER AND OBJECTION. A person having an inter-  
3 est in a lot on the foreclosure list may file an answer within 30 days  
4 of the date of last publication, specifying the person's objection.  
5 The court shall make its decision in summary proceedings. The fore-  
6 closure list is prima facie evidence that the assessment and levy of  
7 the tax is valid and that the tax is unpaid.

8           Sec. 29.45.380. JUDGMENT. The court shall in a proper case give  
9 judgment and decree that the tax liens be foreclosed. It is a several  
10 judgment against each lot and a lien on each lot.

11           Sec. 29.45.390. TRANSFER AND APPEAL. (a) Foreclosed properties  
12 are transferred to the municipality for the lien amount. When answers  
13 are filed the court may enter judgment against and order the transfer  
14 to the municipality of all other properties on the list pending deter-  
15 mination of the matters in controversy. The court shall hear and  
16 determine the issues raised by the complaint and answers in the same  
17 manner and under the same rules as it hears and determines other  
18 actions.

19           (b) The court clerk shall deliver a certified copy of the judg-  
20 ment and decree to the municipal clerk. The certified judgment and  
21 decree constitutes a transfer to the municipality.

22           (c) The judgment and decree stops objections to it that could  
23 have been presented before judgment and decree. Appeal from a judg-  
24 ment and decree of foreclosure, or from a final order in the proceed-  
25 ing, may be taken in the manner provided for appeals in civil actions.

26           Sec. 29.45.400. REDEMPTION PERIOD. Properties transferred to  
27 the municipality are held by the municipality for at least one year.  
28 During the redemption period a party having an interest in the prop-  
29 erty may redeem it by paying the lien amount plus penalties, interest,

1 and costs, including all costs incurred under AS 29.45.440(a). Prop-  
2 erty redeemed is subject to all accrued taxes, assessments, liens, and  
3 claims as though it had continued in private ownership. Only the  
4 amount applicable under the judgment and decree must be paid in order  
5 to redeem the property.

6 Sec. 29.45.410. EFFECT. Receipt of redemption money by the  
7 municipality releases the judgment obtained under AS 29.45.380. The  
8 clerk or the clerk's designee shall record the redemption and issue a  
9 certificate containing a property description, the redemption amount,  
10 and the dates of judgment and decree of foreclosure. The clerk or the  
11 clerk's designee shall collect the recording fee at the time of re-  
12 demption and shall file the certificate with the record as part of the  
13 judgment roll.

14 Sec. 29.45.420. ADDITIONAL LIENS. If a property included in a  
15 foreclosure list is removed after payment of delinquencies or redemp-  
16 tion by another lienholder, the payment represented by receipt for  
17 payment constitutes an additional lien on the property, collectible by  
18 the lienholder in the same manner as the original lien.

19 Sec. 29.45.430. POSSESSION DURING REDEMPTION PERIOD. Foreclo-  
20 sure does not affect the former owner's right to possession during the  
21 redemption period. If waste is committed by the former owner or by  
22 anyone acting under the permission or control of the former owner, the  
23 municipality may declare an immediate forfeiture of the right to  
24 possession.

25 Sec. 29.45.440. EXPIRATION. (a) At least 30 days before the  
26 expiration of the redemption period the clerk or the clerk's designee  
27 shall publish a redemption period expiration notice. The notice shall  
28 contain the date of judgment, the date of expiration of the period of  
29 redemption, and a warning that all properties ordered sold under the

1 judgment, unless redeemed, shall be deeded to the municipality immedi-  
2 ately on expiration of the period of redemption and that every right  
3 or interest of a person in the properties will be forfeited forever to  
4 the municipality. The notice appears once a week for four consecutive  
5 weeks in a newspaper of general circulation distributed in the muni-  
6 cipality. If there is no newspaper of general circulation distributed  
7 in the municipality, the notice is posted in three public places for  
8 at least four consecutive weeks. The clerk shall send a copy of the  
9 notice by certified mail to each record owner of property against  
10 which a judgment of foreclosure has been taken and, if the assessed  
11 value of the property is more than \$100,000, to all holders of mort-  
12 gages or other liens of record on the property. The notice shall be  
13 mailed within five days after the first publication. The mailing  
14 shall be sufficient if mailed to the property owner and to the holder  
15 of a mortgage or recorded lien at the last address of record.

16 (b) The right of redemption expires 30 days after the date of  
17 the first notice publication.

18 (c) Costs incurred in the determination of holders of mortgages  
19 and other liens of record and costs of notice publication incurred by  
20 a municipality under (a) of this section are a lien on the property  
21 and may be recovered by the municipality.

22 Sec. 29.45.450. DEED TO BOROUGH OR CITY. (a) Unredeemed prop-  
23 erty in the area of the borough outside all cities is deeded to the  
24 borough by the clerk of the court. Unredeemed property in a city is  
25 deeded to the city subject to the payment by the city of unpaid bor-  
26 ough taxes and costs of foreclosure levied against the property before  
27 foreclosure. The deed shall be recorded in the recording district in  
28 which the property is located.

29 (b) Conveyance gives the municipality clear title, except for

1 prior recorded tax liens of the United States and the state.

2 (c) If unredeemed property lies in a city and if the city has no  
3 immediate public use for the property but the borough does have an  
4 immediate public use, the city shall deed the property to the borough.  
5 If unredeemed property lies in the borough outside all cities and if  
6 the borough does not have an immediate public use for the property but  
7 a city does have an immediate public use, the borough shall deed the  
8 property to the city.

9 (d) No deed is invalid for irregularities, omissions, or defects  
10 in the proceedings under this chapter unless the former owner has been  
11 misled so as to be injured. Two years after the date of the deed, its  
12 validity is conclusively presumed and a claim of the former owner or  
13 other person having an interest in the property is forever barred.

14 Sec. 29.45.460. DISPOSITION AND SALE OF FORECLOSED PROPERTY.

15 (a) The municipality shall determine by ordinance whether foreclosed  
16 property deeded to the municipality shall be retained for a public  
17 purpose. The ordinance shall contain the legal description of the  
18 property, the address or a general description of the property suffi-  
19 cient to provide the public with notice of its location, and the name  
20 of the last record owner of the property as the name appears on the  
21 assessment rolls.

22 (b) Tax-foreclosed property conveyed to a municipality by tax  
23 foreclosure and not required for a public purpose may be sold. Before  
24 the sale of tax-foreclosed property held for a public purpose, the  
25 municipality, by ordinance, shall determine that a public need does  
26 not exist. The ordinance shall contain the information required under  
27 (a) of this section.

28 (c) The clerk or the clerk's designee shall send a copy of the  
29 published notice of hearing of an ordinance to consider a

1 determination required under (a) or (b) of this section by certified  
2 mail to the former record owner of the property that is the subject of  
3 the ordinance. The notice shall be mailed within five days after its  
4 first publication and shall be sufficient if mailed to the last record  
5 owner of the property as the name appears on the assessment rolls of  
6 the municipality.

7 (d) The provisions of (c) of this section do not apply with  
8 respect to property that has been held by the municipality for a  
9 period of more than 10 years after the close of the redemption period.

10 Sec. 29.45.470. REPURCHASE BY RECORD OWNER. (a) The record  
11 owner at the time of tax foreclosure of property acquired by a muni-  
12 cipality, or the assigns of that record owner, may, within 10 years  
13 and before the sale or contract of sale of the tax-foreclosed property  
14 by the municipality, repurchase the property. The municipality shall  
15 sell the property for the full amount applicable to the property under  
16 the judgment and decree, with interest not to exceed 15 percent a year  
17 from the date of entry of the judgment of foreclosure to the date of  
18 repurchase, delinquent taxes assessed and levied as though it had  
19 continued in private ownership, and costs of foreclosure and sale.

20 (b) After adoption of an ordinance providing for the retention  
21 of tax-foreclosed property by the municipality for a public purpose,  
22 the right of the former record owner to repurchase the property  
23 ceases.

24 Sec. 29.45.480. PROCEEDS OF TAX SALE. (a) On sale of fore-  
25 closed real or personal property the municipality shall divide the  
26 proceeds less cost of collection, between the borough and the city  
27 having unpaid taxes against the property. The division is in propor-  
28 tion to the respective municipal taxes against the property at the  
29 time of foreclosure.

1 (b) If tax-foreclosed real property that has been held by a  
2 municipality for less than 10 years after the close of the redemption  
3 period and never designated for a public purpose is sold at a tax-  
4 foreclosure sale, the former record owner is entitled to the portion  
5 of the proceeds of the sale that exceeds the amount of unpaid taxes,  
6 the amount equal to taxes that would have been assessed and levied  
7 after foreclosure if the property had continued in private ownership,  
8 penalty, interest, and costs to the municipality of foreclosing and  
9 selling the property. If the proceeds of the sale of tax-foreclosed  
10 property exceed the total of unpaid and delinquent taxes, penalty,  
11 interest, and costs, the municipality shall provide the former owner  
12 of the property written notice advising of the amount of the excess  
13 and the manner in which a claim for the balance of the proceeds may be  
14 submitted. Notice is sufficient under this subsection if mailed to  
15 the former record owner at the last address of record of the former  
16 record owner. On presentation of a proper claim, the municipality  
17 shall remit the excess to the former record owner. A claim for the  
18 excess filed after six months of the date of sale is forever barred.

19 Sec. 29.45.490. PAYMENT OF TAXES UPON PUBLIC UTILIZATION. If a  
20 municipality takes title to tax-foreclosed property for a public pur-  
21 pose, the municipality shall satisfy unpaid taxes and assessments  
22 against the property held by other municipalities, with accrued inter-  
23 est but without penalty. If the amount required to satisfy the unpaid  
24 taxes and assessments exceeds the assessed value of the property, the  
25 municipality shall pay the other municipalities the assessed value,  
26 which shall be divided between the other municipalities in proportion  
27 to their respective taxes and assessments against the property at the  
28 time of foreclosure.

29 Sec. 29.45.500. REFUND OF TAXES. (a) If a taxpayer pays taxes

1 under protest, the taxpayer may bring suit in the superior court  
2 against the municipality for recovery of the taxes. If judgment for  
3 recovery is given against the municipality, or, if in the absence of  
4 suit, it becomes obvious to the governing body that judgment for  
5 recovery of the taxes would be obtained if legal proceedings were  
6 brought, the municipality shall refund the amount of the taxes to the  
7 taxpayer with interest at eight percent from the date of payment plus  
8 costs.

9 (b) If, in payment of taxes legally imposed, a remittance by a  
10 taxpayer through error or otherwise exceeds the amount due, and the  
11 municipality, on audit of the account in question, is satisfied that  
12 this is the case, the municipality shall refund the excess to the tax-  
13 payer with interest at eight percent from the date of payment. A  
14 claim for refund filed one year after the due date of the tax is  
15 forever barred.

16 (c) The governing body may correct manifest clerical errors at  
17 anytime.

### 18 ARTICLE 3. CITY PROPERTY TAX.

19 Sec. 29.45.550. CITIES OUTSIDE BOROUGHES. Home rule and first  
20 class cities outside boroughs may assess, levy, and collect a property  
21 tax. A property tax if levied must be assessed, levied, and collected  
22 as provided by AS 29.45.010 - 29.45.500.

23 Sec. 29.45.560. CITIES INSIDE BOROUGHES. Home rule and first  
24 class cities inside boroughs may levy a property tax. A property tax,  
25 if levied, is subject to AS 29.45.010 - 29.45.050, 29.45.090 - 29.45.-  
26 100, 29.45.250, 29.45.400 - 29.45.440 and 29.45.460 - 29.45.500. The  
27 council shall by June 15 of each year present to the assembly a state-  
28 ment of the city's rate of levy unless a different date is agreed upon  
29 by the borough and city.

1           Sec. 29.45.570. APPLICATION. AS 29.45.010 - 29.45.570 apply to  
2 home rule and general law municipalities.

3           Sec. 29.45.580. DIFFERENTIAL TAX ZONES. A city may by ordinance  
4 establish, alter, and abolish differential tax zones to provide and  
5 levy property taxes for services not provided generally in the city or  
6 a different level of service than that provided generally in the city.

7           Sec. 29.45.590. LIMITED PROPERTY TAXING POWER FOR SECOND CLASS  
8 CITIES. A second class city may by referendum levy property taxes as  
9 provided for first class cities. However, levy by a second class city  
10 may not exceed one-half of one percent of the assessed value of the  
11 property taxed, except that the limit does not apply to a levy neces-  
12 sary to avoid a default upon payment of principal and interest of  
13 bonded or other indebtedness that is secured by a pledge to levy ad  
14 valorem or other taxes without limit to meet debt payments.

15           Sec. 29.45.600. COMBINING PROPERTY TAX WITH INCORPORATION OF A  
16 SECOND CLASS CITY. A petition for second class city incorporation may  
17 request that a property tax proposal be placed on the same ballot.  
18 The petition must state the proposed tax rate. The petition may re-  
19 quest that incorporation be dependent on the passage of the property  
20 tax proposition. If so, the incorporation proposition fails if the  
21 property tax fails.

22                           ARTICLE 4. BOROUGH SALES AND USE TAX.

23           Sec. 29.45.650. SALES AND USE TAX. (a) A borough may levy and  
24 collect a sales tax not exceeding six percent on sales, rents, and on  
25 services provided in the borough. The sales tax may apply to any or  
26 all of these sources. Exemptions may be granted by ordinance.

27                           (b) A borough levying a sales tax may also by ordinance levy a  
28 use tax on the storage, use, or consumption of tangible personal  
29 property in the borough. The use tax rate must equal the sales tax

1 rate and the use tax shall be levied only on buyers.

2 (c) A person who furnishes proof, in the form required by the  
3 borough tax collector, that the person has paid a sales tax on the  
4 source on which a use tax is levied by the borough is required to pay  
5 the use tax only to the extent of the difference between the amount of  
6 the sales tax paid and the amount of the use tax levied by the bor-  
7 ough. This subsection applies to a sales tax levied in any taxing  
8 jurisdiction whether inside or outside the state.

9 (d) If the assembly charges interest on sales taxes not paid  
10 when due, the rate of interest may not exceed 15 percent a year on the  
11 delinquent taxes and shall be charged from the due date until paid in  
12 full. This subsection applies to home rule and general law municipal-  
13 ities:

14 (e) A borough may provide for the creation, recording, and  
15 notice of a lien on real or personal property to secure the payment of  
16 a sales and use tax, and the interest, penalties, and administration  
17 costs in the event of delinquency. When recorded, a lien authorized  
18 under this section has priority over other liens except those for  
19 property taxes and special assessments.

20 Sec. 29.45.660. NOTICE OF SALES AND USE TAX. (a) If the bor-  
21 ough levies and collects only a sales tax and use tax, the assembly  
22 shall provide a notice substantially in the form set out in AS 29.45.-  
23 020. In providing notice under this subsection, the assembly shall  
24 substitute for the millage equivalency its estimate of the equivalent  
25 sales tax rate for each of the categories of financial assistance set  
26 out in AS 29.45.020. Notice shall be provided

27 (1) by publishing in a newspaper of general circulation in  
28 the borough a copy of the notice once each week for a period of three  
29 successive weeks, with publication to occur not later than 45 days

1 after the final adoption of the borough's budget; or

2 (2) if there is no newspaper of general circulation in the  
3 borough, by posting a copy of the notice for at least 20 days in at  
4 least two public places in the borough, with posting to occur not  
5 later than 45 days after the final adoption of the borough's budget.

6 (b) Compliance with the provisions of this section is a prereq-  
7 uisite to receipt of municipal tax resource equalization assistance  
8 under AS 29.60.010 - 29.60.080 and state aid for miscellaneous munici-  
9 pal services under AS 29.60.100 - 29.60.180. The department shall  
10 withhold annual allocations under those sections until municipal  
11 officials demonstrate that the requirements of this section have been  
12 met.

13 Sec. 29.45.670. REFERENDUM, ADOPTION, AND MODIFICATION. A new  
14 sales and use tax or an increase in the rate of levy of a sales tax  
15 approved by ordinance does not take effect until ratified by a major-  
16 ity of the voters at an election.

17 ARTICLE 5. CITY SALES AND USE TAXES.

18 Sec. 29.45.700. POWER OF LEVY. (a) A city in a borough that  
19 levies and collects areawide sales and use taxes may levy sales and  
20 use taxes on all sources taxed by the borough in the manner provided  
21 for boroughs, except that the assembly may by ordinance authorize a  
22 city to levy and collect sales and use taxes on other sources.

23 (b) A city in a borough that does not levy and collect sales and  
24 use taxes for areawide borough functions may levy and collect sales  
25 and use taxes in the manner provided for boroughs.

26 (c) A city outside a borough may levy and collect sales and use  
27 taxes in the manner provided for boroughs.

28 Sec. 29.45.710. COMBINING SALES AND USE TAX WITH INCORPORATION  
29 OF A SECOND CLASS CITY. A petition for incorporation of a second

1 class city may request that a sales and use tax proposal be placed on  
2 the same ballot. The petition must state the proposed tax rate. The  
3 petition may request that incorporation be dependent on the passage of  
4 the tax proposition. If so, the incorporation proposition fails if  
5 the tax fails.

6 \* Sec. 12. AS 29 is amended by adding a new chapter to read:

7 CHAPTER 46. SPECIAL ASSESSMENTS.

8 Sec. 29.46.010. ASSESSMENT AND PROPOSAL. The municipality may  
9 assess against the property of a state or federal governmental unit  
10 and private real property to be benefited by an improvement all or a  
11 portion of the cost of acquiring, installing, or constructing capital  
12 improvements. The state shall pay an assessment levied, except as  
13 otherwise provided by law and subject to its right of protest under  
14 AS 29.46.020(a)(8). If a governmental unit other than the state  
15 benefited by an improvement refuses to pay the assessment, it shall be  
16 denied the benefit of the improvement. An improvement proposal may be  
17 initiated by

18 (1) petition to the governing body of the owners of one-  
19 half in value of the property to be benefited; or

20 (2) the governing body.

21 Sec. 29.46.020. PROCEDURE. (a) The municipality may prescribe  
22 by ordinance the procedures relating to creating special assessment  
23 districts, making local improvements, levying and collecting assess-  
24 ments, and financing improvements, including the following:

25 (1) a procedure for filing petitions;

26 (2) a survey and report by the mayor concerning the need  
27 for, desirable extent of, and estimated cost of each proposed local  
28 improvement;

29 (3) a public hearing on the necessity for the proposed

1 local improvement;

2 (4) a resolution or ordinance determining to proceed or not  
3 to proceed with the proposed local improvement;

4 (5) a public hearing by the governing body on the special  
5 assessment roll for the proposed local improvement;

6 (6) published notice of each public hearing required by  
7 this section and mailing notice to each record owner of real property  
8 in the special assessment district;

9 (7) a resolution or ordinance confirming the special  
10 assessment roll for the proposed local improvement.

11 (b) If protests as to the necessity of a proposed local improve-  
12 ment are made by owners of property that will bear 50 percent or more  
13 of the estimated cost of the improvement, the governing body may not  
14 proceed with the improvement until the objections have been reduced to  
15 less than 50 percent, except on approval of not fewer than three-  
16 fourths of the governing body.

17 (c) To the extent that the municipality does not prescribe a  
18 procedure for special assessments as permitted by this section, the  
19 municipality shall comply with the special assessment procedures set  
20 out in AS 29.46.030 - 29.46.100.

21 Sec. 29.46.030. CREATION OF DISTRICT. (a) When an improvement  
22 proposal is filed with the municipal clerk and presented to the gov-  
23 erning body, the municipality shall find by resolution or ordinance  
24 whether (1) the improvement requested is necessary and should be made,  
25 and (2) if by petition, the request has sufficient and proper peti-  
26 tioners. The findings under this section are conclusive.

27 (b) If the municipality approves an improvement proposal, it  
28 shall develop a proposed improvement plan including the total cost  
29 estimate and the percentage of the cost to be assessed against the

1 benefited property. The improvement plan shall be filed with the  
2 municipal clerk.

3 (c) The governing body shall set a time for public hearing on  
4 the improvement plan and the period for filing objections to the plan.  
5 The governing body shall publish a notice of the hearing and of the  
6 period during which objections may be filed at least once a week for  
7 four consecutive weeks in a newspaper of general circulation if dis-  
8 tributed in the municipality and shall send notice by mail to every  
9 record owner of property in the special assessment district.

10 Sec. 29.46.040. RECORD OWNER. The person in whose name property  
11 is listed on the municipal property tax roll as owner is conclusively  
12 presumed to be the legal owner of record. If the owner is unknown,  
13 the assessment roll may designate "unknown owner".

14 Sec. 29.46.050. OBJECTIONS AND REVISION. (a) Objections to an  
15 improvement plan may be filed during a period of 60 days after publi-  
16 cation of notice. The municipality may by resolution or ordinance  
17 approve the plan and order the improvement subject to the limitation  
18 of (b) of this section.

19 (b) If objections are made in writing during the period set for  
20 objections by the owners of property bearing 50 percent or more of the  
21 estimated total cost of the improvement, the governing body may not  
22 proceed with the improvement unless it revises the plan to meet the  
23 objections and the objections are reduced to less than 50 percent. A  
24 revised plan shall be approved and adopted as an original plan in  
25 accordance with AS 29.46.030.

26 Sec. 29.46.060. ASSESSMENT ROLL. (a) At any time after ap-  
27 proval of an improvement plan, the governing body shall assess the  
28 authorized percentage of the cost against property in the district  
29 included in the plan in proportion to the benefit received.

1 (b) The special assessment roll shall contain property descrip-  
2 tions, names of record owners, and assessment amounts.

3 (c) The governing body shall fix a time to hear objections to  
4 the roll. The municipal clerk shall send an assessment and hearing  
5 notice by mail to each record owner of an assessed property not less  
6 than 15 days before the hearing.

7 Sec. 29.46.070. HEARING AND SETTLEMENT. After the public hear-  
8 ing, the governing body shall correct errors and inequalities in the  
9 roll. If an assessment is increased, a new hearing shall be set and  
10 notice published, except that a new hearing and notice is not required  
11 if all record owners of property subject to the increased assessment  
12 consent in writing to the increase. Objections to the increased  
13 assessment shall be limited to record owners of property on which the  
14 assessment was increased. When the roll is corrected, it shall be  
15 confirmed by resolution or ordinance.

16 Sec. 29.46.080. PAYMENT. (a) The governing body shall fix  
17 times of payment, penalties on delinquent payments, and the rate of  
18 interest on the unpaid balance of the assessment. Payment may be in  
19 one sum or by installments. If payment is to be in one sum, payment  
20 may not be required sooner than 60 days after mailing of the assess-  
21 ment statement. The entire assessment may be prepaid without interest  
22 or penalty within 30 days after mailing of the assessment statement,  
23 and thereafter the assessment may be prepaid in whole or in part with  
24 interest to the payment date.

25 (b) Within 30 days after fixing the time of payment the municipi-  
26 pal clerk shall mail a statement to the record owner of each property  
27 assessed. The statement designates the property, the assessment  
28 amount, method of payment, rate of interest on the unpaid balance of  
29 the assessment, the time of delinquency, and penalties on delinquent

1 payments. Within five days after the statements are mailed, the clerk  
2 shall have notice published that the statements have been mailed.

3 (c) Assessments are liens on the property assessed and are prior  
4 and paramount to all liens except municipal tax liens. They may be  
5 enforced as provided in AS 29.45.320 - 29.45.470 for enforcement of  
6 property tax liens.

7 Sec. 29.46.090. EXEMPTION. (a) The real property owned and  
8 occupied by a resident 65 years of age or over, or the spouse, widow,  
9 widower, or minor heir of the original applicant, on which is located  
10 only the permanent abode of the applicant that is a single-family  
11 residence, is exempt from (1) special sewer assessments levied by a  
12 municipality after September 2, 1975, and (2) special water assess-  
13 ments levied by a municipality after September 2, 1975. Only one  
14 exemption may be granted with respect to the same property, and, if  
15 two or more persons are eligible for an exemption with respect to the  
16 same property, the parties shall decide between or among themselves  
17 which shall receive the benefit of the exemption. Real property may  
18 not be exempted under this subsection that the municipality deter-  
19 mines, after notice and hearing to the parties concerned, has been  
20 conveyed to the applicant primarily for the purpose of obtaining the  
21 exemption. The determination of the municipality is appealable under  
22 AS 44.62.560 - 44.62.570.

23 (b) An exemption may not be granted under this section except  
24 upon written application for the exemption on a form prescribed by the  
25 state assessor for use by local assessors and in accordance with the  
26 following requirements:

27 (1) The claimant must file the initial application during  
28 the period of time between the date the assessment roll is confirmed  
29 and the time of payment fixed by the governing body. Within one year

1 after the date the assessment roll is confirmed the governing body for  
2 good cause shown may waive the claimant's failure to make timely  
3 initial application for the exemption and authorize the assessor to  
4 accept the application as if timely filed.

5 (2) A claimant receiving the exemption must file with the  
6 assessor by March 15 of each subsequent year a separate application  
7 proving eligibility as of January 1 in order to retain the exemption.  
8 Within the same year the assessor for good cause shown may waive the  
9 claimant's failure to make timely application and approve the applica-  
10 tion as if timely filed.

11 (3) If an application is filed within the required time  
12 under this subsection and is approved by the governing body, the  
13 exemption shall be allowed in accordance with the provisions of this  
14 section. If a waiver under this subsection is granted and the appli-  
15 cation for exemption approved, the amount of any assessment, penalty,  
16 or interest that the claimant has already paid on the assessment shall  
17 be refunded to the claimant. The municipality may at any time require  
18 proof in the form considered necessary of the right and amount of an  
19 exemption claimed under this section.

20 (c) The state shall reimburse a municipality for the sewer and  
21 water assessment revenues that it would receive but for the operation  
22 of this section. Reimbursement under this subsection is a lien in  
23 favor of the state against the property exempted to the extent of the  
24 assessment against the property exempted. When properly recorded, the  
25 lien is prior and superior to other liens against the property except  
26 for property taxes or other special assessments and may be enforced by  
27 lien foreclosure. The lien becomes immediately due and payable

28 (1) upon sale or other transfer of the property except to a  
29 spouse, widow, widower, or minor heir; however, if the property is

1 transferred to a minor heir the lien becomes due and payable on the  
2 date the minor heir reaches the age of 25 years;

3 (2) when property exempted under (a)(1) or (2) of this  
4 section receives more than one sewer connection or more than one water  
5 connection; or

6 (3) when the claimant fails to prove eligibility under  
7 (b)(2) of this section.

8 (d) This section applies to home rule and general law municipal-  
9 ities.

10 (e) In this section

11 (1) "minor heir" means a person who, at the time of trans-  
12 fer of the property, has not attained the age of 19 years or who, if  
13 under 22 years of age, is a full-time student at an educational insti-  
14 tution or a member of the armed forces of the United States;

15 (2) "real property" includes, but is not limited to, mobile  
16 homes, whether classified as real or personal property for municipal  
17 tax purposes.

18 Sec. 29.46.100. REASSESSMENT. (a) The governing body shall  
19 within one year correct any deficiency in a special assessment found  
20 by a court. Notice and hearing must conform to the initial assessment  
21 procedures.

22 (b) Payments on the initial assessment are credited to the prop-  
23 erty upon reassessment. The reassessment becomes a charge upon the  
24 property notwithstanding failure to comply with any provision of the  
25 assessment procedure.

26 Sec. 29.46.110. ALLOWABLE COSTS. (a) When a special assessment  
27 district is created, there may be included in the assessments

28 (1) all of the cost of acquiring, installing, making, or  
29 constructing the local improvement;

1 (2) the costs of all engineering and surveying to be done  
2 in connection with creating the district or improvement;

3 (3) the cost of mailing and publishing notices;

4 (4) interest on interim financing;

5 (5) the cost of legal services and other expenses incurred  
6 in the formation of the special assessment district;

7 (6) the cost of completing the improvement and financing  
8 the improvement, including the issuance of bonds.

9 (b) The total amount of the assessment roll may not exceed  
10 actual costs, but actual costs may include reasonable estimates of the  
11 costs to be incurred in connection with issuance of bonds.

12 Sec. 29.46.120. OBJECTION AND APPEAL. (a) The validity of an  
13 assessment may not be contested by a person who did not file with the  
14 municipal clerk a written objection to the assessment roll before its  
15 confirmation.

16 (b) The decision of the governing body on an objection may be  
17 appealed to the superior court within 30 days after the date of con-  
18 firmation of the assessment roll. If no objection is filed or appeal  
19 taken within that time, the assessment procedure is considered valid  
20 in all respects.

21 Sec. 29.46.130. INTERIM FINANCING. (a) A municipality may  
22 provide by resolution or ordinance for the issuance of notes in pay-  
23 ment of the costs of a local improvement project, payable out of  
24 special assessments for the improvement. The notes shall bear inter-  
25 est at a rate or rates authorized by the resolution or ordinance, and  
26 shall be redeemed either in cash or bonds for the improvement project.

27 (b) Notes issued against assessments shall be claims against the  
28 assessments that are prior and superior to a right, lien or claim of a  
29 surety on the bond given to the municipality to secure the performance

1 of its contract for a local improvement project, or to secure the  
2 payment of persons who have performed work or furnished materials  
3 under the contract.

4 (c) The municipal treasurer may accept notes against special  
5 assessments on conditions prescribed by the governing body in payment  
6 of

7 (1) assessments against which the notes were issued in  
8 order of priority;

9 (2) judgments rendered against property owners who have  
10 become delinquent in the payment of assessments; and

11 (3) certificates of purchase when property has been sold  
12 under execution or at tax sale for failure to pay the assessments.

13 Sec. 29.46.140. SPECIAL ASSESSMENT BONDS. (a) The municipality  
14 may by ordinance authorize the issuance and sale of special assessment  
15 bonds to pay all or part of the cost of an improvement in a special  
16 assessment district. The principal and interest of bonds issued shall  
17 be payable solely from the levy of special assessments against the  
18 property to be benefited. The assessments shall constitute a sinking  
19 fund for the payment of principal and interest on the bonds. The  
20 benefited property may be pledged by the governing body to secure a  
21 payment.

22 (b) On default in a payment due on a special assessment bond, a  
23 bondholder may enforce payment of principal, interest, and costs of  
24 collection in a civil action in the same manner and with the same  
25 effect as actions for the foreclosure of mortgages on real property.  
26 Foreclosure shall be against all property on which assessments are in  
27 default. The period for redemption is the same as for a mortgage  
28 foreclosure on real property.

29 (c) Before the governing body may issue special assessment

1 bonds, it shall establish a guarantee fund and appropriate to the fund  
2 annually a sum adequate to cover a deficiency in meeting payments of  
3 principal and interest on bonds if the reason for the deficiency is  
4 nonpayment of assessments when due. Money received from actions taken  
5 against property for nonpayment of assessments shall be credited to  
6 the guarantee fund.

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

8 CHAPTER 47. MUNICIPAL DEBT.

9 ARTICLE 1. REVENUE ANTICIPATION NOTES.

10 Sec. 29.47.010. BORROWING IN ANTICIPATION OF REVENUE. A muni-  
11 cipality that is authorized to incur indebtedness may borrow money to  
12 meet appropriations for any fiscal year in anticipation of the collec-  
13 tion of the revenues for that year, but all debt so contracted shall  
14 be paid before the end of the next fiscal year. Negotiable or  
15 nonnegotiable revenue anticipation notes may be issued as evidence of  
16 the borrowing.

17 Sec. 29.47.020. ISSUANCE OF NOTES. A municipality may by ordi-  
18 nance or resolution authorize the issuance of revenue anticipation  
19 notes. The governing body may delegate to its chief fiscal officer  
20 the power to issue the notes from time to time under the terms and  
21 conditions of the ordinance or resolution that provides for the manner  
22 of their sale.

23 Sec. 29.47.030. ISSUANCE OF NOTES IN ANTICIPATION OF STATE, FED-  
24 ERAL GRANTS. (a) A municipality, on adoption of a long-range capital  
25 improvement budget by ordinance or resolution, may by resolution  
26 provide for negotiable or nonnegotiable revenue anticipation notes in  
27 an amount not to exceed the total amount of any state or federal  
28 grants finally committed for these projects. The notes mature no  
29 later than the end of the next fiscal year. The notes may be for

1 single or multiple projects outlined in the adopted capital improve-  
2 ment budget.

3 (b) If the state or federal grants for capital improvement pro-  
4 jects have not been paid to the municipality before maturity of the  
5 notes issued in anticipation of the receipt of the revenue, the gov-  
6 erning body may issue new notes in order to meet payment of the notes  
7 then maturing or may renew the outstanding revenue anticipation notes.  
8 New notes issued or renewals of outstanding revenue anticipation notes  
9 mature not later than the end of the next fiscal year.

10 Sec. 29.47.040. PRIORITY OF REPAYMENT. The payment of the  
11 principal and interest on revenue anticipation notes is payable from  
12 revenues, and their payment additionally shall be secured by a pledge  
13 of the full faith and credit of the municipality issuing them.

14 ARTICLE 2. BOND ANTICIPATION NOTES.

15 Sec. 29.47.080. BOND ANTICIPATION BORROWING. A municipality may  
16 borrow money in anticipation of the sale of general obligation and  
17 revenue bonds if

18 (1) the general obligation bonds to be sold have been  
19 authorized by ordinance and ratified by a majority vote at an elec-  
20 tion;

21 (2) the revenue bonds to be sold have been authorized by  
22 ordinance.

23 Sec. 29.47.090. ISSUANCE OF NOTES. The governing body shall  
24 issue negotiable or nonnegotiable notes for the amounts borrowed with  
25 a maturity date not to exceed one year from the date of issue. All  
26 notes and the interest on them are payable at fixed places on or  
27 before a fixed time from the proceeds of the sale of bonds in antici-  
28 pation of which the original note or notes were issued, unless the  
29 bonds have not been sold by the maturity date of the notes.

1 Sec. 29.47.100. ISSUANCE OF NEW NOTES. If the sale of the bonds  
2 has not occurred before the maturity of the notes issued in anticipa-  
3 tion of the sale, the governing body shall issue new notes in order to  
4 meet payment of the notes then maturing, or shall renew the outstand-  
5 ing bond anticipation notes. New notes issued or renewals of out-  
6 standing bond anticipation notes bear a maturity date not to exceed  
7 one year from the date of issue. Notes, new notes, and renewals of  
8 notes may not be outstanding for a total elapsed time of more than  
9 three years.

10 Sec. 29.47.110. REPAYMENT OF NOTES. Every note is payable from  
11 the proceeds of the sale of bonds that the notes anticipated or from  
12 the proceeds of the sale of new bond anticipation notes.

13 Sec. 29.47.120. SECURITY. (a) Notwithstanding other provisions  
14 of this chapter as to payment of notes, notes issued in anticipation  
15 of the sale of general obligation bonds and the interest on them are  
16 secured by the full faith and credit of the municipality. The muni-  
17 cipality may levy ad valorem taxes for payment without limitation of  
18 rate or amount.

19 (b) Notes issued in anticipation of the sale of revenue bonds  
20 and the interest on them are secured in the same manner as are the  
21 revenue bonds in anticipation of which the notes are issued.

22 Sec. 29.47.130. LIMITATION. The total amount of notes issued  
23 and outstanding may at no time exceed the total amount of bonds autho-  
24 rized to be issued.

25 Sec. 29.47.140. USE OF PROCEEDS. The proceeds from the sale of  
26 notes shall be used only for the purposes for which the proceeds from  
27 the sale of bonds may be used, or to meet payment of outstanding bond  
28 anticipation notes.

29 ARTICLE 3. GENERAL OBLIGATION BONDS.

1           Sec. 29.47.180. GENERAL OBLIGATION BONDS. A municipality may  
2 acquire, construct, improve, and equip capital improvements and issue  
3 negotiable or nonnegotiable general obligation bonds for these pur-  
4 poses.

5           Sec. 29.47.190. VOTE AND NOTICE OF EXISTING INDEBTEDNESS RE-  
6 QUIRED. (a) A municipality may incur general obligation bond debt  
7 only after a bond authorization ordinance is approved by a majority  
8 vote at an election. Any municipal voter may vote in the bond elec-  
9 tion, except as otherwise provided by law.

10           (b) Before a general obligation bond issue election, the govern-  
11 ing body shall have published a notice of the total existing bond  
12 indebtedness at least once a week for three consecutive weeks. The  
13 first notice shall be published at least 20 days before the date of  
14 the election. A notice shall include

15                   (1) the current total general obligation bonded indebted-  
16 ness, including authorized but unsold bonds of the municipality;

17                   (2) the cost of the debt service on the current indebted-  
18 ness;

19                   (3) the total assessed value of property in the municipal-  
20 ity.

21           Sec. 29.47.200. PAYMENT. (a) The full faith and credit of a  
22 municipality are pledged for the payment of principal and interest on  
23 general obligation bonds. The municipality may levy ad valorem taxes  
24 for payment without limitation of rate or amount to pay or secure the  
25 payment of the principal and interest on bonds, regardless of whether  
26 the bonds are in default or in danger of default.

27           (b) General obligation bonds issued for acquiring, constructing,  
28 improving and equipping a municipally owned utility or other revenue-  
29 generating enterprise may be additionally secured by a pledge of the

1 revenue derived from operation. Bonds so secured are not subject to a  
2 debt limitation imposed by a home rule charter. This subsection  
3 applies to home rule and general law municipalities.

4 ARTICLE 4. REVENUE BONDS.

5 Sec. 29.47.240. REVENUE BONDS. (a) A municipality may issue  
6 negotiable or nonnegotiable revenue bonds for a public enterprise or  
7 public corporation of the municipality where the only security is the  
8 revenue of the public enterprise or corporation.

9 (b) A municipality may issue its revenue bonds to finance the  
10 purchase of residential mortgage loans. The revenue bonds issued  
11 under this subsection are payable solely from the principal and inter-  
12 est of the mortgage loans and from other amounts pledged by the muni-  
13 cipality, except the pledge of revenues derived from taxes. Revenue  
14 bonds issued under this subsection do not constitute a general obli-  
15 gation of the municipality.

16 Sec. 29.47.250. NO ELECTION REQUIRED. An election is not re-  
17 quired to authorize the issuance and sale of revenue bonds, unless  
18 otherwise provided by ordinance.

19 Sec. 29.47.260. CONSTRUCTION. The prohibitions of AS 37.10.085  
20 do not apply to the issuance of revenue bonds or the use of proceeds  
21 from revenue bonds by a home rule or general law municipality.

22 ARTICLE 5. REFUNDING BONDS.

23 Sec. 29.47.300. AUTHORIZATION. If a municipality has outstand-  
24 ing general obligation or revenue bonds and the governing body deter-  
25 mines that it would be financially advantageous to refund the bonds,  
26 the municipality may provide by ordinance or resolution for the issu-  
27 ance of negotiable or nonnegotiable

28 (1) general obligation refunding bonds; or

29 (2) revenue refunding bonds.

1           Sec. 29.47.310. EFFECT OF REFUNDING BONDS. The refunding bonds  
2 may take up and refund all or part of outstanding bonds at or before  
3 their maturity or redemption date. The governing body may include  
4 various series and issues of bonds in a single issue of refunding  
5 bonds.

6           Sec. 29.47.320. NO ELECTION REQUIRED. An election is not re-  
7 quired to authorize the issuance and sale of refunding bonds. Their  
8 issuance may be authorized and all proceedings with reference to them  
9 prescribed by ordinance. However, when it is desirable to use general  
10 obligation bonds to refund a revenue bond issue, the governing body  
11 shall call an election on the question.

12           Sec. 29.47.330. PAYMENT OF REFUNDING BONDS. General obligation  
13 refunding bonds are payable according to AS 29.47.200. Revenue re-  
14 funding bonds are payable according to AS 29.47.240.

15           Sec. 29.47.340. SALE OF REFUNDING BONDS. General obligation or  
16 revenue refunding bonds may, at the discretion of the governing body,  
17 be exchanged for the bonds being refunded, or may be sold at public or  
18 private sale. They may be issued and delivered at any time before the  
19 date of maturity or redemption of the refunded bonds.

20                           ARTICLE 6. MISCELLANEOUS PROVISIONS.

21           Sec. 29.47.390. OTHER MUNICIPAL FINANCING. (a) A municipality  
22 may authorize by ordinance or resolution the issuance of negotiable or  
23 nonnegotiable revenue bonds to finance any project that serves a  
24 public purpose, and the bonds shall be secured and payable from any  
25 source except revenues, including tax revenue, of the municipality.

26                           (b) Bonds issued under this section are not a debt or liability  
27 of the municipality and do not create or constitute an indebtedness,  
28 liability, or obligation of the municipality, nor do they constitute a  
29 pledge of faith, credit, or taxing power of the municipality. Each

1 bond must contain on its face a statement that the municipality is not  
2 obligated to pay the principal or the interest on the bonds except  
3 from those sources indicated, and that neither the faith and credit  
4 nor the taxing power of the municipality is pledged to the payment of  
5 principal or interest on the bond.

6 (c) A municipality may

7 (1) loan the proceeds of the bonds issued under this sec-  
8 tion;

9 (2) pledge, mortgage or assign money, leases, agreements,  
10 property, or other assets of the project being financed;

11 (3) enter into covenants and agreements concerning bonds  
12 issued under this section that the municipality determines to be de-  
13 sirable;

14 (4) provide for any matter that affects the security of the  
15 bonds.

16 (d) In this section

17 (1) "bonds" means bonds, notes, or other evidence of in-  
18 debtedness;

19 (2) "project" includes but is not limited to commercial,  
20 manufacturing, agricultural, industrial, residential housing, recrea-  
21 tion, tourism, and medical projects and programs.

22 Sec. 29.47.400. SALE. Bonds and notes issued under this chapter  
23 may be sold at either public or private sale by the municipality in  
24 the manner and at the price it determines.

25 Sec. 29.47.410. FORMS AND TERMS. The municipality may by ordi-  
26 nance or resolution fix the date, denominations, maturities, rate or  
27 rates of interest, redemption terms, registration privileges, manner  
28 of execution, signatures required, purchase price, manner of sale, and  
29 other requirements for issuing bonds or notes under this chapter. If

1 an official whose signature appears on the bonds or coupons ceases to  
2 be an official before delivery of the bonds, the signature of the  
3 former official is valid as if the former official had remained in  
4 office until delivery.

5 Sec. 29.47.420. INTEREST RATE. The interest rate payable on a  
6 bond or note issued under this chapter shall be determined by the  
7 municipality and is not subject to the usury rate limitations of  
8 AS 45.45.010.

9 Sec. 29.47.430. REDEMPTION BEFORE MATURITY. A bond or note  
10 issued under this chapter may be made subject to redemption before  
11 maturity as stated in the authorization or in the bond or note.

12 Sec. 29.47.440. BOROUGH INDEBTEDNESS. (a) A borough may incur  
13 indebtedness

14 (1) on an areawide basis for areawide functions; or

15 (2) on a nonareawide basis for functions performed only in  
16 the borough area outside all cities; or

17 (3) on a service area basis for functions performed only in  
18 a service area.

19 (b) Payment of debt principal and interest as well as other  
20 costs shall be derived from the area incurring the debt under (a)(2)  
21 or (a)(3) of this section, except that the full faith and credit of  
22 the entire borough may be pledged to guarantee payment of principal  
23 and interest.

24 (c) If the bonded debt to be incurred by a borough is an area-  
25 wide debt, the vote is areawide. If the full faith and credit of the  
26 entire borough is pledged for the payment of the debt of the borough  
27 area outside all cities or of a service area, an areawide election is  
28 held and the proposition must pass both areawide and in the area that  
29 will benefit from the improvement. If the bonded indebtedness to be

1 incurred is limited to the borough area outside all cities, the vote  
2 is limited to voters outside all cities. If the indebtedness to be  
3 incurred is limited to a service area, the vote is limited to voters  
4 in the service area. Only the full faith and credit of the area  
5 voting on the indebtedness is pledged for the payment of the debt.

6 (d) The indebtedness of a municipality reclassified under  
7 AS 29.04.040 - 29.04.060 is not affected by reclassification. All  
8 property in a municipality that is reclassified remains subject to  
9 taxation to amortize bonded or other indebtedness affecting the muni-  
10 cipality and authorized on the effective date of reclassification.

11 Sec. 29.47.450. SERVICE AREA DEBT. The indebtedness of a ser-  
12 vice area acquired under AS 29.47.440 remains the indebtedness of the  
13 area that incurred the debt, notwithstanding a subsequent court deter-  
14 mination that the service area was not validly formed under law or by  
15 virtue of a defect in the proceedings creating the service area. All  
16 property in the service area remains subject to taxation to pay the  
17 bonded indebtedness.

18 \* Sec. 14. AS 29 is amended by adding a new chapter to read:

19 CHAPTER 55. MUNICIPAL PROGRAMS.

20 Sec. 29.55.010. CREATION OF LOCAL HISTORICAL DISTRICT COMMIS-  
21 SIONS. The governing body of a municipality may establish a local  
22 historical district commission or designate the planning commission or  
23 itself to serve as the historical district commission.

24 Sec. 29.55.020. ESTABLISHMENT OF HISTORICAL DISTRICTS. (a) In  
25 addition to existing municipal authority providing for the preserva-  
26 tion, protection, and maintenance of historic sites, the local histor-  
27 ical district commission, in consultation with the Historic Sites  
28 Advisory Committee in the Department of Natural Resources, may estab-  
29 lish historical districts within the boundaries of the municipality.

1 (b) A historical district shall be a reasonably compact area of  
2 historical significance in which two or more structures important in  
3 state or national history, and related by physical proximity or his-  
4 torical association, are located. For purposes of this section,  
5 "structures important in state or national history" means properties  
6 recommended by historical district commissions that are listed in the  
7 National Register of Historic Places or are characteristic of the  
8 Russian-American period before October 18, 1867, the early territorial  
9 period before 1930, or early Native heritage, reflecting the indi-  
10 genous characteristics of Native culture in Alaska. On recommendation  
11 of the governing body of a municipality and the Historic Sites Advi-  
12 sory Committee, the Department of Natural Resources may by regulation  
13 formulate additional criteria for the establishment of historical  
14 districts not inconsistent with this subsection.

15 (c) The establishment of a historical district under this sec-  
16 tion shall be consistent with any applicable comprehensive plan for  
17 the municipality.

18 \* Sec. 15. AS 29 is amended by adding a new chapter to read:

19 CHAPTER 60. STATE PROGRAMS.

20 ARTICLE 1. MUNICIPAL TAX RESOURCE EQUALIZATION.

21 Sec. 29.60.010. STATE EQUALIZATION OF TAX RESOURCES FOR MUNICI-  
22 PAL SERVICES. (a) During each fiscal year the department shall  
23 compute an equalization entitlement for municipal services provided by  
24 a taxing unit.

25 (b) The equalization entitlement computed for a taxing unit is  
26 based on the population, relative ability to generate revenue, and  
27 local tax burden of the taxing unit and is determined by the applica-  
28 tion of the formula

29 Entitlement = P x R

1                   where P = population, and  
2                   R = millage rate equivalent, determined by dividing the sum  
3 of the locally generated revenue of the taxing unit by one-tenth of  
4 one percent of the full and true value of assessed property of the  
5 taxing unit determined under AS 29.60.030(d); however, the per capita  
6 property value used under this subsection may not be less than 15  
7 percent of the statewide average per capita full and true assessed  
8 property value.

9                   (c) For purposes of this section, locally generated revenue

10                   (1) includes

11                   (A) the actual revenue derived from the levy and  
12 collection of local taxes in the taxing unit for municipal ser-  
13 vices during the preceding fiscal year of the taxing unit;

14                   (B) motor vehicle payments received by the municipal-  
15 ity during the preceding fiscal year under AS 28.10.431;

16                   (C) revenue from fees, rentals, leases, penalties,  
17 licenses or permits received during the preceding fiscal year by  
18 the municipality for a function or service over which it has con-  
19 trol, including revenues derived from parks and recreation ser-  
20 vices, mass transit, offstreet parking, and garbage and solid  
21 waste disposal services;

22                   (D) special assessments received during the preceding  
23 fiscal year; and

24                   (E) payments received by a municipality from a utility  
25 that are in place of taxes levied and collected by the municipal-  
26 ity;

27                   (2) excludes

28                   (A) revenue derived from the levy and collection of  
29 municipal taxes and appropriated for the operating expenses and

1           debt service of utilities;

2                   (B) revenue from interest earned on investments and  
3           from the sale and lease of land or equipment; and

4                   (C) all other revenue from whatever service derived.

5           Sec. 29.60.020. DETERMINATION OF POPULATION. For purposes of  
6 AS 29.60.010 - 29.60.080, the population of a taxing unit shall be  
7 determined annually by the latest figures of the United States Bureau  
8 of the Census or other population data that in the judgment of the  
9 department is reliable.

10           Sec. 29.60.030. DETERMINATION OF MILLAGE RATE EQUIVALENT. (a)  
11 The department may require a municipality to return a certification,  
12 signed by the municipal treasurer or manager and the mayor, that pro-  
13 vides an estimate of the locally generated revenue received by the  
14 municipality during the preceding fiscal year.

15           (b) By October 15 of each year, the department shall make an  
16 initial determination of the millage rate equivalent of each taxing  
17 unit to be used for computing and distributing equalization entitle-  
18 ments for the current fiscal year under AS 29.60.010 - 29.60.080. The  
19 department shall base the initial determination on the estimates in  
20 the certification returned by a municipality under (a) of this sec-  
21 tion.

22           (c) As early as possible, but not later than December 15 of each  
23 year, the department shall make a final determination of the millage  
24 rate equivalent of each taxing unit to use to compute and distribute  
25 equalization entitlements under AS 29.60.010 - 29.60.080. The depart-  
26 ment shall base the determination on audits, financial statements and  
27 other financial reports prepared and submitted by a municipality. The  
28 department shall adjust the locally generated revenue reported by a  
29 municipality to exclude the municipal revenue claimed that does not

1 qualify for inclusion in or recognition as locally generated revenue  
2 for municipal purposes under AS 29.60.010(c)(1). The adjustment shall  
3 be made by deducting from total revenue claimed by the municipality  
4 the amount of the department's estimate of revenue that is not recog-  
5 nized for municipal purposes.

6 (d) The full and true assessed property value shall be deter-  
7 mined by the department in the manner provided for the computation of  
8 state aid to education under AS 14.17.140. When the determination of  
9 locally generated revenue includes revenue of a utility received under  
10 AS 29.60.010(c)(1)(E), the full and true assessed property value shall  
11 include the computed assessed value of the utility, determined by  
12 dividing the amount of the payment in place of taxes made by the  
13 utility by the millage rate that would apply to the utility if the  
14 utility were subject to levy and collection of taxes under AS 29.45.

15 (e) In addition to the computation for municipalities that levy  
16 and collect a property tax, the department shall determine an esti-  
17 mated full and true assessed property value under (d) of this section  
18 for

19 (1) each municipality that is a school district and that  
20 does not levy and collect a property tax;

21 (2) each second class city with a population of 750 or more  
22 persons; however, a computation is not required under this paragraph  
23 more often than once during a period of three successive calendar  
24 years; and

25 (3) all other second class cities, by determining the  
26 average per capita full and true assessed property value of all cities  
27 having a population of less than 750 persons in which an assessment  
28 has been completed by a municipality or for which a determination is  
29 not made under (1) or (2) of this subsection.

1 (f) The department shall annually compute a statewide average  
2 per capita full and true assessed property value.

3 Sec. 29.60.040. REPORTS. A payment of an equalization entitle-  
4 ment may not be made to a municipality under AS 29.60.010 - 29.60.080  
5 until the municipality has submitted its certificate of estimated  
6 revenue and its financial report to the department for the fiscal year  
7 preceding the year for which the equalization entitlement is sought,  
8 together with a budget for the municipality's current fiscal year.  
9 The financial report shall include a listing of general revenue col-  
10 lected from taxes levied and assessed and any other revenue that, in  
11 the opinion of the municipal officials, is eligible for inclusion in  
12 computations of the locally generated revenue of the taxing unit.

13 Sec. 29.60.050. LIMITATION ON COMPUTATION AND USE OF PAYMENTS.  
14 (a) An equalization entitlement generated by the tax levy of a taxing  
15 unit may be used only for authorized expenditures of that taxing unit,  
16 but up to 15 percent of the payment of an equalization entitlement  
17 generated by areawide revenue of a municipality may be used by the  
18 municipality for areawide or nonareawide purposes at the discretion of  
19 its governing body. This subsection applies to home rule and general  
20 law municipalities.

21 (b) An equalization entitlement determined with reference to  
22 revenue other than revenue obtained from the levy and collection of  
23 taxes may be used for areawide or nonareawide purposes, at the discre-  
24 tion of the governing body.

25 Sec. 29.60.060. TAX EQUALIZATION ACCOUNT. The tax equalization  
26 account is established. Money to carry out the provisions of AS 29.-  
27 60.010 - 29.60.080 shall be allocated by the department to the  
28 account. The amount allocated to the account shall be fully distri-  
29 buted by the department as payments to municipalities to fulfill each

1 share authorized under AS 29.60.010. The amount allocated to the  
2 account shall be distributed by the department pro rata among eligible  
3 municipalities.

4 Sec. 29.60.070. ADMINISTRATION. (a) The department may adopt  
5 regulations necessary to implement AS 29.60.010 - 29.60.080. The  
6 regulations shall include, among other provisions,

7 (1) procedures and filing dates for submitting certifica-  
8 tion and financial reports;

9 (2) procedures for obtaining information required to com-  
10 pute and determine the municipality's millage rate equivalent; and

11 (3) procedures by which the department shall notify a  
12 municipality in writing of the reasons for a proposed disallowance or  
13 adjustment of any factor bearing upon the determination of the muni-  
14 cipality's entitlement and by which the municipality will be provided  
15 reasonable time in which to respond or to challenge the department's  
16 determination.

17 (b) The department shall make reasonable efforts to advise and  
18 assist municipalities in collecting information and completing reports  
19 necessary for the determination of entitlements under AS 29.60.010 -  
20 29.60.080.

21 (c) The department shall, by regulation, classify for inclusion  
22 or exclusion as a component of a municipality's millage rate equiva-  
23 lent under AS 29.60.010 any tax revenue appropriated for a utility not  
24 included in the definition set out in AS 29.60.080(2).

25 Sec. 29.60.080. DEFINITIONS. In AS 29.60.010 - 29.60.080

26 (1) "taxing unit" means a municipality and

27 (A) in a borough or unified municipality, a service  
28 area or the entire area outside cities;

29 (B) in a city, a differential tax zone;

1           (2) "utility" means electric, water, sewer, gas heat, tele-  
2 phone, or refuse and garbage collection service.

3           ARTICLE 2. STATE AID FOR MISCELLANEOUS PURPOSES.

4           Sec. 29.60.100. REVENUE SHARING PAYABLE. In addition to the  
5 equalization entitlements paid under AS 29.60.010 - 29.60.080, during  
6 each fiscal year the department shall pay aid

7           (1) to a municipality or other eligible recipient that has  
8 the power to provide the services described in AS 29.60.110 - 29.60.-  
9 130 and exercises the power in the manner required by AS 29.60.100 -  
10 29.60.180;

11          (2) to an unincorporated community under AS 29.60.140.

12          Sec. 29.60.110. STATE AID TO MUNICIPALITIES FOR ROADS. (a) The  
13 department shall pay to a municipality that has power to provide for  
14 road maintenance and exercises that power, \$2,500 a mile for each mile  
15 of road, street, or highway maintained by the municipality, excluding  
16 (1) the official state highway system, (2) roads, streets, or highways  
17 not dedicated to public use, (3) roads, streets, or highways main-  
18 tained under the local service road program (AS 19.30.111 - 19.30.-  
19 251), and (4) alleyways, in accordance with regulations adopted by the  
20 Department of Transportation and Public Facilities. A payment may not  
21 be made under this subsection for maintenance of a road that is not  
22 used by automotive equipment.

23          (b) A frozen waterway and a connection from an inhabited area to  
24 a waterway that may be safely used for public transportation by auto-  
25 motive equipment and is so used during a portion of a year is eligible  
26 for a payment of \$1,500 per mile if the waterway and connection are  
27 maintained during the period of use by a municipality or combination  
28 of municipalities. The department, after consultation with the De-  
29 partment of Transportation and Public Facilities, shall determine

1 which waterways and connections qualify and, where the waterways or  
2 connections lie outside the corporate limits of a municipality, which  
3 municipalities shall receive the payments under this subsection,  
4 unless the municipalities involved have agreed in writing to a partic-  
5 ular distribution.

6 Sec. 29.60.120. STATE AID TO MUNICIPALITIES AND OTHER ELIGIBLE  
7 RECIPIENTS FOR HEALTH FACILITIES AND HOSPITALS. (a) The department  
8 shall pay

9 (1) to a municipality that has the power to provide hospi-  
10 tal facilities and services and that exercises that power, \$1,000 per  
11 bed for each bed actually used for patient care, limited to the number  
12 of beds provided for in the construction design of the hospital, or  
13 \$250,000 a hospital for those hospitals with 10 or more beds, or  
14 \$50,000 a hospital for those hospitals with less than 10 beds, as the  
15 municipality may elect; money received under this paragraph may be  
16 used only for hospitals and shall be apportioned among qualifying  
17 hospitals as the municipality determines;

18 (2) on the basis set out in (1) of this subsection to a  
19 municipality for a nonprofit hospital not operated by a municipality  
20 if the municipality first certifies to the department that the non-  
21 profit hospital is in compliance with all standards for hospitals that  
22 have been adopted by the municipality; money may not be paid on behalf  
23 of a nonprofit hospital without this certification; payments to the  
24 municipality shall be transferred to the nonprofit hospital in accor-  
25 dance with the basis by which the payment was generated by the hospi-  
26 tal, and shall be applied to the annual cost of operation and mainte-  
27 nance of the hospital or for the provision of health care service at  
28 the hospital as the directors of the hospital determine;

29 (3) to a municipality in which a health facility is

1 operated, \$2,000 per bed for each bed actually used for patient care,  
2 limited to the number of beds provided for in the construction design  
3 of the health facility, or \$8,000 per health facility as the muni-  
4 cipality determines.

5 (b) A hospital may not receive payment under both (a)(1) and  
6 (a)(2) of this section.

7 (c) Money received by a municipality under (a)(3) of this sec-  
8 tion shall be used for expenses of health services or operation and  
9 maintenance of health facilities as the municipality determines.

10 (d) Before money may be distributed under this section, the com-  
11 missioner of health and social services shall certify to the commis-  
12 sioner of community and regional affairs that any accumulation of  
13 assets by nonprofit corporations or other recipients under this sec-  
14 tion is dedicated irrevocably to a public purpose.

15 (e) Subsections (a) and (c) of this section apply to home rule  
16 and general law municipalities.

17 Sec. 29.60.130. STATE AID TO VOLUNTEER FIRE DEPARTMENTS NOT IN  
18 ORGANIZED MUNICIPALITY. (a) The department shall pay to a volunteer  
19 fire department registered with the state fire marshal and serving an  
20 area not in an organized municipality a sum for protection purposes  
21 equal to \$10 per capita for the population served by the fire depart-  
22 ment, as determined by the state fire marshal.

23 (b) A grant shall be made under (a) of this section to facili-  
24 tate the organization of a volunteer fire department in an area not in  
25 an organized municipality, upon application of the proposed fire  
26 protection group to the state fire marshal and upon approval of appli-  
27 cations according to standards of organization and service prescribed  
28 by regulations adopted by the state fire marshal.

29 Sec. 29.60.140. STATE AID TO UNINCORPORATED COMMUNITIES. (a)

1 The Department of Community and Regional Affairs shall pay to each  
2 unincorporated community an entitlement of \$25,000 each fiscal year to  
3 be used for a public purpose. The Department of Community and Re-  
4 gional Affairs with advice from the Department of Law shall determine  
5 whether there is in each unincorporated community an incorporated  
6 nonprofit entity or a Native village council that will agree to re-  
7 ceive and spend the entitlement. If there is more than one qualified  
8 entity in an unincorporated community, the Department of Community and  
9 Regional Affairs shall pay the money under the entitlement to the  
10 entity that the department finds most qualified to receive and spend  
11 the money. The Department of Community and Regional Affairs may not  
12 pay money under an entitlement to a Native village council unless the  
13 council waives immunity from suit for claims arising out of activities  
14 of the council related to the entitlement. A waiver of immunity from  
15 suit under this subsection must be on a form provided by the Depart-  
16 ment of Law. If there is no qualified incorporated nonprofit entity  
17 or Native village council in an unincorporated community that is  
18 willing to receive money under an entitlement, the entitlement for  
19 that unincorporated community may not be paid. Neither this sub-  
20 section nor any action taken under it enlarges or diminishes the  
21 governmental authority or jurisdiction of a Native village council.

22 (b) In this section "unincorporated community" means a place in  
23 the unorganized borough that is not incorporated as a city and in  
24 which 25 or more persons reside as a social unit.

25 Sec. 29.60.150. POPULATION DETERMINATION. For purposes of  
26 AS 29.60.100 - 29.60.180, population shall be determined by the latest  
27 figures of the United States Bureau of the Census or other population  
28 data that in the judgment of the department is reliable.

29 Sec. 29.60.160. AREA COST-OF-LIVING DIFFERENTIAL. (a) Payments

1 to a municipality or other eligible recipient under AS 29.60.110 -  
2 29.60.130 shall reflect area cost-of-living differentials. Payments  
3 shall be based on the sum of per capita, per mile and per bed or  
4 facility grants due each municipality or other recipient multiplied by  
5 the appropriate area cost-of-living differential. The area cost-of-  
6 living differential for each recipient shall be determined annually by  
7 election district under the provisions of AS 39.27.030. Application  
8 of the area cost-of-living differential may not result in distribution  
9 of an amount less than the amount of the payment determined without  
10 reference to application of this section.

11 (b) The election districts used to establish area cost-of-living  
12 differentials under (a) of this section are those designated by the  
13 proclamation of reapportionment and redistricting of December 7, 1961,  
14 and retained for the house of representatives by proclamation of the  
15 governor September 3, 1965.

16 Sec. 29.60.170. MISCELLANEOUS SERVICES ACCOUNT. The miscella-  
17 neous services account is established. Money to carry out the provi-  
18 sions of AS 29.60.100 - 29.60.180 shall be allocated by the department  
19 to the account in accordance with AS 29.60.280. If amounts in the  
20 account are insufficient to pay each municipality's or other recip-  
21 ient's share authorized under AS 29.60.100 - 29.60.180, the amounts  
22 that are available shall be distributed pro rata among eligible muni-  
23 cipalities and other recipients.

24 Sec. 29.60.180. REGULATIONS. The department shall adopt regula-  
25 tions necessary to carry out the purposes of AS 29.60.100 - 29.60.180.  
26 The regulations shall include minimum standards required to qualify a  
27 municipality or other recipient for payments for each service. The  
28 department may require a municipality or other recipient to submit a  
29 performance report adequate to demonstrate to the department that a

1 service for which payment is requested under AS 29.60.100 - 29.60.180  
2 was performed by the municipality or other recipient and meets minimum  
3 standards of service prescribed by regulation.

4 ARTICLE 3. STATE AID FOR HOSPITAL AND  
5 HEALTH FACILITY CONSTRUCTION.

6 Sec. 29.60.230. STATE AID FOR HOSPITAL AND HEALTH FACILITY CON-  
7 STRUCTION. (a) If construction of a hospital began after January 1,  
8 1968, or if construction of a health facility began after January 1,  
9 1968, and before July 1, 1980, and state matching aid for construction  
10 approved for payment to a municipality or other hospital or health  
11 facility sponsor constitutes less than 25 percent of the total project  
12 cost, the department shall pay to the municipality or other hospital  
13 or health facility sponsor each fiscal year \$2,500 a bed for the  
14 maximum number of beds provided for in the construction design of the  
15 hospital or health facility or five percent of the total project cost,  
16 whichever is greater. State aid provided for in this section shall  
17 continue until the municipality or other hospital or health facility  
18 sponsor has received an amount that, combined with state matching  
19 money for construction of the hospital or health facility, equals 25  
20 percent of the total project cost. Money received for construction  
21 may not be used for any other purpose.

22 (b) In this section "total project cost" means

23 (1) costs directly related to the project; and

24 (2) the total of all costs of financing and carrying out  
25 the project, including but not limited to,

26 (A) the costs of all necessary studies, surveys, plans  
27 and specifications, architectural, engineering or other special  
28 services, acquisition of real property, site preparation and  
29 development, purchase, construction, reconstruction and

1 improvement of real property, and the acquisition of machinery  
2 and equipment as may be necessary in connection with the project;

3 (B) an allocable portion of the administrative and  
4 operating expenses of the municipality or other hospital or  
5 health facility sponsor;

6 (C) the cost of financing the project, including  
7 interest on bonds issued to finance the project; and

8 (D) the cost of other items, including any indemnity  
9 and surety bonds and premiums on insurance, legal fees, fees and  
10 expenses of trustees, depositaries, financial advisors, and  
11 paying agents for the bonds issued as the issuer considers neces-  
12 sary.

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

15 Sec. 29.60.240. HOSPITAL AND HEALTH FACILITY CONSTRUCTION ASSIS-  
16 TANCE ACCOUNT. The hospital and health facility construction assis-  
17 tance account is established. Money to carry out the provisions of  
18 AS 29.60.230 - 29.60.240 shall be allocated by the department to the  
19 account in accordance with AS 29.60.280. If amounts in the account  
20 are insufficient to pay each recipient's share authorized under  
21 AS 29.60.230 - 29.60.240, the amounts that are available shall be  
22 distributed pro rata among eligible recipients.

23 ARTICLE 4. ADMINISTRATION OF STATE AID PROGRAMS.

24 Sec. 29.60.280. ALLOCATION AND DISTRIBUTION. (a) Each year,  
25 the department shall allocate money appropriated to the accounts  
26 established in AS 29.60.060, 29.60.170, and 29.60.240 in the amounts  
27 determined by the legislature.

28 (b) Money in the miscellaneous services account established in  
29 AS 29.60.170 that exceeds the amount required to fully fund

1 distributions authorized by AS 29.60.100 - 29.60.180 shall be  
2 reallocated to the tax equalization account established in  
3 AS 29.60.060 and distributed according to the provisions of  
4 AS 29.60.010 - 29.60.080.

5 (c) Money in the hospital and health facility construction  
6 assistance account established in AS 29.60.240 that exceeds the amount  
7 required to fully fund distributions authorized by AS 29.60.230 -  
8 29.60.240 shall be reallocated to the tax equalization account estab-  
9 lished in AS 29.60.060 and distributed according to the provisions of  
10 AS 29.60.010 - 29.60.080.

11 Sec. 29.60.290. QUALIFICATION FOR MINIMUM PAYMENT. (a) A  
12 municipality qualifying for an entitlement under AS 29.60.010 - 29.-  
13 60.080 or 29.60.100 - 29.60.180 shall receive a minimum payment of  
14 \$25,000 plus an area cost-of-living differential for each fiscal year  
15 if

16 (1) the municipality has conducted a regular election  
17 during the fiscal year preceding the year for which payment of an  
18 entitlement is authorized by AS 29.60.010 - 29.60.080 or 29.60.100 -  
19 29.60.180 and has reported the results of the election to the commis-  
20 sioner;

21 (2) regular meetings of the governing body are held in the  
22 municipality during the fiscal year preceding the year for which  
23 payment of an entitlement is authorized by AS 29.60.010 - 29.60.080 or  
24 29.60.100 - 29.60.180 and a record of the proceedings is maintained;

25 (3) a municipal budget has been adopted for the fiscal year  
26 during which payment of an entitlement is authorized by AS 29.60.010 -  
27 29.60.080 or 29.60.100 - 29.60.180 and an audit or financial statement  
28 for the preceding fiscal year has been prepared and furnished to the  
29 department in accordance with AS 29.20.640(a); and

1           (4) local ordinances adopted by the municipality have been  
2 codified in accordance with AS 29.25.050.

3           (b) The area cost-of-living differential payable to each munici-  
4 pality under this section shall be determined annually by election  
5 district under the provisions of AS 39.27.030. Except as provided in  
6 AS 29.60.300, application of the area cost-of-living differential may  
7 not result in a payment that is less than the minimum payment deter-  
8 mined under (a) of this section. For purposes of this subsection, the  
9 election districts used are those designated by the proclamation of  
10 reapportionment and redistricting of December 7, 1961, and retained  
11 for the house of representatives by proclamation of the governor  
12 September 3, 1965.

13           (c) The department shall pay to each municipality eligible to  
14 receive a minimum payment under this section an amount equal to the  
15 difference between the minimum payment determined under (a) and (b) of  
16 this section and the sum of the amounts payable for the same fiscal  
17 year under AS 29.60.010 - 29.60.080 and 29.60.100 - 29.60.180.

18           (d) A payment under this section may be prorated and reduced  
19 under AS 29.60.300.

20           (e) Payments under this section shall be made from the money  
21 allocated to the tax equalization account established in AS 29.60.060.

22           Sec. 29.60.300. PRORATION OF PAYMENTS. (a) Payments under  
23 AS 29.60.290 and 29.60.010 - 29.60.180 shall equal the amount allo-  
24 cated to the tax equalization account (AS 29.60.060), adjusted in  
25 accordance with AS 29.60.280.

26           (b) Adjustments of payments shall be determined by prorating  
27 amounts payable under AS 29.60.290 and amounts payable under AS 29.-  
28 60.010 - 29.60.180 by a factor that, when applied, reduces all pay-  
29 ments in equal proportion so that payment under AS 29.60.290 and

1 payments under AS 29.60.010 - 29.60.180 equal the amount allocated to  
2 the tax equalization account established in AS 29.60.060.

3 ARTICLE 5. MUNICIPAL ASSISTANCE.

4 Sec. 29.60.350. MUNICIPAL ASSISTANCE FUND. (a) There is estab-  
5 lished in the department the municipal assistance fund. The legisla-  
6 ture may appropriate to the municipal assistance fund during each  
7 fiscal year an amount equal to or greater than 30 percent of the  
8 income tax revenue received by the state under AS 43.20.011(e) for the  
9 previous fiscal year.

10 (b) The department shall distribute money from the municipal  
11 assistance fund to each municipality on an annual basis as provided in  
12 AS 29.60.360 and 29.60.370. A municipality may not receive payment  
13 until it submits to the department a resolution approved by the gov-  
14 erning body of the municipality that requests the money. Distribution  
15 of money from the municipal assistance fund to a municipality with a  
16 fiscal year beginning on January 1 shall be made on February 1 of the  
17 state fiscal year for which the appropriation to the fund is made.  
18 Distribution of money from the municipal assistance fund to all other  
19 municipalities shall be made on June 1 of the state fiscal year for  
20 which the appropriation to the fund is made. A municipality that  
21 incorporates after December 31 of a state fiscal year is not eligible  
22 for a distribution under this section until the following state fiscal  
23 year.

24 Sec. 29.60.360. BASE AMOUNT OF ASSISTANCE. (a) The base amount  
25 to be distributed from the municipal assistance fund to each munici-  
26 pality for the fiscal year shall be the amount received by the munici-  
27 pality during fiscal year 1978 under AS 43.70.080. A city incor-  
28 porated within a borough after June 30, 1977, shall receive as a base  
29 amount a share of the amount distributed to the borough in which it is

1 located based on the ratio of population in the city to the total  
2 population in the borough. A city incorporated outside a borough  
3 after June 30, 1977, shall receive as a base amount the amount re-  
4 ceived by the city in the state most closely approximating it in  
5 population at the time of its incorporation. A borough incorporated  
6 after June 30, 1977, shall receive as a base amount the amount re-  
7 ceived by the borough in the state most closely approximating it in  
8 population at the time of its incorporation.

9 (b) If the amount appropriated to the municipal assistance fund  
10 by the legislature during a fiscal year is insufficient for distri-  
11 bution of the full base amount to each municipality, the department  
12 shall prorate the amount available for distribution on the basis of  
13 amounts received during the fiscal year 1978 under AS 43.70.080.

14 Sec. 29.60.370. INCREASED ASSISTANCE. (a) If the amount in the  
15 municipal assistance fund at the time of distribution exceeds the base  
16 amount to be distributed under AS 29.60.360, the excess amount shall  
17 be distributed to each municipality on the basis of population.  
18 Population for the purpose of this section shall be as certified by  
19 the commissioner of community and regional affairs. In determining  
20 the population of a borough, the population of all cities in the  
21 borough shall be deducted from the total population of the borough.

22 (b) The intent of (a) of this section is that a municipality  
23 that levies property taxes reduce those levies in reasonable propor-  
24 tion to the amount of increased state aid received by the municipal-  
25 ity. The governing body of each municipality shall furnish a notice  
26 with each tax statement describing its use of this increased state  
27 aid.

28 ARTICLE 15. GENERAL PROVISIONS.

29 Sec. 29.60.800. DEFINITIONS. In this chapter

1 (1) "health facility"

2 (A) means a facility that is licensed, when required,  
3 by the state under AS 18.20.010 - 18.20.130 and that is owned or  
4 operated or both by a municipality or by a nonprofit corporation  
5 or other nonprofit sponsor;

6 (B) includes a public health center, maternity home,  
7 community mental health center, facility for the mentally or  
8 physically handicapped, nursing home, or convalescent center;

9 (C) excludes a facility operated or wholly supported  
10 by the state or the federal government;

11 (2) "hospital" means a licensed hospital determined by the  
12 Department of Health and Social Services to be a general hospital; the  
13 term excludes a facility operated or wholly supported by the state or  
14 the federal government.

15 \* Sec. 16. AS 29 is amended by adding a new chapter to read:

16 CHAPTER 65. GENERAL GRANT LAND.

17 Sec. 29.65.010. DETERMINATION OF ENTITLEMENT OF BOROUGHES AND  
18 UNIFIED MUNICIPALITIES. The general grant land entitlement of each of  
19 the municipalities in this section is the amount set out opposite  
20 each:

- 21 (1) Municipality of Anchorage - 44,893 acres;  
22 (2) City and Borough of Juneau - 19,584 acres;  
23 (3) City and Borough of Sitka - 10,500 acres;  
24 (4) Bristol Bay Borough - 2,898 acres;  
25 (5) Fairbanks North Star Borough - 112,000 acres;  
26 (6) Haines Borough - 2,800 acres;  
27 (7) Kenai Peninsula Borough - 155,780 acres;  
28 (8) Ketchikan Gateway Borough - 11,593 acres;  
29 (9) Kodiak Island Borough - 56,500 acres;



1 AS 29.65.050.

2 (c) Land may be selected or nominated for selection by a municipi-  
3 pality to satisfy a general grant land entitlement under AS 29.65.010  
4 and 29.65.020 at any time before October 1, 1980. However, if a muni-  
5 cipal selection or nomination or a part of a municipal selection or  
6 nomination is rejected by the director, the municipality may, not  
7 later than 90 days after receipt of the director's rejection, select  
8 additional state land as necessary to satisfy its entitlement.

9 (d) Land may be selected by a municipality to satisfy a general  
10 grant land entitlement under AS 29.65.030 at any time within one year  
11 after the director certifies the entitlement to the municipality.

12 (e) The time limitations imposed by (c) and (d) of this section  
13 for exercising a vested general grant land entitlement do not apply to

14 (1) the portion of an entitlement that cannot be satisfied  
15 by that date because of a shortage of land suitable for residential,  
16 commercial, and industrial purposes that is vacant, unappropriated,  
17 unreserved land;

18 (2) payments for land deficiency under AS 29.65.080;

19 (3) the portion of an entitlement that cannot be satisfied  
20 because the land selected by a municipality has been selected by a  
21 party entitled to select land owned by the United States or the state;  
22 or

23 (4) the portion of an entitlement that cannot be satisfied  
24 because the land nominated for selection by the municipality is not  
25 tentatively approved for patent to the state.

26 Sec. 29.65.050. FULFILLMENT OF LAND ENTITLEMENTS. (a) The  
27 acreage of each municipality's land selections for which patent has  
28 been issued before July 1, 1978, shall be credited toward fulfillment  
29 of the entitlement of that municipality.

1           (b) All approved selections under former AS 29.18.190 and 29.-  
2 18.200 for which patent has not been issued to a municipality on July  
3 1, 1978, shall be reviewed by the director within nine months after  
4 July 1, 1978. Any approved selection of land that was vacant,  
5 unappropriated, or unreserved on the date of selection is valid as of  
6 the date of the approval under former AS 29.18.190 and 29.18.200, and  
7 a patent shall be issued to the municipality within three months after  
8 approval by the director of a plat of survey. The acreage shall be  
9 credited toward fulfillment of the municipality's entitlement. A  
10 municipality is not entitled to receive patent under this chapter to  
11 more than its entitlement determined under AS 29.65.010 - 29.65.030.  
12 Any prior approval by the director of municipal selections for land  
13 that was not vacant, unappropriated, or unreserved on the date of  
14 selection shall be rescinded, and patent may not be issued except when  
15 disposal to a third party by sale or lease has occurred. Transfers of  
16 land to municipalities under this chapter are subject to AS 38.05.321.  
17 Classification actions as reflected on the land status records of the  
18 Department of Natural Resources are determinative of land classifica-  
19 tion status for purposes of this chapter.

20           (c) The director shall approve each selection for patent within  
21 nine months of its selection by a municipality, and a patent shall be  
22 issued to the municipality for land selected in satisfaction of a  
23 general grant land entitlement vested under AS 29.65.010 - 29.65.030  
24 within three months after approval by the director of a plat of  
25 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  
5 chapter and under former AS 29.18.190 and 29.18.200, but each selec-  
6 tion of school, university, or mental health land by a municipality  
7 must be vacant, unappropriated, or unreserved land as defined in this  
8 chapter, 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 direc-  
19 tor is rejected by the board, the director shall meet with the board  
20 as often as necessary to determine the type and amount of equal value  
21 replacement land that would be required to obtain the board's concu-  
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.-  
27 345 apply to the designation of other general grant land as school,  
28 university, or mental health land in replacement of land selected  
29 under this section. The provisions of AS 38.50 and AS 38.05.032 do

1 not apply to such designations under this section. The provisions of  
2 AS 38.05.030(a), 38.05.030(e), and 38.05.035(a)(13) that require the  
3 approval of the respective trust board before disposal of land by the  
4 director do not apply to selections of school, university, or mental  
5 health land by 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  
9 for the program year beginning July 1, 1978, for a municipality whose  
10 entitlement is determined under AS 29.65.010.

11 Sec. 29.65.070. SELECTION AND CONVEYANCE PROCEDURE. (a) If  
12 land selected by a municipality is unsurveyed at the time of approval,  
13 the director shall survey, or may approve the municipality's survey  
14 of, the exterior boundaries of an approved selection without interior  
15 subdivision, and shall issue patent in terms of the exterior boundary  
16 survey. The cost of the survey shall be borne by the municipality.  
17 If land selected by a municipality has been surveyed at the time of  
18 its selection, the boundaries shall conform to the public land subdi-  
19 visions 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 may not issue patent to a municipality until the land  
23 has first been patented to the state. After approval of a selection  
24 by the director, but before patent to a municipality, the municipality  
25 may execute conditional leases and make conditional sales only with  
26 the consent of the director. Conditional sales and conditional leases  
27 made before July 1, 1978, do not require the consent of the director.

28 (c) Nothing in this chapter affects a valid existing claim,  
29 location, or entry under the laws of the state or the United States

1 whether for homestead, mineral, right-of-way, or other purposes.  
2 Nothing in this chapter affects the rights of an owner, claimant,  
3 locator, or entryman to the full use and enjoyment of the land so  
4 occupied.

5 Sec. 29.65.080. PAYMENT FOR LAND DEFICIENCY. (a) The Alaska  
6 municipal land account is established in the general fund for the  
7 following purposes:

8 (1) providing payment to the boroughs and unified muni-  
9 cipalities designated in AS 29.65.010 for a deficiency of land phys-  
10 ically suitable for residential, commercial, or industrial purposes;  
11 or

12 (2) providing payment to the boroughs and unified muni-  
13 cipalities designated in AS 29.65.010 for certain general grant lands  
14 selected by the state and conveyed to a Native corporation under the  
15 provisions of the Alaska Native Claims Settlement Act.

16 (b) A municipality shall receive payment for its land deficiency  
17 from the municipal land account. A municipality is eligible to re-  
18 ceive payment for land deficiency if, after July 1, 1980, the amount  
19 of land selected by a municipality that is physically suitable for  
20 residential, commercial, or industrial purposes amounts to less than  
21 one-third acre per capita. Any entitlement under AS 29.65.010 that is  
22 less than one- third acre per capita will, for the purposes of this  
23 subsection, be considered a land deficiency. An unselected remaining  
24 entitlement will, for the purpose of deficiency payment under this  
25 subsection, be considered as land physically suitable for residential,  
26 commercial, or industrial purposes. A municipality eligible under  
27 this subsection is entitled to receive a payment for land deficiency  
28 equal to \$1,000 per acre for a number of acres equal to the difference  
29 between one-third of the population of the municipality less the

1 number of acres physically suitable for residential, commercial or  
2 industrial purposes that has been selected by the municipality. For  
3 the purpose of this subsection, the population of the municipality  
4 shall be the population determined in accordance with AS 29.65.060(f).  
5 No payment may be made to a municipality under this subsection in  
6 excess of \$9,000,000.

7 (c) If a municipality selected vacant, unappropriated, unre-  
8 served land on or before December 18, 1971, to which the state had  
9 received tentative approval or patent, and that land was also selected  
10 by a Native corporation organized under the Alaska Native Claims  
11 Settlement Act (P.L. 92-203), and title to that land is ultimately  
12 vested in that Native corporation, the municipality may, at its op-  
13 tion, request payment for land deficiency from the municipal land  
14 account. The acceptance of payment under this subsection by a muni-  
15 cipality constitutes a relinquishment of any other right, title, or  
16 claim to the land by that municipality. The total payment to a muni-  
17 cipality under this subsection may not exceed \$1,000 per acre to a  
18 maximum of 8,000 acres.

19 (d) The governor shall annually submit to the legislature a  
20 request for an appropriation to the municipal land account for the  
21 municipalities that have elected to receive payments under (b) or (c)  
22 of this section. The request for appropriation shall distinguish  
23 between amounts necessary to make payments for land deficiency under  
24 (b) of this section and those required to make payments for land  
25 deficiency under (c) of this section.

26 (e) For purposes of fulfilling entitlements under this section,  
27 the legislature is authorized to appropriate

28 (1) not more than \$4,000,000 per fiscal year, and not more  
29 than \$12,000,000 in total, for the purpose of paying entitlements

1 under (b) of this section;

2 (2) not more than \$1,000,000 per fiscal year, and not more  
3 than \$8,000,000 in total, for the purpose of paying entitlements under  
4 (c) of this section.

5 (f) If an annual appropriation is not sufficient to meet the  
6 amount due to all municipalities that have elected to accept payment  
7 for land deficiency under (b) or (c) of this section, the governor  
8 shall apportion the appropriation among the municipalities in propor-  
9 tion to the payment calculated for each municipality for that year.  
10 When a distribution of payments is made under (c) of this section, the  
11 remaining entitlement of a municipality to which payment is made shall  
12 be reduced in an amount equal to the number of acres for which payment  
13 was received. An appropriation made under this section is in addition  
14 to other grants and entitlements authorized to eligible municipali-  
15 ties.

16 (g) Payments authorized by this section may not be made to a  
17 municipality eligible for an entitlement under AS 29.65.020 or 29.65.-  
18 030.

19 (h) Payments made under this section shall be used by a muni-  
20 cipality that levies property taxes to reduce the levy in proportion  
21 to the amount of state payments received by the municipality for a  
22 given fiscal year. The governing body of each municipality shall  
23 furnish a notice with the tax statement describing the effect on  
24 property tax levies of payments received under this section.

25 Sec. 29.65.090. AUTHORIZATION FOR LAND EXCHANGES. The director,  
26 with the concurrence of the commissioner, and a municipality are  
27 authorized to exchange land or interests in land when it is in the  
28 public interest. Land or interests in land exchanged under this  
29 section must be of approximately equal value, including the

1 nonmonetary value of public benefits. Exchange procedures shall  
2 comply with applicable law and municipal ordinances. The notice and  
3 review provisions of AS 38.05.305 and 38.05.345 apply to exchanges of  
4 land under this section. The provisions of AS 38.50 do not apply to  
5 exchanges of land under this section.

6 Sec. 29.65.100. PUBLIC PURPOSE AND EXPANSION NEEDS. (a) Con-  
7 sistent with the best interests of the state, if a municipality does  
8 not contain and cannot reasonably acquire sufficient nonfederal land  
9 within its boundaries to meet its legitimate needs for public or  
10 private settlement or development, it shall be the policy of the state  
11 to select federal land reasonably necessary to meet the needs of the  
12 municipality and to make the land selected available to the municipal-  
13 ity under AS 38.05.315 or (b) of this section.

14 (b) Where state land is the most logical location for demon-  
15 strated municipal expansion for nonpublic settlement and development  
16 purposes, and when an exchange of land under AS 29.65.090 is not  
17 possible or is not in the public interest, it is the policy of the  
18 state to sell or lease the land at public auction. The state may  
19 contract with a municipality to act as its agent in an auction of  
20 state land under applicable statutes. When a municipality acts as the  
21 agent of the state in an auction, the municipality may retain from the  
22 proceeds of the auction the expenses that the director determines to  
23 be necessary and reasonable.

24 (c) Nothing in this chapter limits or impairs the authority of  
25 the director to transfer land to municipalities, without limit or  
26 consideration, for public purposes in accordance with AS 38.05.315.  
27 If there is a remaining entitlement of the municipality, land trans-  
28 ferred under AS 38.05.315 shall be credited toward fulfillment of the  
29 entitlement.

1           Sec. 29.65.110. ELECTION OF BENEFITS. (a) A municipality that  
2 on July 1, 1978, is engaged in litigation, or that becomes engaged in  
3 litigation, regarding a claim to state land under former AS 29.18.190  
4 and 29.18.200 shall elect either to obtain the benefits provided in  
5 this chapter or to pursue the litigation and waive any claim to en-  
6 titlement under this chapter. An election shall be made by filing a  
7 motion for dismissal with prejudice in the court in which the litiga-  
8 tion is pending. If the claim involves a municipality identified in  
9 AS 29.65.010, the municipality shall file its motion for dismissal  
10 within 60 days after July 1, 1978. If a claim involves a city eligi-  
11 ble to receive an entitlement under AS 29.65.020 the city shall file  
12 its motion for dismissal within 60 days after receiving the certifi-  
13 cate of entitlement provided by the director under AS 29.65.020.  
14 Failure of the municipality to file a motion for dismissal during the  
15 time period provided in this subsection is considered a waiver of  
16 entitlement under this chapter.

17           (b) A municipality that was eligible to file land selections  
18 under former AS 29.18.190 and 29.18.200 and that does not enter into  
19 litigation over a claim to rights under those sections before the  
20 expiration of the time period within which it could make an election  
21 under (a) of this section is considered to have elected to receive  
22 benefits under this chapter and to have waived any claim that might  
23 have been raised under former AS 29.18.190 and 29.18.200.

24           (c) The provisions of this chapter do not affect the rights of a  
25 party to litigation regarding the former AS 29.18.190, 29.18.200 or  
26 29.18.420 maintained by a municipality that has elected not to obtain  
27 the benefits provided by this chapter.

28           Sec. 29.65.120. ADMINISTRATION. The commissioner of natural  
29 resources may adopt regulations in accordance with the Administrative

1 Procedure Act (AS 44.62) necessary to carry out the purposes of this  
2 chapter.

3 Sec. 29.65.130. DEFINITIONS. In this chapter, unless the con-  
4 text otherwise requires,

5 (1) "approved selection" means a municipal land selection  
6 that has been approved in writing by the director for transfer by  
7 patent to a municipality;

8 (2) "director" means the director of the division of lands,  
9 Department of Natural Resources, or the director's designee;

10 (3) "general grant land" means land patented or tentatively  
11 approved to the state from the United States under sec. 6(a) or (b) of  
12 the Alaska Statehood Act;

13 (4) "mental health land" means land granted under Title II,  
14 sec. 202 of P.L. 84-830, as amended before or after July 1, 1978;

15 (5) "municipal land selection" means a request by a munici-  
16 pality, filed in writing with the director under authority of former  
17 AS 29.18.190 and 29.18.200 or under this chapter for vacant, unappro-  
18 priated, unreserved general grant land within its municipal boundaries  
19 in partial fulfillment of its municipal entitlement;

20 (6) "patent" means a document, issued by the director to a  
21 municipality for a previously approved selection, that conveys and  
22 quitclaims all the right, title, and interest of the state without  
23 reservation or condition except as may be required by law;

24 (7) "remaining entitlement" means the general grant land  
25 entitlement determined in accordance with this chapter, reduced by the  
26 total acreage of approved selections, including both patented and un-  
27 patented parcels;

28 (8) "school land" means those rectangular sections 16 and  
29 36 within each township surveyed on or before January 3, 1959, and

1 confirmed and transferred to the State of Alaska upon its admission  
2 under sec. 6(k), Alaska Statehood Act, 72 Stat. 339, and any other  
3 land designated solely for school revenues;

4 (9) "university land" means all sections 33 reserved to the  
5 university under 38 Stat. 1214, as amended (48 U.S.C. 353) and all  
6 land granted to or reserved for the benefit of the university;

7 (10) "vacant, unappropriated, unreserved land" means general  
8 grant land as defined in (4) of this section, excluding minerals as  
9 required by sec. 6(i) of the Alaska Statehood Act, that

10 (A) has not been set aside by statute for one or more  
11 particular uses or purposes;

12 (B) has not been approved for patent to a municipality  
13 under this chapter or former AS 29.18.190 and 29.18.200; or

14 (C) is unclassified or, if classified under AS 38.05.-  
15 300, is classified for agricultural, grazing, commercial, indus-  
16 trial, private recreational, residential, utility, or open-to-  
17 entry purposes, or is classified in accordance with an agreement  
18 between a municipality and the state providing for state manage-  
19 ment of land of the municipality.

20 Sec. 29.65.140. APPLICATION. This chapter applies to home rule  
21 and general law municipalities.

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

23 CHAPTER 71. GENERAL PROVISIONS.

24 Sec. 29.71.010. ADVERSE POSSESSION. A municipality may not be  
25 divested of title to real property by adverse possession.

26 Sec. 29.71.020. DEDICATION OF MUNICIPAL PROPERTY. Dedication of  
27 streets, rights-of-way, easements or other areas for public use may  
28 not be construed to require the municipality to maintain, improve or  
29 provide for municipal services in the area dedicated and the

1 dedication does not impose any liability on the municipality for the  
2 condition of the area dedicated.

3 Sec. 29.71.030. TAXATION OF MUNICIPALITIES. No state law or  
4 regulation may assess or tax, or be construed to assess or tax, a  
5 municipality unless the law or regulation expressly provides that the  
6 municipality is to be assessed or taxed by the particular law or  
7 regulation.

8 Sec. 29.71.800. DEFINITIONS. In this title, unless otherwise  
9 provided or the context otherwise requires,

10 (1) "areawide" means throughout a borough, both inside and  
11 outside all cities in the borough;

12 (2) "assembly" means the governing body of a borough;

13 (3) "borough" means a general law borough or a home rule  
14 borough;

15 (4) "city" means a general law first or second class city  
16 or a home rule city;

17 (5) "commissioner" means the commissioner of community and  
18 regional affairs;

19 (6) "consolidation" means dissolution of two or more muni-  
20 cipalities and their incorporation as a new municipality;

21 (7) "council" means the governing body of a city;

22 (8) "department" means the Department of Community and  
23 Regional Affairs;

24 (9) "election" means a regular or special municipal elec-  
25 tion and does not include a state election;

26 (10) "governing body" means the legislative body of a muni-  
27 cipality that is the assembly of a borough or the council of a city;

28 (11) "majority" means a simple majority;

29 (12) "merger" means dissolution of a municipality and its

1       absorption by another municipality;

2               (13) "municipality" means a political subdivision incor-  
3       porated under the laws of the state that is a home rule or general law  
4       city, a home rule or general law borough, or a unified municipality;

5               (14) "nonareawide" means throughout the area of a borough  
6       outside all cities in the borough;

7               (15) "owner" or "record owner" means the owner of record or  
8       purchaser of record as shown in the records of the district recorder;

9               (16) "personal property" means tangible property other than  
10       real property, such as merchandise, stock in trade, machinery, equip-  
11       ment, furniture, fixtures, vehicles, boats, and aircraft;

12              (17) "property" means real and personal property;

13              (18) "published" means appearing at least once in a news-  
14       paper of general circulation distributed in the municipality or, if  
15       there is no newspaper of general circulation distributed in the muni-  
16       cipality, posting in three public places for at least five days;

17              (19) "real property" means land and improvements, all  
18       possessory rights and privileges appurtenant to the property, and  
19       includes personal property affixed to the land or improvements;

20              (20) "regular election" means the municipal election held on  
21       the first Tuesday of October annually, or on a different date or  
22       interval of years provided by ordinance or charter;

23              (21) "special election" means a municipal election and does  
24       not include a regular election or a state election;

25              (22) "street" includes streets, avenues, boulevards, roads,  
26       lanes, alleys, and other ways;

27              (23) "subdivision"

28                       (A) means the division of a parcel of land into two or  
29       more lots or other divisions for the purpose of sale or building

1 development, includes resubdivision, and relates to the process  
2 of subdividing or to the land subdivided;

3 (B) does not include cadastral plats, cadastral con-  
4 trol plats, open-to-entry plats, or remote parcel plats created  
5 by or on behalf of the state regardless of whether these plats  
6 include easements or other public dedications;

7 (24) "unified municipality" means a municipality unified in  
8 accordance with AS 29.06.190 - 29.06.410;

9 (25) "voter" means a person qualified to vote in municipal  
10 elections under AS 29.26.050.

11 \* Sec. 18. AS 01.10.060 is amended by adding a new paragraph to read:

12 (15) "municipality" means a political subdivision incor-  
13 porated under the laws of the state that is a home rule or general law  
14 city, a home rule or general law borough, or a unified municipality.

15 \* Sec. 19. AS 09.55.275 is amended to read:

16 Sec. 09.55.275. REPLAT APPROVAL. No agency of the state or  
17 municipality may acquire property located within a municipality exer-  
18 cising the powers conferred by AS 29.35.180 or AS 29.35.260(c) that  
19 [AS 29.33.150 - 29.33.245 WHICH] results in a boundary change unless  
20 the agency or municipality first obtains from the municipal platting  
21 authority preliminary approval of a replat showing clearly the loca-  
22 tion of the proposed public streets, easements, rights-of-way, and  
23 other taking of private property. Final approval of replat shall be  
24 similarly obtained. However, if a state agency clearly demonstrates  
25 an overriding state interest, a waiver to the approval requirements of  
26 this section may be granted by the governor. The platting authority  
27 shall treat applications for replat made by state or local govern-  
28 mental agencies in the same manner as replat petitions originated by  
29 private landowners.

1 \* Sec. 20. AS 09.65.070(e)(1) is amended to read:

2 (1) "municipality" means a home rule borough or city, a  
3 general law borough or city of any class, or a unified municipality  
4 [ESTABLISHED UNDER AS 29.68.240 - 29.68.440, OR A MUNICIPALITY ESTAB-  
5 LISHED BY MERGER OR CONSOLIDATION UNDER AS 29.68.030 - 29.68.110]; the  
6 term includes a public corporation established by a municipality;

7 \* Sec. 21. AS 14.08.071(b) is amended to read:

8 (b) Except for the first election of regional school members  
9 under (a) of this section, elections [ELECTION] shall be held annually  
10 on the first Tuesday in October. Elections shall be supervised by the  
11 director of elections in the office of the lieutenant governor, but  
12 shall be administered within second class cities as part of the regular  
13 municipal election. The lieutenant governor shall adopt [PROMULGATE]  
14 regulations for the conduct of the election of regional school board  
15 members comparable, as far as practicable, to those prescribed for  
16 election of school board members under AS 14.12 and AS 29.20.300  
17 [AS 29.28] except that the majority election requirements of AS 29.-  
18 26.060 [AS 29.28.040] do not apply to, nor may the regulations require  
19 runoff elections for, the first election of regional school board  
20 members under (a) of this section or, if a school board by resolution  
21 so requests, to subsequent elections in the regional educational  
22 attendance area served by that school board.

23 \* Sec. 22. AS 14.08.081 is amended to read:

24 Sec. 14.08.081. RECALL. The members of a regional school board  
25 are subject to recall in accordance with AS 29.26.240 - 29.26.360  
26 [AS 29.28.130 - 29.28.250], except that the director of the division  
27 of elections shall perform the functions of a municipal clerk, and the  
28 lieutenant governor shall perform the functions of the assembly or  
29 council under those sections.

1 \* Sec. 23. AS 14.12.030(c) is amended to read:

2 (c) The [NOTWITHSTANDING THE] provisions of (a) and (b) of this  
3 section do not apply if [, WHERE] the [BOROUGH] assembly serves as the  
4 school board of the borough school district [UNDER AS 29.41.020 THE  
5 NUMBER OF MEMBERS OF THE ASSEMBLY-SCHOOL BOARD SHALL BE DETERMINED IN  
6 THE MANNER PRESCRIBED BY AS 29.23.020].

7 \* Sec. 24. AS 14.12.110 is amended to read:

8 Sec. 14.12.110. SINGLE BODY AS ASSEMBLY AND SCHOOL BOARD. Not-  
9 withstanding the provisions of this chapter or other law, a single  
10 body may serve as both the [BOROUGH] assembly and [BOROUGH] school  
11 board in the manner provided for third class boroughs under AS 29.20.-  
12 300(b) [AS 07.17.030], if

13 (1) an [A BOROUGH] ordinance for that purpose is approved  
14 by the assembly and ratified by a referendum of a majority of the  
15 qualified borough voters voting on the question at a regular or  
16 special election; [,] and

17 (2) [IF] the public school population within the borough is  
18 500 pupils or less.

19 \* Sec. 25. AS 14.14.020 is amended to read:

20 Sec. 14.14.020. BOND REQUIRED. Before the officer responsible  
21 for custody [OF], investment, or management of school district money  
22 enters upon the duties of office, the district, or the municipality if  
23 the treasury is centralized, shall obtain a bond with sufficient  
24 sureties in an amount equal to the money that may come into the offi-  
25 cer's official custody, but not to exceed \$50,000. The bond shall be  
26 conditioned on the officer's honest and faithful disbursement and  
27 accounting of all money that may come into the official custody of the  
28 officer. The bond shall be filed with the clerk of the school board.  
29 This section does not apply to an officer who has been bonded under

1 AS 29.20.610 [AS 29.23.520].

2 \* Sec. 26. AS 14.14.050(d) is amended to read:

3 (d) The school board shall not make the audit if an audit that  
4 [WHICH] satisfies the requirements of this section and that [WHICH] is  
5 filed and posted as required by this section [,] is made according to  
6 AS 29.35.110 [AS 29.48.220].

7 \* Sec. 27. AS 14.17.140(a) is amended to read:

8 (a) To determine the equalized percentage to be applied to basic  
9 need under AS 14.17.021, and the matching ratio for required local  
10 effort under AS 14.17.071, the Department of Community and Regional  
11 Affairs, in consultation with the assessor for each district, shall  
12 determine the full value of the taxable real and personal property in  
13 each district. Exemptions granted under ch. 129, SLA 1957, known as  
14 the Alaska Industrial Incentive Act (AS 43.25), shall be honored. If  
15 there is no local assessor or current local assessment for a district,  
16 then the Department of Community and Regional Affairs shall make the  
17 determination of full value from information available. In making the  
18 determination, the Department of Community and Regional Affairs shall  
19 be guided by AS 29.45.110 [AS 29.53.060]. The determination of full  
20 value shall be made before October 1 and sent by certified mail,  
21 return receipt requested, before that date to the president of the  
22 school board in each district. Duplicate copies shall be sent to the  
23 commissioner. The governing body of the municipality that [BOROUGH OR  
24 CITY WHICH] is the district may obtain judicial review of the deter-  
25 mination by filing a motion in the superior court of the judicial  
26 district in which the district is located within 30 days after receipt  
27 of the determination. The superior court may modify the determination  
28 of the Department of Community and Regional Affairs only upon a find-  
29 ing of abuse of discretion or upon a finding that there is no

1 substantial evidence to support the determination.

2 \* Sec. 28. AS 15.13.010(a) is amended to read:

3 (a) This chapter applies in every election for governor, lieu-  
4 tenant governor, a member of the state legislature, a delegate to a  
5 constitutional convention, or judge seeking electoral confirmation.  
6 It also applies to every candidate for election to a municipal office  
7 in a municipality [CITY OR BOROUGH] with a population of more than  
8 1,000 inhabitants according to the latest United States census figures  
9 or estimates of population certified as correct for administrative  
10 purposes by the Department of Community and Regional Affairs. A  
11 municipality may exempt its elected municipal officers from the re-  
12 quirements of this chapter if a majority of the voters voting on the  
13 question at a [ANY] regular election, as defined by AS 29.71.800(20)  
14 [AS 29.78.010(14)], or a special municipality-wide election called for  
15 that purpose, vote to exempt its elected municipal officers from the  
16 requirements of this chapter. The question of exemption from the  
17 requirements of this chapter may be submitted by the governing body  
18 [CITY COUNCIL OR BOROUGH ASSEMBLY] by ordinance or by initiative  
19 election [ORDINANCE]. Nothing in this chapter prohibits a municipal-  
20 ity from regulating by ordinance campaign contributions and expendi-  
21 tures.

22 \* Sec. 29. AS 15.13.120(f)(3) is amended to read:

23 (3) AS 29.20.170 [AS 29.23.060(c)], if the candidate is a  
24 candidate for the borough assembly;

25 \* Sec. 30. AS 15.13.120(f)(4) is amended to read:

26 (4) AS 29.20.280 [AS 29.23.130(f)], if the candidate is a  
27 candidate for borough mayor;

28 \* Sec. 31. AS 15.13.120(f)(5) is amended to read:

29 (5) AS 29.20.170 [AS 29.23.210(b)], if the candidate is a

- 1 candidate for city council;
- 2 \* Sec. 32. AS 15.13.120(f)(6) is amended to read:
- 3 (6) AS 29.20.280 [AS 29.23.255], if the candidate is a
- 4 candidate for city mayor;
- 5 \* Sec. 33. AS 15.56.110(b)(2) is amended to read:
- 6 (2) a member of the borough assembly [ASSEMBLYMAN] under
- 7 AS 29.20.170(6) [AS 29.23.060(c)];
- 8 \* Sec. 34. AS 15.56.110(b)(3) is amended to read:
- 9 (3) a borough mayor under AS 29.20.280(6) [AS 29.23.130-
- 10 (f)];
- 11 \* Sec. 35. AS 15.56.110(b)(4) is amended to read:
- 12 (4) a member of the city council [COUNCILMAN] under AS 29.-
- 13 20.170(6) [AS 29.23.210(b)];
- 14 \* Sec. 36. AS 15.56.110(b)(5) is amended to read:
- 15 (5) a city mayor under AS 29.20.280(6) [AS 29.23.255];
- 16 \* Sec. 37. AS 16.20.036(g) is amended to read:
- 17 (g) The establishment of a refuge under this section does not
- 18 impair or alter existing rights of a municipality [BOROUGH OR CITY] to
- 19 state land selected [SELECT STATE LAND] under former AS 29.18.190 -
- 20 29.18.200.
- 21 \* Sec. 38. AS 16.20.038(g) is amended to read:
- 22 (g) The establishment of a refuge under this section does not
- 23 impair or alter existing rights of a municipality [BOROUGH OR CITY] to
- 24 state land selected [SELECT STATE LAND] under former AS 29.18.190 -
- 25 29.18.200.
- 26 \* Sec. 39. AS 18.26.250(2) is amended to read:
- 27 (2) municipality [MUNICIPAL CORPORATION OR POLITICAL SUB-
- 28 DIVISION OF THE STATE AS THE TERMS ARE USED IN AS 29];
- 29 \* Sec. 40. AS 18.80.290(d) is amended to read:

1 (d) The governing [LEGISLATIVE] body of a general law or home  
2 rule municipality has the authority under AS 29.20.320 [AS 29.48.035]  
3 to grant to local commissions powers and duties similar to those  
4 exercised by the Alaska Human Rights Commission under the provisions  
5 of this Act.

6 \* Sec. 41. AS 19.30.241(2) is amended to read:

7 (2) "home rule city" means a city as defined in AS 29.04.-  
8 010 [AS 29.08.010];

9 \* Sec. 42. AS 19.30.241(3) is amended to read:

10 (3) "local government" means an organized borough of any  
11 class, a unified municipality [ORGANIZED UNDER AS 29.68.240 - 29.68.-  
12 440], a home rule city, or a first class city [OF THE FIRST CLASS];

13 \* Sec. 43. AS 26.23.230(5) is amended to read:

14 (5) "political subdivision" means a home rule or general  
15 law borough or city [, WHETHER HOME RULE OR OTHERWISE,] including a  
16 unified municipality [MUNICIPALITIES UNIFIED UNDER AS 29.68.240 -  
17 29.68.440], an unincorporated village, or other unit of local govern-  
18 ment;

19 \* Sec. 44. AS 28.15.051(d) is amended to read:

20 (d) The department may issue a special driver's permit to a  
21 person who is at least 14 years of age with the consent of his parents  
22 or guardians for the purpose of driving a motor-driven cycle. This  
23 permit may be issued upon application and successful completion of all  
24 prescribed tests and fees, and is valid for the same period of time as  
25 a driver's license. The permit is not valid in a municipality that  
26 [WHICH] by ordinance prohibits the driving of a motor-driven cycle by  
27 a person under the age of 16 years; a borough may adopt the ordinance  
28 on a nonareawide basis only, unless the power to adopt it on an area-  
29 wide basis is acquired under AS 29.35.300 - 29.35.330 or former

1 AS 29.33.250 - 29.33.290.

2 \* Sec. 45. AS 38.04.020(b)(1) is amended to read:

3 (1) land nominated for selection or selected by a muni-  
4 cipality to satisfy a general grant land entitlement under AS 29.65 or  
5 former AS 29.18.201 - 29.18.213;

6 \* Sec. 46. AS 38.04.020(e)(4) is amended to read:

7 (4) for preliminary feasibility studies, engineering design  
8 work, and construction of access roads and capital improvements re-  
9 quired by municipal subdivision ordinance or regulation of the plat-  
10 ting authority [BOARD UNDER AS 29.33.150]; if an accurate determina-  
11 tion of the amounts necessary for access roads or capital improvements  
12 cannot be made at the time the estimate is submitted, a schedule for  
13 obtaining the estimates, constructing the access roads or capital  
14 improvements, and disposing of the land shall be submitted;

15 \* Sec. 47. AS 38.04.021(a) is amended to read:

16 (a) A municipality may apply for financial assistance for the  
17 execution of a land disposal program of general grant land entitle-  
18 ments received from the state under AS 29.65 or former AS 29.18.201 -  
19 29.18.213 by submitting a request to the commissioner for inclusion in  
20 the request submitted to the legislature under AS 38.04.020(e). A  
21 municipality may request financial assistance for expenses of survey-  
22 ing land, designing subdivision plats, installing improvements re-  
23 quired by municipal ordinance or regulation of the local platting  
24 authority [BOARD], and other reasonable direct costs of land disposal.

25 \* Sec. 48. AS 38.04.021(d) is amended to read:

26 (d) A grant made under this section may not exceed five times  
27 the amount of money appropriated by a first class city, a borough, or  
28 a unified municipality [UNIFIED UNDER AS 29.68.240 - 29.68.440] for  
29 the disposal of municipal land in the current fiscal year unless the

1 commissioner exempts the municipality from this subsection.

2 \* Sec. 49. AS 38.04.021(e)(2) is amended to read:

3 (2) a first class city, a borough, or a unified municipal-  
4 ity that [UNIFIED UNDER AS 29.68.240 - 29.68.440 WHICH] is exempted by  
5 the commissioner under (d) of this section.

6 \* Sec. 50. AS 38.04.900(b) is amended to read:

7 (b) A municipality has standing to petition the commissioner for  
8 the adoption of a regulation, or for the amendment or repeal of an  
9 existing regulation, or to appeal a decision of the commissioner with  
10 respect to classification, management, or disposal of land made under  
11 authority of a regulation adopted under (a) of this section with  
12 respect to state land outside the corporate boundaries of the muni-  
13 cipality to protect any interest which the municipality is authorized  
14 to regulate outside its boundaries under AS 29.35.020 [AS 29.48.037].

15 \* Sec. 51. AS 38.05.127(d) is amended to read:

16 (d) Upon application by a municipality or an affected owner of  
17 land, the department may vacate, release, modify, or relocate an ease-  
18 ment and right-of-way for public access to or along navigable or  
19 public waters reserved by the department in a patent issued under  
20 AS 29.18.510 - 29.18.610, AS 29.05, AS 29.65, or former AS 29.18.011 -  
21 29.18.460, [AS 29.18] if the commissioner determines the action is  
22 consistent with the public interest.

23 \* Sec. 52. AS 38.05.290(b) is amended to read:

24 (b) Consistent with the best interests of the state, in the  
25 selection of general grant land it is the policy of the state to make  
26 available the maximum land area from which municipalities may fulfill  
27 land entitlements under AS 29.65 or former AS 29.18.201 - 29.18.213.

28 \* Sec. 53. AS 38.05.321(b) is amended to read:

29 (b) State land classified as agricultural land that [WHICH] has

1        been selected by a municipality under former AS 29.18.190 - 29.18.200  
2        or former AS 29.18.205(e) may be approved by the director for patent  
3        under AS 29.65.050(c) or former AS 29.18.205(f); however, only rights  
4        in the land for agricultural purposes may be transferred and all other  
5        interests in the land will remain with the state. Agricultural land  
6        approved for patent to a municipality [UNDER AS 29.18.205(f)] shall be  
7        credited, acre for acre, toward fulfillment of that municipality's  
8        entitlement under AS 29.65.010 - 29.65.030 or former AS 29.18.201 -  
9        29.18.203. If the director later determines it to be in the best  
10       interests of the state to transfer some or all of the additional  
11       rights in that approved or patented agricultural land, those rights  
12       shall pass without consideration to the municipality in which the land  
13       is located. The notice and review provisions of [AS 38.05.305 AND]  
14       AS 38.05.345 are applicable to conveyance of rights under this sec-  
15       tion.

16       \* Sec. 54. AS 38.05.321(c) is amended to read:

17                (c) The provisions of this section do not apply to state land  
18       classified as agricultural land which has been selected by a muni-  
19       cipality under the provisions of former AS 29.18.190 - 29.18.200 if  
20       the selection is an approved selection before April 1, 1978 and is  
21       otherwise valid under AS 29.65.050(b) or former AS 29.18.205(b).

22       \* Sec. 55. AS 38.05.362(b) is amended to read:

23                (b) Nothing in this section affects the selection rights of a  
24       municipality [BOROUGH OR CITY] under former AS 29.18.190 - 29.18.200  
25       for areas selected as of July 1, 1977, or a valid existing claim,  
26       location, or entry under law, as of July 1, 1976.

27       \* Sec. 56. AS 39.50.145 is amended to read:

28                Sec. 39.50.145. PARTICIPATION BY MUNICIPALITIES. A municipality  
29       may exempt its municipal officers from the requirements of this

1 chapter if a majority of the voters voting on the question at a [ANY]  
2 regular election, as defined by AS 29.71.800(20) [AS 29.78.010(14)],  
3 or a special municipality-wide election, vote to exempt its municipal  
4 officers from the requirements of this chapter. The question of  
5 exemption from the requirements of this chapter may be submitted by  
6 the city council or borough assembly by ordinance or by initiative  
7 election [ORDINANCE].

8 \* Sec. 57. AS 39.50.200(a)(6) is amended to read:

9 (6) "municipal officer" includes a borough or city mayor,  
10 borough assemblyman, city councilman, school board member, elected  
11 utility board member, city or borough manager, members of a city or  
12 borough planning or zoning commission within a home rule or general  
13 law city or borough or [INCLUDING BUT NOT LIMITED TO] a unified muni-  
14 cipality [UNDER AS 29.68];

15 \* Sec. 58. AS 40.15.075 is amended to read:

16 Sec. 40.15.075. AUTHORITY IN THE UNORGANIZED BOROUGH AND THIRD  
17 CLASS BOROUGHES. The division of lands is the platting authority in  
18 the area outside organized boroughs and outside cities in the unor-  
19 ganized borough and in the third class borough for only the purposes  
20 of hearing and acting on petitions for the change or vacation of plats  
21 and shall execute this function substantially in conformity with the  
22 provisions of AS 29.40.130 - 29.40.160 [AS 29.33.210 - 29.33.240].  
23 Costs of publication and mailing [AS WELL AS OTHER COSTS] authorized  
24 in AS 29.40.130 [AS 29.33.210] shall be paid to the division by the  
25 petitioner. The Department of Natural Resources shall adopt reason-  
26 able regulations governing the exercise of the authority conferred by  
27 this section upon the division of lands.

28 \* Sec. 59. AS 40.15.200 is amended to read:

29 Sec. 40.15.200. APPLICATION TO STATE AND POLITICAL

1 SUBDIVISIONS. All subdivisions of land made by the state, its  
2 agencies, instrumentalities and political subdivisions are subject to  
3 the provisions of this chapter and AS 29.40.070 - 29.40.160  
4 [AS 29.33.150 - 29.33.240], or home rule ordinances or regulations  
5 governing subdivisions, and shall comply with ordinances and other  
6 local regulations adopted under this chapter and AS 29.40.070 -  
7 29.40.160 or former AS 29.33.150 - 29.33.240, or under home rule  
8 authority, in the same manner and to the same extent as subdivisions  
9 made by other landowners.

10 \* Sec. 60. AS 41.22.020(d) is amended to read:

11 (d) In (a) of this section "municipalities" includes cities or  
12 organized boroughs of any class and unified municipalities exercising  
13 powers to initiate projects described in AS 41.22.020 and acquire  
14 parks and open space land, as otherwise authorized by law [, AND  
15 INCLUDES BUT IS NOT LIMITED TO UNIFIED MUNICIPALITIES ORGANIZED UNDER  
16 AS 29.68.240 - 29.68.440].

17 \* Sec. 61. AS 41.35.180(5) is amended to read:

18 (5) consult with local historical district commissions re-  
19 garding the establishment of historical districts under AS 29.55.010 -  
20 29.55.020 [AS 29.48.108 - 29.48.110] and the approval of project  
21 alterations under AS 45.98.040; recommend, if appropriate, the formu-  
22 lation of additional criteria for the designation of historical dis-  
23 tricts under AS 29.55.020(b) [AS 29.48.110(b)]; approve plans for and  
24 evaluate the suitability of specific structures for purposes of loan  
25 eligibility and continuance under the historical district revolving  
26 loan fund (AS 45.98); and consult with the Department of Commerce and  
27 Economic Development relative to the adoption of regulations for  
28 historical district loans under AS 45.98.

29 \* Sec. 62. AS 42.05.711 is amended by adding a new subsection to read:

1           (k) A public utility that is exempt or partially exempt under  
2 this section from the provisions of AS 42.05.010 - 42.05.721 may not  
3 be regulated by a municipality. This subsection does not apply to a  
4 public utility exempt under (b) of this section.

5 \* Sec. 63. AS 43.18.430 is amended to read:

6           Sec. 43.18.430. POWER OF MUNICIPALITY. A municipality may own,  
7 maintain and employ a facility constructed under AS 43.18.400 - 43.-  
8 18.460. The exercise of this power on an areawide basis is at the  
9 option of the borough and is not subject to the restrictions on ac-  
10 quiring additional areawide powers in AS 29.35.300 - 29.35.330  
11 [AS 29.33.250 - 29.33.290].

12 \* Sec. 64. AS 43.18.500(d)(2)(A) is amended to read:

13                   (A) has the authority under AS 29.35 [AS 29.41 OR  
14 AS 29.48] to provide and maintain a cultural facility;

15 \* Sec. 65. AS 43.56.010(b) is amended to read:

16           (b) A municipality may levy and collect a tax under AS 29.45.080  
17 [AS 29.53.045] at the rate of taxation that applies to other property  
18 taxed by the municipality. The tax shall be levied at a rate no  
19 higher than the rate applicable to other property taxable by the  
20 municipality. No municipality may exempt from taxation property  
21 authorized to be taxed under this chapter. Exemptions shall be lim-  
22 ited to those in AS 29.45.030, 29.45.050, [AS 29.53.020 AND AS 29.53.-  
23 025] and AS 43.56.020.

24 \* Sec. 66. AS 43.56.010(c) is amended to read:

25           (c) If the total value of assessed property of a municipality  
26 taxing under AS 29.45.080(c) [AS 29.53.045(c)] exceeds the product of  
27 225 percent of the average per capita assessed full and true value of  
28 property in the state (to be determined by the department and reported  
29 to each municipality by January 15 of each year) multiplied by the

1 number of residents of the taxing municipality, the department shall  
2 designate the portion of the tax base against which the local tax may  
3 be applied. For purposes of this subsection the average per capita  
4 assessed full and true value of property in the state shall be calcu-  
5 lated without regard to the assessed value of taxable property under  
6 AS 43.58.

7 \* Sec. 67. AS 43.56.010(d) is amended to read:

8 (d) A tax paid to a municipality under AS 29.45.080 [AS 29.53.-  
9 045] on or before June 30 of the tax year shall be credited against  
10 the tax levied under (a) of this section for that tax year. If,  
11 however, a tax is not paid to a municipality until after June 30 of  
12 the taxable year, the department upon application shall refund to the  
13 taxpayer the amount of tax paid to the municipality under AS 29.45.080  
14 [AS 29.53.045]. The credit or refund of taxes paid to a municipality  
15 may not exceed the total amount of tax levied by the department upon  
16 the taxpayer for the tax year, under (a) of this section.

17 \* Sec. 68. AS 43.56.060(a) is amended to read:

18 (a) The department shall assess property for the tax levied  
19 under AS 43.56.010(b) and AS 29.45.080 [AS 29.53.045] on property used  
20 or committed by contract or other agreement for use for the pipeline  
21 transportation of gas or unrefined oil or for the production of gas or  
22 unrefined oil at its full and true value as of January 1 of the  
23 assessment year.

24 \* Sec. 69. AS 43.75.130(1) is amended to read:

25 (1) to each unified municipality [UNIFIED UNDER AS 29.68.-  
26 240 - 29.68.440,] and to each city located in the unorganized borough,  
27 50 percent of the amount of tax revenue collected in the municipality  
28 from taxes levied by AS 43.75;

29 \* Sec. 70. AS 44.07.360(8) is amended to read:

1                   (8) "municipality" means a home rule or general law city or  
2 borough including but not limited to the capital city and a unified  
3 municipality [ORGANIZED UNDER AS 29.68.240 - 29.68.440];

4 \* Sec. 71. AS 44.47 is amended by adding new sections to read:

5                   ARTICLE 12. BOROUGH FEASIBILITY STUDIES.

6                   Sec. 44.47.700. BOROUGH FEASIBILITY STUDIES. (a) The commis-  
7 sioner may contract for studies of the feasibility of establishing  
8 boroughs in the unorganized borough. A study may be conducted under  
9 this section only if

10                   (1) appropriations are available for that purpose; and

11                   (2) the study is requested by a person residing in the area  
12 to be studied or by a city located in the area to be studied.

13                   Sec. 44.47.710. REQUESTS FOR STUDIES. A request for a study of  
14 the feasibility of establishing a borough in the unorganized borough  
15 shall be submitted to the commissioner in writing and shall include

16                   (1) a description of the boundaries of the area of the pro-  
17 posed study; and

18                   (2) an indication of local interest in the proposed study  
19 consisting of either

20                   (A) a petition requesting the study containing the  
21 signatures and addresses of five percent of the voters residing  
22 in the area of the proposed study based on the number of voters  
23 who voted in the area in the last statewide election; or

24                   (B) resolutions requesting the study adopted by the  
25 governing bodies of at least five percent of the cities within  
26 the area of the proposed study.

27                   Sec. 44.47.720. BOUNDARIES. The boundaries of an area studied  
28 shall conform to the boundaries indicated in the request for the study  
29 under AS 44.47.710 unless the commissioner, after a public hearing

1 held in the area of the proposed study, determines that the boundaries  
2 should be altered. In determining the boundaries of an area to be  
3 studied, the commissioner shall consider

4 (1) the standards applicable to the incorporation of bor-  
5 oughs under AS 29.18.030;

6 (2) boundaries of regional corporations established under  
7 43 U.S.C. 1606;

8 (3) census divisions of the state used for the 1980 census;

9 (4) boundaries of the regional educational attendance areas  
10 established under AS 14.08.031; and

11 (5) boundaries of coastal resource service areas organized  
12 under AS 46.40.110 - 46.40.210.

13 Sec. 44.47.730. CONTRACTS. (a) The commissioner shall contract  
14 for a study of the feasibility of establishing a borough in the unor-  
15 ganized borough by following the procedures set out in AS 36.98. The  
16 commissioner shall include terms in the contract that provide for

17 (1) public participation in the preparation of the study;

18 (2) completion of the study not later than June 30 of the  
19 third year after the year the contract is executed.

20 (b) A study under this section shall include

21 (1) a recommendation for or against incorporation of a bor-  
22 ough containing all or part of the area studied;

23 (2) an evaluation of the economic development potential of  
24 the area studied;

25 (3) an evaluation of capital facility needs of the area  
26 studied;

27 (4) an evaluation of demographic, social, and environmental  
28 factors affecting the area studied;

29 (5) an evaluation of the relationships among regional

1 educational attendance areas, coastal resource service areas, and  
2 other regional entities responsible for providing services in the area  
3 studied;

4 (6) an evaluation of the relationships between the existing  
5 cities within the area studied and regional entities responsible for  
6 providing services in the area; and

7 (7) specific recommendations for

8 (A) organization of a home rule or general law borough  
9 government if one is recommended;

10 (B) changes in organization of cities in the area  
11 studied; or

12 (C) the improvement of the delivery of services to the  
13 public by the state in the area studied.

14 \* Sec. 72. AS 44.83.162(m) is amended to read:

15 (m) For purposes of (c) of this section, the number of residents  
16 of the community equals the number of residents of the community  
17 determined by the Department of Community and Regional Affairs in  
18 accordance with AS 29.60.020 [AS 29.88.015].

19 \* Sec. 73. AS 44.85.270(i) is amended to read:

20 (i) All references to the "reserve fund" in this section include  
21 special accounts within the reserve fund which may be created by the  
22 authority to secure the payment of particular bonds, including, with-  
23 out limitation, bonds issued by the capital city established under  
24 AS 29.14.010 [AS 29.18.510]. The commissioner of revenue may lend  
25 surplus money in the general fund to the authority for deposit to any  
26 account in the reserve fund in an amount equal to the required debt  
27 service reserve. The loans shall be made on such terms and conditions  
28 as may be agreed upon by the commissioner of revenue and the author-  
29 ity, including, without limitation, terms and conditions providing

1 that the loans need not be repaid until the obligations of the corpo-  
2 ration secured and to be secured by the account in the reserve fund  
3 are no longer outstanding.

4 \* Sec. 74. AS 44.85.410(3)(A) is amended to read:

5 (A) a general obligation bond that [WHICH] is a direct  
6 and general obligation of a political subdivision of the state,  
7 all the taxable property within which is subject to taxation to  
8 pay the bond, note or evidence of debt, and the interest without  
9 limitation, as to rate or amount generally to the extent permit-  
10 ted by law or to avoid a default as provided for second class  
11 cities under AS 29.45.590 [AS 29.53.410]; or

12 \* Sec. 75. AS 44.85.410(3)(D) is amended to read:

13 (D) a bond of a borough issued as a general obligation  
14 of a service area under AS 29.47.440 or former AS 29.58.340; [.]

15 \* Sec. 76. AS 45.98.020 is amended to read:

16 Sec. 45.98.020. HISTORICAL DISTRICT LOANS. Upon endorsement and  
17 plan approval by a local historical district commission established  
18 under AS 29.55.010 or former AS 29.48.108 and the recommendation of a  
19 majority of the members of the Historic Sites Advisory Committee, the  
20 Department of Commerce and Economic Development may make loans to a  
21 person, firm, business or municipality subject to applicable laws for  
22 the restoration, improvement, rehabilitation, or maintenance of a  
23 structure that [WHICH] is

24 (1) within the boundaries of a historical district estab-  
25 lished under AS 29.55.020 or former AS 29.48.110;

26 (2) identified as important in state or national history as  
27 provided for in AS 29.55.020(b) or former AS 29.48.110(b); and

28 (3) another building or structure within a historical dis-  
29 trict, and suitable for superficial modification so that it can

1 conform to the period or motif of the surrounding buildings or  
2 structures that are the reason for the area's designation as a  
3 historical district.

4 \* Sec. 77. AS 46.03.210(a) is amended to read:

5 (a) A municipality with a population in excess of 1,000 may,  
6 within five years from August 5, 1969, establish and administer within  
7 its jurisdiction an air pollution control program. Organized boroughs  
8 may establish an air pollution control program on an areawide basis,  
9 and the exercise of powers with respect to the program is not subject  
10 to the restrictions on acquiring additional areawide powers specified  
11 in AS 29.35.300 - 29.35.330 [AS 29.33.250 - 29.33.290]. Local pro-  
12 grams shall

13 (1) provide by ordinance for requirements compatible with  
14 those imposed by the provisions of AS 46.03.140 and 46.03.170 and  
15 applicable regulations;

16 (2) provide for the enforcement of the requirements imposed  
17 through appropriate administrative and judicial processes;

18 (3) provide for a local administrative organization, staff,  
19 and other resources necessary to effectively carry out the purposes of  
20 the program; and

21 (4) be approved by the department as being satisfactory to  
22 meet the requirements of AS 46.03.140 - 46.03.170 and the applicable  
23 regulations.

24 \* Sec. 78. AS 46.11.040(3)(A) is amended to read:

25 (A) is constructed under an exception to the municipal  
26 building code granted because the exception will result in in-  
27 creased energy efficiency [UNDER AS 29.33.080(g)];

28 \* Sec. 79. AS 46.11.900(8) is amended to read:

29 (8) "state financial assistance" means a loan, grant,

1 guarantee, insurance, payment, rebate, subsidy, or other form of state  
2 assistance (other than aid under AS 29.60 [AS 29.88, AS 29.89, AS 29.-  
3 90, AS 29.95] and AS 43.18) including the purchase by a state agency  
4 of a loan to finance the construction of a new residential, commer-  
5 cial, or industrial building;

6 \* Sec. 80. AS 46.35.200(3) is amended to read:

7 (3) "local government" means a city or borough including a  
8 unified municipality [UNIFIED UNDER AS 29.68.240 - 29.68.440];

9 \* Sec. 81. AS 46.40.140(h) is amended to read:

10 (h) Members of coastal resource service area boards are subject  
11 to recall on the same grounds and in the same manner as provided for  
12 recall of municipal officials in AS 29.26.240 - 29.26.350 [AS 29.28.-  
13 130 - 29.28.250]. The lieutenant governor functions in place of the  
14 assembly or council and municipal clerk for receipt and review of  
15 recall petitions and the conduct of recall elections.

16 \* Sec. 82. AS 46.40.210(2)(A) is amended to read:

17 (A) unified municipalities [ESTABLISHED UNDER AS 29.-  
18 68.240 - 29.68.440];

19 \* Sec. 83. AS 47.35.010(b) is amended to read:

20 (b) The department shall, within 90 days after receiving a  
21 written request that it do so, delegate its powers relating to nur-  
22 series under this section and under AS 47.35.040, 47.35.050 and 47.-  
23 35.060 to a municipality which has adopted an ordinance providing for  
24 day care licensing under home rule powers or as authorized under  
25 AS 29.35.200 - 29.35.210 [AS 29.48.035(a)(20)]. A municipality to  
26 which these powers have been delegated may waive or modify any regu-  
27 lation or standard established by the department under the authority  
28 of AS 47.35.010 - 47.35.080 as it applies to nurseries or the applica-  
29 tion of any such regulation or standard as it applies to a particular

1 day care licensee but must notify the department of any waiver.

2 \* Sec. 84. The following laws are repealed: AS 04.11.400(c); AS 04.-  
3 21.080(11); AS 14.56.065(b), 14.56.180(3); AS 15.13.130(6); AS 18.55.950-  
4 (10); AS 19.20.015(f); AS 24.55.330(3); AS 28.35.260(a)(10); AS 29.08;  
5 AS 29.13; AS 29.18; AS 29.23; AS 29.28; AS 29.33; AS 29.38; AS 29.41; AS  
6 29.43; AS 29.48; AS 29.53; AS 29.58; AS 29.63; AS 29.68; AS 29.73; AS 29.-  
7 78; AS 29.88; AS 29.89; AS 29.90; AS 29.95; AS 30.15.070(3); AS 30.30.170-  
8 (2); AS 35.15.120(3); AS 42.06.630(6); AS 43.18.500(j)(6); AS 43.20.016;  
9 AS 43.56.210(8); AS 44.47.310(5); and AS 44.85.410(4).

10 \* Sec. 85. A right or liability of a municipality existing on July 1,  
11 1983, is not affected by the enactment of this Act. Ordinances and regula-  
12 tions in effect on July 1, 1983, remain in effect unless they conflict with  
13 provisions of this Act. Ordinances and regulations in effect on July 1,  
14 1983, that conflict with provisions of this Act remain in effect for 180  
15 days after July 1, 1983. The terms of elected or appointed municipal  
16 officials in office on July 1, 1983, are not affected by this Act, and  
17 their terms expire as provided before July 1, 1983.

18 \* Sec. 86. AS 29.45 as enacted in sec. 11 of this Act is retroactive to  
19 January 1, 1983.

20 \* Sec. 87. AS 29.45 as enacted in sec. 11 of this Act and sec. 86 of  
21 this Act take effect immediately in accordance with AS 01.10.070(c).

22 \* Sec. 88. Except for AS 29.45 as enacted in sec. 11 of this Act and  
23 except for sec. 86 of this Act, this Act takes effect July 1, 1983.