

Introduced: 1/16/85  
Referred: Community & Regional Affairs,  
Judiciary and Finance

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 72

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH 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.

18 (c) If a separate assembly and school board are approved at the  
19 reclassification election, a school board shall be elected in confor-  
20 mity with AS 14.12.030 -- 14.12.100 at the next regular election, if  
21 it occurs within 90 days of the date of the reclassification election,  
22 or otherwise at a special election within 90 days of the date of the  
23 reclassification election. Expiration dates of terms of school board  
24 members elected at a special election must coincide with the date of  
25 the regular election. Until a board is elected and qualified, the  
26 assembly continues to serve as the 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 under (a) of this  
18 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 municipal boundaries can be altered to meet the standards, it  
16 may alter 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 in 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, as-  
12 sets, and liabilities under this section and AS 29.05.130 to the city  
13 or service area concerned. Municipal officials shall consult with the  
14 officials of the city or service area concerned and arrange an orderly  
15 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, 1984 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 in the unorganized borough incorporated before July 1, 1984 that  
3 reclassifies as a home rule or first class city after July 1, 1984 is  
4 entitled to an organization grant equal to \$50,000 for the first full  
5 or partial fiscal year after reclassification.

6 (c) The department shall disburse an organization grant under  
7 (a) or (b) of this section within 30 days after certification of the  
8 incorporation election or the reclassification election, or as soon  
9 after certification as money is appropriated and available for the  
10 purpose.

11 (d) A city entitled to an organization grant under (a) or (b) of  
12 this section is entitled to a second organization grant of \$25,000.  
13 The department shall disburse the second organization grant within 30  
14 days after the beginning of the city's second fiscal year after incor-  
15 poration or reclassification, or as soon after that time as money is  
16 appropriated and available for the purpose.

17 Sec. 29.05.190. ORGANIZATION GRANTS TO BOROUGHES. (a) For the  
18 purpose of defraying the cost of transition to borough government and  
19 to provide for interim governmental operations, each borough incorpo-  
20 rated after July 1, 1984, is entitled to organization grants as fol-  
21 lows:

22 (1) \$300,000 for the borough's first full or partial fiscal  
23 year;

24 (2) \$200,000 for the borough's second fiscal year; and

25 (3) \$100,000 for the borough's third fiscal year.

26 (b) The department shall disburse the first organization grant  
27 to a borough within 30 days after certification of the incorporation  
28 election favoring incorporation of a borough, or as soon after that as  
29 money is appropriated and available for the purpose. The second grant

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

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

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

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

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

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

19 Sec. 29.05.210. TRANSITIONAL ASSISTANCE TO BOROUGHES. (a)  
20 Within 30 days after the date of incorporation of a borough incorpo-  
21 rated after July 1, 1984, the department shall determine the popula-  
22 tion of the borough.

23 (b) The department shall provide assistance to each borough in-  
24 corporated after July 1, 1984, in

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

28 (2) determining the initial property tax assessment roll if  
29 the borough has adopted a property tax, including contracting for

1 appraisals of property needed to complete the initial assessment.

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

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

5 CHAPTER 06. ALTERATION OF MUNICIPALITIES.

6 ARTICLE 1. CHANGE OF NAME.

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

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

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

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

29 ARTICLE 2. ANNEXATION AND DETACHMENT.

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

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

13           (c) In addition to the regulations governing annexation by local  
14 action adopted under AS 44.47.567, the Local Boundary Commission shall  
15 establish procedures for annexation and detachment of territory by  
16 municipalities by local action. The procedures established under this  
17 subsection include a provision that

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

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

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

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

29           Sec. 29.06.050. ANNEXATION OF MILITARY RESERVATIONS. A military

1 reservation may be annexed to a municipality in the same manner as  
2 prescribed for other territory under AS 29.06.040. If a city in a  
3 borough annexes a military reservation under this section, the area  
4 encompassing the military reservation automatically is annexed to the  
5 borough in which the city is located.

6 Sec. 29.06.060. APPLICATION. AS 29.06.040 -- 29.06.060 apply to  
7 home rule and general law municipalities.

8 ARTICLE 3. MERGER AND CONSOLIDATION.

9 Sec. 29.06.090. MERGER AND CONSOLIDATION. (a) Two or more  
10 municipalities may merge or consolidate to form a single municipality,  
11 except a third class borough may not be formed through merger or  
12 consolidation.

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

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

17 (2) the local option method specified in AS 29.06.100 --  
18 29.06.160.

19 Sec. 29.06.100. PETITION. (a) Residents of two or more munici-  
20 palities may file a merger or consolidation petition with the depart-  
21 ment. The petition must be signed by a number of voters of each  
22 existing municipality equal to at least 25 percent of the number of  
23 votes cast in each municipality's last regular election.

24 (b) The petition includes

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

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

27 (3) the proposed composition and apportionment of the  
28 governing body;

29 (4) maps, documents, and other information that shows that

1 the proposed municipality meets the standards for municipal incorpora-  
2 tion.

3 Sec. 29.06.110. REVIEW. (a) The department shall review a  
4 merger or consolidation petition for content and signatures and shall  
5 return a deficient petition for correction or completion.

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

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

11 Sec. 29.06.120. HEARING. After receipt of the report by the  
12 department on a merger or consolidation petition, the Local Boundary  
13 Commission shall hold at least one public hearing in each of the  
14 existing municipalities included in the petition, unless officials of  
15 the municipalities agree to a single hearing.

16 Sec. 29.06.130. DECISION. (a) If the Local Boundary Commission  
17 determines that the proposed municipality fails to meet the standards  
18 for incorporation, it shall reject the merger or consolidation peti-  
19 tion. If the commission determines that the proposed municipality  
20 meets these standards, it shall accept the petition. If the commis-  
21 sion determines that the proposed boundaries or the composition and  
22 apportionment of the governing body can be altered to meet the stan-  
23 dards, it may alter the proposal and accept the petition.

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

26 Sec. 29.06.140. ELECTION. (a) The Local Boundary Commission  
27 shall immediately notify the director of elections of its acceptance  
28 of a merger or consolidation petition. Within 30 days after notifica-  
29 tion, the director of elections shall order an election in the area to

1 be included in the new municipality to determine whether the voters  
2 desire merger or consolidation. The election must be held not less  
3 than 30 or more than 90 days after the election order. A voter who is  
4 a resident of the area to be included in the proposed municipality may  
5 vote.

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

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

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

18 (b) When two or more municipalities consolidate, the newly  
19 incorporated municipality succeeds to the rights, powers, duties,  
20 assets, and liabilities of the consolidated municipalities.

21 Sec. 29.06.160. TRANSITION. After merger or consolidation, the  
22 ordinances, resolutions, regulations, procedures, and orders of the  
23 former municipalities remain in force in their respective territories  
24 until superseded by the action of the new municipality.

25 Sec. 29.06.170. APPLICATION. AS 29.06.090 -- 29.06.170 apply to  
26 home rule and general law municipalities.

27 ARTICLE 4. UNIFICATION OF MUNICIPALITIES.

28 Sec. 29.06.190. UNIFICATION OF MUNICIPALITIES AUTHORIZED. A  
29 borough and all cities in the borough may unite to form a single unit

1 of home rule government by complying with AS 29.06.190 -- 29.06.410.

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

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

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

11 "PETITION FOR ELECTION OF CHARTER COMMISSION TO PROPOSE UNIFICA-  
12 TION CHARTER. We, the undersigned, qualified voters of the borough do  
13 hereby petition that the following proposition be placed before the  
14 voters as provided by law: 'Shall a charter commission be formed (and  
15 charter commission members be elected as elsewhere provided on this  
16 ballot) to prepare, adopt and submit to the voters for their approval  
17 or rejection a proposed charter uniting the borough and all cities  
18 within it as a single unit of home rule government having the powers,  
19 duties and functions of a unified municipality as authorized by law?  
20 Yes [ ] No [ ]'

21 Inside First Outside First  
22 Class or Class or  
23 Signature Address Home Rule City [ ] Home Rule City [ ]"

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

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

28 (2) the number of voters residing in home rule or first  
29 class cities in the borough equal to 25 percent of the votes cast in

1 all home rule and first class cities in the borough in the last regu-  
2 lar borough election.

3 Sec. 29.06.220. REVIEW OF PETITION. The assembly shall review a  
4 unification petition within 15 days to determine whether it complies  
5 with AS 29.06.210. If the petition does not meet the designated re-  
6 quirements, it shall be immediately returned to the person who ini-  
7 tiated the petition with a statement indicating which requirements  
8 have not been satisfied.

9 Sec. 29.06.230. DUTIES OF CHARTER COMMISSION. The charter  
10 commission shall prepare, adopt, and submit to the voters for approval  
11 or rejection a proposed home rule charter for the area to be unified.

12 Sec. 29.06.240. COMPOSITION OF CHARTER COMMISSION. The charter  
13 commission shall consist of 11 voters, three of whom are residents  
14 elected at large from the borough and eight of whom, proportionate to  
15 the population as determined by the department, are

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

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

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

26 (b) Charter commission candidates shall be nominated by petition  
27 signed by at least 50 voters of the area from which the candidate  
28 seeks election, or by a number of voters from that area equal to at  
29 least 10 percent of the number of votes cast from that area in the

1 last regular borough election, whichever is less.

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

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

9 Sec. 29.06.260. QUALIFICATIONS OF CANDIDATES. A person is eli-  
10 gible to be nominated as a candidate for the charter commission if  
11 that person is a voter of the area from which election is sought and  
12 has been a voter of the area for at least one year immediately preced-  
13 ing the date the nomination petition is filed.

14 Sec. 29.06.270. ELECTION OF CHARTER COMMISSION. (a) After  
15 receipt of a valid unification petition or adoption of an assembly  
16 resolution to propose formation of a charter commission, the assembly  
17 shall submit to the voters the question of whether a charter commis-  
18 sion shall be formed to prepare a proposed unification charter. The  
19 vote shall be held at the next regular borough election scheduled at  
20 least 90 days after receipt of the petition or adoption of the resolu-  
21 tion. The ballot shall be worded exactly as in AS 29.06.210(a).

22 (b) The election of charter commission members shall take place  
23 at the same time as the election on the question of formation of the  
24 commission.

25 (c) All costs incurred in conducting an election under AS 29.-  
26 06.190 -- 29.06.410 shall be paid by the borough.

27 Sec. 29.06.280. REQUIREMENTS FOR APPROVAL OF FORMATION AND  
28 ELECTION OF CHARTER COMMISSION. (a) The votes on the question of  
29 formation of a charter commission shall be tabulated in two separate

1 classifications. One classification consists of all votes cast in  
2 first class and home rule cities in the borough. The other classifi-  
3 cation consists of all votes cast in the remaining area of the bor-  
4 ough. In order for formation of a charter commission to be approved,  
5 a majority of the votes in each classification must favor formation of  
6 the commission.

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

10 Sec. 29.06.290. CHARTER COMMISSION ORGANIZATION AND PROCEDURE.

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

14 (b) A majority of the total membership of the charter commission  
15 constitutes a quorum. A decision of the commission is not valid or  
16 binding unless approved by the number of members necessary to consti-  
17 tute a quorum.

18 (c) The charter commission may elect other officials from among  
19 its membership, adopt rules governing its procedures that are consis-  
20 tent with AS 29.06.190 -- 29.06.410 and hire and discharge employees.

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

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

29 (b) A person who fills a vacancy on the charter commission must

1 be a voter of the same area as the person succeeded and must have been  
2 a voter of that area for at least one year immediately preceding the  
3 date the vacancy is filled.

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

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

11 (1) provision for

12 (A) the adjustment of existing bonded indebtedness and  
13 other obligations in a manner that will assure a fair and equit-  
14 able burden of taxation for debt service, subject to AS 29.06.-  
15 380;

16 (B) the establishment of service areas;

17 (C) if election of members of the governing body is  
18 not areawide, the establishment of districts for the election of  
19 members of the governing body of the proposed unified municipal-  
20 ity and procedures by which to reapportion the election dis-  
21 tricts;

22 (D) the reapportionment of districts if they are  
23 established;

24 (E) nonpartisan government, and the selection, organi-  
25 zation, authority, and responsibilities of the governing body and  
26 its executive and administrator;

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

1 (G) the exercise of the rights of initiative and  
2 referendum in accordance with AS 29.10.030;

3 (H) amending the charter in accordance with AS 29.10.-  
4 100;

5 (2) the date on which the charter, if approved at the  
6 charter election, is effective;

7 (3) designation of the proposed unified municipality's  
8 official name; and

9 (4) other charter provisions that may be included in a home  
10 rule charter.

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

15 Sec. 29.06.340. FILING OF PROPOSED CHARTER. Upon the adoption  
16 of a proposed home rule charter by the charter commission, the charter  
17 shall be signed by at least a majority of the total membership of the  
18 commission and shall be filed with the borough clerk. A copy of the  
19 charter with signatures affixed shall also be filed with the clerk of  
20 each city in the borough.

21 Sec. 29.06.350. PUBLICATION AND POSTING OF PROPOSED CHARTER.  
22 Within 10 days after filing the proposed home rule charter, the bor-  
23 ough clerk shall have it published. In addition, the clerk shall have  
24 a copy of the proposed charter posted in at least three public places  
25 in each city and each unincorporated community in the borough. Copies  
26 of the proposed charter shall be made available by the assembly to the  
27 public at both the office of the borough clerk and the office of the  
28 clerk of each city in the borough. The clerk shall have notice of the  
29 publication, posting, and availability of the proposed charter

1 published.

2 Sec. 29.06.360. ELECTION ON CHARTER. (a) The proposed home  
3 rule charter adopted by the charter commission shall be submitted to  
4 the voters at a borough election held within 60 days of the date of  
5 publication and posting of the proposed charter. The borough clerk  
6 shall prepare the ballots for use in the election and shall give  
7 notice of the election by radio and television in a manner intended to  
8 apprise the entire borough population of the election. The election  
9 shall be conducted under procedures applicable to regular elections.

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

12 (c) If a majority of the votes in the area of the borough out-  
13 side all home rule or first class cities, and a majority of the votes  
14 in all home rule and first class cities in the borough are cast in  
15 favor of the proposed charter, the charter is ratified. If the char-  
16 ter is ratified, election results shall be certified to the commission  
17 and two copies of the charter shall be filed with

- 18 (1) the lieutenant governor;
- 19 (2) the department;
- 20 (3) the district recorder for the area of the borough;
- 21 (4) the clerk of the borough;
- 22 (5) the clerk of each city in the borough.

23 (d) If a proposed charter is rejected, the charter commission  
24 shall prepare, adopt, and submit another proposed charter to the  
25 voters at a borough election held within one year after the date of  
26 the first charter election. If the second proposed charter is also  
27 rejected, the charter commission shall be dissolved and the question  
28 of unification shall be treated as if it had never been proposed or  
29 approved.

1           Sec. 29.06.370. EFFECT OF THE CHARTER AFTER RATIFICATION. Upon  
2 ratification, the home rule charter of a unified municipality operates  
3 to dissolve all municipalities in the area unified in accordance with  
4 the charter.

5           Sec. 29.06.380. ASSETS AND LIABILITIES. A unified municipality  
6 shall succeed to all the assets and liabilities of the municipalities  
7 it unified. A bonded indebtedness or other debt incurred before  
8 unification remains the tax obligation of the area that contracted the  
9 debt, except that by ordinance the tax obligation may be assumed by a  
10 larger area if the governing body determines that the asset for which  
11 the bonded indebtedness or other debt was incurred benefited the  
12 larger area before unification, or benefits the larger area after  
13 unification. However, bonded indebtedness or other debt for sewage  
14 collection systems, water distribution systems, and streets, even if  
15 determined to be benefiting a larger area than that which incurred the  
16 debt, remains the tax obligation of the area that incurred the debt.

17           Sec. 29.06.390. TRANSITION. Within two years after ratification  
18 of the home rule charter, the unified municipality shall revise,  
19 repeal, or reaffirm all municipal ordinances, resolutions, and orders  
20 in effect in the area of the unified municipality on the date of  
21 unification. Each ordinance, resolution, regulation, or order in  
22 effect on the date of unification remains in effect until superseded  
23 by action of the unified municipality.

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

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

1 (1) not prohibited by law or charter; and

2 (2) granted to a home rule borough.

3 Sec. 29.06.420. APPLICATION. AS 29.06.190 -- 29.06.420 apply to  
4 home rule and general law municipalities.

5 ARTICLE 5. DISSOLUTION.

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

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

10 (2) the local option method specified in AS 29.06.460 --  
11 29.06.510.

12 (b) The department shall investigate a municipality that it con-  
13 sidered to be inactive and shall report to the Local Boundary Commis-  
14 sion on the status of the municipality. The commission may submit its  
15 recommendation to the legislature that the municipality be dissolved  
16 in the manner provided for submission of boundary changes in art. X,  
17 sec. 12 of the state constitution.

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

21 Sec. 29.06.460. PETITION. (a) Voters of a municipality may  
22 file a dissolution petition with the department in the form prescribed  
23 by the department. The petition must be signed by a number of voters  
24 equal to at least 25 percent of the number of votes cast in the last  
25 regular election in that municipality.

26 (b) The petition must include

27 (1) the name of the municipality;

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

1           Sec. 29.06.470. STANDARDS. (a) Except as provided in (b) of  
2 this section, voters of a municipality may petition for dissolution  
3 when the municipality is free of debt, or, if in debt, each of its  
4 creditors is satisfied with a method of repayment and

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

8                   (2) the municipality ceases to use each of its mandatory  
9 powers.

10           (b) Voters of a city in a borough may petition for dissolution  
11 of the city if the borough consents to assume the city's rights,  
12 powers, duties, assets, and liabilities. The consent must be ratified  
13 by a majority of borough voters voting on the question.

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

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

19           Sec. 29.06.490. REPORT AND HEARING. (a) The department shall  
20 report its findings to the Local Boundary Commission with its recom-  
21 mendation regarding the dissolution of a municipality.

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

24           Sec. 29.06.500. DECISION. (a) If the Local Boundary Commission  
25 determines that a municipality fails to meet the standards for disso-  
26 lution, it shall reject the petition. If the commission determines  
27 that the municipality meets the standards, it shall accept the peti-  
28 tion.

29           (b) A Local Boundary Commission decision under this section may

1 be appealed under the Administrative Procedure Act (AS 44.62).

2 Sec. 29.06.510. ELECTION. (a) The Local Boundary Commission  
3 shall immediately notify the director of elections of its acceptance  
4 of a dissolution petition. Within 30 days after notification, the  
5 director of elections shall order an election in the municipality to  
6 determine whether the voters desire dissolution. The election must be  
7 held at least 30 and not more than 90 days after the election order.  
8 A person who is a voter of the municipality may vote in the dissolu-  
9 tion election.

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

13 (c) The director of elections shall certify the election re-  
14 sults. If dissolution is approved, the director of elections shall  
15 declare that the municipality is dissolved effective on the date of  
16 certification.

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

20 Sec. 29.06.530. APPLICATION. AS 29.06.450 -- 29.06.530 apply to  
21 home rule and general law municipalities.

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

23 CHAPTER 10. HOME RULE MUNICIPALITIES.

24 ARTICLE 1. CHARTERS.

25 Sec. 29.10.010. MUNICIPAL CHARTER ADOPTION. A first class  
26 municipality or second class borough may adopt a charter for its own  
27 government. A home rule municipality may amend its charter or adopt a  
28 new one. A charter is framed by a charter commission of seven members  
29 chosen by the municipal voters at a regular or special election. A

1 candidate for the commission shall be a qualified voter of the municipi-  
2 pality and a resident of the municipality for three years immediately  
3 preceding the election. A charter commission election is called by  
4 filing a petition with the borough assembly or the city council, or by  
5 resolution of the borough assembly or city council. The petition  
6 shall be signed by a number of municipal voters equal to 15 percent of  
7 the votes cast in the last regular election of the municipality.

8 Sec. 29.10.020. NOMINATION. Charter commission candidates are  
9 nominated by petitions signed by 50 voters or the number of qualified  
10 municipal voters equal to 10 percent of the number of votes cast in  
11 the last regular election, whichever is less.

12 Sec. 29.10.030. ELECTION. At the charter commission election  
13 the voters shall consider the question "Shall a charter commission be  
14 elected to frame a proposed new charter?" and shall select the members  
15 of the commission. If the question is approved, the seven candidates  
16 receiving the highest number of votes shall immediately organize as a  
17 charter commission.

18 Sec. 29.10.040. PREPARATION OF CHARTER. The charter commission  
19 shall, within one year, prepare a municipal charter. The proposed  
20 charter shall be signed by a majority of the charter commissioners and  
21 filed in the office of the municipal clerk. Within 15 days, the  
22 borough assembly or city council shall have the charter published once  
23 in a newspaper of general circulation if distributed within the  
24 municipality. The clerk shall post copies of the proposed charter in  
25 at least three public places and make copies available at the office  
26 of the clerk. The commission shall give published notice of and hold  
27 at least one public hearing on the proposed charter before the signing  
28 and filing of the charter.

29 Sec. 29.10.050. INITIATIVE AND REFERENDUM. (a) Municipal

1 charters shall provide the procedures for the initiative and referen-  
2 dum.

3 (b) A charter may not require an initiative or referendum peti-  
4 tion to have a number of signatures greater than 25 percent of the  
5 total votes cast at the last regular municipal election.

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

9 Sec. 29.10.060. CHARTER ELECTION. The charter shall be submit-  
10 ted to the municipal voters at a regular or special election held not  
11 less than 30 days nor more than 90 days from the publication of the  
12 charter.

13 Sec. 29.10.070. CHARTER ADOPTION. (a) If a majority of those  
14 voting on the question favor the proposed charter, it becomes the  
15 organic law of the municipality. Thereafter, the court shall take  
16 judicial notice of the charter. The municipality shall file the  
17 indicated number of copies of the charter with the

18 (1) lieutenant governor -- two copies;

19 (2) Department of Community and Regional Affairs -- two  
20 copies;

21 (3) district recorder -- one copy;

22 (4) municipal clerk -- one copy.

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

1           Sec. 29.10.080. CHARTER AMENDMENT. A municipal charter may be  
2 amended as provided in the charter or by initiative referendum as  
3 provided in AS 29.26.100 -- 29.26.190, except that no amendment shall  
4 be effective unless ratified by the voters.

5                           ARTICLE 2. HOME RULE LIMITATIONS.

6           Sec. 29.10.100. LIMITATION OF HOME RULE POWERS. Only the fol-  
7 lowing provisions of this title apply to home rule municipalities as  
8 prohibitions on acting otherwise than as provided. These provisions  
9 supersede existing and prohibit future home rule enactments that  
10 provide otherwise:

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

- 1                   (17) AS 29.25.010(a)(10) (municipal exemption on contractor  
2 bond requirements)
- 3                   (18) AS 29.25.050 (codification)
- 4                   (19) AS 29.25.060 (resolutions)
- 5                   (20) AS 29.26.030 (notice of elections)
- 6                   (21) AS 29.26.050 (voter qualification)
- 7                   (22) AS 29.26.250 -- 29.26.360 (recall)
- 8                   (23) AS 29.35.020 (extraterritorial jurisdiction)
- 9                   (24) AS 29.35.030 (eminent domain)
- 10                   (25) AS 29.35.050 (garbage and solid waste services)
- 11                   (26) AS 29.35.070 (public utilities)
- 12                   (27) AS 29.35.080 (alcoholic beverages)
- 13                   (28) AS 29.35.120 (post audit)
- 14                   (29) AS 29.35.160 (education)
- 15                   (30) AS 29.35.170(b) (assessment and collection of taxes)
- 16                   (31) AS 29.35.180(b) (land use regulation)
- 17                   (32) AS 29.35.250 (cities inside boroughs)
- 18                   (33) AS 29.35.260 (cities outside boroughs)
- 19                   (34) AS 29.35.340 (acquisition of areawide power)
- 20                   (35) AS 29.40.160(a) -- (c) (title to vacated areas)
- 21                   (36) AS 29.40.200 (subdivisions of state land)
- 22                   (37) AS 29.45.010 -- 29.45.570 (property taxes)
- 23                   (38) AS 29.45.650(c) and (d) (sales and use tax)
- 24                   (39) AS 29.46.090 (exemption from special assessment)
- 25                   (40) AS 29.47.200(b) (security for bonds)
- 26                   (41) AS 29.47.260 (construction)
- 27                   (42) AS 29.60.050(a) (limitation on computation and use of  
28 payment)
- 29   (43) AS 29.60.120(a) and (c) (state aid for health

1 facilities and hospitals)

2 (44) AS 29.60.230 (state aid for hospital and health facil-  
3 ity construction)

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

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

6 CHAPTER 20. MUNICIPAL OFFICERS AND EMPLOYEES.

7 ARTICLE 1. CONFLICT OF INTEREST AND PUBLIC MEETINGS.

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

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

13 (2) the presiding officer shall rule on a request by a  
14 member of the governing body to be excused from a vote;

15 (3) the decision of the presiding officer on a request by a  
16 member of the governing body to be excused from a vote may be overrid-  
17 den by the majority vote of the governing body; and

18 (4) a municipal employee or official, other than a member  
19 of the governing body, may not participate in an official action in  
20 which the employee or official has a substantial financial interest.

21 (b) If a municipality fails to adopt a conflict of interest  
22 ordinance within 180 days after July 1, 1984, the provisions of this  
23 section are automatically applicable to and binding upon that munici-  
24 pality.

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

27 Sec. 29.20.020. ~~MEETINGS~~ PUBLIC. (a) Meetings of all municipal  
28 bodies shall be public as provided in AS 44.62.310. The governing  
29 body shall provide reasonable opportunity for the public to be heard

1 at regular and special meetings.

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

4 ARTICLE 2. GOVERNING BODIES.

5 Sec. 29.20.050. LEGISLATIVE POWER. (a) The legislative power  
6 of a borough is vested in the assembly. The legislative power of a  
7 city is vested in the council.

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

10 Sec. 29.20.060. ASSEMBLY COMPOSITION AND APPORTIONMENT. (a)  
11 Assembly composition and apportionment shall be consistent with the  
12 equal representation standards of the Constitution of the United  
13 States.

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

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

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

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

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

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

1 (b) Not later than the first regular election that occurs after  
2 the report of a federal decennial census, the assembly shall propose  
3 and submit to the voters of the borough, at that regular election or  
4 at a special election called for the purpose, one or more forms of  
5 assembly representation. The forms of representation that the assem-  
6 bly may submit to the voters are:

7 (1) election of members of the assembly at large by the  
8 voters throughout the borough;

9 (2) election of members of the assembly by district, in-  
10 cluding

11 (A) election at large by the voters throughout the  
12 borough, but with a requirement that a candidate live in an  
13 election district established by the borough for election of  
14 assembly members; or

15 (B) election from election districts established by  
16 the borough for the election of assembly members by the voters of  
17 a district;

18 (3) election of members of the assembly both at large and  
19 by district.

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

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

27 (1) composition of the assembly;

28 (2) the form of assembly representation that received the  
29 most votes; and

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

4           (e) This section applies to home rule and general law municipal-  
5 ities, except it does not apply to a

6                   (1) unified municipality;

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

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

26           (b) The assembly shall provide, by ordinance, for a change in an  
27 existing apportionment of the assembly whenever it determines that the  
28 apportionment does not meet the standards of AS 29.20.060. At the  
29 same time, the assembly may, by ordinance, change the composition of

1 the assembly.

2 (c) If a petition signed by not less than 50 voters requests the  
3 assembly to determine whether the existing apportionment meets the  
4 standards for apportionment in AS 29.20.060, and the petition contains  
5 evidence that the existing apportionment does not meet those stan-  
6 dards, the assembly may make the determination requested. The assem-  
7 bly shall make a determination required by this subsection within two  
8 months of receipt of a petition that meets the requirements of this  
9 subsection.

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

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

23 Sec. 29.20.090. APPORTIONMENT APPEALS. (a) A reapportionment  
24 ordinance approved by the voters, or a decision of the assembly that  
25 the standards of AS 29.20.060 do not require a change in apportion-  
26 ment, may be appealed to the commissioner. Fifty voters may submit a  
27 petition to the commissioner requesting the commissioner to determine  
28 whether the proposed reapportionment ordinance approved by the voters  
29 meets the standards of AS 29.20.060 or whether a decision of the

1 assembly that the standards of AS 29.20.060 do not require a change of  
2 apportionment is correct. If the petition asks the commissioner to  
3 review an ordinance approved by the voters under AS 29.20.080(e), the  
4 petition shall be delivered to the commissioner not later than 20 days  
5 after certification of the election. If the petition asks the commis-  
6 sioner to review a decision of the assembly under AS 29.20.080(c), the  
7 petition shall be delivered to the commissioner within 20 days of the  
8 decision of the assembly.

9 (b) The commissioner shall review the petition and may make the  
10 determination requested. The commissioner shall provide copies of the  
11 determination to the persons petitioning for appeal and to borough  
12 officials not later than 60 days after the commissioner receives the  
13 petition.

14 (c) If the commissioner determines that the proposed reapportion-  
15 ment ordinance approved by the voters does not meet the standards  
16 of AS 29.20.060, or if the commissioner determines that the decision  
17 of the assembly that the standards of AS 29.20.060 do not require a  
18 change of apportionment is not correct, the commissioner shall, by  
19 order, direct the assembly to prepare a reapportionment ordinance that  
20 meets the standards of AS 29.20.060 and submit the ordinance to the  
21 voters.

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

29 (e) If at the end of the time period provided under (d) of this

1 section an ordinance providing for reapportionment has not been ap-  
2 proved by the voters, the commissioner shall provide for the reappor-  
3 tionment of the assembly in accordance with the standards of AS 29.-  
4 20.060 by preparing an order of reapportionment and delivering the  
5 order to the borough mayor.

6 Sec. 29.20.100. JUDICIAL REVIEW AND RELIEF. (a) The commis-  
7 sioner may request the superior court to enforce a reapportionment  
8 order issued under AS 29.20.090(e).

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

10 (1) a plan of reapportionment approved by the voters under  
11 AS 29.20.080(a);

12 (2) a determination by the assembly under AS 29.20.080 that  
13 the standards of AS 29.20.060 do not require a change in appor tion-  
14 ment;

15 (3) a reapportionment ordinance approved by the voters  
16 under AS 29.20.080(d);

17 (4) a reapportionment order of the commissioner made under  
18 AS 29.20.090(c);

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

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

23 Sec. 29.20.110. EFFECTIVE DATE OF APPORTIONMENT. (a) A change  
24 in assembly apportionment or composition under AS 29.20.080 or 29.20.-  
25 090 is effective beginning with the first regular election for members  
26 of the assembly that is held more than 60 days after the later of

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

29 (2) the delivery to the mayor of a reapportionment order of

1 the commissioner under AS 29.20.090(d).

2 (b) The provisions of (a) of this section do not apply to a  
3 borough in which a change in assembly composition or apportionment is  
4 subject to review and approval or determination of nonobjection by the  
5 Attorney General of the United States under the Voting Rights Act of  
6 1965, as amended (42 U.S.C. 1971 -- 1974). A change in assembly  
7 composition or apportionment subject to review under the Voting Rights  
8 Act of 1965, as amended, is effective beginning with the first regular  
9 election for members of the assembly that is held more than 60 days  
10 after

11 (1) receipt by the assembly of approval by the Attorney  
12 General of the United States of the proposed change in the composition  
13 or apportionment of the assembly;

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

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

19 Sec. 29.20.120. APPLICABILITY OF APPORTIONMENT PROVISIONS. The  
20 provisions of AS 29.20.080 -- 29.20.110 apply to home rule and general  
21 law municipalities, except they do not apply to a

22 (1) unified municipality;

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

25 Sec. 29.20.130. CITY COUNCIL COMPOSITION. Each first class city  
26 has a council of six members elected by the voters at large. Each  
27 second class city has a council of seven members elected by the voters  
28 at large. The council of a first or second class city may by ordi-  
29 nance provide for election of members other than on an at-large basis

1 for all members.

2 Sec. 29.20.140. QUALIFICATIONS. (a) A borough voter is eligi-  
3 ble to be a member of the assembly and a city voter is eligible to be  
4 a member of the council. A member of the governing body who ceases to  
5 be a voter in the municipality immediately forfeits office.

6 (b) A municipality may by ordinance establish a durational resi-  
7 dency requirement not to exceed three years for members of the govern-  
8 ing body.

9 (c) A municipality may by ordinance establish district residency  
10 requirements for members of its governing body. A member of the  
11 governing body who represents a district and who becomes a resident of  
12 another district in the municipality continues to serve until the next  
13 regular election unless provided otherwise by ordinance.

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

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

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

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

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

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

Sec. 29.20.160. PROCEDURES OF GOVERNING BODIES. (a) The assembly shall elect from among its members a presiding officer and a deputy presiding officer to serve at the pleasure of the members, except that in a borough that has adopted a manager form of government under AS 29.20.460 -- 29.20.510 the mayor serves as presiding officer. In a city the mayor serves as presiding officer. If the presiding officer is not present or if the presiding officer is personally disqualified, the deputy presiding officer shall preside.

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

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

(d) Actions of a governing body are adopted by a majority of the total membership of the body. Each member present shall vote on every question, unless required to abstain from voting on a question by law. The final vote of each member on each ordinance, resolution, or

1 substantive motion shall be recorded "yes" or "no", except that if the  
2 vote is unanimous it may be recorded "unanimous".

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

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

8 Sec. 29.20.170. VACANCIES. The governing body may provide by  
9 ordinance the manner in which a vacancy occurs in any elected office  
10 except the office of mayor or school board member. Unless otherwise  
11 provided by ordinance, the governing body shall declare an elective  
12 office, other than the office of mayor or school board member, vacant  
13 when the person elected

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

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

18 (3) resigns and the resignation is accepted;

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

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

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

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

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

29 (9) if a member of the governing body, misses three

1 consecutive regular meetings and is not excused.

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

7 (b) Notwithstanding (a) of this section, if the membership is  
8 reduced to fewer than the number required to constitute a quorum, the  
9 remaining members shall, within seven days, appoint a number of quali-  
10 fied persons to constitute a quorum.

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

14 ARTICLE 3. MUNICIPAL EXECUTIVE AND ADMINISTRATOR.

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

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

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

25 Sec. 29.20.230. ELECTION AND TERM OF MAYOR. (a) The mayor of a  
26 borough or first class city is elected at large. The mayor of a  
27 borough or first class city serves a term of three years, unless by  
28 ordinance a different term not to exceed four years is provided. The  
29 current term of an incumbent mayor may not be altered. The regular

1 term of a mayor of a borough or first class city begins on the first  
2 Monday following certification of the election.

3 (b) The mayor of a second class city is elected by and from the  
4 council, and serves until a successor is elected and qualifies. The  
5 council of a second class city shall meet on the first Monday after  
6 certification of the regular election and elect a mayor who takes  
7 office immediately. The mayor of a second class city serves a one-  
8 year term, unless a longer term is provided by ordinance. The mayor  
9 of a second class city may serve only while a member of the council  
10 regardless of the term established for the office of mayor.

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

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

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

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

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

29 Sec. 29.20.260. EXECUTIVE ABSENCE. The borough mayor, subject

1 to assembly approval, shall designate a person to act as mayor during  
2 the borough mayor's temporary absence or disability. If a manager  
3 plan has been adopted, the assembly shall designate by resolution a  
4 borough administrative official to act as manager during the manager's  
5 absence or disability.

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

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

16 (c) The veto does not extend to

17 (1) appropriation items in a school budget ordinance;

18 (2) actions of the governing body sitting as the board of  
19 equalization or the board of adjustment;

20 (3) adoption or repeal of a manager plan of government.

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

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

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

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

29 (3) resigns and the resignation is accepted;

1           (4) is physically or mentally unable to perform the duties  
2 of office;

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

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

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

8           (8) no longer physically resides in the municipality; or

9           (9) if a member of the governing body in a second class  
10 city, misses three consecutive regular meetings and is not excused.

11           (b) A vacancy in the office of mayor occurring six months before  
12 a regular election shall be filled by the governing body. The person  
13 appointed serves until the next regular election when a successor is  
14 elected to serve the balance of the term. If a member of the govern-  
15 ing body is appointed mayor, the member shall resign the seat on the  
16 governing body. If a vacancy occurs more than six months before a  
17 regular election, the governing body shall call a special election to  
18 fill the unexpired term.

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

24           ARTICLE 4. BOARDS AND COMMISSIONS.

25           Sec. 29.20.300. SCHOOL BOARDS. (a) Each municipal school dis-  
26 trict has a school board. Except as provided in (b) of this section,  
27 members of a school board are elected at the regular election for  
28 three-year terms and until their successors take office. Members are  
29 elected at large unless a different method of election has been

1 approved by the voters in a regular election.

2 (b) The assembly is the school board for a third class borough.  
3 The mayor is the presiding officer of the assembly and president of  
4 the school board. However, the mayor may not veto an action of the  
5 school board.

6 Sec. 29.20.310. UTILITY BOARDS. (a) The governing body of a  
7 municipality operating a public utility may provide by ordinance for a  
8 utility board of five members and define the board's powers and  
9 duties.

10 (b) As determined by ordinance, members of a utility board are  
11 either appointed by the mayor and confirmed by the governing body or  
12 are elected at a regular election. The term of a utility board member  
13 is two years and until a successor is selected and qualifies. How-  
14 ever, the governing body may by ordinance provide for a different term  
15 not to exceed four years. The current term of an elected incumbent  
16 may not be altered.

17 (c) Vacancies on a utility board are filled by the mayor.  
18 Executive appointments shall be confirmed by the governing body. A  
19 person appointed to fill a vacancy on a utility board serves until the  
20 expiration of the term for which appointed and until a successor is  
21 elected and qualifies.

22 (d) Unless otherwise provided by ordinance, a utility board  
23 shall

- 24 (1) choose its chairman and secretary;  
25 (2) appoint the manager of the public utility for a term  
26 not longer than five years and set the manager's salary;  
27 (3) formulate and enforce the general rules and policies of  
28 the utility.

29 Sec. 29.20.320. OTHER BOARDS AND COMMISSIONS. (a) The

1 governing body may by ordinance establish advisory, administrative,  
2 technical, or quasi-judicial boards and commissions.

3 (b) Members of boards and commissions, except for members of the  
4 board of adjustment and assembly members serving on the board of  
5 equalization, are appointed by the mayor and confirmed by the govern-  
6 ing body.

7 ARTICLE 5. OTHER OFFICIALS AND EMPLOYEES.

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

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

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

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

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

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

27 (4) maintain and make available for public inspection an  
28 indexed file containing municipal ordinances, resolutions, rules,  
29 regulations, and codes;

1 (5) attest deeds and other documents;

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

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

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

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

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

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

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

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

1 ARTICLE 6. MANAGER PLAN.

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

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

10 (2) 15 percent if the municipality has 7,500 persons or  
11 more.

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

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

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

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

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

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

5           (1) appoint, suspend, or remove municipal employees and  
6 administrative officials, except as provided otherwise in this title  
7 and AS 14.14.065;

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

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

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

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

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

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

21           Sec. 29.20.510. INTERGOVERNMENTAL APPOINTMENT OF MANAGER. A  
22 borough adopting a manager plan may, on agreement with a city in the  
23 borough, provide that the manager of the city serve also as borough  
24 manager. A city adopting a manager plan may, on agreement with the  
25 borough in which it is located, provide that the manager of the bor-  
26 ough serve also as city manager. Appointment and service of the  
27 manager shall be as provided in AS 29.20.490 -- 29.20.500. Nothing in  
28 this section affects the authority of the governing body to provide  
29 for other dual officeholding if the dual offices held are compatible,

1 or otherwise to appoint officials and employees in accordance with  
2 law.

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

8 ARTICLE 7. MISCELLANEOUS PROVISIONS.

9 Sec. 29.20.600. OATHS OF OFFICE. Before taking office a municipi-  
10 pal official shall affirm in writing that the duties of the office  
11 will be honestly, faithfully, and impartially performed by the offi-  
12 cial. The oath is filed with the municipal clerk.

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

17 Sec. 29.20.620. COMPENSATION FOR ELECTED OFFICIALS. The govern-  
18 ing body shall by ordinance provide a method of determining the sal-  
19 aries of elected officials. The salary of the mayor may not be re-  
20 duced during the term of office of the mayor, unless during the term a  
21 manager plan is adopted. An elected official may not receive com-  
22 pensation for service to the municipality in addition to the salary  
23 received as an elected official, unless otherwise provided by ordi-  
24 nance. Per diem payments or reimbursements for expenses are not  
25 compensation under this section.

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

1 district employee is not a municipal employee.

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

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

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

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

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

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

13 (5) a summary of the optional property tax exemptions  
14 authorized together with the estimate of the revenues lost to the  
15 municipality by operation of each of the exemptions.

16 (b) Compliance with the provisions of this section is a prereq-  
17 uisite to receipt of municipal tax resource equalization assistance  
18 under AS 29.60.010 -- 29.60.080 and state aid for miscellaneous  
19 municipal services under AS 29.60.100 -- 29.60.180. If a municipality  
20 does not comply with this section, the department shall withhold the  
21 allocations until the required reports are filed.

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

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

25 CHAPTER 25. MUNICIPAL ENACTMENTS.

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

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

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

4           (3) provide for the levying of taxes;

5           (4) make appropriations, including supplemental appropria-  
6 tions or transfer of appropriations;

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

8           (6) adopt, modify, or repeal the comprehensive plan, land  
9 use and subdivision regulations, building and housing codes, and the  
10 official map;

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

13          (8) designate the borough seat;

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

16          (10) exempt contractors from compliance with general re-  
17 quirements relating to payment and performance bonds in the construc-  
18 tion or repair of municipal public works projects within the limita-  
19 tions set out in AS 36.25.025; this paragraph applies to home rule and  
20 general law municipalities.

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

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

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

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

29           (2) an ordinance shall be set by the governing body for a

1 public hearing by the affirmative vote of a majority of the votes  
2 authorized on the question;

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

6 (4) copies of the ordinance shall be available to all  
7 persons present at the hearing, or the ordinance shall be read in  
8 full;

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

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

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

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

17 Sec. 29.25.030. EMERGENCY ORDINANCES. (a) To meet a public  
18 emergency the governing body may adopt an emergency ordinance effec-  
19 tive on adoption. Each emergency ordinance shall contain a finding by  
20 the governing body that an emergency exists and a statement of the  
21 facts upon which the finding is based. An emergency ordinance may be  
22 adopted, amended and adopted, or rejected at the meeting at which it  
23 is introduced. The affirmative vote of all members present, or the  
24 affirmative vote of three-fourths of the total membership, whichever  
25 is less, is required for adoption of an emergency ordinance. The  
26 governing body shall print and make available copies of adopted emer-  
27 gency ordinances.

28 (b) An emergency ordinance may not be used to levy taxes, to  
29 grant, renew, or extend a franchise, or to regulate the rate charged

1 by a public utility for its services.

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

3 Sec. 29.25.040. CODES OF REGULATION. The governing body may in  
4 a single ordinance adopt or amend by reference provisions of a pub-  
5 lished code of municipal regulations. The procedure under AS 29.25.-  
6 020 applies to an ordinance adopted under this section, except that  
7 neither the ordinance or its amendments must be distributed to the  
8 public or read in full at the public hearing. For a period of 15 days  
9 before adoption of an ordinance under this section, at least five  
10 copies of the code of regulations shall be made available for public  
11 inspection at a time and place set out in the hearing notice. Only  
12 the ordinance must be printed after it is adopted under this section.  
13 The governing body shall provide for an adopted code of regulations to  
14 be made available to the public at no more than cost.

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

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

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

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

29 (2) the ordinance is a provision that establishes a rule of

1 conduct or behavior and that is included, or to be included, in a code  
2 of ordinances or other complete system of law enacted and kept current  
3 at reasonable intervals.

4 (d) This section applies to home rule and general law municipi-  
5 palities.

6 Sec. 29.25.060. RESOLUTIONS. (a) The governing body shall  
7 provide for the maintenance of a permanent file of resolutions that  
8 have been adopted.

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

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

14 (b) The municipality or an aggrieved person may institute a  
15 civil action against a person who violates an ordinance. In addition  
16 to injunctive and compensatory relief, a civil penalty not to exceed  
17 \$1,000 may be imposed for each violation. An action to enjoin a  
18 violation may be brought notwithstanding the availability of any other  
19 remedy. On application for injunctive relief and a finding of a  
20 violation or a threatened violation, the superior court shall grant  
21 the injunction. Each day that a violation of an ordinance continues  
22 constitutes a separate violation.

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

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

27 CHAPTER 26. ELECTIONS.

28 ARTICLE 1. REGULAR AND SPECIAL ELECTIONS.

29 Sec. 29.26.010. ADMINISTRATION. The governing body shall

1        prescribe the rules for conducting an election and shall appoint an  
2        election board composed of at least three judges for each precinct. A  
3        judge shall be a voter of the precinct for which appointed unless no  
4        voter is willing to serve.

5        Sec. 29.26.020. NOMINATIONS. (a) Subject to other provisions  
6        of this title, the governing body shall provide by ordinance for  
7        nominations of elected officials by providing for declaration of  
8        candidacy or for petition requiring the signatures of not more than 10  
9        voters, or for both.

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

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

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

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

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

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

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

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

29                (4) is not disqualified under art. V of the state

1 constitution.

2 (b) Voter registration by the municipality may not be required.  
3 However, a municipality may by ordinance require that a person be  
4 registered to vote in state elections in the precinct in which that  
5 person seeks to vote in municipal elections.

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

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

11 (1) mayor; or

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

14 (b) Unless otherwise provided by ordinance, if candidates for  
15 the governing body or school board run at large, a runoff election for  
16 a seat shall be held if no candidate receives a number of votes great-  
17 er than 40 percent of the total votes cast for all candidates divided  
18 by the number of seats to be filled.

19 (c) Unless otherwise provided by ordinance, a runoff election  
20 shall be held within three weeks after the date of certification of  
21 the election for which a runoff is required, and notice of the runoff  
22 election shall be published at least five days before the election  
23 date. The runoff election shall be between the two candidates receiv-  
24 ing the greatest number of votes for the seat.

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

28 (b) Unless otherwise provided by ordinance, an election may be  
29 contested only by a voter by filing a written affidavit with the

1 municipal clerk specifying with particularity the grounds for the  
2 contest. An election may be contested before or during the first  
3 canvass of ballots by the governing body.

4 (c) Unless otherwise provided by ordinance, the governing body  
5 shall declare the election results at the first meeting to canvass the  
6 election, record the results in the minutes of that meeting, and  
7 authorize the results to be certified.

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

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

21 ARTICLE 2. INITIATIVE AND REFERENDUM.

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

26 Sec. 29.26.110. APPLICATION FOR PETITION. (a) An initiative or  
27 referendum is proposed by filing an application with the municipal  
28 clerk containing the ordinance or resolution to be initiated or the  
29 ordinance or resolution to be referred and the address to which all

1 correspondence relating to the petition may be sent. An application  
2 shall be signed by at least 10 voters who will sponsor the petition.  
3 An additional sponsor may be added at any time before the petition is  
4 filed by submitting the name of the sponsor to the clerk. Within two  
5 weeks the clerk shall certify the application if the clerk finds that  
6 it is in proper form and, for an initiative petition, that the matter

7 (1) is not restricted by AS 29.26.100;

8 (2) includes only a single subject;

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

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

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

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

18 (1) a summary of the ordinance or resolution to be initi-  
19 ated or the ordinance or resolution to be referred;

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

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

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

25 (5) spaces for each signature, the printed name of each  
26 signer, the date each signature is affixed, and the residence and  
27 mailing addresses of each signer;

28 (6) a statement, with space for the sponsor's sworn signa-  
29 ture and date of signing, that the sponsor personally circulated the

1 petition, that all signatures were affixed in the presence of the  
2 sponsor, and that the sponsor believes the signatures to be those of  
3 the persons whose names they purport to be; and

4 (7) space for indicating the total number of signatures on  
5 the petition.

6 (b) If a petition consists of more than one page, each page  
7 shall contain the summary of the ordinance or resolution to be initi-  
8 ated or the ordinance or resolution to be referred.

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

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

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

20 (1) 25 percent of the votes cast if a municipality has  
21 fewer than 7,500 persons; or

22 (2) 15 percent of the votes cast if a municipality has  
23 7,500 persons or more.

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

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

29 Sec. 29.26.140. SUFFICIENCY OF PETITION. (a) All copies of an

1 initiative or referendum petition shall be assembled and filed as a  
2 single instrument. Within 10 days after the date the petition is  
3 filed, the municipal clerk shall

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

5 (2) if the petition is insufficient, identify the insuffi-  
6 ciency and notify the sponsors at the address provided under AS 29.-  
7 26.110(a) by certified mail.

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

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

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

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

27 Sec. 29.26.170. INITIATIVE ELECTION. (a) Unless substantially  
28 the same measure is adopted, when a petition seeks an initiative vote  
29 the clerk shall submit the matter to the voters at the next regular

1 election occurring no sooner than 45 days after certification of the  
2 petition. If no regular election occurs within 75 days after the  
3 certification of a petition, the governing body shall hold a special  
4 election within 75 days, but not sooner than 45 days after certifica-  
5 tion.

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

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

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

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

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

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

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

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

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

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

18 ARTICLE 3. RECALL.

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

23 Sec. 29.26.250. GROUNDS FOR RECALL. Grounds for recall are  
24 misconduct in office, incompetence, or failure to perform prescribed  
25 duties.

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

29 (1) the signatures and residence addresses of at least 10

1 municipal voters who will sponsor the petition;

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

4 (3) a statement in 200 words or less of the grounds for  
5 recall stated with particularity.

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

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

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

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

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

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

18 (5) spaces for each signature, the printed name of each  
19 signer, the date of each signature, and the residence and mailing  
20 addresses of each signer;

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

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

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

1           Sec. 29.26.280. SIGNATURE REQUIREMENTS. (a) The signatures on  
2 a recall petition shall be secured within 60 days after the date the  
3 clerk issues the petition. The statement provided under AS 29.26.-  
4 270(a)(6) shall be completed and signed by the sponsor. Signatures  
5 shall be in ink or indelible pencil.

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

17           (c) Illegible signatures shall be rejected by the clerk unless  
18 accompanied by a legible printed name. Signatures not accompanied by  
19 a legible residence address shall be rejected.

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

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

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

28                   (2) if the petition is insufficient, identify the insuffi-  
29 ciency and notify the sponsors at the address provided under

1 AS 29.26.260(a)(2) by certified mail.

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

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

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

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

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

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

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

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

29 (c) If a vacancy occurs in the office after a sufficient recall

1 petition is filed with the clerk, the recall question may not be sub-  
2 mitted to the voters. The governing body may not appoint to the same  
3 office an official who resigns after a sufficient recall petition is  
4 filed naming that official.

5 Sec. 29.26.330. FORM OF RECALL BALLOT. A recall ballot shall  
6 contain

7 (1) the grounds for recall as stated in 200 words or less  
8 on the recall petition;

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

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

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

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

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

26 (b) If a member of the school board is recalled, the office of  
27 that member is filled in accordance with AS 14.12.070. If all members  
28 are recalled from a school board, the governor shall appoint three  
29 qualified persons to the school board. The appointees shall appoint

1 additional members to fill remaining vacancies in accordance with  
2 AS 14.12.070.

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

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

11 (e) Nominations for a successor may be filed until seven days  
12 before the last date on which a first notice of the election must be  
13 given. Nominations may not be filed before the certification of the  
14 recall election.

15 Sec. 29.26.360. APPLICATION. AS 29.26.250 -- 29.26.360 apply to  
16 home rule and general law municipalities.

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

18 CHAPTER 35. MUNICIPAL POWERS AND DUTIES.

19 ARTICLE 1. GENERAL POWERS.

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

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

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

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

28 (4) to require periodic and special reports from a municipi-  
29 pal department to be submitted through the mayor;

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

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

5 (7) to enforce an ordinance and to prescribe a penalty for  
6 violation of an ordinance;

7 (8) to acquire, manage, control, use, and dispose of real  
8 and personal property, whether the property is situated inside or  
9 outside the municipal boundaries; this power includes the power of a  
10 borough to expend, for any purpose authorized by law, money received  
11 from the disposal of land in a service area established under AS 29.-  
12 35.450;

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

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

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

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

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

25 (14) to sue and be sued.

26 Sec. 29.35.020. EXTRATERRITORIAL JURISDICTION. (a) To the  
27 extent a municipality is otherwise authorized by law to exercise the  
28 power necessary to provide the facility or service, the municipality  
29 may provide parks, playgrounds, cemeteries, emergency medical

1 services, solid and septic waste disposal, utility services, airports,  
2 streets (including ice roads), trails, transportation facilities,  
3 wharves, harbors and other marine facilities outside its boundaries  
4 and may regulate their use and operation to the extent that the juris-  
5 diction in which they are located does not regulate them. A regu-  
6 lation adopted under this section must state that it applies outside  
7 the municipality.

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

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

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

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

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

28 (b) Powers granted by this section must be initiated within a  
29 period of not more than five years after the date of declaration of a

1 natural disaster by the President or governor, but these powers may be  
2 extended for an additional period of not more than three years.

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

5 (1) provide for the establishment, maintenance, and opera-  
6 tion of a system of garbage and solid waste collection and disposal  
7 for the entire municipality, or for districts or portions of it;

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

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

14 (4) pay for garbage and solid waste collection and disposal  
15 from available money;

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

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

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

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

1 municipality may not provide for a garbage, refuse, trash, or other  
2 waste material collection and disposal service in an area to the  
3 extent it lies in an area granted to a garbage, refuse, trash, or  
4 other waste material carrier by a certificate issued by the Alaska  
5 Public Utilities Commission to the carrier until it has purchased the  
6 certificate, equipment and facilities of the carrier, or that portion  
7 of the certificate that would be affected, at fair market value. A  
8 municipality may exercise the right of eminent domain to acquire the  
9 certificate, equipment and facilities of the carrier, or that portion  
10 of the certificate that would be affected.

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

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

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

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

1 or its inhabitants by a utility to the extent

2 (1) that it is not subject to regulation under AS 42.05;  
3 and

4 (2) not otherwise prohibited by law.

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

7 (c) Unless the utility is owned by the municipality, all rates,  
8 charges, and regulations established under this section shall be  
9 established by ordinance and shall be reasonable and permit a fair  
10 return on invested capital.

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

13 Sec. 29.35.080. ALCOHOLIC BEVERAGES. (a) A municipality may  
14 regulate the barter, sale, importation, and consumption of alcoholic  
15 beverages in accordance with AS 04.11.480 -- 04.11.506 and AS 04.21.-  
16 010.

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

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

22 Sec. 29.35.100. BUDGET AND CAPITAL PROGRAM. (a) The governing  
23 body shall establish the manner for the preparation and submission of  
24 the budget and capital program. After a public hearing, the governing  
25 body may approve the budget with or without amendments, and shall  
26 appropriate the money required for the approved budget.

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

1           Sec. 29.35.110. EXPENDITURE OF BOROUGH REVENUES. Borough reve-  
2 nues received through taxes collected on an areawide basis by the  
3 borough may be expended on general administrative costs and on area-  
4 wide functions only. Borough revenues received through taxes col-  
5 lected on a nonareawide basis may be expended on general administra-  
6 tive costs and functions that render service only to the area outside  
7 all cities in the borough.

8           Sec. 29.35.120. POST AUDIT. (a) The governing body shall  
9 provide for an annual independent audit of the accounts and financial  
10 transactions of the municipality or, in the case of a second class  
11 city, an audit or statement of annual income and expenditures. To  
12 make the audit the governing body shall designate a public accountant  
13 who has no personal interest, direct or indirect, in the fiscal af-  
14 fairs of the municipality. Copies of the audit shall be available to  
15 the public upon request.

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

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

25           (b) An emergency services communications center under this  
26 section may be governed by a board of directors. A member of a board  
27 of directors of an emergency services communications center serves  
28 without compensation but is entitled to per diem and travel expenses.  
29 If an emergency services communications center is organized as a

1 nonprofit corporation, a member of its board of directors may not be  
2 employed by the nonprofit corporation.

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

7 (1) combine or coordinate the existing emergency services  
8 communications programs of the participating municipalities and agen-  
9 cies;

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

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

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

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

20 (6) enter into contracts to carry out the provisions of  
21 this section;

22 (7) employ personnel necessary to carry out the provisions  
23 of this section.

24 (d) In this section

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

29 (2) "state agency" means a department, division, or office

1 in the executive branch of state government.

2 ARTICLE 2. MANDATORY AREAWIDE POWERS.

3 Sec. 29.35.150. SCOPE OF AREAWIDE POWERS. A borough shall  
4 exercise the powers as specified and in the manner specified in  
5 AS 29.35.150 -- 29.35.180 on an areawide basis.

6 Sec. 29.35.160. EDUCATION. (a) Each borough constitutes a  
7 borough school district and establishes, maintains, and operates a  
8 system of public schools on an areawide basis as provided in AS 14.-  
9 14.060. A military reservation in a borough is not part of the bor-  
10 ough school district until the military mission is terminated or until  
11 inclusion in the borough school district is approved by the Department  
12 of Education. However, operation of the military reservation schools  
13 by the borough school district may be required by the Department of  
14 Education under AS 14.14.110. If the military mission of a military  
15 reservation terminates or continued management and control by a re-  
16 gional educational attendance area is disapproved by the Department of  
17 Education, operation, management, and control of schools on the mili-  
18 tary reservation transfers to the borough school district in which the  
19 military reservation is located.

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

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

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

28 Sec. 29.35.180. LAND USE REGULATION. (a) A first or second  
29 class borough shall provide for planning, platting, and land use

1 regulation in accordance with AS 29.40.

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

4 ARTICLE 3. ADDITIONAL POWERS.

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

8 (b) A first class borough may by ordinance exercise the follow-  
9 ing powers on an areawide basis:

10 (1) provide transportation systems;

11 (2) provide water pollution control;

12 (3) provide air pollution control in accordance with  
13 AS 46.03.140 -- 46.03.230;

14 (4) license day care facilities;

15 (5) license, impound, and dispose of animals.

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

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

23 (1) provide transportation systems;

24 (2) regulate the offering for sale, exposure for sale,  
25 sale, use or explosion of fireworks;

26 (3) license, impound, and dispose of animals;

27 (4) provide garbage, solid waste, and septic waste col-  
28 lection and disposal;

29 (5) provide air pollution control in accordance with

1 AS 46.03.140 -- 46.03.230;

2 (6) provide water pollution control;

3 (7) participate in federal or state loan programs for  
4 housing rehabilitation and improvement for energy conservation;

5 (8) provide for economic development;

6 (9) provide for the acquisition and construction of local  
7 service roads and trails under AS 19.30.111 -- 19.30.251;

8 (10) establish an emergency services communications center  
9 under AS 29.35.130;

10 (11) subject to AS 28.01.010, regulate the licensing and  
11 operation of motor vehicles and operators.

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

14 (1) provide transportation systems;

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

16 (3) provide air pollution control in accordance with  
17 AS 46.03.140 -- 46.03.230;

18 (4) provide water pollution control;

19 (5) license day care facilities.

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

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

29 Sec. 29.35.220. THIRD CLASS BOROUGH POWERS. (a) A third class

1 borough may borrow money and issue negotiable or nonnegotiable bonds  
2 or other evidences of indebtedness as provided by AS 29.47.

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

5 (c) A third class borough may acquire the power to provide for  
6 planning, platting, and land use regulation as provided in AS 29.40  
7 for first and second class boroughs, except the power may only be  
8 exercised within a service area.

9 (d) A third class borough may acquire any power not otherwise  
10 prohibited by law, except the power may only be exercised within a  
11 service area.

#### 12 ARTICLE 4. CITY POWERS.

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

15 (b) On adoption of a borough ordinance to provide for areawide  
16 exercise of a power, no city may exercise the power unless the borough  
17 ordinance provides otherwise or the borough by ordinance ceases to  
18 exercise the power.

19 (c) A home rule city in a third class borough shall provide for  
20 planning, platting, and land use regulation as provided by AS 29.35.-  
21 180(b) for home rule boroughs. A first class city in a third class  
22 borough shall provide for planning, platting, and land use regulation  
23 as provided by AS 29.35.180(a) for first and second class boroughs. A  
24 second class city in a third class borough may provide for planning,  
25 platting, and land use regulation as provided by AS 29.35.180(a) for  
26 first and second class boroughs.

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

28 Sec. 29.35.260. CITIES OUTSIDE BOROUGHES. (a) A city outside a  
29 borough may exercise a power not otherwise prohibited by law. A

1 provision that is incorporated by reference to laws governing boroughs  
2 applies to home rule cities outside boroughs only if the provision is  
3 made applicable to home rule boroughs.

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

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

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

16 ARTICLE 5. ACQUISITION OF ADDITIONAL POWERS.

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

20 (b) A second class borough acquires an additional power by  
21 transfer of the power by a city or by holding an election on the ques-  
22 tion. For acquisition of an areawide power, the election shall be  
23 held areawide. For acquisition of a nonareawide power, the election  
24 shall be held nonareawide.

25 (c) A third class borough acquires an additional power to exer-  
26 cise in a service area by forming a service area in accordance with  
27 AS 29.35.490(b) or (c).

28 Sec. 29.35.310. TRANSFER BY CITY. (a) A city in a first or  
29 second class borough may transfer to the borough in which it is

1 located any of its powers or functions, subject to the approval of the  
2 assembly.

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

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

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

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

14 (b) An election on the question of adding a power in a third  
15 class borough for exercise in a service area may be initiated in two  
16 ways:

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

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

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

25 (d) Within 30 days after a petition is certified as containing  
26 the required number of signatures or the assembly proposes the acqui-  
27 sition of a power, at least one public hearing shall be held in the  
28 borough on the question. The assembly shall then evaluate the ability  
29 of the borough to exercise the power and make its findings public.

1       Within 60 days after its findings have been made public, the assembly  
2       shall order an election on the question.

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

6               (b) If a power is proposed for exercise by a third class borough  
7       in a service area, only voters residing in the proposed service area  
8       may vote.

9               (c) A vote on the question of adding an areawide power in a  
10       first or second class borough shall be tabulated in two separate  
11       classifications. One shall consist of all votes cast in all cities  
12       located in the borough. The other shall consist of all votes cast in  
13       the borough area outside all cities. If the majority of the votes  
14       cast in each classification is favorable, the borough shall assume the  
15       added power within 30 days after certification of the election re-  
16       sults.

17              (d) If a majority of the votes cast on the question of adding a  
18       nonareawide power in a second class borough or a power to be exercised  
19       in a service area in a third class borough is favorable, the borough  
20       shall assume the added power within 30 days after certification of the  
21       election results.

22              (e) The borough mayor shall certify the election results to the  
23       department.

24              Sec. 29.35.340. EFFECT OF ACQUIRING AN AREAWIDE POWER. (a) On  
25       acquisition of an areawide power the first or second class borough  
26       succeeds to all of the rights, powers, and duties of any city or  
27       service area with respect to that power. The borough succeeds to  
28       claims, franchises, and other contractual obligations, liability for  
29       bonded and all other indebtedness, and to all of the right, title, and

1 interest in the real and personal property held by a city or service  
2 area for the exercise of the power.

3 (b) The assembly may levy and collect special charges, taxes, or  
4 assessments including interest for the purpose of amortizing bonded  
5 indebtedness previously incurred by a city or service area for exer-  
6 cising an areawide power acquired by the borough. When a city or  
7 service area had previously incurred bonded indebtedness, all property  
8 that was in the city or service area at the time the bonds were issued  
9 remains subject to taxation to pay the principal of and interest on  
10 the bonds.

11 (c) On acquisition of an additional areawide power the first or  
12 second class borough, in consultation with the city or service area  
13 personnel, shall arrange for an orderly and equitable transfer of  
14 rights, assets, liabilities, powers, duties, and other matters related  
15 to acquisition of the areawide powers.

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

17 Sec. 29.35.350. DEFINITION. In AS 29.35.200 -- 29.35.350,  
18 "power" means the provision of a public facility or service, or the  
19 exercise of a regulatory power.

#### 20 ARTICLE 6. CONSTRUCTION OF POWERS.

21 Sec. 29.35.400. GENERAL CONSTRUCTION. A liberal construction  
22 shall be given to all powers and functions of a municipality conferred  
23 in this title.

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

28 Sec. 29.35.420. ENUMERATION OF POWERS. Specific examples in an  
29 enumerated power or function conferred upon a municipality in this

1 title is illustrative of the object and not a limitation on or exclu-  
2 sion from the exercise of the power or function.

3 ARTICLE 7. SERVICE AREAS.

4 Sec. 29.35.450. SERVICE AREAS. (a) A service area to provide  
5 special services in a borough may be established, operated, altered,  
6 or abolished by ordinance. Special services include services not  
7 provided on an areawide or nonareawide basis in the borough, or a  
8 higher or different level of service than that provided on an areawide  
9 or nonareawide basis. The borough may include a city in a service  
10 area if

11 (1) the city agrees by ordinance; or

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

15 (b) A new service area may not be established if, consistent  
16 with the purposes of art. X of the state constitution, the new service  
17 can be provided by an existing service area, by annexation to a city,  
18 or by incorporation as a city.

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

22 Sec. 29.35.470. FINANCING. The assembly may levy or authorize  
23 the levying of taxes, charges, or assessments in a service area to  
24 finance the special services. If the assembly authorizes the levying  
25 of taxes, charges, or assessments, the rate of taxation and the issu-  
26 ance of bonds are subject to assembly approval.

27 Sec. 29.35.480. SERVICE AREAS IN FIRST CLASS BOROUGHES. In a  
28 first class borough, the assembly may exercise in a service area any  
29 power granted a first class city by law. The assembly may exercise in

1 a service area any nonareawide power that may be exercised by a first  
2 class borough.

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

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

9 (2) all owners of real property in the service area consent  
10 in writing to the exercise of the power if no voters reside in the  
11 service area.

12 (b) If the exercise of the power is approved by a majority of  
13 the voters residing in the service area, a third class borough may  
14 exercise in a service area any power not otherwise prohibited by law.

15 (c) A second or third class borough may establish a service area  
16 that includes only vacant, unappropriated, and unreserved land owned  
17 by the borough. A second or third class borough may establish a  
18 service area, with the concurrence of the commissioner of natural  
19 resources, that includes only vacant, unappropriated, and unreserved  
20 land owned by the state and classified for disposal to individuals.  
21 By ordinance a second or third class borough may provide the services  
22 in a service area established under this subsection necessary to  
23 develop state or municipal land as required by the planning, platting,  
24 and land use regulations of the borough.

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

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

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

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

1 (b) If a city in a borough consents by ordinance, the assembly  
2 may by ordinance delegate any of its powers and duties under this  
3 chapter to the city. The assembly may by ordinance, without first  
4 obtaining the consent of the city, revoke any power or duty delegated  
5 under this section.

6 Sec. 29.40.020. PLANNING COMMISSION. (a) Each first and second  
7 class borough shall establish a planning commission consisting of five  
8 residents unless a greater number is required by ordinance. Commis-  
9 sion membership shall be apportioned so that the number of members  
10 from home rule and first class cities reflects the proportion of  
11 borough population residing in home rule and first class cities lo-  
12 cated in the borough. A member shall be appointed by the borough  
13 mayor for a term of three years subject to confirmation by the assem-  
14 bly, except that a member from a home rule or first class city shall  
15 be selected from a list of recommendations submitted by the council.  
16 Members first appointed shall draw lots for one, two, and three year  
17 terms. Appointments to fill vacancies are for the unexpired term.  
18 The compensation and expenses of the planning commission and its staff  
19 are paid as directed by the assembly.

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

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

25 (2) review, recommend, and administer measures necessary to  
26 implement the comprehensive plan, including measures provided under  
27 AS 29.40.040.

28 Sec. 29.40.030. COMPREHENSIVE PLAN. (a) The comprehensive plan  
29 is a compilation of policy statements, goals, standards, and maps for

1 guiding the physical, social, and economic development, both private  
2 and public, of the first or second class borough, and may include, but  
3 is not limited to, the following:

- 4 (1) statements of policies, goals, and standards;
- 5 (2) a land use plan;
- 6 (3) a community facilities plan;
- 7 (4) a transportation plan; and
- 8 (5) recommendations for implementation of the comprehensive  
9 plan.

10 (b) With the recommendations of the planning commission, the  
11 assembly shall adopt by ordinance a comprehensive plan. The assembly  
12 shall, after receiving the recommendations of the planning commission,  
13 periodically undertake an overall review of the comprehensive plan and  
14 update the plan as necessary.

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

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

22 (2) land use permit requirements designed to encourage or  
23 discourage specified uses and construction of specified structures, or  
24 to minimize unfavorable effects of uses and the construction of struc-  
25 tures;

26 (3) measures to further the goals and objectives of the  
27 comprehensive plan.

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

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

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

5 (3) the variance is sought solely to relieve pecuniary  
6 hardship or inconvenience.

7 Sec. 29.40.050. APPEALS FROM ADMINISTRATIVE DECISIONS. (a) By  
8 ordinance the assembly shall provide for an appeal from an administra-  
9 tive decision of a municipal employee, board, or commission made in  
10 the enforcement, administration, or application of a land use regula-  
11 tion adopted under this chapter. The assembly may provide for an  
12 appeal to a court, hearing officer, board of adjustment, or other  
13 body. The assembly shall provide for an appeal from a decision on a  
14 request for a variance from the terms of a land use regulation when  
15 literal enforcement would deprive a property owner of rights commonly  
16 enjoyed by other properties in the district.

17 (b) By ordinance the assembly may provide for appointment of a  
18 hearing officer, or for the composition, appointment, and terms of  
19 office of a board of adjustment or other body established to hear  
20 appeals from administrative actions. The assembly may define proper  
21 parties and prescribe evidentiary rules, standards of review, and  
22 remedies available to the hearing officer, board of adjustment, or  
23 other body.

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

28 (b) An appeal to the superior court under this section is an  
29 administrative appeal heard solely on the record established by the

1 hearing officer, board of adjustment, or other body.

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

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

7 (2) dimensions and design of lots;

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

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

15 Sec. 29.40.080. PLATTING AUTHORITY. (a) The assembly by ordi-  
16 nance shall establish a platting authority to administer subdivision  
17 regulations and to perform other duties as required by the assembly.  
18 The platting authority may consist of members of the planning commis-  
19 sion or of other municipal residents.

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

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

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

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

29 (3) not contain or require a dedication of a street, right-

1 of-way, or other area;

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

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

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

9 (1) initial point of survey;

10 (2) original or reestablished corners and their descrip-  
11 tions;

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

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

16 Sec. 29.40.110. PLAT PROCEDURE. (a) The platting authority  
17 shall approve or disapprove a plat within 60 days after it is filed,  
18 or shall return it to the applicant for modification or correction.  
19 Unless the applicant for plat approval consents to an extension of  
20 time, the plat is considered approved and a certificate of approval  
21 shall be issued by the platting authority on demand if the platting  
22 authority fails to act within 60 days.

23 (b) The platting authority shall state in writing its reasons  
24 for disapproval of a plat. If the platting authority approves a plat,  
25 the plat shall be acknowledged and filed in accordance with AS 40.15.-  
26 010 -- 40.15.020.

27 Sec. 29.40.120. ALTERATION OR REPLAT PETITION. A recorded plat  
28 may not be altered or replatted except by the platting authority on  
29 petition of the state, the borough, a public utility, or the owners of

1 a majority of the land affected by the alteration or replat. A plat-  
2 ted street may not be vacated, except on petition of the state, the  
3 borough, a public utility, or owners of a majority of the land front-  
4 ing the part of the street sought to be vacated. The petition shall  
5 be filed with the platting authority and shall be accompanied by a  
6 copy of the existing plat showing the proposed alteration or replat.

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

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

18 (b) Vacation of a city street may not be made without the con-  
19 sent of the council. Vacation of a street in the borough area outside  
20 all cities may not be made without the consent of the assembly. The  
21 governing body shall have 30 days from the decision of the platting  
22 authority in which to veto a vacation of a street. If no veto is  
23 received by the platting authority within the 30-day period, consent  
24 is considered to have been given to the vacation.

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

28 Sec. 29.40.160. TITLE TO VACATED AREA. (a) The title to the  
29 street or other public area vacated on a plat attaches to the lot or

1 lands bordering the area in equal proportions, except that if the area  
2 was originally dedicated by different persons, original boundary lines  
3 shall be adhered to so that the street area that lies on one side of  
4 the boundary line shall attach to the abutting property on that side,  
5 and the street area that lies on the other side of the boundary line  
6 shall attach to the property on that side. The portion of a vacated  
7 street that lies inside the limits of a platted addition attaches to  
8 the lots of the platted addition bordering on the area. If a public  
9 square is vacated, the title to it vests in a city if it lies inside  
10 the city, and in the borough if it lies inside the borough but outside  
11 all cities. If the property vacated is a lot, title vests in the  
12 rightful owner.

13 (b) If the municipality acquired the street or other public area  
14 vacated for legal consideration or by express dedication to the muni-  
15 cipality other than as a subdivision platting requirement, before the  
16 final act of vacation the fair market value of the street or public  
17 area shall be deposited with the platting authority to be paid to the  
18 municipality on final vacation.

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

21 (d) The council of a second class city located outside a borough  
22 may vacate streets, alleys, crossings, sidewalks, or other public ways  
23 that may have been previously dedicated or established when the coun-  
24 cil finds that the streets, alleys, crossings, sidewalks, or other  
25 public ways are no longer necessary for the public welfare, or when  
26 the public welfare will be enhanced by the vacation. If the council  
27 determines that all or a portion of the area vacated under this sub-  
28 section should be devoted to another public purpose, title to the area  
29 vacated and held for another public purpose does not vest as provided

1 in (a) of this section but remains in the city.

2 Sec. 29.40.170. DELEGATIONS. The planning commission and the  
3 platting authority may, as authorized by ordinance, delegate powers to  
4 hear and decide cases under this chapter, including, but not limited  
5 to, delegations to

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

8 (2) other boards or commissions;

9 (3) a hearing officer designated by the planning commission  
10 or platting authority.

11 Sec. 29.40.180. VIOLATIONS. It is unlawful for the owner of  
12 land located in a subdivision to transfer, sell, offer to sell, or  
13 enter into a contract to sell land in a subdivision before a plat of  
14 the subdivision has been prepared, approved, and filed in accordance  
15 with this chapter. It is unlawful for a person to file a plat or  
16 other document depicting subdivided land in a public recorder's office  
17 unless the plat or document has been approved by the platting author-  
18 ity. A person convicted of violating a provision of this chapter, a  
19 subdivision regulation adopted under this chapter, or a term, condi-  
20 tion, or limitation imposed by a platting authority in the exercise of  
21 its powers under this chapter is guilty of a class B misdemeanor.

22 Sec. 29.40.190. REMEDIES. (a) The municipality or an aggrieved  
23 person may institute a civil action against a person who violates a  
24 provision of this chapter, a subdivision regulation adopted under this  
25 chapter, or a term, condition, or limitation imposed by a platting  
26 authority. In addition to other relief, a civil penalty not to exceed  
27 \$1,000 may be imposed for each violation. An action to enjoin a  
28 violation may be brought notwithstanding the availability of any other  
29 remedy. Upon application for injunctive relief and a finding of a

1 violation or threatened violation, the superior court shall grant the  
2 injunction.

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

5 Sec. 29.40.200. SUBDIVISIONS OF STATE LAND. (a) The subdivi-  
6 sion requirements adopted under this chapter apply to a subdivision  
7 plat of undeveloped state land for disposal under AS 38.05 or AS 38.08  
8 filed with the platting authority. Subdivision ordinances and regula-  
9 tions adopted after the platting authority is notified by the commis-  
10 sioner of natural resources of a proposed sale of subdivided state  
11 land under AS 38.05 or AS 38.08 do not apply to the state land in the  
12 proposed sale.

13 (b) The platting authority shall approve and sign a subdivision  
14 plat of state land within 60 days after its receipt from the commis-  
15 sioner of natural resources unless the platting authority

16 (1) determines that the plat does not comply with subdivi-  
17 sion requirements; and

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

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

25 (d) Nothing in this section relieves the Department of Natural  
26 Resources of its obligation to provide legal access to a subdivision.

27 (e) As used in this section, "capital improvements" includes but  
28 is not limited to access roads, other physical improvements, and their  
29 design and engineering.

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

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

CHAPTER 45. MUNICIPAL TAXATION.

ARTICLE 1. MUNICIPAL PROPERTY TAX.

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

(1) an areawide property tax for areawide functions;

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

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

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

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

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

"NOTICE TO TAXPAYER

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

PUBLIC SCHOOL FOUNDATION PROGRAM ASSISTANCE

(AS 14.17)

\$

STATE AID FOR RETIREMENT OF SCHOOL CONSTRUCTION DEBT (AS 14.11.100)

\$

1                   **MUNICIPAL TAX RESOURCE EQUALIZATION ASSISTANCE**  
2                    (AS 29.60.010 -- 29.60.080)                    \$  
3                   **STATE AID FOR MISCELLANEOUS MUNICIPAL**  
4                    SERVICES (AS 29.60.100 -- 29.60.180)                \$  
5    **TOTAL AID**    \$

6           The millage equivalent of this state aid, based on the dollar  
7           value of a mill in the municipality during the current  
8           assessment year and for the preceding assessment year,  
9           is:

	MILLAGE EQUIVALENT	
	PREVIOUS YEAR	THIS YEAR
12 <b>PUBLIC SCHOOL FOUNDATION PROGRAM</b>		
13 <b>ASSISTANCE</b>	....MILLS	....MILLS
14 <b>STATE AID FOR RETIREMENT OF</b>		
15 <b>SCHOOL CONSTRUCTION DEBT</b>	....MILLS	....MILLS
16 <b>MUNICIPAL TAX RESOURCE EQUALI-</b>		
17 <b>ZATION ASSISTANCE</b>	....MILLS	....MILLS
18 <b>STATE AID FOR MISCELLANEOUS</b>		
19 <b>MUNICIPAL SERVICES</b>	....MILLS	....MILLS
20 <b>TOTAL MILLAGE EQUIVALENT</b>	....MILLS	....MILLS"

21   Notice shall be provided

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

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

28                   (b) Compliance with the provisions of this section is a pre-  
29                   requisite to receipt of municipal tax resource equalization assistance

1 under AS 29.60.010 -- 29.60.080 and state aid for miscellaneous  
2 municipal services under AS 29.60.100 -- 29.60.180. The department  
3 shall withhold annual allocations under those sections until municipal  
4 officials demonstrate that the requirements of this section have been  
5 met.

6 Sec. 29.45.030. REQUIRED EXEMPTIONS. (a) The following prop-  
7 erty is exempt from general taxation:

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

11 (2) household furniture of the head of a family or house-  
12 hold;

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

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

19 (5) money on deposit;

20 (6) the real property of certain residents of the state to  
21 the extent and subject to the conditions provided in (e) of this sec-  
22 tion;

23 (7) real property or an interest in real property that is  
24 exempt from taxation under 43 U.S.C. 1620(d), as amended.

25 (b) In (a) of this section, "property used exclusively for  
26 religious purposes" includes the following property owned by a reli-  
27 gious organization:

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

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

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

6           (c) Property described in (a)(3) or (4) of this section from  
7 which income is derived is exempt only if that income is solely from  
8 use of the property by nonprofit religious, charitable, hospital, or  
9 educational groups. If used by nonprofit educational groups, the  
10 property is exempt only if used exclusively for classroom space.

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

14           (e) The real property owned and occupied as a permanent place of  
15 abode by a resident 65 years of age or over or by a disabled veteran  
16 is exempt from taxation of the assessed value of the real property.  
17 Real property may not be exempted under this subsection if the asses-  
18 sor determines, after notice and hearing to the parties concerned,  
19 that the property was conveyed to the applicant primarily for the  
20 purpose of obtaining the exemption. The determination of the assessor  
21 may be appealed under AS 44.62.560 and 44.62.570.

22           (f) An exemption may not be granted under (e) of this section  
23 except upon written application for the exemption on a form approved  
24 by the state assessor for use by local assessors. The claimant must  
25 file the application no later than January 15, or a date provided by  
26 ordinance that is not later than March 31, of the assessment year for  
27 which the exemption is sought. The governing body of the municipality  
28 for good cause shown may waive during a year the claimant's failure to  
29 make timely application for exemption for that year and authorize the

1 assessor to accept the application as if timely filed. The claimant  
2 must file a separate application for each assessment year in which the  
3 exemption is sought. If an application is filed within the required  
4 time and is approved by the assessor, the assessor shall allow an  
5 exemption in accordance with the provisions of this section. If a  
6 failure to file by January 15, or a date provided by ordinance that is  
7 not later than March 31, of the assessment year has been waived as  
8 provided in this subsection and the application for exemption is  
9 approved, the amount of tax that the claimant has already paid for the  
10 assessment year for the property exempted shall be refunded to the  
11 claimant. The assessor shall require proof in the form the assessor  
12 considers necessary of the right to and amount of an exemption claimed  
13 under (e) of this section, and shall require a disabled veteran claim-  
14 ing an exemption under (e) of this section to provide evidence of the  
15 disability rating. The assessor may require proof under this section  
16 at any time.

17 (g) The state shall reimburse a borough or city, as appropriate,  
18 for the real property tax revenues lost to it by the operation of (e)  
19 of this section. However, reimbursement will be made to a municipal-  
20 ity for revenue lost to it only to the extent that the loss exceeds an  
21 exemption that was granted by the municipality, or that on proper  
22 application by an individual would have been granted under AS 29.45.-  
23 050(a).

24 (h) Except as provided in (g) of this section, nothing in (e) --  
25 (j) of this section affects similar exemptions from property taxes  
26 granted by a municipality on September 10, 1972, or prevents a munic-  
27 ipality from granting similar exemptions by ordinance as provided in  
28 AS 29.45.050.

29 (i) In (e) -- (i) of this section

1           (1) "disabled veteran" means a disabled person separated  
2 from the military service of the United States under a condition that  
3 is not dishonorable who is a resident of the state, whose disability  
4 was incurred or aggravated in the line of duty in the military service  
5 of the United States, and whose disability has been rated as 50 per-  
6 cent or more by the branch of service in which that person served or  
7 by the Veterans' Administration;

8           (2) "real property" includes but is not limited to mobile  
9 homes, whether classified as real or personal property for municipal  
10 tax purposes.

11           (j) One motor vehicle per household owned by a resident 65 years  
12 of age or older on January 1 of the assessment year is exempt either  
13 from taxation on its assessed value or from the registration tax under  
14 AS 28.10.431. An exemption may be granted under this subsection only  
15 upon written application on a form prescribed by the Department of  
16 Public Safety. The state shall reimburse a municipality for tax reve-  
17 nues lost to it because of the exemption required by this subsection.  
18 Reimbursement to a municipality equals the amount of registration tax  
19 authorized under AS 28.10.431(b) for each vehicle exempted under this  
20 subsection.

21           (k) The department shall adopt regulations to implement the pro-  
22 visions of (g) and (j) of this section.

23           (1) Two percent of the assessed value of a structure is exempt  
24 from taxation if the structure contains a fire protection system ap-  
25 proved under AS 19.70.081, in operating condition, and incorporated as  
26 a fixture or part of the structure. The exemption granted by this  
27 subsection is limited to

28           (1) an amount equal to two percent of the value of the  
29 structure based on the assessment for 1981, if the fire protection

1 system is a fixture of the structure on January 1, 1981; or

2 (2) an amount equal to two percent of the value of the  
3 structure based on the assessment as of January 1 of the year immedi-  
4 ately following the installation of the fire protection system if the  
5 fire protection system becomes a fixture of the structure after  
6 January 1, 1981.

7 (m) For the purpose of determining property exempt under (a)(7)  
8 of this section, the following definitions apply to terms used in 43  
9 U.S.C. 1620(d) unless superseded by applicable federal law:

10 (1) "developed" means a purposeful modification of the  
11 property from its original state that effectuates a condition of  
12 gainful and productive present use without further substantial modifi-  
13 cation; surveying, construction of roads, providing utilities or other  
14 similar actions normally considered to be component parts of the  
15 development process, but that do not create the condition described in  
16 this paragraph, do not constitute a developed state within the meaning  
17 of this paragraph; developed property, in order to remove the exemp-  
18 tion, must be developed for purposes other than exploration, and be  
19 limited to the smallest practicable tract of the property actually  
20 used in the developed state;

21 (2) "exploration" means the examination and investigation  
22 of undeveloped land to determine the existence of subsurface nonrenew-  
23 able resources;

24 (3) "lease" means a grant of primary possession entered  
25 into for gainful purposes with a determinable fee remaining in the  
26 hands of the grantor; with respect to a lease that conveys rights of  
27 exploration and development, this exemption shall continue with re-  
28 spect to that portion of the leased tract that is used solely for the  
29 purpose of exploration.

1 (n) If property or an interest in property that is determined  
2 not to be exempt under (a)(7) of this section reverts to an undevel-  
3 oped state, or if the lease is terminated, the exemption shall be  
4 granted, subject to the provisions of (a)(7) and (m) of this section.

5 Sec. 29.45.040. PROPERTY TAX EQUIVALENCY PAYMENTS. (a) A  
6 resident of the state 65 years of age or older or a disabled veteran  
7 who rents a permanent place of abode is eligible for a tax equivalency  
8 payment from the state through the department.

9 (b) For purposes of determining the amount of a payment to an  
10 eligible person, the department shall calculate at the rate of one  
11 percent per mill a property tax equivalent percentage for each munici-  
12 pality that levies a property tax. The property tax equivalent per-  
13 centage applied to the annual rent charged to the applicant equals the  
14 property tax equivalency payment payable under this section.

15 (c) To obtain a tax equivalency payment the eligible resident  
16 must apply to the department for payment for the preceding year by  
17 January 15 of each year on forms and in the manner prescribed by the  
18 department. The department for good cause shown may waive an appli-  
19 cant's failure to make timely application for a tax equivalency pay-  
20 ment and accept the application as if timely filed. Each applicant  
21 shall submit with the application rental receipts or, if rental re-  
22 cepts are not available, other evidence satisfactory to the depart-  
23 ment for determination of the fact of payment of rent and the amount  
24 paid. A disabled veteran shall submit with the application evidence  
25 of the disability rating.

26 (d) If two or more persons occupy a residence as tenants, not  
27 all of whom are eligible for a tax equivalency payment under this  
28 section, the assessor shall determine equitable partial payments to be  
29 made to the eligible tenants. However, a tax equivalency payment to

1 an eligible applicant may not be reduced because the spouse is less  
2 than 65 years of age or is not a disabled veteran. If all occupants  
3 in a residence are eligible for a tax equivalency payment under this  
4 section, the occupants shall decide between and among themselves which  
5 shall receive payment.

6 (e) In this section "disabled veteran" means a disabled veteran  
7 as defined in AS 29.45.030(i)(1).

8 Sec. 29.45.045. REIMBURSEMENT PAYMENTS. (a) A resident of the  
9 state 65 years of age or older or a disabled veteran who rents a  
10 permanent place of abode is eligible for a reimbursement payment from  
11 the state through the department if the abode is located in a munici-  
12 pality that

13 (1) does not levy and collect a property tax; and

14 (2) levies and collects a sales tax on rents paid for  
15 residential property.

16 (b) The amount of a reimbursement payment under this section  
17 equals the amount of sales taxes paid on the abode during the preced-  
18 ing year by the eligible resident.

19 (c) To obtain a reimbursement payment under this section an  
20 eligible resident must apply by January 15 of each year to the depart-  
21 ment for reimbursement of sales taxes paid for the preceding year.  
22 The application shall be on the form and filed as prescribed by the  
23 department. The department for good cause shown may waive an appli-  
24 cant's failure to make timely application for reimbursement and accept  
25 the application as if timely filed. Each applicant shall submit with  
26 the application rental receipts or, if rental receipts are not avail-  
27 able, other evidence satisfactory to the department for determination  
28 of the fact of payment or rent and the amount paid. A disabled  
29 veteran shall submit with the application evidence of the disability

1 rating.

2 (d) If two or more persons occupy a residence as tenants, not  
3 all of whom are eligible for a reimbursement payment under this sec-  
4 tion, the assessor shall determine equitable partial payments to be  
5 made to the eligible tenants. However, a reimbursement payment to an  
6 eligible applicant may not be reduced because the spouse is less than  
7 65 years of age or not a disabled veteran. If all occupants in a  
8 residence are eligible for a reimbursement payment, the occupants  
9 shall decide between and among themselves which shall receive the  
10 payment.

11 (e) In this section "disabled veteran" means a disabled veteran  
12 as defined in AS 29.45.030(i)(1).

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

18 (b) A municipality may by ordinance

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

22 (2) classify and exempt from taxation

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

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

29 (C) land of a nonprofit organization used for

1 agricultural purposes if rights to subdivide the land are  
2 conveyed to the state and the conveyance includes a covenant  
3 restricting use of the land to agricultural purposes only; rights  
4 conveyed to the state under this subparagraph may be conveyed by  
5 the state only in accordance with AS 38.05.069(c);

6 (3) exempt personal property from taxation;

7 (4) exempt business inventories from taxation;

8 (5) classify as to type and exempt or partially exempt any  
9 or all types of motor vehicles from taxation.

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

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

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

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

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

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

29 (d) Exemptions or exclusions from property tax that have been

1 granted by a home rule municipality in addition to exemptions autho-  
2 rized or required by law, and that are in effect on September 10,  
3 1972, and not later withdrawn, are not affected by this chapter.

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

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

28 (g) A municipality may by ordinance exempt from taxation all or  
29 part of the increase in assessed value of improvements to a single-

1 family dwelling if the principal purpose of the improvement is to  
2 increase the amount of space for occupancy. An exemption provided in  
3 this subsection may continue for up to two years from the date the  
4 improvement is completed, or from the date of approval of an applica-  
5 tion for the exemption by the local assessor, whichever is later.

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

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

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

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

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

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

25 Sec. 29.45.070. MOBILE HOMES. Mobile homes, trailers, house  
26 trailers, trailer coaches and similar property used or intended to be  
27 used for residential, office, or commercial purposes and attached to  
28 the land or connected to water, gas, electric, or sewage facilities  
29 are classified as real property for tax purposes unless expressly

1 classified as personal property by ordinance. This section does not  
2 apply to house trailers and mobile homes that are unoccupied and held  
3 for sale by persons engaged in the business of selling mobile homes.

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

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

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

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

27 (e) For purposes of this section, population shall be determined  
28 by the commissioner based on the latest statistics of the United  
29 States Bureau of the Census or on other reliable population data, and

1 the commissioner shall advise each municipality of its population by  
2 January 15 of each year.

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

8 (b) A municipality, or combination of municipalities occupying  
9 the same geographical area, in whole or in part, may not levy taxes

10 (1) that will result in tax revenues from all sources ex-  
11 ceeding \$1,500 a year for each person residing within the municipal  
12 boundaries; or

13 (2) upon value that, when combined with the value of prop-  
14 erty otherwise taxable by the municipality, exceeds the product of 225  
15 percent of the average per capita assessed full and true value of  
16 property in the state multiplied by the number of residents of the  
17 taxing municipality.

18 (c) The commissioner shall apportion the lawful levy and equi-  
19 tably divide the tax revenues on the basis of need, services per-  
20 formed, and other considerations in the public interest if two or more  
21 municipalities occupying the same geographical area, in whole or in  
22 part, attempt to levy a tax

23 (1) the combined levy of which would result in tax revenues  
24 from all sources exceeding \$1,500 a year for each person residing  
25 within the municipal boundaries; or

26 (2) upon value that, when combined with the value of prop-  
27 erty otherwise taxable by the municipality, exceeds the product of 225  
28 percent of the average per capita assessed full and true value of  
29 property in the state multiplied by the number of residents of the

1 taxing municipality.

2 (d) For the purpose of (b) and (c) of this section, population  
3 shall be determined by the commissioner based on the latest statistics  
4 of the United States Bureau of the Census or on other reliable popula-  
5 tion data. For purposes of (b) and (c) of this section, the average  
6 per capita assessed full and true value of property in the state shall  
7 be calculated without regard to the assessed value of taxable property  
8 under AS 43.58.

9 Sec. 29.45.100. NO LIMITATIONS ON TAXES TO PAY BONDS. The  
10 limitations provided for in AS 29.45.080 -- 29.45.090 do not apply to  
11 taxes levied or pledged to pay or secure the payment of the principal  
12 and interest on bonds. Taxes to pay or secure the payment of princi-  
13 pal and interest on bonds may be levied without limitation as to rate  
14 or amount, regardless of whether the bonds are in default or in danger  
15 of default.

16 Sec. 29.45.103. TAXATION RECORDS. (a) Municipal records deal-  
17 ing with assessment, valuation or taxation may be inspected by the  
18 State Assessor or the assessor's designee.

19 (b) If a municipality's assessment and valuation has been done  
20 by a private contractor, records concerning the municipality's valua-  
21 tion and assessment shall be made available to the State Assessor or  
22 the assessor's designee on request.

23 Sec. 29.45.105. ERRORS IN TAXATION PROCEDURES. (a) If a  
24 municipality receives a notice from the State Assessor that major  
25 errors have been found in its assessment, valuation or taxation proce-  
26 dures, the municipality shall correct its procedures before the begin-  
27 ning of the next fiscal year or file an appeal under (b) of this  
28 section.

29 (b) A municipality may appeal a notice from the State Assessor

1 that it has made a major error in assessment, valuation or taxation  
2 procedures by filing an appeal with the commissioner within 30 days  
3 after receipt of notice of error.

4 (c) The commissioner, after consulting with the Alaska Associa-  
5 tion of Assessing Officers, shall render a decision within 60 days  
6 after the receipt of a request under (b) of this section. If the  
7 commissioner determines that a major error has been made in assess-  
8 ment, valuation or taxation procedures the commissioner shall notify  
9 the municipality of changes that must be made and the municipality  
10 shall correct its procedures before the beginning of the next fiscal  
11 year.

12 (d) If errors in its assessment, valuation or taxation proce-  
13 dures have resulted in a loss of revenue to the state, the municipal-  
14 ity shall reimburse the state for the amount of revenues lost.

15 Sec. 29.45.110. FULL AND TRUE VALUE. (a) The assessor shall  
16 assess property at its full and true value as of January 1 of the  
17 assessment year, except as provided in this section, AS 29.45.060, and  
18 29.45.230. The full and true value is the estimated price that the  
19 property would bring in an open market and under the then prevailing  
20 market conditions in a sale between a willing seller and a willing  
21 buyer both conversant with the property and with prevailing general  
22 price levels.

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

27 (c) In the case of cessation of business during the tax year,  
28 the municipality may provide for reassessment of business inventories  
29 using the average monthly method of assessment for the tax year rather

1 than the value existing on January 1 of the tax year, and for reduc-  
2 tion and refund of taxes. In enacting an ordinance authorized by this  
3 section, the municipality may prescribe procedures, restrictions, and  
4 conditions of assessing or reassessing business inventories and of  
5 remitting or refunding taxes.

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

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

13 Sec. 29.45.130. INDEPENDENT INVESTIGATION. (a) The assessor is  
14 not bound to accept a return as correct. The assessor may make an  
15 independent investigation of property returned or of taxable property  
16 on which no return has been filed. In either case, the assessor may  
17 make the assessor's own valuation of the taxable property and this  
18 valuation is prima facie evidence of the value of the property.

19 (b) For investigation, the assessor or the assessor's agent may  
20 enter a premise during reasonable hours and may examine property on  
21 the premise. The assessor or the assessor's agent may examine all  
22 property records involved. A person shall, on request, furnish to the  
23 assessor or the assessor's agent every facility and assistance for the  
24 investigation. The assessor may seek a court order to compel entry  
25 and production of records needed for assessment purposes.

26 (c) An assessor may examine a person on oath. On request, the  
27 person shall submit to examination at a reasonable time and place  
28 selected by the assessor.

29 Sec. 29.45.140. VIOLATIONS. A person who knowingly fails to

1 file a statement required by ordinance or who knowingly makes a false  
2 affidavit to a statement required by a tax ordinance relative to the  
3 amount, location, kind or value of property subject to taxation with  
4 intent to evade the taxation, is guilty of a class B misdemeanor.

5 Sec. 29.45.150. REEVALUATION. A systematic reevaluation of  
6 taxable real and personal property undertaken by the assessor, whether  
7 of specific areas in which real property is located or of specific  
8 classes of real or personal property to be assessed, shall be made  
9 only in accordance with a resolution or other act of the municipality  
10 directing a systematic reevaluation of all taxable property in the  
11 municipality over the shortest period of time practicable, as fixed in  
12 the resolution or act.

13 Sec. 29.45.160. ASSESSMENT ROLL. (a) The assessor shall pre-  
14 pare an annual assessment roll. The roll shall contain

- 15 (1) a description of all taxable property;  
16 (2) the assessed value of all taxable property;  
17 (3) the names and addresses of persons with property sub-  
18 ject to assessment and taxation.

19 (b) The assessor may list real property by any description that  
20 may be made certain. Real property is assessed to the record owner.  
21 The district recorder shall at least monthly provide the assessor a  
22 copy of each recorded change of ownership showing the name and mailing  
23 address of the owner and the name and mailing address of the person  
24 recording the change of ownership. Other persons having an interest  
25 in the property may be listed on the assessment records with the  
26 owner. The person in whose name property is listed as owner is conclu-  
27 sively presumed to be the legal record owner. If the property owner  
28 is unknown, the property may be assessed to "unknown owner". An  
29 assessment is not invalidated by a mistake, omission, or error in the

1 name of the owner, if the property is correctly described.

2 Sec. 29.45.170. ASSESSMENT NOTICE. (a) The assessor shall give  
3 each person named in the assessment roll a notice of assessment,  
4 showing the assessed value of the person's property. On each notice  
5 is printed a brief summary of the dates when taxes are payable, delin-  
6 quent, and subject to penalty and interest, and the dates when the  
7 board of equalization will sit.

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

13 Sec. 29.45.180. CORRECTIONS. (a) A person receiving an assess-  
14 ment notice shall advise the assessor of errors or omissions in the  
15 assessment of the person's property. The assessor may correct errors  
16 or omissions in the roll before the board of equalization hearing.

17 (b) If errors found in the preparation of the assessment roll  
18 are adjusted, the assessor shall mail a corrected notice allowing 30  
19 days for appeal to the board of equalization.

20 Sec. 29.45.190. APPEAL. (a) A person whose name appears on the  
21 assessment roll or the agent or assigns of that person may appeal to  
22 the board of equalization for relief from an alleged error in valua-  
23 tion not adjusted by the assessor to the taxpayer's satisfaction.

24 (b) The appellant shall, within 30 days after the date of mail-  
25 ing of notice of assessment, submit to the assessor a written appeal  
26 specifying grounds in the form that the board of equalization may  
27 require. Otherwise, the right of appeal ceases unless the board of  
28 equalization finds that the taxpayer was unable to comply.

29 (c) The assessor shall notify an appellant by mail of the time

1 and place of hearing.

2 (d) The assessor shall prepare for use by the board of equaliza-  
3 tion a summary of assessment data relating to each assessment that is  
4 appealed.

5 (e) A city in a borough may appeal an assessment to the borough  
6 board of equalization in the same manner as a taxpayer. Within five  
7 days after receipt of the appeal, the assessor shall notify the person  
8 whose property assessment is being appealed by the city.

9 Sec. 29.45.200. BOARD OF EQUALIZATION. (a) The governing body  
10 sits as a board of equalization for the purpose of hearing an appeal  
11 from a determination of the assessor, or it may delegate this author-  
12 ity to one or more boards appointed by it. An appointed board may be  
13 composed of not less than three persons, who may be members of the  
14 governing body, municipal residents, or a combination of members of  
15 the governing body and residents. The governing body shall by ordi-  
16 nance establish the qualifications for membership.

17 (b) The board of equalization is governed in its proceedings by  
18 rules adopted by ordinance that are consistent with general rules of  
19 administrative procedure. The board may alter an assessment of a lot  
20 only pursuant to an appeal filed as to the particular lot.

21 (c) Notwithstanding other provisions in this section, a deter-  
22 mination of the assessor as to whether property is taxable under law  
23 may be appealed directly to the superior court.

24 Sec. 29.45.210. HEARING. (a) If an appellant fails to appear,  
25 the board of equalization may proceed with the hearing in the absence  
26 of the appellant.

27 (b) The appellant bears the burden of proof. The only grounds  
28 for adjustment of assessment are proof of unequal, excessive, im-  
29 proper, or under valuation based on facts that are stated in a valid

1 written appeal or proven at the appeal hearing. If a valuation is  
2 found to be too low, the board of equalization may raise the assess-  
3 ment.

4 (c) The board of equalization shall certify its actions to the  
5 assessor within seven days. Except as to supplementary assessments,  
6 the assessor shall enter the changes and certify the final assessment  
7 roll by June 1.

8 (d) An appellant or the assessor may appeal a determination of  
9 the board of equalization to the superior court as provided by rules  
10 of court applicable to appeals from the decisions of administrative  
11 agencies. Appeals are heard on the record established at the hearing  
12 before the board of equalization.

13 Sec. 29.45.220. SUPPLEMENTARY ASSESSMENT ROLLS. The assessor  
14 shall include property omitted from the assessment roll on a supple-  
15 mentary roll, using the procedures set out in this chapter for the  
16 original roll.

17 Sec. 29.45.230. TAX ADJUSTMENTS ON PROPERTY AFFECTED BY A NATU-  
18 RAL DISASTER. (a) The municipality may provide for assessment or  
19 reassessment and reduction of taxes for property destroyed, damaged,  
20 or otherwise reduced in value as a result of a natural disaster.

21 (b) An assessment or reassessment under this section may be made  
22 by the assessor only upon the receipt of a sworn statement of the tax-  
23 payer that losses exceed \$1,000. A reduction of taxes may be made  
24 only on losses in excess of \$1,000 for the remainder of the year  
25 following the disaster. On reassessment, the municipality shall  
26 recompute this tax and refund taxes that have already been paid.

27 (c) The municipality shall give notice of assessment or re-  
28 assessment under this section and shall hold an equalization hearing  
29 as provided in this chapter, except that a notice of appeal must be

1 filed with the board of equalization within 10 days after notice of  
2 assessment or reassessment is given to the person appealing. Other-  
3 wise, the right of appeal ceases unless the board finds that the  
4 taxpayer is unable to comply.

5 (d) In enacting an ordinance or resolution authorized by this  
6 section the municipality may, consistent with this section, prescribe  
7 procedures, restrictions, and conditions of assessing or reassessing  
8 property and of remitting, refunding, or forgiving taxes.

9 (e) In this section "disaster" means a major disaster declared  
10 by the President of the United States under the provisions of 42  
11 U.S.C. sec. 1855--1855g (Federal Disaster Act of 1950), or other  
12 federal law, or a disaster declared by the governor under AS 26.23.010  
13 -- 26.23.110.

14 Sec. 29.45.240. TAX LEVY AND RATE. (a) The power granted to a  
15 municipality to assess, levy, and collect a property tax shall be  
16 exercised by means of an ordinance. The rate of levy, the date of  
17 equalization, and the date when taxes become delinquent shall be fixed  
18 by resolution.

19 (b) A municipality shall annually determine the rate of levy  
20 before June 15. By July 1 the tax collector shall mail tax statements  
21 setting out the levy, dates when taxes are payable and delinquent, and  
22 penalties and interest.

23 Sec. 29.45.250. RATES OF PENALTY AND INTEREST. (a) A penalty  
24 not to exceed 20 percent of the tax due may be added to all delinquent  
25 taxes, and interest not to exceed 15 percent a year shall accrue upon  
26 all unpaid taxes, not including penalty, from the due date until paid  
27 in full. A municipality may impose a penalty not to exceed 20 percent  
28 of the tax due upon the late return of personal property assessment  
29 forms. A penalty under this section may be imposed according to a

1 formula that increases the amount of the penalty as the length of time  
2 increases during which payment is delinquent or assessment forms are  
3 not returned.

4 (b) If a taxpayer is given the right to pay the tax in two in-  
5 stallments, penalty and interest on an unpaid installment accrues from  
6 the date the installment becomes due.

7 ARTICLE 2. ENFORCEMENT OF TAX LIENS.

8 Sec. 29.45.290. VALIDITY. Certified assessment and tax rolls  
9 are valid and binding on all persons, notwithstanding a defect, error,  
10 omission, or invalidity in the assessment rolls or proceedings per-  
11 taining to the assessment roll.

12 Sec. 29.45.300. TAX LIABILITY. (a) The owner of assessed per-  
13 sonal property is personally liable for the amount of taxes assessed  
14 against the property. The tax, together with penalty and interest,  
15 may be collected in a personal action brought in the name of the  
16 municipality.

17 (b) Property taxes, together with penalty and interest, are a  
18 lien upon the property assessed, and the lien is prior and paramount  
19 to all other liens or encumbrances against the property.

20 Sec. 29.45.310. ENFORCEMENT OF PERSONAL PROPERTY TAX LIENS BY  
21 DISTRAINT AND SALE. (a) A lien for personal property taxes may be  
22 enforced by distraint and sale of the property. The municipality  
23 shall provide the procedure for distraint and sale by ordinance. A  
24 seizure, levy, or distraint is not legal unless demand is first made  
25 of the person assessed for the amount of the tax, penalty, and inter-  
26 est, and a sale is not valid unless made at public auction no sooner  
27 than 15 days after notice is published. The seizure is made by virtue  
28 of a warrant issued by the municipal clerk to a peace officer.

29 (b) If the personal property sold is not sufficient to satisfy

1 the tax, penalty, and interest, and costs of sale, the warrant may  
2 authorize the seizure of other personal property sufficient to satisfy  
3 the tax, penalty, interest, and costs of sale. If the property is  
4 sold for more money than is needed to satisfy the tax, the municipal-  
5 ity shall remit the excess to the former record owner upon presenta-  
6 tion of a proper claim. A claim for the excess filed after six months  
7 of the date of sale is forever barred.

8 Sec. 29.45.320. REAL PROPERTY TAX COLLECTION. (a) The municipi-  
9 pality shall enforce delinquent real property tax liens by annual  
10 foreclosure, unless otherwise provided by ordinance.

11 (b) If the tax on property described in AS 29.45.070 or on a  
12 taxable interest in tax-exempt property is not paid when due, a muni-  
13 cipality may enforce the tax by a personal action against the delin-  
14 quent taxpayer brought in the district or superior court, in addition  
15 to other remedies available to enforce the lien.

16 Sec. 29.45.330. FORECLOSURE LIST. (a) A municipality shall

17 (1) annually present a petition for judgment and a certi-  
18 fied copy of the foreclosure list for the previous year's delinquent  
19 taxes in the superior court for judgment;

20 (2) publish the foreclosure list for four consecutive weeks  
21 in a newspaper of general circulation distributed in the municipality  
22 or, if there is no newspaper of general circulation distributed in the  
23 municipality, post the list at three public places for at least 30  
24 days;

25 (3) within 10 days after the first publication or posting,  
26 mail to the last known owner of each property as the owner's name and  
27 address appear on the list a notice advising of the foreclosure pro-  
28 ceeding in which a petition for judgment of foreclosure has been filed  
29 and describing the property and the amount due as stated on the list.

1 (b) The list shall be arranged in alphabetical order as to the  
2 last name and shall include

3 (1) the last known owner;

4 (2) the property description as stated on the assessment  
5 roll;

6 (3) years and amounts of delinquency;

7 (4) penalty and interest due;

8 (5) a statement that the list is available for public  
9 inspection at the clerk's office;

10 (6) a statement that the list has been presented to the  
11 superior court with a petition for judgment and decree.

12 (c) Completion of the requirements of (a) of this section con-  
13 stitutes and has the same force and effect as the filing of an indi-  
14 vidual and separate complaint and service of summons to foreclose a  
15 lien against each property described on the foreclosure list.

16 Sec. 29.45.340. CLEARING DELINQUENCIES. During the publication  
17 or posting of the foreclosure list and up to the time of transfer to  
18 the municipality a person may pay the taxes, together with the penal-  
19 ty, interest, and costs. The collector shall note payment on the  
20 foreclosure list.

21 Sec. 29.45.350. LIST TO LIENHOLDER. A holder of a mortgage or  
22 other lien on real property may request the clerk to send by certified  
23 mail notice of a foreclosure list that includes the real property.

24 Sec. 29.45.360. GENERAL FORECLOSURE. A municipality shall bring  
25 one general foreclosure proceeding in rem against the properties in-  
26 cluded in the foreclosure list. If the owner is unknown, the property  
27 is proceeded against as belonging to "unknown owner."

28 Sec. 29.45.370. ANSWER AND OBJECTION. A person having an inter-  
29 est in a lot on the foreclosure list may file an answer within 30 days

1 of the date of last publication, specifying the person's objection.  
2 The court shall make its decision in summary proceedings. The fore-  
3 closure list is prima facie evidence that the assessment and levy of  
4 the tax is valid and that the tax is unpaid.

5 Sec. 29.45.380. JUDGMENT. The court shall in a proper case give  
6 judgment and decree that the tax liens be foreclosed. It is a several  
7 judgment against each lot and a lien on each lot.

8 Sec. 29.45.390. TRANSFER AND APPEAL. (a) Foreclosed properties  
9 are transferred to the municipality for the lien amount. When answers  
10 are filed the court may enter judgment against and order the transfer  
11 to the municipality of all other properties on the list pending deter-  
12 mination of the matters in controversy. The court shall hear and  
13 determine the issues raised by the complaint and answers in the same  
14 manner and under the same rules as it hears and determines other  
15 actions.

16 (b) The court clerk shall deliver a certified copy of the judg-  
17 ment and decree to the municipal clerk. The certified judgment and  
18 decree constitutes a transfer to the municipality.

19 (c) The judgment and decree stops objections to it that could  
20 have been presented before judgment and decree. Appeal from a judg-  
21 ment and decree of foreclosure, or from a final order in the proceed-  
22 ing, may be taken in the manner provided for appeals in civil actions.

23 Sec. 29.45.400. REDEMPTION PERIOD. Properties transferred to  
24 the municipality are held by the municipality for at least one year.  
25 During the redemption period a party having an interest in the prop-  
26 erty may redeem it by paying the lien amount plus penalties, interest,  
27 and costs, including all costs incurred under AS 29.45.440(a). Prop-  
28 erty redeemed is subject to all accrued taxes, assessments, liens, and  
29 claims as though it had continued in private ownership. Only the

1 amount applicable under the judgment and decree must be paid in order  
2 to redeem the property.

3 Sec. 29.45.410. EFFECT. Receipt of redemption money by the  
4 municipality releases the judgment obtained under AS 29.45.380. The  
5 clerk or the clerk's designee shall record the redemption and issue a  
6 certificate containing a property description, the redemption amount,  
7 and the dates of judgment and decree of foreclosure. The clerk or the  
8 clerk's designee shall collect the recording fee at the time of re-  
9 demption and shall file the certificate with the record as part of the  
10 judgment roll.

11 Sec. 29.45.420. ADDITIONAL LIENS. If a property included in a  
12 foreclosure list is removed after payment of delinquencies or redemp-  
13 tion by another lienholder, the payment represented by receipt for  
14 payment constitutes an additional lien on the property, collectible by  
15 the lienholder in the same manner as the original lien.

16 Sec. 29.45.430. POSSESSION DURING REDEMPTION PERIOD. Foreclo-  
17 sure does not affect the former owner's right to possession during the  
18 redemption period. If waste is committed by the former owner or by  
19 anyone acting under the permission or control of the former owner, the  
20 municipality may declare an immediate forfeiture of the right to  
21 possession.

22 Sec. 29.45.440. EXPIRATION. (a) At least 30 days before the  
23 expiration of the redemption period the clerk or the clerk's designee  
24 shall publish a redemption period expiration notice. The notice shall  
25 contain the date of judgment, the date of expiration of the period of  
26 redemption, and a warning that all properties ordered sold under the  
27 judgment, unless redeemed, shall be deeded to the municipality immedi-  
28 ately on expiration of the period of redemption and that every right  
29 or interest of a person in the properties will be forfeited forever to

1 the municipality. The notice appears once a week for four consecutive  
2 weeks in a newspaper of general circulation distributed in the muni-  
3 cipality. If there is no newspaper of general circulation distributed  
4 in the municipality, the notice is posted in three public places for  
5 at least four consecutive weeks. The clerk shall send a copy of the  
6 notice by certified mail to each record owner of property against  
7 which a judgment of foreclosure has been taken and, if the assessed  
8 value of the property is more than \$20,000, to all holders of mort-  
9 gages or other liens of record on the property. The notice shall be  
10 mailed within five days after the first publication. The mailing  
11 shall be sufficient if mailed to the property owner and to the holder  
12 of a mortgage or recorded lien at the last address of record.

13 (b) The right of redemption expires 30 days after the date of  
14 the first notice publication.

15 (c) Costs incurred in the determination of holders of mortgages  
16 and other liens of record and costs of notice publication incurred by  
17 a municipality under (a) of this section are a lien on the property  
18 and may be recovered by the municipality.

19 Sec. 29.45.450. DEED TO BOROUGH OR CITY. (a) Unredeemed prop-  
20 erty in the area of the borough outside all cities is deeded to the  
21 borough by the clerk of the court. Unredeemed property in a city is  
22 deeded to the city subject to the payment by the city of unpaid bor-  
23 ough taxes and costs of foreclosure levied against the property before  
24 foreclosure. The deed shall be recorded in the recording district in  
25 which the property is located.

26 (b) Conveyance gives the municipality clear title, except for  
27 prior recorded tax liens of the United States and the state.

28 (c) If unredeemed property lies in a city and if the city has no  
29 immediate public use for the property but the borough does have an

1 immediate public use, the city shall deed the property to the borough.  
2 If unredeemed property lies in the borough outside all cities and if  
3 the borough does not have an immediate public use for the property but  
4 a city does have an immediate public use, the borough shall deed the  
5 property to the city.

6 (d) No deed is invalid for irregularities, omissions, or defects  
7 in the proceedings under this chapter unless the former owner has been  
8 misled so as to be injured. Two years after the date of the deed, its  
9 validity is conclusively presumed and a claim of the former owner or  
10 other person having an interest in the property is forever barred.

11 Sec. 29.45.460. DISPOSITION AND SALE OF FORECLOSED PROPERTY.

12 (a) The municipality shall determine by ordinance whether foreclosed  
13 property deeded to the municipality shall be retained for a public  
14 purpose. The ordinance shall contain the legal description of the  
15 property, the address or a general description of the property suffi-  
16 cient to provide the public with notice of its location, and the name  
17 of the last record owner of the property as the name appears on the  
18 assessment rolls.

19 (b) Tax-foreclosed property conveyed to a municipality by tax  
20 foreclosure and not required for a public purpose may be sold. Before  
21 the sale of tax-foreclosed property held for a public purpose, the  
22 municipality, by ordinance, shall determine that a public need does  
23 not exist. The ordinance shall contain the information required under  
24 (a) of this section.

25 (c) The clerk or the clerk's designee shall send a copy of the  
26 published notice of hearing of an ordinance to consider a determina-  
27 tion required under (a) or (b) of this section by certified mail to  
28 the former record owner of the property that is the subject of the  
29 ordinance. The notice shall be mailed within five days after its

1 first publication and shall be sufficient if mailed to the last record  
2 owner of the property as the name appears on the assessment rolls of  
3 the municipality.

4 (d) The provisions of (c) of this section do not apply with  
5 respect to property that has been held by the municipality for a  
6 period of more than 10 years after the close of the redemption period.

7 Sec. 29.45.470. REPURCHASE BY RECORD OWNER. (a) The record  
8 owner at the time of tax foreclosure of property acquired by a muni-  
9 cipality, or the assigns of that record owner, may, within 10 years  
10 and before the sale or contract of sale of the tax-foreclosed property  
11 by the municipality, repurchase the property. The municipality shall  
12 sell the property for the full amount applicable to the property under  
13 the judgment and decree, with interest not to exceed 15 percent a year  
14 from the date of entry of the judgment of foreclosure to the date of  
15 repurchase, delinquent taxes assessed and levied as though it had  
16 continued in private ownership, and costs of foreclosure and sale.

17 (b) After adoption of an ordinance providing for the retention  
18 of tax-foreclosed property by the municipality for a public purpose,  
19 the right of the former record owner to repurchase the property  
20 ceases.

21 Sec. 29.45.480. PROCEEDS OF TAX SALE. (a) On sale of fore-  
22 closed real or personal property the municipality shall divide the  
23 proceeds less cost of collection, between the borough and the city  
24 having unpaid taxes against the property. The division is in propor-  
25 tion to the respective municipal taxes against the property at the  
26 time of foreclosure.

27 (b) If tax-foreclosed real property that has been held by a  
28 municipality for less than 10 years after the close of the redemption  
29 period and never designated for a public purpose is sold at a tax-

1 foreclosure sale, the former record owner is entitled to the portion  
2 of the proceeds of the sale that exceeds the amount of unpaid taxes,  
3 the amount equal to taxes that would have been assessed and levied  
4 after foreclosure if the property had continued in private ownership,  
5 penalty, interest, and costs to the municipality of foreclosing and  
6 selling the property. If the proceeds of the sale of tax-foreclosed  
7 property exceed the total of unpaid and delinquent taxes, penalty,  
8 interest, and costs, the municipality shall provide the former owner  
9 of the property written notice advising of the amount of the excess  
10 and the manner in which a claim for the balance of the proceeds may be  
11 submitted. Notice is sufficient under this subsection if mailed to  
12 the former record owner at the last address of record of the former  
13 record owner. On presentation of a proper claim, the municipality  
14 shall remit the excess to the former record owner. A claim for the  
15 excess filed after six months of the date of sale is forever barred.

16 Sec. 29.45.490. PAYMENT OF TAXES UPON PUBLIC UTILIZATION. If a  
17 municipality takes title to tax-foreclosed property for a public pur-  
18 pose, the municipality shall satisfy unpaid taxes and assessments  
19 against the property held by other municipalities, with accrued inter-  
20 est but without penalty. If the amount required to satisfy the unpaid  
21 taxes and assessments exceeds the assessed value of the property, the  
22 municipality shall pay the other municipalities the assessed value,  
23 which shall be divided between the other municipalities in proportion  
24 to their respective taxes and assessments against the property at the  
25 time of foreclosure.

26 Sec. 29.45.500. REFUND OF TAXES. (a) If a taxpayer pays taxes  
27 under protest, the taxpayer may bring suit in the superior court  
28 against the municipality for recovery of the taxes. If judgment for  
29 recovery is given against the municipality, or, if in the absence of

1 suit, it becomes obvious to the governing body that judgment for  
2 recovery of the taxes would be obtained if legal proceedings were  
3 brought, the municipality shall refund the amount of the taxes to the  
4 taxpayer with interest at eight percent from the date of payment plus  
5 costs.

6 (b) If, in payment of taxes legally imposed, a remittance by a  
7 taxpayer through error or otherwise exceeds the amount due, and the  
8 municipality, on audit of the account in question, is satisfied that  
9 this is the case, the municipality shall refund the excess to the tax-  
10 payer with interest at eight percent from the date of payment. A  
11 claim for refund filed one year after the due date of the tax is  
12 forever barred.

13 (c) The governing body may correct manifest clerical errors at  
14 anytime.

15 ARTICLE 3. CITY PROPERTY TAX.

16 Sec. 29.45.550. CITIES OUTSIDE BOROUGHES. Home rule and first  
17 class cities outside boroughs may assess, levy, and collect a property  
18 tax. A property tax if levied must be assessed, levied, and collected  
19 as provided by AS 29.45.010 -- 29.45.500.

20 Sec. 29.45.560. CITIES INSIDE BOROUGHES. Home rule and first  
21 class cities inside boroughs may levy a property tax. A property tax,  
22 if levied, is subject to AS 29.45.010 -- 29.45.050, 29.45.090 --  
23 29.45.100, 29.45.250, 29.45.400 -- 29.45.440 and 29.45.460 --  
24 29.45.500. The council shall by June 15 of each year present to the  
25 assembly a statement of the city's rate of levy unless a different  
26 date is agreed upon by the borough and city.

27 Sec. 29.45.570. APPLICATION. AS 29.45.010 -- 29.45.570 apply to  
28 home rule and general law municipalities.

29 Sec. 29.45.580. DIFFERENTIAL TAX ZONES. A city may by ordinance

1 establish, alter, and abolish differential tax zones to provide and  
2 levy property taxes for services not provided generally in the city or  
3 a different level of service than that provided generally in the city.

4 Sec. 29.45.590. LIMITED PROPERTY TAXING POWER FOR SECOND CLASS  
5 CITIES. A second class city may by referendum levy property taxes as  
6 provided for first class cities. However, levy by a second class city  
7 may not exceed one-half of one percent of the assessed value of the  
8 property taxed, except that the limit does not apply to a levy neces-  
9 sary to avoid a default upon payment of principal and interest of  
10 bonded or other indebtedness that is secured by a pledge to levy ad  
11 valorem or other taxes without limit to meet debt payments.

12 Sec. 29.45.600. COMBINING PROPERTY TAX WITH INCORPORATION OF A  
13 SECOND CLASS CITY. A petition for second class city incorporation may  
14 request that a property tax proposal be placed on the same ballot.  
15 The petition must state the proposed tax rate. The petition may re-  
16 quest that incorporation be dependent on the passage of the property  
17 tax proposition. If so, the incorporation proposition fails if the  
18 property tax fails.

19 ARTICLE 4. BOROUGH SALES AND USE TAX.

20 Sec. 29.45.650. SALES AND USE TAX. (a) A borough may levy and  
21 collect a sales tax not exceeding six percent on sales, rents, and on  
22 services provided in the borough. The sales tax may apply to any or  
23 all of these sources. Exemptions may be granted by ordinance.

24 (b) A borough levying a sales tax may also by ordinance levy a  
25 use tax on the storage, use, or consumption of tangible personal  
26 property in the borough. The use tax rate must equal the sales tax  
27 rate and the use tax shall be levied only on buyers.

28 (c) A person who furnishes proof, in the form required by the  
29 borough tax collector, that the person has paid a sales tax on the

1 source on which a use tax is levied by the borough is required to pay  
2 the use tax only to the extent of the difference between the amount of  
3 the sales tax paid and the amount of the use tax levied by the bor-  
4 ough. This subsection applies to a sales tax levied in any taxing  
5 jurisdiction whether inside or outside the state.

6 (d) If the assembly charges interest on sales taxes not paid  
7 when due, the rate of interest may not exceed 15 percent a year on the  
8 delinquent taxes and shall be charged from the due date until paid in  
9 full. This subsection applies to home rule and general law municipal-  
10 ities.

11 (e) A borough may provide for the creation, recording, and  
12 notice of a lien on real or personal property to secure the payment of  
13 a sales and use tax, and the interest, penalties, and administration  
14 costs in the event of delinquency. When recorded, a lien authorized  
15 under this section has priority over other liens except those for  
16 property taxes and special assessments.

17 Sec. 29.45.660. NOTICE OF SALES AND USE TAX. (a) If the bor-  
18 ough levies and collects only a sales tax and use tax, the assembly  
19 shall provide a notice substantially in the form set out in AS 29.45.-  
20 020. In providing notice under this subsection, the assembly shall  
21 substitute for the millage equivalency its estimate of the equivalent  
22 sales tax rate for each of the categories of financial assistance set  
23 out in AS 29.45.020. Notice shall be provided

24 (1) by publishing in a newspaper of general circulation in  
25 the borough a copy of the notice once each week for a period of three  
26 successive weeks, with publication to occur not later than 45 days  
27 after the final adoption of the borough's budget; or

28 (2) if there is no newspaper of general circulation in the  
29 borough, by posting a copy of the notice for at least 20 days in at

1 least two public places in the borough, with posting to occur not  
2 later than 45 days after the final adoption of the borough's budget.

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

10 Sec. 29.45.670. REFERENDUM, ADOPTION, AND MODIFICATION. A new  
11 sales and use tax or an increase in the rate of levy of a sales tax  
12 approved by ordinance does not take effect until ratified by a major-  
13 ity of the voters at an election.

14 ARTICLE 5. CITY SALES AND USE TAXES.

15 Sec. 29.45.700. POWER OF LEVY. (a) A city in a borough that  
16 levies and collects areawide sales and use taxes may levy sales and  
17 use taxes on all sources taxed by the borough in the manner provided  
18 for boroughs, except that the assembly may by ordinance authorize a  
19 city to levy and collect sales and use taxes on other sources.

20 (b) A city in a borough that does not levy and collect sales and  
21 use taxes for areawide borough functions may levy and collect sales  
22 and use taxes in the manner provided for boroughs.

23 (c) A city outside a borough may levy and collect sales and use  
24 taxes in the manner provided for boroughs.

25 Sec. 29.45.710. COMBINING SALES AND USE TAX WITH INCORPORATION  
26 OF A SECOND CLASS CITY. A petition for incorporation of a second  
27 class city may request that a sales and use tax proposal be placed on  
28 the same ballot. The petition must state the proposed tax rate. The  
29 petition may request that incorporation be dependent on the passage of

1 the tax proposition. If so, the incorporation proposition fails if  
2 the tax fails.

3 \* Sec. 12. AS 29 is amended by adding a new chapter to read:

4 CHAPTER 46. SPECIAL ASSESSMENTS.

5 Sec. 29.46.010. ASSESSMENT AND PROPOSAL. The municipality may  
6 assess against the property of a state or federal governmental unit  
7 and private real property to be benefited by an improvement all or a  
8 portion of the cost of acquiring, installing, or constructing capital  
9 improvements. The state shall pay an assessment levied, except as  
10 otherwise provided by law and subject to its right of protest under  
11 AS 29.46.020(b). If a governmental unit other than the state benefit-  
12 ed by an improvement refuses to pay the assessment, it shall be denied  
13 the benefit of the improvement. An improvement proposal may be initi-  
14 ated by

15 (1) petition to the governing body of the owners of one-  
16 half in value of the property to be benefited; or

17 (2) the governing body.

18 Sec. 29.46.020. PROCEDURE. (a) The municipality may prescribe  
19 by ordinance the procedures relating to creating special assessment  
20 districts, making local improvements, levying and collecting assess-  
21 ments, and financing improvements, including the following:

22 (1) a procedure for filing petitions;

23 (2) a survey and report by the mayor concerning the need  
24 for, desirable extent of, and estimated cost of each proposed local  
25 improvement;

26 (3) a public hearing on the necessity for the proposed  
27 local improvement;

28 (4) a resolution or ordinance determining to proceed or not  
29 to proceed with the proposed local improvement;

1 (5) a public hearing by the governing body on the special  
2 assessment roll for the proposed local improvement;

3 (6) published notice of each public hearing required by  
4 this section and mailing notice to each record owner of real property  
5 in the special assessment district;

6 (7) a resolution or ordinance confirming the special as-  
7 sessment roll for the proposed local improvement.

8 (b) If protests as to the necessity of a proposed local improve-  
9 ment are made by owners of property that will bear 50 percent or more  
10 of the estimated cost of the improvement, the governing body may not  
11 proceed with the improvement until the objections have been reduced to  
12 less than 50 percent, except on approval of not fewer than three-  
13 fourths of the governing body.

14 (c) To the extent that the municipality does not prescribe a  
15 procedure for special assessments as permitted by this section, the  
16 municipality shall comply with the special assessment procedures set  
17 out in AS 29.46.030 -- 29.46.100.

18 Sec. 29.46.030. CREATION OF DISTRICT. (a) When an improvement  
19 proposal is filed with the municipal clerk and presented to the gov-  
20 erning body, the municipality shall find by resolution or ordinance  
21 whether (1) the improvement requested is necessary and should be made,  
22 and (2) if by petition, the request has sufficient and proper peti-  
23 tioners. The findings under this section are conclusive.

24 (b) If the municipality approves an improvement proposal, it  
25 shall develop a proposed improvement plan including the total cost  
26 estimate and the percentage of the cost to be assessed against the  
27 benefited property. The improvement plan shall be filed with the  
28 municipal clerk.

29 (c) The governing body shall set a time for public hearing on

1 the improvement plan and the period for filing objections to the plan.  
2 The governing body shall publish a notice of the hearing and of the  
3 period during which objections may be filed at least once a week for  
4 four consecutive weeks in a newspaper of general circulation if dis-  
5 tributed in the municipality and shall send notice by mail to every  
6 record owner of property in the special assessment district.

7 Sec. 29.46.040. RECORD OWNER. The person in whose name property  
8 is listed on the municipal property tax roll as owner is conclusively  
9 presumed to be the legal owner of record. If the owner is unknown,  
10 the assessment roll may designate "unknown owner".

11 Sec. 29.46.050. OBJECTIONS AND REVISION. (a) Objections to an  
12 improvement plan may be filed during a period of 60 days after publi-  
13 cation of notice. The municipality may by resolution or ordinance  
14 approve the plan and order the improvement subject to the limitation  
15 of (b) of this section.

16 (b) If objections are made in writing during the period set for  
17 objections by the owners of property bearing 50 percent or more of the  
18 estimated total cost of the improvement, the governing body may not  
19 proceed with the improvement unless it revises the plan to meet the  
20 objections and the objections are reduced to less than 50 percent. A  
21 revised plan shall be approved and adopted as an original plan in  
22 accordance with AS 29.46.030.

23 Sec. 29.46.060. ASSESSMENT ROLL. (a) At any time after ap-  
24 proval of an improvement plan, the governing body shall assess the  
25 authorized percentage of the cost against property in the district  
26 included in the plan in proportion to the benefit received.

27 (b) The special assessment roll shall contain property descrip-  
28 tions, names of record owners, and assessment amounts.

29 (c) The governing body shall fix a time to hear objections to

1 the roll. The municipal clerk shall send an assessment and hearing  
2 notice by mail to each record owner of an assessed property not less  
3 than 15 days before the hearing.

4 Sec. 29.46.070. HEARING AND SETTLEMENT. After the public hear-  
5 ing, the governing body shall correct errors and inequalities in the  
6 roll. If an assessment is increased, a new hearing shall be set and  
7 notice published, except that a new hearing and notice is not required  
8 if all record owners of property subject to the increased assessment  
9 consent in writing to the increase. Objections to the increased  
10 assessment shall be limited to record owners of property on which the  
11 assessment was increased. When the roll is corrected, it shall be  
12 confirmed by resolution or ordinance.

13 Sec. 29.46.080. PAYMENT. (a) The governing body shall fix  
14 times of payment, penalties on delinquent payments, and the rate of  
15 interest on the unpaid balance of the assessment. Payment may be in  
16 one sum or by installments. If payment is to be in one sum, payment  
17 may not be required sooner than 60 days after mailing of the assess-  
18 ment statement. The entire assessment may be prepaid without interest  
19 or penalty within 30 days after mailing of the assessment statement,  
20 and thereafter the assessment may be prepaid in whole or in part with  
21 interest to the payment date.

22 (b) Within 30 days after fixing the time of payment the municipi-  
23 pal clerk shall mail a statement to the record owner of each property  
24 assessed. The statement designates the property, the assessment  
25 amount, method of payment, rate of interest on the unpaid balance of  
26 the assessment, the time of delinquency, and penalties on delinquent  
27 payments. Within five days after the statements are mailed, the clerk  
28 shall have notice published that the statements have been mailed.

29 (c) Assessments are liens on the property assessed and are prior

1 and paramount to all liens except municipal tax liens. They may be  
2 enforced as provided in AS 29.45.320 -- 29.45.470 for enforcement of  
3 property tax liens.

4 Sec. 29.46.090. EXEMPTION. (a) The real property owned and  
5 occupied by a resident 65 years of age or over, or the spouse, widow,  
6 widower, or minor heir of the original applicant, on which is located  
7 only the permanent abode of the applicant that is a single-family  
8 residence, is exempt from (1) special sewer assessments levied by a  
9 municipality after September 2, 1975, and (2) special water assess-  
10 ments levied by a municipality after September 2, 1975. Only one  
11 exemption may be granted with respect to the same property, and, if  
12 two or more persons are eligible for an exemption with respect to the  
13 same property, the parties shall decide between or among themselves  
14 which shall receive the benefit of the exemption. Real property may  
15 not be exempted under this subsection that the municipality deter-  
16 mines, after notice and hearing to the parties concerned, has been  
17 conveyed to the applicant primarily for the purpose of obtaining the  
18 exemption. The determination of the municipality is appealable under  
19 AS 44.62.560 -- 44.62.570.

20 (b) An exemption may not be granted under this section except  
21 upon written application for the exemption on a form prescribed by the  
22 state assessor for use by local assessors and in accordance with the  
23 following requirements:

24 (1) The claimant must file the initial application during  
25 the period of time between the date the assessment roll is confirmed  
26 and the time of payment fixed by the governing body. Within one year  
27 after the date the assessment roll is confirmed the governing body for  
28 good cause shown may waive the claimant's failure to make timely  
29 initial application for the exemption and authorize the assessor to

1 accept the application as if timely filed.

2 (2) A claimant receiving the exemption must file with the  
3 assessor by March 15 of each subsequent year a separate application  
4 proving eligibility as of January 1 in order to retain the exemption.  
5 Within the same year the assessor for good cause shown may waive the  
6 claimant's failure to make timely application and approve the applica-  
7 tion as if timely filed.

8 (3) If an application is filed within the required time  
9 under this subsection and is approved by the governing body, the  
10 exemption shall be allowed in accordance with the provisions of this  
11 section. If a waiver under this subsection is granted and the appli-  
12 cation for exemption approved, the amount of any assessment, penalty,  
13 or interest that the claimant has already paid on the assessment shall  
14 be refunded to the claimant. The municipality may at any time require  
15 proof in the form considered necessary of the right and amount of an  
16 exemption claimed under this section.

17 (c) The state shall reimburse a municipality for the sewer and  
18 water assessment revenues that it would receive but for the operation  
19 of this section. Reimbursement under this subsection is a lien in  
20 favor of the state against the property exempted to the extent of the  
21 assessment against the property exempted. When properly recorded, the  
22 lien is prior and superior to other liens against the property except  
23 for property taxes or other special assessments and may be enforced by  
24 lien foreclosure. The lien becomes immediately due and payable

25 (1) upon sale or other transfer of the property except to a  
26 spouse, widow, widower, or minor heir; however, if the property is  
27 transferred to a minor heir the lien becomes due and payable on the  
28 date the minor heir reaches the age of 25 years;

29 (2) when property exempted under (a)(1) or (2) of this

1 section receives more than one sewer connection or more than one water  
2 connection; or

3 (3) when the claimant fails to prove eligibility under  
4 (b)(2) of this section.

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

7 (e) In this section

8 (1) "minor heir" means a person who, at the time of trans-  
9 fer of the property, has not attained the age of 19 years or who, if  
10 under 22 years of age, is a full-time student at an educational insti-  
11 tution or a member of the armed forces of the United States;

12 (2) "real property" includes, but is not limited to, mobile  
13 homes, whether classified as real or personal property for municipal  
14 tax purposes.

15 Sec. 29.46.100. REASSESSMENT. (a) The governing body shall  
16 within one year correct any deficiency in a special assessment found  
17 by a court. Notice and hearing must conform to the initial assessment  
18 procedures.

19 (b) Payments on the initial assessment are credited to the prop-  
20 erty upon reassessment. The reassessment becomes a charge upon the  
21 property notwithstanding failure to comply with any provision of the  
22 assessment procedure.

23 Sec. 29.46.110. ALLOWABLE COSTS. (a) When a special assessment  
24 district is created, there may be included in the assessments

25 (1) all of the cost of acquiring, installing, making, or  
26 constructing the local improvement;

27 (2) the costs of all engineering and surveying to be done  
28 in connection with creating the district or improvement;

29 (3) the cost of mailing and publishing notices;

1           (4) interest on interim financing;  
2           (5) the cost of legal services and other expenses incurred  
3 in the formation of the special assessment district;  
4           (6) the cost of completing the improvement and financing  
5 the improvement, including the issuance of bonds.

6           (b) The total amount of the assessment roll may not exceed  
7 actual costs, but actual costs may include reasonable estimates of the  
8 costs to be incurred in connection with issuance of bonds.

9           Sec. 29.46.120. OBJECTION AND APPEAL. (a) The validity of an  
10 assessment may not be contested by a person who did not file with the  
11 municipal clerk a written objection to the assessment roll before its  
12 confirmation.

13           (b) The decision of the governing body on an objection may be  
14 appealed to the superior court within 30 days after the date of con-  
15 firmation of the assessment roll. If no objection is filed or appeal  
16 taken within that time, the assessment procedure is considered valid  
17 in all respects.

18           Sec. 29.46.130. INTERIM FINANCING. (a) A municipality may  
19 provide by resolution or ordinance for the issuance of notes in pay-  
20 ment of the costs of a local improvement project, payable out of  
21 special assessments for the improvement. The notes shall bear inter-  
22 est at a rate or rates authorized by the resolution or ordinance, and  
23 shall be redeemed either in cash or bonds for the improvement project.

24           (b) Notes issued against assessments shall be claims against the  
25 assessments that are prior and superior to a right, lien or claim of a  
26 surety on the bond given to the municipality to secure the performance  
27 of its contract for a local improvement project, or to secure the  
28 payment of persons who have performed work or furnished materials  
29 under the contract.

1 (c) The municipal treasurer may accept notes against special  
2 assessments on conditions prescribed by the governing body in payment  
3 of

4 (1) assessments against which the notes were issued in  
5 order of priority;

6 (2) judgments rendered against property owners who have  
7 become delinquent in the payment of assessments; and

8 (3) certificates of purchase when property has been sold  
9 under execution or at tax sale for failure to pay the assessments.

10 Sec. 29.46.140. SPECIAL ASSESSMENT BONDS. (a) The municipality  
11 may by ordinance authorize the issuance and sale of special assessment  
12 bonds to pay all or part of the cost of an improvement in a special  
13 assessment district. The principal and interest of bonds issued shall  
14 be payable solely from the levy of special assessments against the  
15 property to be benefited. The assessments shall constitute a sinking  
16 fund for the payment of principal and interest on the bonds. The  
17 benefited property may be pledged by the governing body to secure a  
18 payment.

19 (b) On default in a payment due on a special assessment bond, a  
20 bondholder may enforce payment of principal, interest, and costs of  
21 collection in a civil action in the same manner and with the same  
22 effect as actions for the foreclosure of mortgages on real property.  
23 Foreclosure shall be against all property on which assessments are in  
24 default. The period for redemption is the same as for a mortgage  
25 foreclosure on real property.

26 (c) Before the governing body may issue special assessment  
27 bonds, it shall establish a guarantee fund and appropriate to the fund  
28 annually a sum adequate to cover a deficiency in meeting payments of  
29 principal and interest on bonds if the reason for the deficiency is

1 nonpayment of assessments when due. Money received from actions taken  
2 against property for nonpayment of assessments shall be credited to  
3 the guarantee fund.

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

5 CHAPTER 47. MUNICIPAL DEBT.

6 ARTICLE 1. REVENUE ANTICIPATION NOTES.

7 Sec. 29.47.010. BORROWING IN ANTICIPATION OF REVENUE. A muni-  
8 cipality that is authorized to incur indebtedness may borrow money to  
9 meet appropriations for any fiscal year in anticipation of the collec-  
10 tion of the revenues for that year, but all debt so contracted shall  
11 be paid before the end of the next fiscal year. Negotiable or nonne-  
12 gotiable revenue anticipation notes may be issued as evidence of the  
13 borrowing.

14 Sec. 29.47.020. ISSUANCE OF NOTES. A municipality may by ordi-  
15 nance or resolution authorize the issuance of revenue anticipation  
16 notes. The governing body may delegate to its chief fiscal officer  
17 the power to issue the notes from time to time under the terms and  
18 conditions of the ordinance or resolution that provides for the manner  
19 of their sale.

20 Sec. 29.47.030. ISSUANCE OF NOTES IN ANTICIPATION OF STATE, FED-  
21 ERAL GRANTS. (a) A municipality, on adoption of a long-range capital  
22 improvement budget by ordinance or resolution, may by resolution  
23 provide for negotiable or nonnegotiable revenue anticipation notes in  
24 an amount not to exceed the total amount of any state or federal  
25 grants finally committed for these projects. The notes mature no  
26 later than the end of the next fiscal year. The notes may be for  
27 single or multiple projects outlined in the adopted capital improve-  
28 ment budget.

29 (b) If the state or federal grants for capital improvement

1 projects have not been paid to the municipality before maturity of the  
2 notes issued in anticipation of the receipt of the revenue, the gov-  
3 erning body may issue new notes in order to meet payment of the notes  
4 then maturing or may renew the outstanding revenue anticipation notes.  
5 New notes issued or renewals of outstanding revenue anticipation notes  
6 mature not later than the end of the next fiscal year.

7 Sec. 29.47.040. PRIORITY OF REPAYMENT. The payment of the  
8 principal and interest on revenue anticipation notes is payable from  
9 revenues, and their payment additionally shall be secured by a pledge  
10 of the full faith and credit of the municipality issuing them.

11 ARTICLE 2. BOND ANTICIPATION NOTES.

12 Sec. 29.47.080. BOND ANTICIPATION BORROWING. A municipality may  
13 borrow money in anticipation of the sale of general obligation and  
14 revenue bonds if

15 (1) the general obligation bonds to be sold have been  
16 authorized by ordinance and ratified by a majority vote at an elec-  
17 tion;

18 (2) the revenue bonds to be sold have been authorized by  
19 ordinance.

20 Sec. 29.47.090. ISSUANCE OF NOTES. The governing body shall  
21 issue negotiable or nonnegotiable notes for the amounts borrowed with  
22 a maturity date not to exceed one year from the date of issue. All  
23 notes and the interest on them are payable at fixed places on or  
24 before a fixed time from the proceeds of the sale of bonds in antici-  
25 pation of which the original note or notes were issued, unless the  
26 bonds have not been sold by the maturity date of the notes.

27 Sec. 29.47.100. ISSUANCE OF NEW NOTES. If the sale of the bonds  
28 has not occurred before the maturity of the notes issued in anticipa-  
29 tion of the sale, the governing body shall issue new notes in order to

1 meet payment of the notes then maturing, or shall renew the outstand-  
2 ing bond anticipation notes. New notes issued or renewals of out-  
3 standing bond anticipation notes bear a maturity date not to exceed  
4 one year from the date of issue. Notes, new notes, and renewals of  
5 notes may not be outstanding for a total elapsed time of more than  
6 three years.

7 Sec. 29.47.110. REPAYMENT OF NOTES. Every note is payable from  
8 the proceeds of the sale of bonds that the notes anticipated or from  
9 the proceeds of the sale of new bond anticipation notes.

10 Sec. 29.47.120. SECURITY. (a) Notwithstanding other provisions  
11 of this chapter as to payment of notes, notes issued in anticipation  
12 of the sale of general obligation bonds and the interest on them are  
13 secured by the full faith and credit of the municipality. The muni-  
14 cipality may levy ad valorem taxes for payment without limitation of  
15 rate or amount.

16 (b) Notes issued in anticipation of the sale of revenue bonds  
17 and the interest on them are secured in the same manner as are the  
18 revenue bonds in anticipation of which the notes are issued.

19 Sec. 29.47.130. LIMITATION. The total amount of notes issued  
20 and outstanding may at no time exceed the total amount of bonds autho-  
21 rized to be issued.

22 Sec. 29.47.140. USE OF PROCEEDS. The proceeds from the sale of  
23 notes shall be used only for the purposes for which the proceeds from  
24 the sale of bonds may be used, or to meet payment of outstanding bond  
25 anticipation notes.

26 ARTICLE 3. GENERAL OBLIGATION BONDS.

27 Sec. 29.47.180. GENERAL OBLIGATION BONDS. A municipality may  
28 acquire, construct, improve, and equip capital improvements and issue  
29 negotiable or nonnegotiable general obligation bonds for these

1 purposes.

2 Sec. 29.47.190. VOTE AND NOTICE OF EXISTING INDEBTEDNESS RE-  
3 QUIRED. (a) A municipality may incur general obligation bond debt  
4 only after a bond authorization ordinance is approved by a majority  
5 vote at an election. Any municipal voter may vote in the bond elec-  
6 tion, except as otherwise provided by law.

7 (b) Before a general obligation bond issue election, the govern-  
8 ing body shall have published a notice of the total existing bond  
9 indebtedness at least once a week for three consecutive weeks. The  
10 first notice shall be published at least 20 days before the date of  
11 the election. A notice shall include

12 (1) the current total general obligation bonded indebted-  
13 ness, including authorized but unsold bonds of the municipality;

14 (2) the cost of the debt service on the current indebted-  
15 ness;

16 (3) the total assessed value of property in the municipal-  
17 ity.

18 Sec. 29.47.200. PAYMENT. (a) The full faith and credit of a  
19 municipality are pledged for the payment of principal and interest on  
20 general obligation bonds. The municipality may levy ad valorem taxes  
21 for payment without limitation of rate or amount to pay or secure the  
22 payment of the principal and interest on bonds, regardless of whether  
23 the bonds are in default or in danger of default.

24 (b) General obligation bonds issued for acquiring, constructing,  
25 improving and equipping a municipally owned utility or other revenue-  
26 generating enterprise may be additionally secured by a pledge of the  
27 revenue derived from operation. Bonds so secured are not subject to a  
28 debt limitation imposed by a home rule charter. This subsection  
29 applies to home rule and general law municipalities.

1 ARTICLE 4. REVENUE BONDS.

2 Sec. 29.47.240. REVENUE BONDS. (a) A municipality may issue  
3 negotiable or nonnegotiable revenue bonds for a public enterprise or  
4 public corporation of the municipality where the only security is the  
5 revenue of the public enterprise or corporation.

6 (b) A municipality may issue its revenue bonds to finance the  
7 purchase of residential mortgage loans. The revenue bonds issued  
8 under this subsection are payable solely from the principal and inter-  
9 est of the mortgage loans and from other amounts pledged by the muni-  
10 cipality, except the pledge of revenues derived from taxes. Revenue  
11 bonds issued under this subsection do not constitute a general obli-  
12 gation of the municipality.

13 Sec. 29.47.250. NO ELECTION REQUIRED. An election is not re-  
14 quired to authorize the issuance and sale of revenue bonds, unless  
15 otherwise provided by ordinance.

16 Sec. 29.47.260. CONSTRUCTION. The prohibitions of AS 37.10.085  
17 do not apply to the issuance of revenue bonds or the use of proceeds  
18 from revenue bonds by a home rule or general law municipality.

19 ARTICLE 5. REFUNDING BONDS.

20 Sec. 29.47.300. AUTHORIZATION. If a municipality has outstand-  
21 ing general obligation or revenue bonds and the governing body deter-  
22 mines that it would be financially advantageous to refund the bonds,  
23 the municipality may provide by ordinance or resolution for the issu-  
24 ance of negotiable or nonnegotiable

- 25 (1) general obligation refunding bonds; or  
26 (2) revenue refunding bonds.

27 Sec. 29.47.310. EFFECT OF REFUNDING BONDS. The refunding bonds  
28 may take up and refund all or part of outstanding bonds at or before  
29 their maturity or redemption date. The governing body may include

1 various series and issues of bonds in a single issue of refunding  
2 bonds.

3 Sec. 29.47.320. NO ELECTION REQUIRED. An election is not re-  
4 quired to authorize the issuance and sale of refunding bonds. Their  
5 issuance may be authorized and all proceedings with reference to them  
6 prescribed by ordinance. However, when it is desirable to use general  
7 obligation bonds to refund a revenue bond issue, the governing body  
8 shall call an election on the question.

9 Sec. 29.47.330. PAYMENT OF REFUNDING BONDS. General obligation  
10 refunding bonds are payable according to AS 29.47.200. Revenue re-  
11 funding bonds are payable according to AS 29.47.240.

12 Sec. 29.47.340. SALE OF REFUNDING BONDS. General obligation or  
13 revenue refunding bonds may, at the discretion of the governing body,  
14 be exchanged for the bonds being refunded, or may be sold at public or  
15 private sale. They may be issued and delivered at any time before the  
16 date of maturity or redemption of the refunded bonds.

17 ARTICLE 6. MISCELLANEOUS PROVISIONS.

18 Sec. 29.47.390. OTHER MUNICIPAL FINANCING. (a) A municipality  
19 may authorize by ordinance or resolution the issuance of negotiable or  
20 nonnegotiable revenue bonds to finance any project that serves a  
21 public purpose, and the bonds shall be secured and payable from any  
22 source except revenues, including tax revenue, of the municipality.

23 (b) Bonds issued under this section are not a debt or liability  
24 of the municipality and do not create or constitute an indebtedness,  
25 liability, or obligation of the municipality, nor do they constitute a  
26 pledge of faith, credit, or taxing power of the municipality. Each  
27 bond must contain on its face a statement that the municipality is not  
28 obligated to pay the principal or the interest on the bonds except  
29 from those sources indicated, and that neither the faith and credit

1 nor the taxing power of the municipality is pledged to the payment of  
2 principal or interest on the bond.

3 (c) A municipality may

4 (1) loan the proceeds of the bonds issued under this sec-  
5 tion;

6 (2) pledge, mortgage or assign money, leases, agreements,  
7 property, or other assets of the project being financed;

8 (3) enter into covenants and agreements concerning bonds  
9 issued under this section that the municipality determines to be de-  
10 sirable;

11 (4) provide for any matter that affects the security of the  
12 bonds.

13 (d) In this section

14 (1) "bonds" means bonds, notes, or other evidence of in-  
15 debtedness;

16 (2) "project" includes but is not limited to commercial,  
17 manufacturing, agricultural, industrial, residential housing, recrea-  
18 tion, tourism, and medical projects and programs.

19 Sec. 29.47.400. SALE. Bonds and notes issued under this chapter  
20 may be sold at either public or private sale by the municipality in  
21 the manner and at the price it determines.

22 Sec. 29.47.410. FORMS AND TERMS. The municipality may by ordi-  
23 nance or resolution fix the date, denominations, maturities, rate or  
24 rates of interest, redemption terms, registration privileges, manner  
25 of execution, signatures required, purchase price, manner of sale, and  
26 other requirements for issuing bonds or notes under this chapter. If  
27 an official whose signature appears on the bonds or coupons ceases to  
28 be an official before delivery of the bonds, the signature of the  
29 former official is valid as if the former official had remained in

1 office until delivery.

2 Sec. 29.47.420. INTEREST RATE. The interest rate payable on a  
3 bond or note issued under this chapter shall be determined by the  
4 municipality and is not subject to the usury rate limitations of  
5 AS 45.45.010.

6 Sec. 29.47.430. REDEMPTION BEFORE MATURITY. A bond or note  
7 issued under this chapter may be made subject to redemption before  
8 maturity as stated in the authorization or in the bond or note.

9 Sec. 29.47.440. BOROUGH INDEBTEDNESS. (a) A borough may incur  
10 indebtedness

11 (1) on an areawide basis for areawide functions; or

12 (2) on a nonareawide basis for functions performed only in  
13 the borough area outside all cities; or

14 (3) on a service area basis for functions performed only in  
15 a service area.

16 (b) Payment of debt principal and interest as well as other  
17 costs shall be derived from the area incurring the debt under (a)(2)  
18 or (a)(3) of this section, except that the full faith and credit of  
19 the entire borough may be pledged to guarantee payment of principal  
20 and interest.

21 (c) If the bonded debt to be incurred by a borough is an area-  
22 wide debt, the vote is areawide. If the full faith and credit of the  
23 entire borough is pledged for the payment of the debt of the borough  
24 area outside all cities or of a service area, an areawide election is  
25 held and the proposition must pass both areawide and in the area that  
26 will benefit from the improvement. If the bonded indebtedness to be  
27 incurred is limited to the borough area outside all cities, the vote  
28 is limited to voters outside all cities. If the indebtedness to be  
29 incurred is limited to a service area, the vote is limited to voters

1 in the service area. Only the full faith and credit of the area  
2 voting on the indebtedness is pledged for the payment of the debt.

3 (d) The indebtedness of a municipality reclassified under  
4 AS 29.04.040 -- 29.04.060 is not affected by reclassification. All  
5 property in a municipality that is reclassified remains subject to  
6 taxation to amortize bonded or other indebtedness affecting the muni-  
7 cipality and authorized on the effective date of reclassification.

8 Sec. 29.47.450. SERVICE AREA DEBT. The indebtedness of a ser-  
9 vice area acquired under AS 29.47.440 remains the indebtedness of the  
10 area that incurred the debt, notwithstanding a subsequent court deter-  
11 mination that the service area was not validly formed under law or by  
12 virtue of a defect in the proceedings creating the service area. All  
13 property in the service area remains subject to taxation to pay the  
14 bonded indebtedness.

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

16 CHAPTER 55. MUNICIPAL PROGRAMS.

17 Sec. 29.55.010. CREATION OF LOCAL HISTORICAL DISTRICT COMMIS-  
18 SIONS. The governing body of a municipality may establish a local  
19 historical district commission or designate the planning commission or  
20 itself to serve as the historical district commission.

21 Sec. 29.55.020. ESTABLISHMENT OF HISTORICAL DISTRICTS. (a) In  
22 addition to existing municipal authority providing for the preserva-  
23 tion, protection, and maintenance of historic sites, the local histor-  
24 ical district commission, in consultation with the Historic Sites  
25 Advisory Committee in the Department of Natural Resources, may estab-  
26 lish historical districts within the boundaries of the municipality.

27 (b) A historical district shall be a reasonably compact area of  
28 historical significance in which two or more structures important in  
29 state or national history, and related by physical proximity or

1 historical association, are located. For purposes of this section,  
2 "structures important in state or national history" means properties  
3 recommended by historical district commissions that are listed in the  
4 National Register of Historic Places or are characteristic of the  
5 Russian-American period before October 18, 1867, the early territorial  
6 period before 1930, or early Native heritage, reflecting the indige-  
7 nous characteristics of Native culture in Alaska. On recommendation  
8 of the governing body of a municipality and the Historic Sites Advi-  
9 sory Committee, the Department of Natural Resources may by regulation  
10 formulate additional criteria for the establishment of historical  
11 districts not inconsistent with this subsection.

12 (c) The establishment of a historical district under this sec-  
13 tion shall be consistent with any applicable comprehensive plan for  
14 the municipality.

15 \* Sec. 15. AS 29 is amended by adding a new chapter to read:

16 CHAPTER 60. STATE PROGRAMS.

17 ARTICLE 1. MUNICIPAL TAX RESOURCE EQUALIZATION.

18 Sec. 29.60.010. STATE EQUALIZATION OF TAX RESOURCES FOR MUNICI-  
19 PAL SERVICES. (a) During each fiscal year the department shall  
20 compute an equalization entitlement for municipal services provided by  
21 a taxing unit.

22 (b) The equalization entitlement computed for a taxing unit is  
23 based on the population, relative ability to generate revenue, and  
24 local tax burden of the taxing unit and is determined by the applica-  
25 tion of the formula

26 Entitlement = P x R

27 where P = population, and

28 R = millage rate equivalent, determined by dividing the sum  
29 of the locally generated revenue of the taxing unit by one-tenth of

1 one percent of the full and true value of assessed property of the  
2 taxing unit determined under AS 29.60.030(d); however, the per capita  
3 property value used under this subsection may not be less than 15  
4 percent of the statewide average per capita full and true assessed  
5 property value.

6 (c) For purposes of this section, locally generated revenue

7 (1) includes

8 (A) the actual revenue derived from the levy and  
9 collection of local taxes in the taxing unit for municipal ser-  
10 vices during the preceding fiscal year of the taxing unit;

11 (B) motor vehicle payments received by the municipal-  
12 ity during the preceding fiscal year under AS 28.10.431;

13 (C) revenue from fees, rentals, leases, penalties,  
14 licenses or permits received during the preceding fiscal year by  
15 the municipality for a function or service over which it has con-  
16 trol, including revenues derived from parks and recreation ser-  
17 vices, mass transit, offstreet parking, and garbage and solid  
18 waste disposal services;

19 (D) special assessments received during the preceding  
20 fiscal year; and

21 (E) payments received by a municipality from a utility  
22 that are in place of taxes levied and collected by the municipal-  
23 ity;

24 (2) excludes

25 (A) revenue derived from the levy and collection of  
26 municipal taxes and appropriated for the operating expenses and  
27 debt service of utilities;

28 (B) revenue from interest earned on investments and  
29 from the sale and lease of land or equipment; and

1 (C) all other revenue from whatever service derived.

2 Sec. 29.60.020. DETERMINATION OF POPULATION. For purposes of  
3 AS 29.60.010 -- 29.60.080, the population of a taxing unit shall be  
4 determined annually by the latest figures of the United States Bureau  
5 of the Census or other population data that in the judgment of the  
6 department is reliable.

7 Sec. 29.60.030. DETERMINATION OF MILLAGE RATE EQUIVALENT. (a)  
8 The department may require a municipality to return a certification,  
9 signed by the municipal treasurer or manager and the mayor, that pro-  
10 vides an estimate of the locally generated revenue received by the  
11 municipality during the preceding fiscal year.

12 (b) By October 15 of each year, the department shall make an  
13 initial determination of the millage rate equivalent of each taxing  
14 unit to be used for computing and distributing equalization entitle-  
15 ments for the current fiscal year under AS 29.60.010 -- 29.60.080.  
16 The department shall base the initial determination on the estimates  
17 in the certification returned by a municipality under (a) of this sec-  
18 tion.

19 (c) As early as possible, but not later than December 15 of each  
20 year, the department shall make a final determination of the millage  
21 rate equivalent of each taxing unit to use to compute and distribute  
22 equalization entitlements under AS 29.60.010 -- 29.60.080. The  
23 department shall base the determination on audits, financial  
24 statements and other financial reports prepared and submitted by a  
25 municipality. The department shall adjust the locally generated  
26 revenue reported by a municipality to exclude the municipal revenue  
27 claimed that does not qualify for inclusion in or recognition as  
28 locally generated revenue for municipal purposes under  
29 AS 29.60.010(c)(1). The adjustment shall be made by deducting from

1 total revenue claimed by the municipality the amount of the  
2 department's estimate of revenue that is not recognized for municipal  
3 purposes.

4 (d) The full and true assessed property value shall be deter-  
5 mined by the department in the manner provided for the computation of  
6 state aid to education under AS 14.17.140. When the determination of  
7 locally generated revenue includes revenue of a utility received under  
8 AS 29.60.010(c)(1)(E), the full and true assessed property value shall  
9 include the computed assessed value of the utility, determined by  
10 dividing the amount of the payment in place of taxes made by the  
11 utility by the millage rate that would apply to the utility if the  
12 utility were subject to levy and collection of taxes under AS 29.45.

13 (e) In addition to the computation for municipalities that levy  
14 and collect a property tax, the department shall determine an esti-  
15 mated full and true assessed property value under (d) of this section  
16 for

17 (1) each municipality that is a school district and that  
18 does not levy and collect a property tax;

19 (2) each second class city with a population of 750 or more  
20 persons; however, a computation is not required under this paragraph  
21 more often than once during a period of three successive calendar  
22 years; and

23 (3) all other second class cities, by determining the  
24 average per capita full and true assessed property value of all cities  
25 having a population of less than 750 persons in which an assessment  
26 has been completed by a municipality or for which a determination is  
27 not made under (1) or (2) of this subsection.

28 (f) The department shall annually compute a statewide average  
29 per capita full and true assessed property value.

1           Sec. 29.60.040. REPORTS. A payment of an equalization entitle-  
2 ment may not be made to a municipality under AS 29.60.010 -- 29.60.080  
3 until the municipality has submitted its certificate of estimated  
4 revenue and its financial report to the department for the fiscal year  
5 preceding the year for which the equalization entitlement is sought,  
6 together with a budget for the municipality's current fiscal year.  
7 The financial report shall include a listing of general revenue col-  
8 lected from taxes levied and assessed and any other revenue that, in  
9 the opinion of the municipal officials, is eligible for inclusion in  
10 computations of the locally generated revenue of the taxing unit.

11           Sec. 29.60.050. LIMITATION ON COMPUTATION AND USE OF PAYMENTS.

12       (a) An equalization entitlement generated by the tax levy of a taxing  
13 unit may be used only for authorized expenditures of that taxing unit,  
14 but up to 15 percent of the payment of an equalization entitlement  
15 generated by areawide revenue of a municipality may be used by the  
16 municipality for areawide or nonareawide purposes at the discretion of  
17 its governing body. This subsection applies to home rule and general  
18 law municipalities.

19       (b) An equalization entitlement determined with reference to  
20 revenue other than revenue obtained from the levy and collection of  
21 taxes may be used for areawide or nonareawide purposes, at the discre-  
22 tion of the governing body.

23           Sec. 29.60.060. TAX EQUALIZATION ACCOUNT. The tax equalization  
24 account is established. Money to carry out the provisions of AS 29.-  
25 60.010 -- 29.60.080 shall be allocated by the department to the ac-  
26 count. The amount allocated to the account shall be fully distributed  
27 by the department as payments to municipalities to fulfill each share  
28 authorized under AS 29.60.010. The amount allocated to the account  
29 shall be distributed by the department pro rata among eligible

1 municipalities.

2 Sec. 29.60.070. ADMINISTRATION. (a) The department may adopt  
3 regulations necessary to implement AS 29.60.010 -- 29.60.080. The  
4 regulations shall include, among other provisions,

5 (1) procedures and filing dates for submitting certifica-  
6 tion and financial reports;

7 (2) procedures for obtaining information required to com-  
8 pute and determine the municipality's millage rate equivalent; and

9 (3) procedures by which the department shall notify a  
10 municipality in writing of the reasons for a proposed disallowance or  
11 adjustment of any factor bearing upon the determination of the muni-  
12 cipality's entitlement and by which the municipality will be provided  
13 reasonable time in which to respond or to challenge the department's  
14 determination.

15 (b) The department shall make reasonable efforts to advise and  
16 assist municipalities in collecting information and completing reports  
17 necessary for the determination of entitlements under AS 29.60.010 --  
18 29.60.080.

19 (c) The department shall, by regulation, classify for inclusion  
20 or exclusion as a component of a municipality's millage rate equiva-  
21 lent under AS 29.60.010 any tax revenue appropriated for a utility not  
22 included in the definition set out in AS 29.60.080(2).

23 Sec. 29.60.080. DEFINITIONS. In AS 29.60.010 -- 29.60.080

24 (1) "taxing unit" means a municipality and

25 (A) in a borough or unified municipality, a service  
26 area or the entire area outside cities;

27 (B) in a city, a differential tax zone;

28 (2) "utility" means electric, water, sewer, gas heat, tele-  
29 phone, or refuse and garbage collection service.

1                   ARTICLE 2. STATE AID FOR MISCELLANEOUS PURPOSES.

2                   Sec. 29.60.100. REVENUE SHARING PAYABLE. In addition to the  
3 equalization entitlements paid under AS 29.60.010 -- 29.60.080, during  
4 each fiscal year the department shall pay aid

5                   (1) to a municipality or other eligible recipient that has  
6 the power to provide the services described in AS 29.60.110 -- 29.60.-  
7 130 and exercises the power in the manner required by AS 29.60.100 --  
8 29.60.180;

9                   (2) to an unincorporated community under AS 29.60.140.

10                  Sec. 29.60.110. STATE AID TO MUNICIPALITIES FOR ROADS. (a) The  
11 department shall pay to a municipality that has power to provide for  
12 road maintenance and exercises that power, \$2,500 a mile for each mile  
13 of road, street, or highway maintained by the municipality, excluding  
14 (1) the official state highway system, (2) roads, streets, or highways  
15 not dedicated to public use, (3) roads, streets, or highways main-  
16 tained under the local service road program (AS 19.30.111 -- 19.30.-  
17 251), and (4) alleyways, in accordance with regulations adopted by the  
18 Department of Transportation and Public Facilities. A payment may not  
19 be made under this subsection for maintenance of a road that is not  
20 used by automotive equipment.

21                  (b) A frozen waterway and a connection from an inhabited area to  
22 a waterway that may be safely used for public transportation by auto-  
23 motive equipment and is so used during a portion of a year is eligible  
24 for a payment of \$1,500 per mile if the waterway and connection are  
25 maintained during the period of use by a municipality or combination  
26 of municipalities. The department, after consultation with the De-  
27 partment of Transportation and Public Facilities, shall determine  
28 which waterways and connections qualify and, where the waterways or  
29 connections lie outside the corporate limits of a municipality, which

1 municipalities shall receive the payments under this subsection,  
2 unless the municipalities involved have agreed in writing to a partic-  
3 ular distribution.

4 Sec. 29.60.120. STATE AID TO MUNICIPALITIES AND OTHER ELIGIBLE  
5 RECIPIENTS FOR HEALTH FACILITIES AND HOSPITALS. (a) The department  
6 shall pay

7 (1) to a municipality that has the power to provide hospi-  
8 tal facilities and services and that exercises that power, \$1,000 per  
9 bed for each bed actually used for patient care, limited to the number  
10 of beds provided for in the construction design of the hospital, or  
11 \$250,000 a hospital for those hospitals with 10 or more beds, or  
12 \$50,000 a hospital for those hospitals with less than 10 beds, as the  
13 municipality may elect; money received under this paragraph may be  
14 used only for hospitals and shall be apportioned among qualifying  
15 hospitals as the municipality determines;

16 (2) on the basis set out in (1) of this subsection to a  
17 municipality for a nonprofit hospital not operated by a municipality  
18 if the municipality first certifies to the department that the non-  
19 profit hospital is in compliance with all standards for hospitals that  
20 have been adopted by the municipality; money may not be paid on behalf  
21 of a nonprofit hospital without this certification; payments to the  
22 municipality shall be transferred to the nonprofit hospital in accor-  
23 dance with the basis by which the payment was generated by the hospi-  
24 tal, and shall be applied to the annual cost of operation and mainte-  
25 nance of the hospital or for the provision of health care service at  
26 the hospital as the directors of the hospital determine;

27 (3) to a municipality in which a licensed health facility  
28 is operated, \$2,000 per bed for each bed actually used for patient  
29 care, limited to the number of beds provided for in the construction

1 design of the health facility, or \$8,000 per health facility, whether  
2 licensed or unlicensed, as the municipality determines.

3 (b) A hospital may not receive payment under both (a)(1) and  
4 (a)(2) of this section.

5 (c) Money received by a municipality under (a)(3) of this sec-  
6 tion shall be used for expenses of health services or operation and  
7 maintenance of health facilities as the municipality determines.

8 (d) Before money may be distributed under this section, the com-  
9 missioner of health and social services shall certify to the commis-  
10 sioner of community and regional affairs that any accumulation of  
11 assets by nonprofit corporations or other recipients under this sec-  
12 tion is dedicated irrevocably to a public purpose.

13 (e) Subsections (a) and (c) of this section apply to home rule  
14 and general law municipalities.

15 (f) In this section

16 (1) "health facility"

17 (A) means a facility that is licensed, when required,  
18 by the state under AS 18.20.010 -- 18.20.130 and that is owned or  
19 operated or both by a municipality or by a nonprofit corporation  
20 or other nonprofit sponsor;

21 (B) includes a public health center, maternity home,  
22 community mental health center, facility for the mentally or  
23 physically handicapped, nursing home, or convalescent center;

24 (C) excludes a facility operated or wholly supported  
25 by the state or the federal government;

26 (2) "hospital" means a licensed hospital determined by the  
27 Department of Health and Social Services to be a general or special  
28 hospital; the term excludes a facility operated or wholly supported by  
29 the state or the federal government.

1           Sec. 29.60.130. STATE AID TO VOLUNTEER FIRE DEPARTMENTS NOT IN  
2 ORGANIZED MUNICIPALITY. (a) The department shall pay to a volunteer  
3 fire department registered with the state fire marshal and serving an  
4 area not in an organized municipality a sum for protection purposes  
5 equal to \$10 per capita for the population served by the fire depart-  
6 ment, as determined by the state fire marshal.

7           (b) A grant shall be made under (a) of this section to facili-  
8 tate the organization of a volunteer fire department in an area not in  
9 an organized municipality, upon application of the proposed fire  
10 protection group to the state fire marshal and upon approval of appli-  
11 cations according to standards of organization and service prescribed  
12 by regulations adopted by the state fire marshal.

13           Sec. 29.60.140. STATE AID TO UNINCORPORATED COMMUNITIES. (a)  
14 The department shall pay to each unincorporated community an entitle-  
15 ment of \$25,000 each fiscal year to be used for a public purpose. The  
16 department with advice from the Department of Law shall determine  
17 whether there is in each unincorporated community an incorporated  
18 nonprofit entity or a Native village council that will agree to re-  
19 ceive and spend the entitlement. If there is more than one qualified  
20 entity in an unincorporated community, the department shall pay the  
21 money under the entitlement to the entity that the department finds  
22 most qualified to receive and spend the money. The department may not  
23 pay money under an entitlement to a Native village council unless the  
24 council waives immunity from suit for claims arising out of activities  
25 of the council related to the entitlement. A waiver of immunity from  
26 suit under this subsection must be on a form provided by the Depart-  
27 ment of Law. If there is no qualified incorporated nonprofit entity  
28 or Native village council in an unincorporated community that is  
29 willing to receive money under an entitlement, the entitlement for

1 that unincorporated community may not be paid. Neither this sub-  
2 section nor any action taken under it enlarges or diminishes the  
3 governmental authority or jurisdiction of a Native village council.

4 (b) In this section "unincorporated community" means a place in  
5 the unorganized borough that is not incorporated as a city and in  
6 which 25 or more persons reside as a social unit.

7 Sec. 29.60.150. POPULATION DETERMINATION. For purposes of  
8 AS 29.60.100 -- 29.60.180, population shall be determined by the  
9 latest figures of the United States Bureau of the Census or other  
10 population data that in the judgment of the department is reliable.

11 Sec. 29.60.160. AREA COST-OF-LIVING DIFFERENTIAL. (a) Payments  
12 to a municipality or other eligible recipient under AS 29.60.110 --  
13 29.60.130 shall reflect area cost-of-living differentials. Payments  
14 shall be based on the sum of per capita, per mile and per bed or  
15 facility grants due each municipality or other recipient multiplied by  
16 the appropriate area cost-of-living differential. The area cost-of-  
17 living differential for each recipient shall be determined annually by  
18 election district under the provisions of AS 39.27.030. Application  
19 of the area cost-of-living differential may not result in distribution  
20 of an amount less than the amount of the payment determined without  
21 reference to application of this section.

22 (b) The election districts used to establish area cost-of-living  
23 differentials under (a) of this section are those designated by the  
24 proclamation of reapportionment and redistricting of December 7, 1961,  
25 and retained for the house of representatives by proclamation of the  
26 governor September 3, 1965.

27 Sec. 29.60.170. MISCELLANEOUS SERVICES ACCOUNT. The miscella-  
28 neous services account is established. Money to carry out the provi-  
29 sions of AS 29.60.100 -- 29.60.180 shall be allocated by the

1 department to the account in accordance with AS 29.60.280. If amounts  
2 in the account are insufficient to pay each municipality's or other  
3 recipient's share authorized under AS 29.60.100 -- 29.60.180, the  
4 amounts that are available shall be distributed pro rata among  
5 eligible municipalities and other recipients.

6 Sec. 29.60.180. REGULATIONS. The department shall adopt regula-  
7 tions necessary to carry out the purposes of AS 29.60.100 --  
8 29.60.180. The regulations shall include minimum standards required  
9 to qualify a municipality or other recipient for payments for each  
10 service. The department may require a municipality or other recipient  
11 to submit a performance report adequate to demonstrate to the  
12 department that a service for which payment is requested under  
13 AS 29.60.100 -- 29.60.180 was performed by the municipality or other  
14 recipient and meets minimum standards of service prescribed by  
15 regulation.

16 ARTICLE 3. ADMINISTRATION OF STATE AID PROGRAMS.

17 Sec. 29.60.280. ALLOCATION AND DISTRIBUTION. (a) Each year,  
18 the department shall allocate money appropriated to the accounts  
19 established in AS 29.60.060, 29.60.170, and former AS 29.90.020 in the  
20 amounts determined by the legislature.

21 (b) Money in the miscellaneous services account established in  
22 AS 29.60.170 that exceeds the amount required to fully fund distribu-  
23 tions authorized by AS 29.60.100 -- 29.60.180 shall be reallocated to  
24 the tax equalization account established in AS 29.60.060 and distri-  
25 buted according to the provisions of AS 29.60.010 -- 29.60.080.

26 (c) Money in the hospital and health facility construction  
27 assistance account established in former AS 29.90.020 that exceeds the  
28 amount required to fully fund distributions authorized by sec. 9, ch.  
29 95, SLA 1983 shall be reallocated to the tax equalization account

1 established in AS 29.60.060 and distributed according to the provi-  
2 sions of AS 29.60.010 -- 29.60.080.

3 Sec. 29.60.290. QUALIFICATION FOR MINIMUM PAYMENT. (a) A  
4 municipality qualifying for an entitlement under AS 29.60.010 -- 29.-  
5 60.080 or 29.60.100 -- 29.60.180 shall receive a minimum payment of  
6 \$25,000 plus an area cost-of-living differential for each fiscal year  
7 if

8 (1) the municipality has conducted a regular election  
9 during the fiscal year preceding the year for which payment of an  
10 entitlement is authorized by AS 29.60.010 -- 29.60.080 or 29.60.100 --  
11 29.60.180 and has reported the results of the election to the commis-  
12 sioner;

13 (2) regular meetings of the governing body are held in the  
14 municipality during the fiscal year preceding the year for which  
15 payment of an entitlement is authorized by AS 29.60.010 -- 29.60.080  
16 or 29.60.100 -- 29.60.180 and a record of the proceedings is  
17 maintained;

18 (3) a municipal budget has been adopted for the fiscal year  
19 during which payment of an entitlement is authorized by AS 29.60.010  
20 -- 29.60.080 or 29.60.100 -- 29.60.180 and an audit or financial  
21 statement for the preceding fiscal year has been prepared and  
22 furnished to the department in accordance with AS 29.20.640(a); and

23 (4) local ordinances adopted by the municipality have been  
24 codified in accordance with AS 29.25.050.

25 (b) The area cost-of-living differential payable to each munici-  
26 pality under this section shall be determined annually by election  
27 district under the provisions of AS 39.27.030. Except as provided in  
28 AS 29.60.300, application of the area cost-of-living differential may  
29 not result in a payment that is less than the minimum payment

1 determined under (a) of this section. For purposes of this  
2 subsection, the election districts used are those designated by the  
3 proclamation of reapportionment and redistricting of December 7, 1961,  
4 and retained for the house of representatives by proclamation of the  
5 governor September 3, 1965.

6 (c) The department shall pay to each municipality eligible to  
7 receive a minimum payment under this section an amount equal to the  
8 difference between the minimum payment determined under (a) and (b) of  
9 this section and the sum of the amounts payable for the same fiscal  
10 year under AS 29.60.010 -- 29.60.080 and 29.60.100 -- 29.60.180.

11 (d) A payment under this section may be prorated and reduced  
12 under AS 29.60.300.

13 (e) Payments under this section shall be made from the money  
14 allocated to the tax equalization account established in AS 29.60.060.

15 Sec. 29.60.300. PRORATION OF PAYMENTS. (a) Payments under  
16 AS 29.60.290 and 29.60.010 -- 29.60.180 shall equal the amount allo-  
17 cated to the tax equalization account (AS 29.60.060), adjusted in  
18 accordance with AS 29.60.280.

19 (b) Adjustments of payments shall be determined by prorating  
20 amounts payable under AS 29.60.290 and amounts payable under AS 29.-  
21 60.010 -- 29.60.180 by a factor that, when applied, reduces all pay-  
22 ments in equal proportion so that payment under AS 29.60.290 and  
23 payments under AS 29.60.010 -- 29.60.180 equal the amount allocated to  
24 the tax equalization account established in AS 29.60.060.

25 ARTICLE 4. MUNICIPAL ASSISTANCE.

26 Sec. 29.60.350. MUNICIPAL ASSISTANCE FUND. (a) There is estab-  
27 lished in the department the municipal assistance fund. The legisla-  
28 ture may appropriate to the municipal assistance fund during each  
29 fiscal year an amount equal to or greater than 30 percent of the

1 income tax revenue received by the state under AS 43.20.011(e) for the  
2 previous fiscal year.

3 (b) The department shall distribute money from the municipal  
4 assistance fund to each municipality on an annual basis as provided in  
5 AS 29.60.360 and 29.60.370. A municipality may not receive payment  
6 until it submits to the department a resolution approved by the gov-  
7 erning body of the municipality that requests the money. Distribution  
8 of money from the municipal assistance fund to a municipality with a  
9 fiscal year beginning on January 1 shall be made on February 1 of the  
10 state fiscal year for which the appropriation to the fund is made.  
11 Distribution of money from the municipal assistance fund to all other  
12 municipalities shall be made on June 1 of the state fiscal year for  
13 which the appropriation to the fund is made. A municipality that  
14 incorporates after December 31 of a state fiscal year is not eligible  
15 for a distribution under this section until the following state fiscal  
16 year.

17 Sec. 29.60.360. BASE AMOUNT OF ASSISTANCE. (a) The base amount  
18 to be distributed from the municipal assistance fund to each munici-  
19 pality for the fiscal year shall be the amount received by the munici-  
20 pality during fiscal year 1978 under AS 43.70.080. A city incor-  
21 porated within a borough after June 30, 1977, shall receive as a base  
22 amount a share of the amount distributed to the borough in which it is  
23 located based on the ratio of population in the city to the total  
24 population in the borough. A city incorporated outside a borough  
25 after June 30, 1977, shall receive as a base amount the amount re-  
26 ceived by the city in the state most closely approximating it in  
27 population at the time of its incorporation. A borough incorporated  
28 after June 30, 1977, shall receive as a base amount the amount re-  
29 ceived by the borough in the state most closely approximating it in

1 population at the time of its incorporation.

2 (b) If the amount appropriated to the municipal assistance fund  
3 by the legislature during a fiscal year is insufficient for distri-  
4 bution of the full base amount to each municipality, the department  
5 shall prorate the amount available for distribution on the basis of  
6 amounts received during the fiscal year 1978 under AS 43.70.080.

7 Sec. 29.60.370. INCREASED ASSISTANCE. (a) If the amount in the  
8 municipal assistance fund at the time of distribution exceeds the base  
9 amount to be distributed under AS 29.60.360, the excess amount shall  
10 be distributed to each municipality on the basis of population.  
11 Population for the purpose of this section shall be as certified by  
12 the commissioner of community and regional affairs. In determining  
13 the population of a borough, the population of all cities in the  
14 borough shall be deducted from the total population of the borough.

15 (b) The intent of (a) of this section is that a municipality  
16 that levies property taxes reduce those levies in reasonable propor-  
17 tion to the amount of increased state aid received by the municipal-  
18 ity. The governing body of each municipality shall furnish a notice  
19 with each tax statement describing its use of this increased state  
20 aid.

21 ARTICLE 5. COMMUNITY FACILITIES GRANTS.

22 Sec. 29.60.400. GRANTS FOR COMMUNITY FACILITIES. (a) Within  
23 the limits of appropriations for the purpose the Department of Com-  
24 merce and Economic Development shall make matching grants in accor-  
25 dance with the provisions of AS 29.60.410 -- 29.60.440 to municipal-  
26 ities or their nonprofit designees equal to

27 (1) 50 percent of the estimated reasonable costs of con-  
28 struction of municipal civic, convention, and community recreation  
29 centers; and

1           (2) 50 percent of the cost of feasibility studies relating  
2 to the construction of municipal civic, convention, and community  
3 recreation centers.

4           (b) A grant may be made under this section only to a municipal-  
5 ity with the power to implement the study or project for which the  
6 grant is authorized or to its nonprofit designee. A grant for only  
7 one study and one project may be awarded to a municipality or its  
8 designee under this section.

9           (c) In this section "costs of construction" means, in addition  
10 to costs directly related to a project, the sum of all costs of fi-  
11 nancing and carrying out the project, including the costs of all  
12 necessary studies, surveys, plans and specifications, architectural,  
13 engineering or other special services, acquisition of real property,  
14 site preparation and development, purchase, construction, recon-  
15 struction and improvement of real property and the acquisition of  
16 machinery and equipment necessary to the project; an allocable portion  
17 of the administrative and operating expenses of the grantee; and the  
18 cost of financing the project, including interest on bonds issued to  
19 finance the project, the cost of indemnity and surety bonds, premiums  
20 on insurance, legal fees, fees and expenses of trustees, depositaries,  
21 financial advisors, and the costs associated with the issuance of  
22 bonds. It does not include the cost of feasibility studies.

23           Sec. 29.60.410. GRANT PROCEDURES. (a) An application for a  
24 grant under AS 29.60.400 shall be made in a form prescribed by the  
25 commissioner of commerce and economic development.

26           (b) A grant shall be allotted in accordance with an agreement  
27 made between the commissioner of commerce and economic development on  
28 behalf of the state and the grantee. The agreement may include any  
29 provision agreed upon by the parties and shall include in substance

1 the following provisions:

2 (1) estimates of reasonable costs of the study or project  
3 as approved by the commissioner after consultation with the Department  
4 of Transportation and Public Facilities;

5 (2) a schedule of disbursements of money from the grant if  
6 the commissioner determines that the grant money is not to be dis-  
7 bursed in one sum;

8 (3) agreement by the grantee

9 (A) to proceed with and complete the proposed study or  
10 project expeditiously;

11 (B) not to discontinue operation or dispose of all or  
12 part of a community facility for which it receives a grant with-  
13 out the approval of the commissioner;

14 (C) to apply for and make reasonable efforts to secure  
15 federal assistance that may be available for the study or proj-  
16 ect, subject to any conditions the commissioner may require to  
17 maximize the amounts of that assistance available for all proj-  
18 ects in the state;

19 (D) to provide for payment of the grantee's share of  
20 the cost of the study or project;

21 (E) that, if federal assistance for a study or project  
22 becomes available to the grantee that was not included in the  
23 calculation of the amount of the grant, the value of the federal  
24 assistance shall be subtracted from the total value of the proj-  
25 ect and the balance shall be equally divided between the grantee  
26 and the state;

27 (4) alteration or modification of an approved study or  
28 project;

29 (5) alteration or modification of an existing facility that

1 would have qualified for a grant at the time of initial construction  
2 if AS 29.60.400 -- 29.60.440 had been in effect;

3 (6) remedies in case of failure to perform the agreement or  
4 noncompliance with regulations adopted under AS 29.60.420.

5 (c) The commissioner of commerce and economic development shall  
6 require in negotiations and in each grant agreement that continued  
7 maintenance of the community facility is the responsibility of the  
8 municipality. The municipality must show the feasibility of continu-  
9 ing to maintain the facility before state money may be authorized for  
10 a grant.

11 Sec. 29.60.420. POWERS AND DUTIES OF THE COMMISSIONER. (a) The  
12 commissioner of commerce and economic development shall provide an  
13 annual report to the legislature about grants made under AS 29.60.400.

14 (b) The commissioner of commerce and economic development shall  
15 adopt regulations to carry out the purposes of AS 29.60.400 -- 29.60.-  
16 440.

17 Sec. 29.60.430. ALLOCATION OF MONEY. If the amount of money  
18 appropriated by the legislature for grants under AS 29.60.400 is not  
19 adequate to satisfy amounts required for approved grant applications,  
20 money shall be allocated on the basis of priority established by  
21 regulations of the Department of Commerce and Economic Development.

22 Sec. 29.60.440. LIMITATION. AS 29.60.400 -- 29.60.440 does not  
23 require that a recipient of a grant for a feasibility study must  
24 proceed with construction of the project, regardless of whether the  
25 project is determined to be feasible.

26 \* Sec. 16. AS 29 is amended by adding a new chapter to read:

27 CHAPTER 65. GENERAL GRANT LAND.

28 Sec. 29.65.010. DETERMINATION OF ENTITLEMENT OF BOROUGHES AND  
29 UNIFIED MUNICIPALITIES. The general grant land entitlement of each of

1 the municipalities in this section is the amount set out opposite  
2 each:

- 3 (1) Municipality of Anchorage -- 44,893 acres;
- 4 (2) City and Borough of Juneau -- 19,584 acres;
- 5 (3) City and Borough of Sitka -- 10,500 acres;
- 6 (4) Bristol Bay Borough -- 2,898 acres;
- 7 (5) Fairbanks North Star Borough -- 112,000 acres;
- 8 (6) Haines Borough -- 2,800 acres;
- 9 (7) Kenai Peninsula Borough -- 155,780 acres;
- 10 (8) Ketchikan Gateway Borough -- 11,593 acres;
- 11 (9) Kodiak Island Borough -- 56,500 acres;
- 12 (10) Matanuska-Susitna Borough -- 355,210 acres;
- 13 (11) North Slope Borough -- 89,850 acres.

14 Sec. 29.65.020. DETERMINATION OF ENTITLEMENT FOR CITIES. The  
15 general grant land entitlement of a city formerly eligible to receive  
16 general grant land under the provisions of former AS 29.18.190 and  
17 29.18.200 is 10 percent of the maximum total acreage of vacant, unap-  
18 propriated, unreserved land in the boundaries of each city at any time  
19 between the initial date of eligibility under former AS 29.18.190 and  
20 29.18.200 and July 1, 1978. Within six months after July 1, 1978, the  
21 commissioner shall determine the entitlement for each city eligible to  
22 receive general grant land under this section and certify that en-  
23 titlement to the city.

24 Sec. 29.65.030. DETERMINATION OF ENTITLEMENT FOR NEWLY INCOR-  
25 PORATED MUNICIPALITIES. (a) The general grant land entitlement of a  
26 municipality incorporated after July 1, 1978, is 10 percent of the  
27 total acreage of vacant, unappropriated, unreserved land within the  
28 boundaries of the municipality on the date of its incorporation.

29 (b) Within six months after the date of incorporation of a

1 municipality that is incorporated after July 1, 1978, the commissioner  
2 shall determine the entitlement of each municipality eligible to  
3 receive general grant land under (a) of this section and certify the  
4 entitlement to the municipality.

5 Sec. 29.65.040. STATUS OF ENTITLEMENTS. (a) After July 1,  
6 1978, general grant land entitlements provided in AS 29.65.010 and  
7 29.65.020 are vested property rights that must be fulfilled as pro-  
8 vided in AS 29.65.050 or 29.65.080.

9 (b) General grant land entitlements provided by AS 29.65.030 are  
10 property rights that vest on the date of incorporation of the munici-  
11 pality. The entitlement must be fulfilled as provided in AS 29.65.-  
12 050.

13 (c) Land may be selected or nominated for selection by a munici-  
14 pality to satisfy a general grant land entitlement under former  
15 AS 29.18.201 and 29.18.202 at any time before October 1, 1980. How-  
16 ever, if a municipal selection or nomination or a part of a municipal  
17 selection or nomination is rejected by the commissioner, the munici-  
18 pality may, not later than 90 days after receipt of the rejection,  
19 select additional state land as necessary to satisfy its entitlement.

20 (d) Land may be selected by a municipality to satisfy a general  
21 grant land entitlement under AS 29.65.030 at any time within one year  
22 after the commissioner certifies the entitlement to the municipality.

23 (e) The time limitations imposed by (c) and (d) of this section  
24 for exercising a vested general grant land entitlement do not apply to

25 (1) the portion of an entitlement that cannot be satisfied  
26 by that date because of a shortage of land suitable for residential,  
27 commercial, and industrial purposes that is vacant, unappropriated,  
28 unreserved land;

29 (2) payments for land deficiency under AS 29.65.080;

1           (3) the portion of an entitlement that cannot be satisfied  
2 because the land selected by a municipality has been selected by a  
3 party entitled to select land owned by the United States or the state;  
4 or

5           (4) the portion of an entitlement that cannot be satisfied  
6 because the land nominated for selection by the municipality is not  
7 tentatively approved for patent to the state.

8           Sec. 29.65.050. FULFILLMENT OF LAND ENTITLEMENTS. (a) The  
9 acreage of each municipality's land selections for which patent has  
10 been issued before July 1, 1978, shall be credited toward fulfillment  
11 of the entitlement of that municipality.

12           (b) All approved selections under former AS 29.18.190 and 29.-  
13 18.200 for which patent has not been issued to a municipality on  
14 July 1, 1978, shall be reviewed by the commissioner within nine months  
15 after July 1, 1978. Any approved selection of land that was vacant,  
16 unappropriated, or unreserved on the date of selection is valid as of  
17 the date of the approval under former AS 29.18.190 and 29.18.200, and  
18 a patent shall be issued to the municipality within three months after  
19 approval by the commissioner of a plat of survey. The acreage shall  
20 be credited toward fulfillment of the municipality's entitlement. A  
21 municipality is not entitled to receive patent under this chapter to  
22 more than its entitlement determined under AS 29.65.010 -- 29.65.030.  
23 Any prior approval by the commissioner of municipal selections for  
24 land that was not vacant, unappropriated, or unreserved on the date of  
25 selection shall be rescinded, and patent may not be issued except when  
26 disposal to a third party by sale or lease has occurred. Transfers of  
27 land to municipalities under this chapter are subject to AS 38.05.321.  
28 Classification actions as reflected on the land status records of the  
29 Department of Natural Resources are determinative of land

1 classification status for purposes of this chapter.

2 (c) The commissioner shall approve each selection for patent  
3 within nine months of its selection by a municipality, and a patent  
4 shall be issued to the municipality for land selected in satisfaction  
5 of a general grant land entitlement vested under AS 29.65.010 --  
6 29.65.030 within three months after approval by the commissioner of a  
7 plat of survey.

8 Sec. 29.65.060. SCHOOL AND MENTAL HEALTH LAND. (a) If an  
9 entitlement determined under AS 29.65.010 or 29.65.020 results in a  
10 per capita entitlement for the municipality of less than one and  
11 one-half acre, the municipality may select vacant school or mental  
12 health land in the municipality in partial fulfillment of its land  
13 entitlement under this chapter. School or mental health land may be  
14 selected notwithstanding the fact that this land is not unappropriated  
15 and unreserved within the meaning of this chapter and under former  
16 AS 29.18.190 and 29.18.200, but each selection of school or mental  
17 health land by a municipality must be vacant, unappropriated, or  
18 unreserved land as defined in this chapter, except that it need not be  
19 general grant land.

20 (b) The acreage of school or mental health land, if any, in a  
21 municipality may not be included in the determination of entitlement  
22 under AS 29.65.010 or 29.65.020.

23 (c) Land conveyed under this section will be credited against a  
24 municipality's remaining land entitlement under this chapter.

25 (d) Within six months after approval of a municipal selection of  
26 school or mental health land, the commissioner shall identify state  
27 general grant land of approximately equal value to the land requested  
28 by the municipality and shall propose the replacement land for the  
29 concurrence of the appropriate board. If a proposal by the

1 commissioner is rejected by the board, the commissioner shall meet  
2 with the board as often as necessary to determine the type and amount  
3 of equal value replacement land that would be required to obtain the  
4 board's concurrence, and shall propose the replacement land for  
5 consideration by the board. The replacement land shall thereafter be  
6 managed for the purposes for which the land selected by the  
7 municipality was acquired by the Territory and State of Alaska.

8 (e) The notice provisions of AS 38.05.345 apply to the designa-  
9 tion of other general grant land as school or mental health land in  
10 replacement of land selected under this section. The provisions of  
11 AS 38.50 do not apply to such designations under this section.

12 (f) For purposes of determining the per capita entitlement under  
13 (a) of this section, the population of a municipality shall be the  
14 population determined by the commissioner under former AS 43.18.010  
15 for the program year beginning July 1, 1978, for a municipality whose  
16 entitlement is determined under AS 29.65.010.

17 Sec. 29.65.070. SELECTION AND CONVEYANCE PROCEDURE. (a) If  
18 land selected by a municipality is unsurveyed at the time of approval,  
19 the commissioner shall survey, or may approve the municipality's  
20 survey of, the exterior boundaries of an approved selection without  
21 interior subdivision, and shall issue patent in terms of the exterior  
22 boundary survey. The cost of the survey shall be borne by the munici-  
23 pality. If land selected by a municipality has been surveyed at the  
24 time of its selection, the boundaries shall conform to the public land  
25 subdivisions established by the approved survey.

26 (b) The commissioner may approve municipal selections of land  
27 that have been tentatively approved or patented to the state by the  
28 federal government but may not issue patent to a municipality until  
29 the land has first been patented to the state. After approval of a

1 selection by the commissioner, but before patent to a municipality,  
2 the municipality may execute conditional leases and make conditional  
3 sales only with the consent of the commissioner. Conditional sales  
4 and conditional leases made before July 1, 1978, do not require the  
5 consent of the commissioner.

6 (c) Nothing in this chapter affects a valid existing claim,  
7 location, or entry under the laws of the state or the United States  
8 whether for homestead, mineral, right-of-way, or other purposes.  
9 Nothing in this chapter affects the rights of an owner, claimant,  
10 locater, or entryman to the full use and enjoyment of the land so  
11 occupied.

12 Sec. 29.65.080. PAYMENT FOR LAND DEFICIENCY. (a) The Alaska  
13 municipal land account is established in the general fund for the  
14 following purposes:

15 (1) providing payment to the boroughs and unified muni-  
16 cipalities designated in AS 29.65.010 for a deficiency of land phys-  
17 ically suitable for residential, commercial, or industrial purposes;  
18 or

19 (2) providing payment to the boroughs and unified muni-  
20 cipalities designated in AS 29.65.010 for certain general grant lands  
21 selected by the state and conveyed to a Native corporation under the  
22 provisions of the Alaska Native Claims Settlement Act.

23 (b) A municipality shall receive payment for its land deficiency  
24 from the municipal land account. A municipality is eligible to re-  
25 ceive payment for land deficiency if, after July 1, 1980, the amount  
26 of land selected by a municipality that is physically suitable for  
27 residential, commercial, or industrial purposes amounts to less than  
28 one-third acre per capita. Any entitlement under AS 29.65.010 that is  
29 less than one-third acre per capita will, for the purposes of this

1 subsection, be considered a land deficiency. An unselected remaining  
2 entitlement will, for the purpose of deficiency payment under this  
3 subsection, be considered as land physically suitable for residential,  
4 commercial, or industrial purposes. A municipality eligible under  
5 this subsection is entitled to receive a payment for land deficiency  
6 equal to \$1,000 per acre for a number of acres equal to the difference  
7 between one-third of the population of the municipality less the  
8 number of acres physically suitable for residential, commercial or  
9 industrial purposes that has been selected by the municipality. For  
10 the purpose of this subsection, the population of the municipality  
11 shall be the population determined in accordance with AS 29.65.060(f).  
12 No payment may be made to a municipality under this subsection in  
13 excess of \$9,000,000.

14 (c) If a municipality selected vacant, unappropriated, unre-  
15 served land on or before December 18, 1971, to which the state had  
16 received tentative approval or patent, and that land was also selected  
17 by a Native corporation organized under the Alaska Native Claims  
18 Settlement Act (P.L. 92--203), and title to that land is ultimately  
19 vested in that Native corporation, the municipality may, at its op-  
20 tion, request payment for land deficiency from the municipal land  
21 account. The acceptance of payment under this subsection by a muni-  
22 cipality constitutes a relinquishment of any other right, title, or  
23 claim to the land by that municipality. The total payment to a muni-  
24 cipality under this subsection may not exceed \$1,000 per acre to a  
25 maximum of 8,000 acres.

26 (d) The governor shall annually submit to the legislature a  
27 request for an appropriation to the municipal land account for the  
28 municipalities that have elected to receive payments under (b) or (c)  
29 of this section. The request for appropriation shall distinguish

1 between amounts necessary to make payments for land deficiency under  
2 (b) of this section and those required to make payments for land  
3 deficiency under (c) of this section.

4 (e) For purposes of fulfilling entitlements under this section,  
5 the legislature is authorized to appropriate

6 (1) not more than \$4,000,000 per fiscal year, and not more  
7 than \$12,000,000 in total, for the purpose of paying entitlements  
8 under (b) of this section;

9 (2) not more than \$1,000,000 per fiscal year, and not more  
10 than \$8,000,000 in total, for the purpose of paying entitlements under  
11 (c) of this section.

12 (f) If an annual appropriation is not sufficient to meet the  
13 amount due to all municipalities that have elected to accept payment  
14 for land deficiency under (b) or (c) of this section, the governor  
15 shall apportion the appropriation among the municipalities in propor-  
16 tion to the payment calculated for each municipality for that year.  
17 When a distribution of payments is made under (c) of this section, the  
18 remaining entitlement of a municipality to which payment is made shall  
19 be reduced in an amount equal to the number of acres for which payment  
20 was received. An appropriation made under this section is in addition  
21 to other grants and entitlements authorized to eligible municipali-  
22 ties.

23 (g) Payments authorized by this section may not be made to a  
24 municipality eligible for an entitlement under AS 29.65.020 or 29.65.-  
25 030.

26 (h) Payments made under this section shall be used by a muni-  
27 cipality that levies property taxes to reduce the levy in proportion  
28 to the amount of state payments received by the municipality for a  
29 given fiscal year. The governing body of each municipality shall

1 furnish a notice with the tax statement describing the effect on  
2 property tax levies of payments received under this section.

3 Sec. 29.65.090. AUTHORIZATION FOR LAND EXCHANGES. The commis-  
4 sioner, and a municipality are authorized to exchange land or inter-  
5 ests in land when it is in the public interest. Land or interests in  
6 land exchanged under this section must be of approximately equal  
7 value, including the nonmonetary value of public benefits. Exchange  
8 procedures shall comply with applicable law and municipal ordinances.  
9 The notice and review provisions of AS 38.05.345 apply to exchanges of  
10 land under this section. The provisions of AS 38.50 do not apply to  
11 exchanges of land under this section.

12 Sec. 29.65.100. PUBLIC PURPOSE AND EXPANSION NEEDS. (a) Con-  
13 sistent with the best interests of the state, if a municipality does  
14 not contain and cannot reasonably acquire sufficient nonfederal land  
15 within its boundaries to meet its legitimate needs for public or  
16 private settlement or development, it shall be the policy of the state  
17 to select federal land reasonably necessary to meet the needs of the  
18 municipality and to make the land selected available to the municipali-  
19 ty under AS 38.05.315 or (b) of this section.

20 (b) The state may contract with a municipality to act as its  
21 agent in an auction of state land under applicable statutes. When a  
22 municipality acts as the agent of the state in an auction, the municipi-  
23 pality may retain from the proceeds of the auction the capital and  
24 other expenses that the commissioner determines to be necessary and  
25 reasonable.

26 (c) Nothing in this chapter limits or impairs the authority of  
27 the commissioner to transfer land to municipalities, without limit or  
28 consideration, for public purposes in accordance with AS 38.05.315.  
29 If there is a remaining entitlement of the municipality, land

1 transferred under AS 38.05.315 shall be credited toward fulfillment of  
2 the entitlement.

3 Sec. 29.65.110. ELECTION OF BENEFITS. (a) A municipality that  
4 on July 1, 1978, is engaged in litigation, or that becomes engaged in  
5 litigation, regarding a claim to state land under former AS 29.18.190  
6 and 29.18.200 shall elect either to obtain the benefits provided in  
7 this chapter or to pursue the litigation and waive any claim to en-  
8 titlement under this chapter. An election shall be made by filing a  
9 motion for dismissal with prejudice in the court in which the litiga-  
10 tion is pending. If the claim involves a municipality identified in  
11 AS 29.65.010, the municipality shall file its motion for dismissal  
12 within 60 days after July 1, 1978. If a claim involves a city eligi-  
13 ble to receive an entitlement under AS 29.65.020 the city shall file  
14 its motion for dismissal within 60 days after receiving the certifi-  
15 cate of entitlement provided by the commissioner under AS 29.65.020.  
16 Failure of the municipality to file a motion for dismissal during the  
17 time period provided in this subsection is considered a waiver of  
18 entitlement under this chapter.

19 (b) A municipality that was eligible to file land selections  
20 under former AS 29.18.190 and 29.18.200 and that does not enter into  
21 litigation over a claim to rights under those sections before the  
22 expiration of the time period within which it could make an election  
23 under (a) of this section is considered to have elected to receive  
24 benefits under this chapter and to have waived any claim that might  
25 have been raised under former AS 29.18.190 and 29.18.200.

26 (c) The provisions of this chapter do not affect the rights of a  
27 party to litigation regarding the former AS 29.18.190, 29.18.200 or  
28 29.18.420 maintained by a municipality that has elected not to obtain  
29 the benefits provided by this chapter.

1           Sec. 29.65.120. ADMINISTRATION.    The commissioner may adopt  
2 regulations in accordance with the Administrative Procedure Act  
3 (AS 44.62) necessary to carry out the purposes of this chapter.

4           Sec. 29.65.130. DEFINITIONS.    In this chapter, unless the con-  
5 text otherwise requires,

6           (1) "approved selection" means a municipal land selection  
7 that has been approved in writing by the director for transfer by  
8 patent to a municipality;

9           (2) "commissioner" means the commissioner of natural re-  
10 sources, or the commissioner's designee;

11          (3) "general grant land" (A) means land patented or tenta-  
12 tively approved to the state from the United States under sec. 6(a) or  
13 (b) of the Alaska Statehood Act, and (B) does not include university  
14 land;

15          (4) "mental health land" means land granted under Title II,  
16 sec. 202 of P.L. 84--830, as amended before or after July 1, 1978;

17          (5) "municipal land selection" means a request by a munici-  
18 pality, filed in writing with the Department of Natural Resources  
19 under authority of former AS 29.18.190 and 29.18.200 or under this  
20 chapter for vacant, unappropriated, unreserved general grant land  
21 within its municipal boundaries in partial fulfillment of its munici-  
22 pal entitlement;

23          (6) "patent" means a document, issued to a municipality for  
24 a previously approved selection, that conveys and quitclaims all the  
25 right, title, and interest of the state without reservation or condi-  
26 tion except as may be required by law;

27          (7) "remaining entitlement" means the general grant land  
28 entitlement determined in accordance with this chapter, reduced by the  
29 total acreage of approved selections, including both patented and

1 unpatented parcels;

2 (8) "school land" means those rectangular sections 16 and  
3 36 within each township surveyed on or before January 3, 1959, and  
4 confirmed and transferred to the State of Alaska upon its admission  
5 under sec. 6(k), Alaska Statehood Act, 72 Stat. 339, and any other  
6 land designated solely for school revenues;

7 (9) "vacant, unappropriated, unreserved land" means general  
8 grant land as defined in (3) 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 pos-  
18 sessory rights and privileges appurtenant to the property, and in-  
19 cludes 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 United States citizen who is qualified  
10 to vote in state elections, has been a resident of the municipality  
11 for 30 days immediately preceding the election, is registered to vote  
12 in state elections, and is not disqualified under art. V of the state  
13 constitution.

14 \* Sec. 18. AS 01.10.060 is amended by adding a new paragraph to read:

15 (15) "municipality" means a political subdivision incor-  
16 porated under the laws of the state that is a home rule or general law  
17 city, a home rule or general law borough, or a unified municipality.

18 \* Sec. 19. AS 05.35.040 is amended to read:

19 Sec. 05.35.040. POWER OF MUNICIPALITY. A municipality may own,  
20 maintain and employ a facility constructed under AS 05.35.010 --  
21 05.35.070. The exercise of this power on an areawide basis is at the  
22 option of the borough and is not subject to the restrictions on ac-  
23 quiring additional areawide powers in AS 29.35.300 -- 29.35.330  
24 [AS 29.33.250 -- 29.33.290].

25 \* Sec. 20. AS 09.55.275 is amended to read:

26 Sec. 09.55.275. REPLAT APPROVAL. No agency of the state or  
27 municipality may acquire property located within a municipality exer-  
28 cising the powers conferred by AS 29.35.180 or 29.35.260(c) that  
29 [AS 29.33.150 -- 29.33.245 WHICH] results in a boundary change unless

1 the agency or municipality first obtains from the municipal platting  
2 authority preliminary approval of a replat showing clearly the loca-  
3 tion of the proposed public streets, easements, rights-of-way, and  
4 other taking of private property. Final approval of replat shall be  
5 similarly obtained. However, if a state agency clearly demonstrates  
6 an overriding state interest, a waiver to the approval requirements of  
7 this section may be granted by the governor. The platting authority  
8 shall treat applications for replat made by state or local govern-  
9 mental agencies in the same manner as replat petitions originated by  
10 private landowners.

11 \* Sec. 21. AS 09.65.070(e)(1) is amended to read:

12 (1) "municipality" has the meaning given in AS 01.10.-  
13 060(15) and [MEANS A HOME RULE BOROUGH OR CITY, A GENERAL LAW BOROUGH  
14 OR CITY OF ANY CLASS, A UNIFIED MUNICIPALITY ESTABLISHED UNDER AS 29.-  
15 68.240 -- 29.68.440, OR A MUNICIPALITY ESTABLISHED BY MERGER OR CON-  
16 SOLIDATION UNDER AS 29.68.030 -- 29.68.110; THE TERM] includes a  
17 public corporation established by a municipality;

18 \* Sec. 22. AS 14.08.071(b) is amended to read:

19 (b) Except for the first election of regional school members  
20 under (a) of this section, elections [ELECTION] shall be held annually  
21 on the first Tuesday in October. Elections shall be supervised by the  
22 director of elections in the office of the lieutenant governor, but  
23 shall be administered within second class cities as part of the regular  
24 municipal election. The lieutenant governor shall adopt [PROMULGATE]  
25 regulations for the conduct of the election of regional school board  
26 members comparable, as far as practicable, to those prescribed for  
27 election of school board members under AS 14.12 and AS 29.20.300  
28 [AS 29.28] except that the majority election requirements of AS 29.-  
29 26.060 [AS 29.28.040] do not apply to, nor may the regulations require

1 runoff elections for, the first election of regional school board  
2 members under (a) of this section or, if a school board by resolution  
3 so requests, to subsequent elections in the regional educational  
4 attendance area served by that school board.

5 \* Sec. 23. AS 14.08.081 is amended to read:

6 Sec. 14.08.081. RECALL. The members of a regional school board  
7 are subject to recall in accordance with AS 29.26.240 -- 29.26.360  
8 [AS 29.28.130 -- 29.28.250], except that the director of the division  
9 of elections shall perform the functions of a municipal clerk, and the  
10 lieutenant governor shall perform the functions of the assembly or  
11 council under those sections.

12 \* Sec. 24. AS 14.12.030(c) is amended to read:

13 (c) The [NOTWITHSTANDING THE] provisions of (a) and (b) of this  
14 section do not apply if [, WHERE] the [BOROUGH] assembly serves as the  
15 school board of the borough school district [UNDER AS 29.41.020 THE  
16 NUMBER OF MEMBERS OF THE ASSEMBLY-SCHOOL BOARD SHALL BE DETERMINED IN  
17 THE MANNER PRESCRIBED BY AS 29.23.020].

18 \* Sec. 25. AS 14.12.110 is amended to read:

19 Sec. 14.12.110. SINGLE BODY AS ASSEMBLY AND SCHOOL BOARD. Not-  
20 withstanding the provisions of this chapter or other law, a single  
21 body may serve as both the [BOROUGH] assembly and [BOROUGH] school  
22 board in the manner provided for third class boroughs under AS 29.20.-  
23 300(b) [AS 07.17.030], if

24 (1) an [A BOROUGH] ordinance for that purpose is approved  
25 by the assembly and ratified by a referendum of a majority of the  
26 qualified borough voters voting on the question at a regular or spe-  
27 cial election; [,] and

28 (2) [IF] the public school population within the borough is  
29 500 pupils or less.

1 \* Sec. 26. AS 14.14.020 is amended to read:

2       Sec. 14.14.020. BOND REQUIRED. Before the officer responsible  
3 for custody [OF], investment, or management of school district money  
4 enters upon the duties of office, the district, or the municipality if  
5 the treasury is centralized, shall obtain a bond with sufficient  
6 sureties in an amount equal to the money that may come into the offi-  
7 cer's official custody, but not to exceed \$50,000. The bond shall be  
8 conditioned on the officer's honest and faithful disbursement and  
9 accounting of all money that may come into the official custody of the  
10 officer. The bond shall be filed with the clerk of the school board.  
11 This section does not apply to an officer who has been bonded under  
12 AS 29.20.610 [AS 29.23.520].

13 \* Sec. 27. AS 14.14.050(d) is amended to read:

14       (d) The school board shall not make the audit if an audit that  
15 [WHICH] satisfies the requirements of this section and that [WHICH] is  
16 filed and posted as required by this section [,] is made according to  
17 AS 29.35.110 [AS 29.48.220].

18 \* Sec. 28. AS 14.17.140(a) is amended to read:

19       (a) The Department of Community and Regional Affairs, in  
20 consultation with the assessor for each district, shall determine the  
21 full value of the taxable real and personal property in each district.  
22 Exemptions granted under AS 43.25 must [SHALL] be honored. If there  
23 is no local assessor or current local assessment for a district, then  
24 the Department of Community and Regional Affairs shall make the deter-  
25 mination of full value from information available. In making the  
26 determination, the Department of Community and Regional Affairs must  
27 [SHALL] be guided by AS 29.45.110 [AS 29.53.060]. The determination  
28 of full value must [SHALL] be made before October 1 and sent by  
29 certified mail, return receipt requested, before that date to the

1 president of the school board in each district. Duplicate copies must  
2 [SHALL] be sent to the commissioner. The governing body of the  
3 municipality that [BOROUGH OR CITY WHICH] is the district may obtain  
4 judicial review of the determination by filing a motion in the  
5 superior court of the judicial district in which the district is  
6 located within 30 days after receipt of the determination. The  
7 superior court may modify the determination of the Department of  
8 Community and Regional Affairs only upon a finding of abuse of discre-  
9 tion or upon a finding that there is no substantial evidence to  
10 support the determination.

11 \* Sec. 29. AS 15.13.010(a) is amended to read:

12 (a) This chapter applies in every election for governor, lieu-  
13 tenant governor, a member of the state legislature, a delegate to a  
14 constitutional convention, or judge seeking electoral confirmation.  
15 It also applies to every candidate for election to a municipal office  
16 in a municipality [CITY OR BOROUGH] with a population of more than  
17 1,000 inhabitants according to the latest United States census figures  
18 or estimates of population certified as correct for administrative  
19 purposes by the Department of Community and Regional Affairs. A  
20 municipality may exempt its elected municipal officers from the re-  
21 quirements of this chapter if a majority of the voters voting on the  
22 question at a [ANY] regular election, as defined by AS 29.71.800(20)  
23 [AS 29.78.010(14)], or a special municipality-wide election called for  
24 that purpose, vote to exempt its elected municipal officers from the  
25 requirements of this chapter. The question of exemption from the  
26 requirements of this chapter may be submitted by the governing body  
27 [CITY COUNCIL OR BOROUGH ASSEMBLY] by ordinance or by initiative  
28 election [ORDINANCE]. Nothing in this chapter prohibits a municipal-  
29 ity from regulating by ordinance campaign contributions and

1 expenditures.

2 \* Sec. 30. AS 15.13.120(f)(3) is amended to read:

3 (3) AS 29.20.170 [AS 29.23.060(c)], if the candidate is a  
4 candidate for the borough assembly;

5 \* Sec. 31. AS 15.13.120(f)(4) is amended to read:

6 (4) AS 29.20.280 [AS 29.23.130(f)], if the candidate is a  
7 candidate for borough mayor;

8 \* Sec. 32. AS 15.13.120(f)(5) is amended to read:

9 (5) AS 29.20.170 [AS 29.23.210(b)], if the candidate is a  
10 candidate for city council;

11 \* Sec. 33. AS 15.13.120(f)(6) is amended to read:

12 (6) AS 29.20.280 [AS 29.23.255], if the candidate is a  
13 candidate for city mayor;

14 \* Sec. 34. AS 15.56.110(b)(2) is amended to read:

15 (2) a member of the borough assembly [ASSEMBLYMAN] under  
16 AS 29.20.170(6) [AS 29.23.060(c)];

17 \* Sec. 35. AS 15.56.110(b)(3) is amended to read:

18 (3) a borough mayor under AS 29.20.280(6) [AS 29.23.130-  
19 (f)];

20 \* Sec. 36. AS 15.56.110(b)(4) is amended to read:

21 (4) a member of the city council [COUNCILMAN] under AS 29.-  
22 20.170(6) [AS 29.23.210(b)];

23 \* Sec. 37. AS 15.56.110(b)(5) is amended to read:

24 (5) a city mayor under AS 29.20.280(6) [AS 29.23.255];

25 \* Sec. 38. AS 16.20.036(g) is amended to read:

26 (g) The establishment of a refuge under this section does not  
27 impair or alter existing rights of a municipality [BOROUGH OR CITY] to  
28 state land selected [SELECT STATE LAND] under former AS 29.18.190 --  
29 29.18.200.

1 \* Sec. 39. AS 16.20.038(g) is amended to read:

2 (g) The establishment of a refuge under this section does not  
3 impair or alter existing rights of a municipality [BOROUGH OR CITY] to  
4 state land selected [SELECT STATE LAND] under former AS 29.18.190 --  
5 29.18.200.

6 \* Sec. 40. AS 18.26.250(2) is amended to read:

7 (2) municipality [MUNICIPAL CORPORATION OR POLITICAL SUB-  
8 DIVISION OF THE STATE AS THE TERMS ARE USED IN AS 29];

9 \* Sec. 41. AS 18.80.290(d) is amended to read:

10 (d) The governing [LEGISLATIVE] body of a general law or home  
11 rule municipality has the authority under AS 29.20.320 [AS 29.48.035]  
12 to grant to local commissions powers and duties similar to those  
13 exercised by the Alaska Human Rights Commission under the provisions  
14 of this chapter [ACT].

15 \* Sec. 42. AS 19.30.241(2) is amended to read:

16 (2) "home rule city" means a city as defined in AS 29.04.-  
17 010 [AS 29.08.010];

18 \* Sec. 43. AS 19.30.241(3) is amended to read:

19 (3) "local government" means an organized borough of any  
20 class, a unified municipality [ORGANIZED UNDER AS 29.68.240 -- 29.68.-  
21 440], a home rule city, or a first class city [OF THE FIRST CLASS];

22 \* Sec. 44. AS 26.23.230(5) is amended to read:

23 (5) "political subdivision" means a home rule or general  
24 law borough or city [, WHETHER HOME RULE OR OTHERWISE,] including a  
25 unified municipality [MUNICIPALITIES UNIFIED UNDER AS 29.68.240 --  
26 29.68.440], an unincorporated village, or other unit of local govern-  
27 ment;

28 \* Sec. 45. AS 28.15.051(d) is amended to read:

29 (d) The department may issue a special driver's permit to a

1 person who is at least 14 years of age with the consent of the per-  
2 son's parents or guardians for the purpose of driving a motor-driven  
3 cycle. This permit may be issued upon application and successful  
4 completion of all prescribed tests and fees, and is valid for the same  
5 period of time as a driver's license. The permit is not valid in a  
6 municipality that [WHICH] by ordinance prohibits the driving of a  
7 motor-driven cycle by a person under the age of 16 years; a borough  
8 may adopt the ordinance on a nonareawide basis only, unless the power  
9 to adopt it on an areawide basis is acquired under AS 29.35.300 --  
10 29.35.330 or former AS 29.33.250 -- 29.33.290.

11 \* Sec. 46. AS 38.04.020(b)(1) is amended to read:

12 (1) land nominated for selection or selected by a muni-  
13 cipality to satisfy a general grant land entitlement under AS 29.65 or  
14 former AS 29.18.201 -- 29.18.213;

15 \* Sec. 47. AS 38.04.020(e)(4) is amended to read:

16 (4) preliminary feasibility studies, engineering design  
17 work, right-of-way acquisition, and construction of access roads and  
18 capital improvements required by municipal subdivision ordinance or  
19 regulation of the platting authority [BOARD UNDER AS 29.33.150];

20 \* Sec. 48. AS 38.04.021(a) is amended to read:

21 (a) A municipality may apply for financial assistance for the  
22 execution of a land disposal program of general grant land entitle-  
23 ments received from the state under AS 29.65 or former AS 29.18.201 --  
24 29.18.213 by submitting a request to the commissioner for inclusion in  
25 the request submitted to the legislature under AS 38.04.020(e). A  
26 municipality may request financial assistance for expenses of survey-  
27 ing land, designing subdivision plats, installing improvements re-  
28 quired by municipal ordinance or regulation of the local platting  
29 authority [BOARD], and other reasonable direct costs of land disposal.

1 \* Sec. 49. AS 38.04.021(d) is amended to read:

2 (d) A grant made under this section may not exceed five times  
3 the amount of money appropriated by a first class city, a borough, or  
4 a unified municipality [UNIFIED UNDER AS 29.68.240 -- 29.68.440] for  
5 the disposal of municipal land in the current fiscal year unless the  
6 commissioner exempts the municipality from this subsection.

7 \* Sec. 50. AS 38.04.021(e)(2) is amended to read:

8 (2) a first class city, a borough, or a unified municipal-  
9 ity that [UNIFIED UNDER AS 29.68.240 -- 29.68.440 WHICH] is exempted  
10 by the commissioner under (d) of this section.

11 \* Sec. 51. AS 38.04.900(b) is amended to read:

12 (b) A municipality has standing to petition the commissioner for  
13 the adoption of a regulation, or for the amendment or repeal of an  
14 existing regulation, or to appeal a decision of the commissioner with  
15 respect to classification, management, or disposal of land made under  
16 authority of a regulation adopted under (a) of this section with  
17 respect to state land outside the corporate boundaries of the muni-  
18 cipality to protect any interest which the municipality is authorized  
19 to regulate outside its boundaries under AS 29.35.020 [AS 29.48.037].

20 \* Sec. 52. AS 38.05.127(d) is amended to read:

21 (d) Upon application by a municipality or an affected owner of  
22 land, the department may vacate, release, modify, or relocate an ease-  
23 ment and right-of-way for public access to or along navigable or  
24 public waters reserved by the department in a patent issued under  
25 AS 29.65 or former AS 29.18.011 -- 29.18.460, [AS 29.18] if the  
26 commissioner determines the action is consistent with the public  
27 interest.

28 \* Sec. 53. AS 38.05.290(b) is amended to read:

29 (b) Consistent with the best interests of the state, in the

1 selection of general grant land it is the policy of the state to make  
2 available the maximum land area from which municipalities may fulfill  
3 land entitlements under AS 29.65 or former AS 29.18.201 -- 29.18.213.

4 \* Sec. 54. AS 38.05.321(b) is amended to read:

5 (b) State land classified as agricultural land that [WHICH] has  
6 been selected by a municipality under former AS 29.18.190 -- 29.18.200  
7 or former AS 29.18.205(e) may be approved by the director for patent  
8 under AS 29.65.050(c) [AS 29.18.205(f)]; however, only rights in the  
9 land for agricultural purposes may be transferred and all other inter-  
10 ests in the land will remain with the state. Agricultural land ap-  
11 proved for patent to a municipality [UNDER AS 29.18.205(f)] shall be  
12 credited, acre for acre, toward fulfillment of that municipality's  
13 entitlement under AS 29.65.010 -- 29.65.030 or former AS 29.18.201 --  
14 29.18.203. If the director later determines it to be in the best  
15 interests of the state to transfer some or all of the additional  
16 rights in that approved or patented agricultural land, those rights  
17 shall pass without consideration to the municipality in which the land  
18 is located. The notice and review provisions of AS 38.05.945 are  
19 applicable to conveyance of rights under this section.

20 \* Sec. 55. AS 38.05.321(c) is amended to read:

21 (c) The provisions of this section do not apply to

22 (1) state land classified as agricultural land that has  
23 been selected by a municipality under the provisions of former  
24 AS 29.18.190 -- 29.18.200 if the selection is an approved selection  
25 before April 1, 1978 and is otherwise valid under  
26 AS 29.65.050(b) or former AS 29.18.205(b); or

27 (2) a quitclaim of the interest of the state to the federal  
28 government under AS 38.05.035(b)(9).

29 \* Sec. 56. AS 38.09.080 is amended to read:

1           Sec. 38.09.080. LAND WITHIN MUNICIPALITIES. (a) If a munici-  
2           pality has filed a selection of state lands under AS 29.65 or former  
3           AS 29.18.201 -- 29.18.213 with the commissioner, the state land se-  
4           lected may not be designated for homestead entry; if the commissioner  
5           determines that land selected by a municipality is not available for  
6           patent to the municipality under AS 29.65 or former AS 29.18.201 --  
7           29.18.213, the state land is available for designation by the commis-  
8           sioner for homestead entry under AS 38.09.010.

9           (b) The disposal of homestead entry land is subject to local  
10          platting, recording, or subdivision requirements established under  
11          AS 29.35.180 [AS 29.33] and AS 40.15.

12       \* Sec. 57. AS 39.50.145 is amended to read:

13           Sec. 39.50.145. PARTICIPATION BY MUNICIPALITIES. A municipality  
14          may exempt its municipal officers from the requirements of this chap-  
15          ter if a majority of the voters voting on the question at a [ANY]  
16          regular election, as defined by AS 29.71.800(20) [AS 29.78.010(14)],  
17          or a special municipality-wide election, vote to exempt its municipal  
18          officers from the requirements of this chapter. The question of  
19          exemption from the requirements of this chapter may be submitted by  
20          the city council or borough assembly by ordinance or by initiative  
21          election [ORDINANCE].

22       \* Sec. 58. AS 39.50.200(a)(7) is amended to read:

23           (7) "municipal officer" includes a borough or city mayor,  
24          borough assemblyman, city councilman, school board member, elected  
25          utility board member, city or borough manager, members of a city or  
26          borough planning or zoning commission within a home rule or general  
27          law city or borough, or [INCLUDING BUT NOT LIMITED TO] a unified muni-  
28          cipality [UNDER AS 29.68];

29       \* Sec. 59. AS 40.15.075 is amended to read:

1           Sec. 40.15.075. AUTHORITY IN THE UNORGANIZED BOROUGH AND THIRD  
2 CLASS BOROUGHS. The division of lands is the platting authority in  
3 the area outside organized boroughs and outside cities in the unor-  
4 ganized borough and in the third class borough for only the purposes  
5 of hearing and acting on petitions for the change or vacation of plats  
6 and shall execute this function substantially in conformity with the  
7 provisions of AS 29.40.130 -- 29.40.160 [AS 29.33.210 -- 29.33.240].  
8 Costs of publication and mailing [AS WELL AS OTHER COSTS] authorized  
9 in AS 29.40.130 [AS 29.33.210] shall be paid to the division by the  
10 petitioner. The Department of Natural Resources shall adopt reason-  
11 able regulations governing the exercise of the authority conferred by  
12 this section upon the division of lands.

13 \* Sec. 60. AS 40.15.200 is amended to read:

14           Sec. 40.15.200. APPLICATION TO STATE AND POLITICAL SUBDIVI-  
15 SIONS. All subdivisions of land made by the state, its agencies,  
16 instrumentalities and political subdivisions are subject to the provi-  
17 sions of this chapter and AS 29.40.070 -- 29.40.160 [AS 29.33.150 --  
18 29.33.240], or home rule ordinances or regulations governing subdivi-  
19 sions, and shall comply with ordinances and other local regulations  
20 adopted under this chapter and AS 29.40.070 -- 29.40.160 or former  
21 AS 29.33.150 -- 29.33.240, or under home rule authority, in the same  
22 manner and to the same extent as subdivisions made by other land-  
23 owners.

24 \* Sec. 61. AS 41.35.180(5) is amended to read:

25           (5) consult with local historical district commissions re-  
26 garding the establishment of historical districts under AS 29.55.010  
27 -- 29.55.020 [AS 29.48.108 -- 29.48.110] and the approval of project  
28 alterations under AS 45.98.040; recommend, if appropriate, the formu-  
29 lation of additional criteria for the designation of historical

1 districts under AS 29.55.020(b) [AS 29.48.110(b)]; approve plans for  
2 and evaluate the suitability of specific structures for purposes of  
3 loan eligibility and continuance under the historical district  
4 revolving loan fund (AS 45.98); and consult with the Department of  
5 Commerce and Economic Development relative to the adoption of  
6 regulations for historical district loans under AS 45.98.

7 \* Sec. 62. AS 41.98.175(d) is amended to read:

8 (d) In (a) of this section "municipalities" includes cities or  
9 organized boroughs of any class and unified municipalities exercising  
10 powers to initiate projects described in AS 41.98.170 and acquire  
11 parks and open space land, as otherwise authorized by law [, AND  
12 INCLUDES BUT IS NOT LIMITED TO UNIFIED MUNICIPALITIES ORGANIZED UNDER  
13 AS 29.68.240 -- 29.68.440].

14 \* Sec. 63. AS 42.05.711(1) is amended to read:

15 (1) A person, utility, or cooperative that is exempt from regu-  
16 lation under AS 42.05.711(a) or (d) -- (k) is not subject to  
17 regulation by a municipality under AS 29.35.070 [AS 29.48.060 --  
18 29.48.090].

19 \* Sec. 64. AS 43.56.010(b) is amended to read:

20 (b) A municipality may levy and collect a tax under AS 29.45.080  
21 [AS 29.53.045] at the rate of taxation that applies to other property  
22 taxed by the municipality. The tax shall be levied at a rate no  
23 higher than the rate applicable to other property taxable by the  
24 municipality. No municipality may exempt from taxation property  
25 authorized to be taxed under this chapter. Exemptions shall be lim-  
26 ited to those in AS 29.45.030, 29.45.050, [AS 29.53.020 AND AS 29.53.-  
27 025] and AS 43.56.020.

28 \* Sec. 65. AS 43.56.010(c) is amended to read:

29 (c) If the total value of assessed property of a municipality

1 taxing under AS 29.45.080(c) [AS 29.53.045(c)] exceeds the product of  
2 225 percent of the average per capita assessed full and true value of  
3 property in the state (to be determined by the department and reported  
4 to each municipality by January 15 of each year) multiplied by the  
5 number of residents of the taxing municipality, the department shall  
6 designate the portion of the tax base against which the local tax may  
7 be applied. For purposes of this subsection the average per capita  
8 assessed full and true value of property in the state shall be calcu-  
9 lated without regard to the assessed value of taxable property under  
10 AS 43.58.

11 \* Sec. 66. AS 43.56.010(d) is amended to read:

12 (d) A tax paid to a municipality under AS 29.45.080 or former  
13 AS 29.53.045 on or before June 30 of the tax year shall be credited  
14 against the tax levied under (a) of this section for that tax year.  
15 If, however, a tax is not paid to a municipality until after June 30  
16 of the taxable year, the department upon application shall refund to  
17 the taxpayer the amount of tax paid to the municipality under AS 29.-  
18 45.080 or former AS 29.53.045. The credit or refund of taxes paid to  
19 a municipality may not exceed the total amount of tax levied by the  
20 department upon the taxpayer for the tax year, under (a) of this  
21 section.

22 \* Sec. 67. AS 43.56.060(a) is amended to read:

23 (a) The department shall assess property for the tax levied  
24 under AS 43.56.010(b) and AS 29.45.080 [AS 29.53.045] on property used  
25 or committed by contract or other agreement for use for the pipeline  
26 transportation of gas or unrefined oil or for the production of gas or  
27 unrefined oil at its full and true value as of January 1 of the as-  
28 sessment year.

29 \* Sec. 68. AS 43.75.130(1) is amended to read:

1                   (1) to each unified municipality [UNIFIED UNDER AS 29.68.-  
2   240 -- 29.68.440,] and to each city located in the unorganized  
3   borough, 50 percent of the amount of tax revenue collected in the  
4   municipality from taxes levied by AS 43.75;

5   \* Sec. 69. AS 44.33.403(2)(A) is amended to read:

6                   (A) has the authority under AS 29.35 [AS 29.41 OR  
7   AS 29.48] to provide and maintain a cultural facility;

8   \* Sec. 70. AS 44.47 is amended by adding new sections to read:

9                   ARTICLE 12. BOROUGH FEASIBILITY STUDIES.

10                  Sec. 44.47.700. BOROUGH FEASIBILITY STUDIES. (a) The commis-  
11   sioner may contract for studies of the feasibility of establishing  
12   boroughs in the unorganized borough. A study may be conducted under  
13   this section only if

14                  (1) appropriations are available for that purpose; and

15                  (2) the study is requested by a person residing in the area  
16   to be studied or by a city located in the area to be studied.

17                  Sec. 44.47.710. REQUESTS FOR STUDIES. A request for a study of  
18   the feasibility of establishing a borough in the unorganized borough  
19   shall be submitted to the commissioner in writing and shall include

20                  (1) a description of the boundaries of the area of the pro-  
21   posed study; and

22                  (2) an indication of local interest in the proposed study  
23   consisting of either

24                  (A) a petition requesting the study containing the  
25   signatures and addresses of five percent of the voters residing  
26   in the area of the proposed study based on the number of voters  
27   who voted in the area in the last statewide election; or

28                  (B) resolutions requesting the study adopted by the  
29   governing bodies of at least five percent of the cities within

1 the area of the proposed study.

2 Sec. 44.47.720. BOUNDARIES. The boundaries of an area studied  
3 shall conform to the boundaries indicated in the request for the study  
4 under AS 44.47.710 unless the commissioner, after a public hearing  
5 held in the area of the proposed study, determines that the boundaries  
6 should be altered. In determining the boundaries of an area to be  
7 studied, the commissioner shall consider

8 (1) the standards applicable to the incorporation of bor-  
9 oughs under AS 29.05.030;

10 (2) boundaries of regional corporations established under  
11 43 U.S.C. 1606;

12 (3) census divisions of the state used for the 1980 census;

13 (4) boundaries of the regional educational attendance areas  
14 established under AS 14.08.031; and

15 (5) boundaries of coastal resource service areas organized  
16 under AS 46.40.110 -- 46.40.210.

17 Sec. 44.47.730. CONTRACTS. (a) The commissioner shall contract  
18 for a study of the feasibility of establishing a borough in the unor-  
19 ganized borough by following the procedures set out in AS 36.98. The  
20 commissioner shall include terms in the contract that provide for

21 (1) public participation in the preparation of the study;

22 (2) completion of the study not later than June 30 of the  
23 third year after the year the contract is executed.

24 (b) A study under this section shall include

25 (1) a recommendation for or against incorporation of a bor-  
26 ough containing all or part of the area studied;

27 (2) an evaluation of the economic development potential of  
28 the area studied;

29 (3) an evaluation of capital facility needs of the area

1 studied;

2 (4) an evaluation of demographic, social, and environmental  
3 factors affecting the area studied;

4 (5) an evaluation of the relationships among regional  
5 educational attendance areas, coastal resource service areas, and  
6 other regional entities responsible for providing services in the area  
7 studied;

8 (6) an evaluation of the relationships between the existing  
9 cities within the area studied and regional entities responsible for  
10 providing services in the area; and

11 (7) specific recommendations for

12 (A) organization of a home rule or general law borough  
13 government if one is recommended;

14 (B) changes in organization of cities in the area  
15 studied; or

16 (C) the improvement of the delivery of services to the  
17 public by the state in the area studied.

18 \* Sec. 71. AS 44.83.162(m) is amended to read:

19 (m) For purposes of (c) of this section, the number of residents  
20 of the community equals the number of residents of the community  
21 determined by the Department of Community and Regional Affairs in  
22 accordance with AS 29.60.020 [AS 29.88.015].

23 \* Sec. 72. AS 44.85.270(i) is amended to read:

24 (i) All references to the "reserve fund" in this section include  
25 special accounts within the reserve fund which may be created by the  
26 authority to secure the payment of particular bonds, including, with-  
27 out limitation, bonds issued by the capital city established under  
28 AS 29.14.010 [AS 29.18.510]. The commissioner of revenue may lend  
29 surplus money in the general fund to the authority for deposit to any

1 account in the reserve fund in an amount equal to the required debt  
2 service reserve. The loans shall be made on such terms and conditions  
3 as may be agreed upon by the commissioner of revenue and the author-  
4 ity, including, without limitation, terms and conditions providing  
5 that the loans need not be repaid until the obligations of the corpo-  
6 ration secured and to be secured by the account in the reserve fund  
7 are no longer outstanding.

8 \* Sec. 73. AS 44.85.410(3)(A) is amended to read:

9 (A) a general obligation bond that [WHICH] is a direct  
10 and general obligation of a political subdivision of the state,  
11 all the taxable property within which is subject to taxation to  
12 pay the bond, note or evidence of debt, and the interest without  
13 limitation, as to rate or amount generally to the extent permit-  
14 ted by law or to avoid a default as provided for second class  
15 cities under AS 29.45.590 [AS 29.53.410]; or

16 \* Sec. 74. AS 44.85.410(3)(D) is amended to read:

17 (D) a bond of a borough issued as a general obligation  
18 of a service area under AS 29.47.440 or former AS 29.58.340; [.]

19 \* Sec. 75. AS 45.98.020 is amended to read:

20 Sec. 45.98.020. HISTORICAL DISTRICT LOANS. Upon endorsement and  
21 plan approval by a local historical district commission established  
22 under AS 29.55.010 or former AS 29.48.108 and the recommendation of a  
23 majority of the members of the Historic Sites Advisory Committee, the  
24 Department of Commerce and Economic Development may make loans to a  
25 person, firm, business or municipality subject to applicable laws for  
26 the restoration, improvement, rehabilitation, or maintenance of a  
27 structure that [WHICH] is

28 (1) within the boundaries of a historical district estab-  
29 lished under AS 29.55.020 or former AS 29.48.110;

1 (2) identified as important in state or national history as  
2 provided for in AS 29.55.020(b) or former AS 29.48.110(b); and

3 (3) another building or structure within a historical dis-  
4 trict, and suitable for superficial modification so that it can con-  
5 form to the period or motif of the surrounding buildings or structures  
6 that are the reason for the area's designation as a historical dis-  
7 trict.

8 \* Sec. 76. AS 46.03.210(a) is amended to read:

9 (a) A municipality with a population in excess of 1,000 may,  
10 within five years from August 5, 1969, establish and administer within  
11 its jurisdiction an air pollution control program. Organized boroughs  
12 may establish an air pollution control program on an areawide basis,  
13 and the exercise of powers with respect to the program is not subject  
14 to the restrictions on acquiring additional areawide powers specified  
15 in AS 29.35.300 -- 29.35.330 [AS 29.33.250 -- 29.33.290]. Local pro-  
16 grams shall

17 (1) provide by ordinance for requirements compatible with  
18 those imposed by the provisions of AS 46.03.140 and 46.03.170 and  
19 applicable regulations;

20 (2) provide for the enforcement of the requirements imposed  
21 through appropriate administrative and judicial processes;

22 (3) provide for a local administrative organization, staff,  
23 and other resources necessary to effectively carry out the purposes of  
24 the program; and

25 (4) be approved by the department as being satisfactory to  
26 meet the requirements of AS 46.03.140 -- 46.03.170 and the applicable  
27 regulations.

28 \* Sec. 77. AS 46.11.040(3)(A) is amended to read:

29 (A) is constructed under an exception to the municipal

1 building code granted because the exception will result in in-  
2 creased energy efficiency [UNDER AS 29.33.080(g)]; or

3 \* Sec. 78. AS 46.11.900(8) is amended to read:

4 (8) "state financial assistance" means a loan, grant,  
5 guarantee, insurance, payment, rebate, subsidy, or other form of state  
6 assistance (other than aid under AS 29.60 [AS 29.88, AS 29.89, AS 29.-  
7 90, AS 29.95,] and AS 43.18) including the purchase by a state agency  
8 of a loan to finance the construction of a new residential, commer-  
9 cial, or industrial building;

10 \* Sec. 79. AS 46.35.200(3) is amended to read:

11 (3) "local government" means a city or borough including a  
12 unified municipality [UNIFIED UNDER AS 29.68.240 -- 29.68.440];

13 \* Sec. 80. AS 46.40.140(h) is amended to read:

14 (h) Members of coastal resource service area boards are subject  
15 to recall on the same grounds and in the same manner as provided for  
16 recall of municipal officials in AS 29.26.240 -- 29.26.350 [AS 29.28.-  
17 130 -- 29.28.250]. The lieutenant governor functions in place of the  
18 assembly or council and municipal clerk for receipt and review of  
19 recall petitions and the conduct of recall elections.

20 \* Sec. 81. AS 46.40.210(2)(A) is amended to read:

21 (A) unified municipalities [ESTABLISHED UNDER AS 29.-  
22 68.240 -- 29.68.440];

23 \* Sec. 82. AS 47.35.010(b) is amended to read:

24 (b) The department shall, within 90 days after receiving a  
25 written request that it do so, delegate its powers relating to nur-  
26 series under this section and under AS 47.35.040 -- 47.35.060 to a  
27 municipality that [WHICH] has adopted an ordinance providing for day  
28 care licensing under home rule powers or as authorized under AS 29.-  
29 35.200 -- 29.35.210 [AS 29.48.035(a)(20)]. A municipality to which

1 these powers have been delegated may waive or modify any regulation or  
2 standard established by the department under the authority of AS 47.-  
3 35.010 -- 47.35.080 as it applies to nurseries or the application of  
4 any such regulation or standard as it applies to a particular day care  
5 licensee but must notify the department of any waiver.

6 \* Sec. 83. The following laws are repealed: AS 04.11.400(c); AS 04.-  
7 21.080(b)(11); AS 14.56.065(b), 14.56.180(3); AS 15.13.130(6); AS 18.55.-  
8 950(10); AS 19.20.015(f); AS 24.55.330(3); AS 28.35.260(a)(10); AS 29.08;  
9 AS 29.13; AS 29.18; AS 29.23; AS 29.28; AS 29.33; AS 29.38; AS 29.41;  
10 AS 29.43; AS 29.48; AS 29.53; AS 29.58; AS 29.63; AS 29.68; AS 29.73;  
11 AS 29.78; AS 29.88; AS 29.89; AS 29.95; AS 30.15.070(3); AS 30.30.170(2);  
12 AS 35.15.120(3); AS 42.06.630(6); AS 43.20.016; AS 43.56.210(8); AS 44.-  
13 07.360(8); AS 44.33.417(6); AS 44.47.310(5); and AS 44.85.410(4).

14 \* Sec. 84. A right or liability of a municipality existing on  
15 January 1, 1986, is not affected by the enactment of this Act. Ordinances  
16 and regulations in effect on January 1, 1986, remain in effect unless they  
17 conflict with provisions of this Act. Ordinances and regulations in effect  
18 on January 1, 1986, that conflict with provisions of this Act remain in  
19 effect for 180 days after January 1986. The terms of elected or appointed  
20 municipal officials in office on January 1986, are not affected by this  
21 Act, and their terms expire as provided before January 1, 1986.

22 \* Sec. 85. This Act takes effect January 1, 1986.