

SCOMM

#23:19

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29.45.400	29.53.310	REDEMPTION PERIOD
29.45.410	29.53.320	EFFECT
29.45.420	29.53.330	ADDITIONAL LIENS
29.45.430	29.45.340	POSSESSION DURING REDEMPTION PERIOD
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29.45.470	29.53.375	REPURCHASE BY RECORD OWNER
29.45.480	29.53.380	PROCEEDS OF TAX SALE
29.45.490	29.53.385	PAYMENT OF TAXES UPON PUBLIC UTILIZATION
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29.45.540	29.53.410	LIMITED PROPERTY TAXING POWER FOR SECOND CLASS CITIES

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29.48.050	29.63.030	OBJECTIONS AND REVISION
29.48.060	29.63.040	ASSESSMENT ROLL
29.48.070	29.63.050	HEARING AND SETTLEMENT
29.48.080	29.63.060	PAYMENT
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29.51.030	29.58.040	ISSUANCE OF NOTES IN ANTICIPATION OF STATE, FEDERAL GRANTS
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29.51.050	29.58.060	SALE OF NOTES
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29.09.080	29.09.080	INVESTIGATION
29.09.090	29.09.090	REPORT AND HEARING
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29.65.120	29.65.120	ADMINISTRATION
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29.18.400	29.18.190
29.18.410	29.18.200
29.18.430	29.18.210
29.18.440	29.18.220
29.18.450	29.18.230
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29.18.570	29.21.060
29.18.580	29.21.070
29.18.590	29.21.080
29.18.600	29.21.090
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29.23.023	29.24.070
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29.23.029	29.24.100
29.23.031	29.24.110
29.23.033	29.24.120
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29.23.080	29.24.170
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29.23.150	29.24.220
29.23.160	29.24.230
29.23.170	29.24.240
29.23.180	29.24.250
29.23.200	29.24.280
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29.23.220	29.24.300
29.23.240	29.24.330
29.23.250	29.24.340
29.23.255	29.24.350
29.23.260	29.24.360
29.23.270	29.24.370
29.23.280	29.24.380
29.23.290	29.24.390
29.23.310	29.24.420
29.23.340	29.24.450
29.23.360	29.24.480
29.23.370	29.24.490
29.23.380	29.24.500
29.23.390	29.24.510
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29.48.260	29.33.200	MUNICIPAL PROPERTIES

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29.68.060	29.12.110	INVESTIGATION
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29.68.370	29.12.320	FILING OF PROPOSED CHARTER
29.68.380	29.12.330	PUBLICATION AND POSTING OF PROPOSED CHARTER
29.68.390	29.12.340	ELECTION ON CHARTER
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29.68.520	29.12.440	STANDARDS
29.68.540	29.12.450	REVIEW
29.68.540	29.12.460	INVESTIGATION
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29.06.030	29.08.030	CLASSES OF GENERAL LAW
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29.12.110	29.68.060	INVESTIGATION
29.12.120	29.68.070	REPORT AND HEARING
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29.12.240	29.68.290	NOMINATION OF CHARTER COMMISSION CANDIDATES
29.12.250	29.68.300	QUALIFICATIONS OF CHARTER COMMISSION CANDIDATES
29.12.260	29.68.310	COMPOSITION OF CHARTER COMMISSION
29.12.270	29.68.320	ELECTION
29.12.280	29.68.330	REQUIREMENTS FOR APPROVAL OF UNIFICATION AND ELECTION OF CHARTER COMMISSION
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29.12.330	29.68.380	PUBLICATION AND POSTING OF PROPOSED CHARTER
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29.12.360	29.68.410	ASSETS AND LIABILITIES
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29.18.060	29.18.270	INVESTIGATION
29.18.070	29.18.280	REPORT
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29.18.140	29.18.350	FILLING A VACANCY
29.18.150	29.18.360	POWERS AND DUTIES OF COUNCIL
29.18.160	29.18.370	POWERS AND DUTIES OF A DEVELOPMENT CITY EXECUTIVE DIRECTOR
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1 CHAPTER 03. THE UNORGANIZED BOROUGH

2 (CHAPTER 03. THE UNORGANIZED BOROUGH)

3 Sec. 29.03.010. (Sec. 29.03.010.) ESTABLISHMENT. Areas of the state
4 which are not within the boundaries of an organized borough constitute a
5 single unorganized borough.

6 Sec. 29.03.020. (Sec. 29.03.020.) SERVICE AREAS. Allowing for max-
7 imum local participation, the legislature may establish, alter, or abolish
8 service areas within the unorganized borough to provide special services,
9 which may include but are not limited to schools, utilities, land use reg-
10 ulations and fire protection. A new service area may not be established if
11 the new service can be provided by an existing service area, by incor-
12 poration as a city, or by annexation to a city.

13
14
15
16 *Draft - with changes*
17 *as noted*

1 CHAPTER 06. CLASSIFICATION OF MUNICIPALITIES

2 (CHAPTER 08. CLASSIFICATION OF MUNICIPALITIES)

3 Sec. 29.06.010. (Sec. 29.08.010.) HOME RULE. A home rule munici-
4 pality is a municipal corporation and political subdivision and is a city of
5 the first class ~~or~~ of an organized borough which has adopted a home rule
6 charter, ^{it is a municipality unincorporated under Title 2.} It has all legislative powers not prohibited by law or charter.

7 Sec. 29.06.020. (Sec. 29.08.020.) GENERAL LAW. A general law mun-
8 icipality is a municipal corporation and political subdivision and is an
9 unchartered borough or city. It has legislative powers conferred by law.

10 Sec 29.06.030. (Sec. 29.08.030.) CLASSES OF GENERAL LAW. General
11 law municipalities are of five classes:

- 12 (1) first class boroughs;
13 (2) second class boroughs;
14 (3) third class boroughs;
15 (4) first class cities;
16 (5) second class cities.

17 Sec. 29.06.040. (Sec. 29.08.040.) RECLASSIFICATION. (a) A second
18 class city may be reclassified as a first class city by holding an election
19 on the question [as provided in this subsection], if the Department of Com-
20 munity and Regional Affairs determines from the best figures available that
21 the population of the city has reached 400 permanent residents.

22 (b) An election on the question of reclassification may be
23 initiated in two ways:

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

27 (2) the council may propose reclassification.

28 (c) The council shall hold at least one public hearing within the
29

1 city on the question. The council shall then evaluate the ability of the
2 city to assume first class status and make its findings public.

3 (d) The council shall, within 30 days after its findings have
4 been made public, order an election to be held on the question. The election
5 shall be held at least 30 days after the order and not later than the next
6 regular election occurring after the 30-day period.

7 (e) If more than one question is to be voted on at the election,
8 each appears separately on the ballot.

9 (f) The council shall certify the election results to the Depart-
10 ment of Community and Regional Affairs. If the majority of votes cast on
11 the question is favorable, the city shall be considered reclassified to
12 first class status 30 days after certification of the election results.

13 (g) A second class borough may reclassify as a first class or
14 third class borough, and a third class borough may reclassify as a first
15 class or second class borough, in the manner provided by AS 29.36.110
16 -29.36.130 (AS 29.33.270-29.33.290) for the addition of powers by boroughs,
17 except the petition or proposal requests reclassification instead of
18 requesting addition of powers.

19 (h) At the time of voting on reclassification of a second class
20 borough to third class status, borough voters in conformity with AS 29.36.
21 (AS 29.41) shall elect an assembly to serve as the combined assembly and
22 school board of the third class borough if reclassification is approved.

23 (i) At the time of voting on reclassification of a third class
24 borough to second class or first class status, borough voters shall vote
25 also on the question whether the borough shall upon reclassification retain
26 a combined assembly and school board or a separate assembly and board as
27 otherwise provided for first and second class boroughs. If the majority of
28 votes cast on the question favors retention of the combined assembly and
29 board, the assembly serving at the time of the reclassification election

1 continues to serve as the assembly and board upon voter approval of reclas-
2 sification and until terms of assemblymen expire as provided before reclas-
3 sification. If a separate board and assembly are approved at the reclas-
4 sification election, a school board shall be elected in conformity with AS
5 14.12 at the next regular municipal election, if it occurs within 90 days of
6 the date of the reclassification election, or otherwise at a special election
7 within that time called by the assembly with expiration dates of terms of
8 members elected at the special election to coincide with the date of the
9 regular municipal election. Until a board is elected and qualified, the
10 assembly continues to serve as the board.

11 (j) The effective date of reclassification of a borough for which
12 reclassification is approved under (h) of this section is the first day of
13 the borough's fiscal year which begins at least six months after the date on
14 which the reclassification proposition has been approved by the voters.

15 Sec. 29.06.050. (Sec.29.08.050.) TRANSITION. (a) On September 10,
16 1972, the current classification of existing home rule cities and of first
17 class cities having 400 or more permanent residents is not affected by this
18 Act. Second and third class cities incorporated before September 10, 1972
19 and having 400 or more permanent residents are reclassified as first class
20 cities. The city council shall certify by resolution the number of permanent
21 residents within the city. Upon the failure to certify, the Local Boundary
22 Commission shall hold a public hearing and make a determination as to clas-
23 sification as provided in (c) of this section.

24 (b) On September 10, 1972, fourth class cities incorporated
25 before that date are reclassified as second class cities subject to reclas-
26 sification under Sec. 40 of this chapter

27 (c) The Local Boundary Commission shall, within two years of
28 September 10, 1972, hold a public hearing in each city which was first,
29 second, or third class before that date and whose population is under 400

permanent residents. The commission shall determine in each case whether the city should be classified as first or second class under the new classification. The commission's decision must be published at least once. Unless objections are filed with the Local Boundary Commission by at least five percent of the permanent residents of the city within 60 days, the classification recommended by the commission becomes effective on the 61st day. If objections are filed by at least five percent of the permanent residents of the city, the commission shall submit its recommendation to the legislature in the manner provided for submission of boundary changes in Sec. 12, art. X of the state constitution.

1 CHAPTER 09. INCORPORATION

2 (CHAPTER 18. INCORPORATION)

3 Article 1. REQUIREMENTS

4 (Article 1. REQUIREMENTS)

5 Sec. 29.09.010. (Sec. 29.18.011.) INCORPORATION OF CITIES. (a) A
6 community which meets the following standards may incorporate as a first
7 class city:

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

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

11 (3) the economy of the community includes the human and
12 financial resources necessary to provide ^{not} local services; in considering the
13 economy of the community, the Local Boundary Commission shall consider
14 property valuations, economic base, personal income, resource and commercial
15 development, anticipated functions, and the expenses and income of the
16 proposed city, including the ability of the community to generate local
17 revenue;

18 (4) the population of the community is stable enough to
19 support local government;

20 (5) there is a demonstrated need for local government.

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

23 Sec. 29.09.020. (Sec. 29.18.021.) LIMITATIONS ON INCORPORATION OF
24 CITIES. (a) A community within the unorganized borough may not incorporate
25 as a city if the services may be provided by annexation to an existing city.

26 (b) A community within an organized borough may not incorporate
27 as a city if the services could be provided on an areawide or nonareawide
28 basis by the borough in which it is located or by annexation to an existing
29 city.

1 Sec. 29.09.030. (Sec. 29.18.030.) ORGANIZED BOROUGHES. An area may
2 incorporate as an organized borough if it conforms to the following stan-
3 dards:

4 (1) the population of the area is interrelated and integrated
5 as to its social, cultural, and economic activities, and is large and stable
6 enough to support organized borough government;

7 (2) the boundaries of the proposed borough conform generally
8 to natural geography and include all areas necessary for full development of
9 local services;

10 (3) the economy of the area includes the human and financial
11 resources capable of providing local services; evaluation of an area's
12 economy includes land use, property valuations, total economic base, total
13 personal income, resource and commercial development, anticipated functions,
14 expenses, and income of the proposed borough;

15 (4) land, water, and air transportation facilities allow the
16 communication and exchange necessary for the development of integrated local
17 government.

18 Article 2. PROCEDURES

19 (Article 2. PROCEDURES)

20 Sec. 29.09.060. (Sec. 29.18.050.) PETITION. Municipal incorporation
21 is proposed by filing a petition with the Department of Community and Regional
22 Affairs. The petition shall include the following information about the
23 proposed municipality:

24 (1) class;

25 (2) name;

26 (3) boundaries;

27 (4) [Effective until January 1, 1981] composition and
28 apportionment of the assembly or council; [Effective January 1, 1981] com-
29 position and apportionment of the assembly or council;

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

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

5 (7) maps, documents, and other information required by
6 the Department of Community and Regional Affairs;

7 (8) for first class city incorporation, the signatures
8 and resident address of 50 permanent resident voters or of 15 percent of the
9 permanent resident voters within the proposed municipality, whichever is
10 greater, based on the number who voted in the area in the last general elec-
11 tion;

12 (9) for second class city incorporation, the signature
13 and resident address of 25 permanent resident voters or of 15 percent of the
14 permanent resident voters within the proposed municipality, whichever is
15 greater, based on the number who voted in the area in the last general elec-
16 tion;

17 (10) for borough incorporation, the signature and resi-
18 dent address of 15 percent of the permanent resident voters in each first
19 class city and 15 percent of voters in the area outside first class cities
20 based on the number who voted in the respective areas in the last general
21 election;

22 (11) for a city, a designation of the powers proposed by
23 the petitioners to be exercised;

24 (12) a proposed operating budget for the municipality
25 projecting sources of income and items of expenditure through the first full
26 fiscal year of operation.

27 Sec. 29.09.070. (Sec. 29.18.060.) REVIEW. The Department of Com-
28 munity and Regional Affairs shall review petitions for content and sig-
29 natures and shall return deficient petitions for correction and completion.

1 Sec. 29.09.080. (Sec. 29.18.070.) INVESTIGATION. (a) If the petition
2 contains the required information and signatures, the Department of Community
3 and Regional Affairs shall investigate the proposal.

4 (b) The department may combine petitions for incorporation from
5 the same general area.

6 (c) The department shall hold at least one public hearing in the
7 area proposed for incorporation.

8 Sec. 29.09.090. (Sec. 29.18.080.) REPORT AND HEARING. (a) The Depart-
9 ment of Community and Regional Affairs shall report its findings to the
10 Local Boundary Commission with its recommendations regarding the incor-
11 poration.

12 (b) The Local Boundary Commission shall hold at least one public
13 hearing in the area proposed to be incorporated for the purpose of receiving
14 testimony and evidence on the proposal.

15 Sec. 29.09.100. (Sec. 29.18.090.) DECISION ON BOROUGH INCORPORATION.
16 (a) If the Local Boundary Commission determines that a proposed municipality
17 fails to meet the standards for incorporation, it shall reject the petition.
18 If the commission determines that the proposed municipality meets the stan-
19 dards, it shall accept the petition. If the commission determines that the
20 proposed boundaries can be altered to meet the standards, it may alter the
21 boundaries and accept the petition.

22 (b) A commission decision under this section may be appealed
23 under the Administrative Procedure Act (AS 44.62).

24 Sec. 29.09.110. (Sec. 29.18.110.) INCORPORATION ELECTION. (a) The
25 Local Boundary Commission shall immediately notify the lieutenant governor
26 of its acceptance of an incorporation petition. Within 30 days after notifi-
27 cation, the lieutenant governor shall order an election in the proposed
28 municipality to determine whether the voters desire incorporation and, if
29 so, to elect the initial officers in the same election. If

1 incorporation is rejected, no officers are elected. The election is held
2 not less than 30 nor more than 90 days after the date of the election order.
3 The election order must specify the dates during which nomination petitions
4 for election of initial officers may be filed.

5 (b) An Alaska voter who has been a resident of the area within
6 the proposed municipality for 30 days before the date of the election order
7 may vote.

8 (c) Areawide borough powers included in the incorporation
9 petition are considered to be part of the incorporation question. In an
10 election for the incorporation of a second class borough, each power to be
11 exercised outside cities only is placed separately on the ballot. Adoption
12 of a nonareawide power requires a majority of the votes cast on the
13 question, and the vote is limited to the voters residing outside cities.

14 (d) The lieutenant governor shall supervise the election in the
15 general manner prescribed by the Alaska Election Code (AS 15.05-15.60). The
16 state shall pay all election costs under this section.

17 Sec.29.09.120. (Sec. 29.18.120.) ELECTION OF INITIAL OFFICERS (a)
18 Repealed by Sec. 4 ch 23 SLA 1976.

19 (b) Nominations for initial officers are made by petition. The
20 petition is in the form prescribed by the lieutenant governor and includes
21 the name and address of the nominee and a statement of the nominee that he
22 is qualified under the provisions of this title for the office that he
23 seeks. A person may file for and occupy more than one office, but he may not
24 serve simultaneously as borough mayor and as a member of the borough
25 assembly or as mayor and as a member of the council of a home rule or first
26 class city. Petitions to nominate officers of a second class city must
27 include the signature and resident address of 10 voters in the area of the
28 proposed city. Petitions to nominate elected municipal officers must
29 include the signature and resident address of 50 voters in the area of the

1 proposed municipality, or that area of the proposed municipality from which
2 the officers are to be elected under the composition and apportionment set
3 out in the accepted incorporation petition.

4 (c) The lieutenant governor shall supervise the election in the
5 general manner prescribed by the Alaska Election Code (AS 15.05 - 15.60).
6 The state shall pay all election costs under (a) - (c) of this section.

7 (d) The initial elected municipal officials take office on the
8 first Monday following certification of their election.

9 (e) The initial elected borough assembly and city council members
10 shall determine by lot the length of their terms of office so that a pro-
11 portionate number of terms expire each year, resulting in staggered terms of
12 office for members subsequently elected.

13 Sec. 29.09.130. (Sec. 29.18.130.) INTEGRATION OF SPECIAL DISTRICTS
14 AND SERVICE AREAS. Service areas in a newly incorporated borough or city
15 shall be integrated into the borough or city within two years after the date
16 of incorporation. On integration the borough or city succeeds to all the
17 rights, powers, duties, assets and liabilities of the service areas. After
18 integration, the borough assembly or city council may exercise within a
19 former service area all of the rights and powers exercised by the service
20 area at the time of integration, and may levy and collect special charges,
21 taxes, or assessments to amortize bonded indebtedness incurred by the
22 service area or by a borough or city as successor to the service area. Upon
23 integration no less than all property in the service area at the time of
24 integration remains subject to taxation to pay the principal of and interest
25 on the bonds. The provisions of this section apply to all organized
26 boroughs whether incorporated or organized before or after September 10,
27 1972.

28 Sec. 29.09.140. (Sec. 29.18.140.) TRANSITION. (a) The powers and
29 functions exercised by home rule or general law cities and service areas

1 which are succeeded to by a newly incorporated borough or city are exercised
2 by them until the new borough or city assumes the powers and functions,
3 which may not exceed two years after the date of incorporation. Ordinances,
4 rules, resolutions, procedures, and orders in effect before the transfer
5 remain in effect until superseded by the action of the new borough or city.

6 (b) The borough or city shall give written notice of its assump-
7 tion of the powers, duties and other items enumerated in Secs. 130-140 of
8 this chapter, to the city, and service area concerned before the assumption.
9 Borough or city officials shall consult with the officials of the city and
10 service area concerned, and arrange an orderly transfer.

11 (c) After the incorporation of a new borough or city, no service
12 area within it may assume new bonded indebtedness, make any contract, or
13 transfer any assets without the consent of the assembly or council.

14 Sec. 29.09.150. (Sec. 29.18.150.) CHALLENGE OF LEGALITY. No person
15 may challenge the formation of a municipality except within six months of
16 the date of its incorporation.

17 Article 03. TRANSITIONAL ASSISTANCE

18 (Article 03. TRANSITIONAL ASSISTANCE)

19 Sec. 29.09.180. (Sec. 29.18.180.) ORGANIZATION GRANTS. (a) For the
20 purpose of defraying the cost of transition to borough or city government
21 and in order to provide for development and interim governmental operations,
22 each borough and city incorporated after January 1, 1968, or, in the case of
23 a second class city, incorporated or reclassified after January 1, 1968,
24 other than a unified municipality incorporated under the provisions of (AS
25 29.85), or a municipality otherwise incorporated by consolidation, is
26 entitled to an organization grant equal to \$10 for every voter who voted in
27 the borough or city incorporation election. However, each incorporated
28 borough and each first class city incorporated or established by
29 reclassification outside an organized borough is entitled to at least
\$25,000.

1 (b) Within 30 days after the date of incorporation of a borough
2 or city after September 10, 1972, the Department of Community and Regional
3 Affairs shall determine the number of voters in the borough or city who
4 voted in the incorporation election.

5 (c) Within 30 days after the completion of its findings, or as
6 soon thereafter as money is appropriated to it for the purpose, the Depart-
7 ment of Community and Regional Affairs shall transmit to the borough or city
8 the total amount of money to which the borough or city is entitled.
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1 CHAPTER 12. ALTERATION OF MUNICIPALITIES

2 (CHAPTER 68. ALTERATION OF BOUNDARIES)

3 Article New. CHANGE OF NAME

4 Sec. 29.12.010. (Sec. 29.73.050.) CHANGE OF MUNICIPAL NAME. (a) The
5 governing body of a home rule or general law municipality may change the
6 official municipal name by adopting an ordinance for the purpose and filing
7 the ordinance with the office of the lieutenant governor. Upon receipt of a
8 legally adopted ordinance ratified by the qualified voters voting on the
9 question at a regular or special election, the lieutenant governor shall
10 issue an appropriate order to the municipality changing its existing name.
11 The name change shall become effective on a date fixed in the order and
12 occurring within 45 days of receipt of the ordinance. A copy of the order
13 shall be transmitted to the Department of Community and Regional Affairs.

14 (b) If an ordinance adopted under (a) of this section which
15 results in an order changing the municipal name is subsequently repealed,
16 the lieutenant governor shall issue a further order reinstating the former
17 municipal name within 45 days of the date of the order, unless a different
18 municipal name is adopted by ordinance transmitted to the lieutenant
19 governor for implementation as provided in (a) of this section.

20 (c) When a municipal name change takes effect by means of an
21 order issued under (a) or (b) of this section, civil or criminal suits,
22 applications, petitions, hearings and other proceedings to which the
23 municipality is a party and pending at or brought after the date the name
24 change takes effect shall proceed in the name of the municipality as changed
25 by the order.

26 Article 02. ANNEXATION AND EXCLUSION

27 (Article 1. ANNEXATION AND EXCLUSION)

28 Sec. 29.12.040. (Sec. 29.68.010.) LOCAL BOUNDARY COMMISSION. (a) The
29 Local Boundary Commission may consider any proposed local government

1 boundary change. It may present proposed changes to the legislature during
2 the first 10 days of any regular session. The change shall become effective
3 45 days after presentation or at the end of the session, whichever is
4 earlier, unless disapproved by a resolution concurred in by a majority of
5 the members of each house.

6 (b) In addition to the regulations governing annexation by local
7 action adopted under AS 44.19.260, the Local Boundary Commission shall,
8 within 90 days of September 10, 1972, establish procedures for annexation
9 and exclusion of territory by cities and boroughs by local action. The pro-
10 cedures established under this subsection shall include

11 (1) a provision requiring that a proposed annexation and
12 exclusion must be approved by a majority of the voters voting on the
13 question residing within the area proposed to be annexed or excluded;

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

16 (3) provisions that an area adjoining the municipality may
17 be annexed by ordinance without an election if all property owners and
18 voters within the area petition the assembly or council.

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

22 Sec. 29.12.050. (Sec. 29.68.020.) ANNEXATION OF MILITARY
23 RESERVATIONS. A military reservation may be annexed to a city or borough in
24 the same manner as prescribed for any other territory under Sec. 040 (Sec.
25 10) of this chapter. If a city within an organized borough annexes a
26 military reservation under this section, the territory encompassing the
27 military reservation automatically is annexed to the borough of which the
28 city is a part.

1 Article 03. MERGER AND CONSOLIDATION

2 (Article 3. MERGER AND CONSOLIDATION)

3 Sec. 29.12.080. (Sec. 29.68.030.) METHODS OF MERGER AND CONSOLIDATION.

4 Two methods may be used to initiate merger or consolidation of home rule and
5 general law municipalities:

6 (1) petition to the Local Boundary Commission under regulations
7 adopted by the commission, or

8 (2) the local option method specified in Secs. 090-160 (Secs.
9 40-110) of this chapter .

10 Sec. 29.12.090. (Sec. 29.68.040.) PETITION. (a) Residents of two or
11 more municipalities may file a merger or consolidation petition with the
12 Department of Community and Regional Affairs. The petition must be signed
13 by a number of municipal voters of each municipality equal to at least 25
14 percent of the number of votes cast in its last regular election.

15 (b) The petition includes

16 (1) the name and class of each municipality;

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

18 (3) the proposed composition and apportionment of the assem-
19 bly or council;

20 (4) maps, documents, and other information which show that
21 the proposed municipality meets the standards for municipal incorporation .

22 Sec. 29.12.100. (Sec. 29.68.050.) REVIEW. The Department of Com-
23 munity and Regional Affairs shall review a petition for content and sig-
24 natures and shall return a deficient petition for correction or completion.

25 Sec. 29.12.110. (Sec. 29.68.060.) INVESTIGATION. If the petition
26 contains the required information and signatures, the Department of Community
27 and Regional Affairs shall investigate the proposal.

28 Sec. 29.12.120. (Sec. 29.68.070.) REPORT AND HEARING. (a) The Departmen
29 of Community and Regional Affairs shall report its findings to the Local

1 Boundary Commission with its recommendations regarding the merger or consolida-
2 tion.

3 (b) The Local Boundary Commission shall hold at least one public
4 hearing in each of the municipalities included in the merger or consolida-
5 tion petition, unless officials of the municipalities agree to a single
6 hearing.

7 Sec. 29.12.130. (Sec. 29.68.080.) DECISION. If the Local Boundary
8 Commission determines that the proposed municipality fails to meet the stan-
9 dards for incorporation, it shall reject the petition. If the commission
10 determines that the proposed municipality meets these standards, it shall
11 accept the petition. If the commission determines that the proposed boun-
12 daries or the composition and apportionment of the assembly or council can
13 be altered to meet the standards, it may change the proposal and accept the
14 petition. The decision may be appealed under the Administrative Procedure
15 Act (AS 44.62).

16 Sec. 29.12.140. (Sec. 29.68.090.) ELECTION. (a) The Local Boundary
17 Commission shall immediately notify the lieutenant governor of its accep-
18 tance of a merger or consolidation petition. Within 30 days after notifi-
19 cation, the lieutenant governor shall order an election within the area to
20 be included in the new municipality to determine whether the voters desire
21 merger or consolidation. The election is held not less than 30 nor more
22 than 90 days after the election order.

23 (b) A voter who is a resident of the area to be included within
24 the proposed municipality may vote.

25 (c) The lieutenant governor shall supervise the election in the
26 general manner prescribed by the Alaska Election Code (AS 15.05 -15.60).
27 The state shall pay all election costs.

28 (d) The lieutenant governor shall certify the election results.
29 If merger or consolidation is approved, he shall, within 10 days, set a date

1 for election of officers of the new municipality under AS 29.09.120 (AS
2 29.18.120). The election date is not less than 60 nor more than 90 days
3 after the election order. This date is the effective date for the merger or
4 consolidation.

5 Sec. 29.12.150. (Sec. 29.68.100.) ASSETS AND LIABILITIES. (a) When
6 two or more municipalities merge, one municipality succeeds to the rights,
7 powers, duties, assets and liabilities of the others.

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

11 Sec. 29.12.160. (Sec. 29.68.110.) ORDINANCES. The ordinances, reso-
12 lutions, rules, regulations, procedures and orders of the former munici-
13 palities remain in force within their respective territories until super-
14 seded by the action of the successor municipality.

15 Article 04. UNIFICATION OF LOCAL GOVERNMENTS

16 (Article 3. UNIFICATION OF LOCAL GOVERNMENTS)

17 Sec. 29.12.190. (Sec. 29.68.240.) UNIFICATION OF LOCAL GOVERNMENTS
18 AUTHORIZED. An organized borough and all cities within the borough may
19 unite to form a single unit of home rule local government by complying with
20 this chapter.

21 Sec. 29.12.200. (Sec. 29.68.250.) UNIFICATION TO BE PROPOSED BY
22 PETITION. (a) Formation of a charter commission to propose a unification
23 charter shall be proposed by resolution of the assembly or by petition. An
24 assembly resolution for the purpose may be adopted not more often than once
25 every 12 months.

26 (b) The borough assembly, a city council, or a person living
27 within the area of proposed unification may initiate the petition.

28 Sec. 29.12.210. (Sec. 29.68.260.) PETITION REQUIREMENTS. (a) The
29 petition shall read: "PETITION FOR ELECTION OF CHARTER COMMISSION TO PROPOSE

1 UNIFICATION CHARTER We, the undersigned, qualified voters of the Borough do
2 hereby petition that the following proposition be placed before the voters
3 as provided by law: 'Shall a charter commission be formed (and charter com-
4 mission members be elected as elsewhere provided on this ballot) to prepare,
5 adopt and submit to the voters for their approval or rejection a proposed
6 charter uniting the Borough and all cities within it as a single unit of
7 home rule government having the powers, duties and functions of a unified
8 government as authorized by law? Yes [] No []'

9		Inside First	Outside First Class
10		or Home	Class or Home
11	Signature	Address	Rule City Rule City

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

13 (1) that number of qualified voters of the borough living
14 outside all first class and home rule cities in the borough equal to 25
15 percent of the qualified voters who voted in the last regular borough elec-
16 tion; and

17 (2) that number of qualified voters residing in each first
18 class and home rule city located in the borough equal to 25 percent of the
19 qualified voters who voted in the last regular borough election in each
20 city.

21 Sec. 29.12.220. (Sec. 29.68.270.) REVIEW OF PETITION. Upon receipt
22 of a petition, the borough assembly shall review the petition within 15 days
23 after its receipt to determine whether it complies with Sec. 200 (Sec. 260)
24 of this chapter. If the petition does not meet the designated requirements,
25 it shall be immediately returned to the person who initiated the petition
26 with a statement indicating which requirements have not been satisfied.

27 Sec. 29.12.230. (Sec. 29.68.280.) CALL FOR CHARTER COMMISSION
28 NOMINATIONS. Once it is determined by the borough assembly that a petition
29 meets the requirements of Sec. 260 of this chapter, or the assembly by its

1 resolution proposes an election on formation of a charter commission to
2 propose a unification charter, the assembly shall issue a call for the
3 nomination of charter commission candidates, specifying the filing deadline
4 and outlining the procedure described for making nominations under Sec. 240
5 (Sec. 290) of this chapter.

6 Sec. 29.12.240. (Sec. 29.68.290.) NOMINATION OF CHARTER COMMISSION
7 CANDIDATES. (a) Charter commission candidates shall be nominated by petition
8 signed by at least 50 qualified voters of the area from which the candidate
9 seeks election or by a number of qualified voters from that area equal to at
10 least 10 percent of the number of votes cast from that area in the last
11 regular borough election, whichever is less.

12 (b) Nomination petitions shall be filed with the borough clerk on
13 or before the date fixed by the borough assembly, which date shall not be
14 less than 30 days after notice of the call for nominations has been given
15 through the borough.

16 Sec. 29.12.250. (Sec. 29.68.300.) QUALIFICATIONS OF CHARTER COM-
17 MISSION CANDIDATES. A person is eligible to be nominated as a candidate for
18 the charter commission if he has been a qualified voter of the area from
19 which he seeks election for at least one year immediately preceding the date
20 his nomination petition is filed with the borough clerk.

21 Sec. 29.12.260. (Sec. 29.68.310.) COMPOSITION OF CHARTER COMMISSION.
22 The charter commission members shall be qualified voters and shall consist
23 of 11 members, three of whom shall be residents elected at large from the
24 area of the borough and eight of whom shall be (1) residents of and elected
25 from the area outside ^{home rule or Quot class} cities in the borough or (2) residents of and elected
26 from a city or cities in the borough. The number representing each of these
27 areas shall be proportionate to the respective populations as determined by
28 the Department of Community and Regional Affairs.
29

1 Sec. 29.12.270. (Sec. 29.68.320.) ELECTION. (a) After receipt of a
2 valid petition or adoption of an assembly resolution for the purpose, the
3 borough assembly shall submit to the voters the question of whether that
4 borough and all cities within it shall unite to form a single unit of home
5 rule government. The vote shall be held at the next regular borough election
6 scheduled at least 90 days after receipt of the valid petition or adoption
7 of the resolution.

8 (b) The ballot on the question of unification shall be worded
9 exactly as in Sec. 210(a) [Sec. 260(a)] of this chapter.

10 (c) The election of charter commission members shall take place
11 at the same time as the election on the question of unification.

12 (d) All costs incurred in conducting an election under this chap-
13 ter shall be paid by the borough.

14 Sec. 29.12.280. (Sec. 29.68.330.) REQUIREMENTS FOR APPROVAL OF UNIFI-
15 CATION AND ELECTION OF CHARTER COMMISSION. (a) The votes on unification
16 shall be tabulated in two separate classifications. One classification
17 shall consist of all votes cast in the first class and home rule cities of
18 the borough. The other classification shall consist of all votes cast in
19 the remaining areas of the borough. In order for unification to be approved,
20 it is necessary that a majority of the votes in each classification favor
21 unification.

22 (b) If unification is approved, those charter commission can-
23 didates who received the highest number of votes from their respective areas
24 shall serve as members of the commission.

25 Sec. 29.12.290. (Sec. 29.68.340.) CHARTER COMMISSION ORGANIZATION AND
26 PROCEDURE. (a) The charter commission authorized by this chapter shall hold
27 its first meeting within 30 days of the date of certification of its elec-
28 tion. The commission shall elect from among its members a chairman and a
29 deputy chairman.

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1 (b) A majority of the total membership of the charter commission
2 constitutes a quorum. No decision of the commission is valid or binding
3 unless approved by that number of members necessary to constitute a quorum.

4 (c) The charter commission may elect other officers from among
5 its membership, adopt rules governing its procedures and hire and discharge
6 commission employees. Rules adopted must conform with the provisions of
7 this chapter.

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

11 (e) Except as provided in Sec. 340(e) [Sec. 390(e)] of this
12 chapter, vacancies on the charter commission shall be filled by a majority
13 vote of the commission. The person appointed to fill a vacancy must be a
14 qualified voter of the same area as the person whom he succeeds and must
15 have been a qualified voter of that area for at least one year immediately
16 preceding the date of his appointment.

17 (f) The borough assembly may grant a per diem allowance to the
18 commission members and may reimburse the members for travel expenses
19 incurred in carrying out the duties prescribed by this chapter.

20 (g) Costs, fees, and other expenses incurred by the charter com-
21 mission are a debt of the borough and shall be paid upon proper veri-
22 fication.

23 Sec. 29.12.300. (Sec. 29.68.350.) CHARTER PREPARATION. (a) A charter
24 commission established under this chapter shall prepare, adopt and submit a
25 proposed home rule charter for the area to be unified to the voters for
26 approval or rejection at a regular or special borough election called by the
27 borough assembly held within 60 days of the date of publication and posting
28 of the proposed charter as required in Sec. 380 of this chapter. The
29 charter shall include among its provisions:

1 (1) provisions for adjustment of existing bonded indebtedness
2 and other obligations in a manner which will reserve a fair and equitable
3 burden of taxation for debt service, subject to Sec. 360 (Sec. 410) of this
4 chapter;

5 (2) provisions for

6 (A) the establishment of service areas; and

7 (B) the establishment of districts or sections for
8 the election of members of the legislative body of the unified
9 municipality, if election of members of the legislative body is
10 not areawide, and procedures by which to reapportion the election
11 districts or sections;

12 (C) reapportionment of the sections, if established;

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

16 (4) the transfer or other disposition of property and other
17 rights, claims, assets and franchises of the local government to be unified
18 under the charter;

19 (5) provision for exercise of the rights of initiative and
20 referendum as required by AS 29.15.050 (AS 29.13.050);

21 (6) a method of amending the charter;

22 (7) the date on which the charter, if approved at the charter
23 election required by Sec. 340 (Sec. 390) of this chapter, is effective;

24 (8) designation of the new municipality's official name,
25 subject to the provisions of (b) of this section;

26 (9) other charter provisions which the charter commission
27 elects to include and which may be included in a home rule charter under
28 this chapter and the state constitution.
29

1 (b) The area to be unified shall be known as a borough or a city
2 or by some other designation consistent with existing law.

3 Sec. 29.12.310. (Sec. 29.68.360.) PUBLIC HEARINGS. Both before and
4 after drafting the proposed charter, the charter commission shall hold a
5 public hearing in each area of the borough represented on the borough assem-
6 bly. Other public hearings may be held by the charter commission whenever
7 and wherever it believes necessary and appropriate.

8 Sec. 29.12.320. (Sec. 29.68.370.) FILING OF PROPOSED CHARTER. Upon
9 the adoption of a proposed home rule charter by the charter commission, the
10 charter shall be signed by at least a majority of the total membership of
11 the commission and shall be filed with the borough clerk. A copy with
12 signatures affixed shall also be filed with the clerk of each city within
13 the borough.

14 Sec. 29.12.330. (Sec. 29.68.380.) PUBLICATION AND POSTING OF PROPOSED
15 CHARTER. Within 10 days after filing the proposed charter, the borough
16 clerk shall have it published once in at least one newspaper having general
17 circulation distributed within the borough, if there is a newspaper having
18 general circulation distributed within the borough. In addition, the clerk
19 shall have a copy of the proposed charter posted in at least three public
20 places within each city of the borough and each area outside cities. Copies
21 of the proposed charter shall be made available by the borough assembly to
22 the public at both the office of the borough clerk and the office of the
23 clerk of each city within the borough. The clerk shall publish notice by
24 radio and television of the publication, posting, and availability of the
25 proposed charter in a manner intended to apprise the entire borough pop-
26 ulation of the existence of the proposed charter.

27 Sec. 29.12.340. (Sec. 29.68.390.) ELECTION ON CHARTER. (a) The pro-
28 posed charter adopted by the charter commission shall be submitted to the
29 voters for ratification or rejection at the borough election specified in

1 Sec. 300 (Sec. 350) of this chapter. The borough clerk shall prepare the
2 ballots for use in the election and shall give published notice of and
3 otherwise conduct the election in the manner in which regular municipal
4 elections are conducted. In addition, the clerk shall publish notice of the
5 election by radio and television in a manner intended to apprise the entire
6 borough population of the election.

7 (b) A person who is a qualified voter of the borough may vote in
8 the election on the proposed charter.

9 (c) If a majority of the votes cast in the area of the borough
10 outside all first class and home rule cities and a majority of the votes
11 cast in the remaining area of the borough, composed of all first class and
12 home rule cities, are cast in favor of the proposed charter, the charter is
13 ratified. If the charter is ratified, two copies of the charter shall be
14 filed with each of the following authorities:

15 (1) lieutenant governor;

16 (2) commissioner of the Department of Community and Regional
17 Affairs;

18 (3) district recorder for the area of the borough;

19 (4) clerk of the borough;

20 (5) clerk of each city in the borough.

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

27 (e) If after the rejection of the first proposed charter, more
28 than one-half of the charter commission members resign from the commission,
29 the borough assembly shall appoint new members to fill the vacancies in
accordance with Sec. 160(e) [Sec. 110(e)] of this chapter.

1 Sec. 29.12.350. (Sec. 29.68.400.) EFFECT OF THE CHARTER AFTER RATIFI-
2 CATION. Upon ratification, the charter of a unified municipality organized
3 under Secs. 190-390 (Secs. 240-440) of this chapter operates to dissolve
4 all local governments within the area of unification in accordance with the
5 charter.

6 Sec. 29.12.360. (Sec. 29.68.410.) ASSETS AND LIABILITIES. A munici-
7 pality created by unification shall succeed to all the assets and liabil-
8 ities of the local governments it unified. A bonded indebtedness or other
9 debt incurred before unification shall remain the tax obligation of the area
10 which contracted the debt, except that the tax obligation may be spread over
11 a larger area by ordinance if the governing body determines that the asset
12 for which the bonded indebtedness or other debt was incurred was used for
13 the benefit of the larger area before unification, or is so used after
14 unification. However, preunification bonded indebtedness or other debt for
15 sewage collection systems, water distribution systems, and streets, even if
16 determined to be used for the benefit of a larger area than that which
17 incurred the debt, shall remain the tax obligation of the area which incurred
18 the debt.

19 Sec. 29.12.370. (Sec. 29.68.420.) ORDINANCES. Within two years after
20 ratification of the charter, the governing body of the unified municipality
21 shall revise, repeal, or reaffirm all borough and city ordinances, reso-
22 lutions and orders in force within the borough at the time of unification.
23 Each ordinance, resolution, regulation, or order in force at the time of
24 unification shall remain in force until superseded by action of the new
25 governing body.

26 Sec. 29.12.380. (Sec. 29.68.430.) RIGHT TO STATE AND FEDERAL FUNDS
27 PRESERVED. All provisions of law authorizing contributions of any kind, in
28 money or otherwise, from the state or federal government to boroughs and
29 cities shall remain in full force and effect with respect to a unified
municipality organized under Secs. 190-390 (Secs. 240-440) of this chapter.

1 Sec. 29.12.390. (Sec. 29.68.440.) POWERS OF A UNIFIED MUNICIPALITY.

2 A municipality organized under Secs. 190-390 (Secs. 240-440) of this chapter
3 shall have all powers

4 (1) not prohibited it by law or charter;

5 (2) granted to organized boroughs and first class cities.

6 Article 05. DISSOLUTION

7 (Article 5. DISSOLUTION)

8 Sec. 29.12.420. (Sec. 29.68.500.) METHODS OF DISSOLUTION. (a) Two
9 petition methods may be used to initiate dissolution of home rule and general
10 law municipalities:

11 (1) petition to the Local Boundary Commission under regulations
12 adopted by the commission; or

13 (2) the local option method specified in Secs. 430-500 (Secs.
14 510-580)
15 of this chapter.

16 (b) A home rule or general law borough is dissolved when its
17 entire territory is included within a home rule or first class city or
18 cities. A city is dissolved when all its powers become areawide borough
19 powers.

20 (c) The Department of Community and Regional Affairs shall
21 investigate a municipality which it considers to be inactive and shall
22 report to the Local Boundary Commission on the status of the municipality.
23 The commission may submit its recommendation to the legislature that the
24 municipality be dissolved in the manner provided for submission of boundary
25 changes in Sec. 12, art. X of the state constitution.

26 Sec. 29.12.430. (Sec. 29.68.510.) PETITION. (a) Municipal residents
27 may file a dissolution petition with the Department of Community and Regional
28 Affairs in the form prescribed by the department. The petition must be
29 signed by a number of municipal voters equal to at least 25 percent of the
number of votes cast in the last regular municipal election.

1 (b) The petition includes

2 (1) the name of the municipality;

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

5 Sec. 29.12.450. (Sec. 29.68.520.) STANDARDS. (a) Except as provided
6 in (b) of this section, a municipality may petition for dissolution when

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

9 (2) either it no longer meets the minimum standards prescribed
10 for incorporation by ch. 09 (ch. 18) of this title, or it ceases to use each
11 and every one of its mandatory powers.

12 (b) A home rule or general law city in a borough may petition for
13 dissolution if the borough consents to assume the city's rights, powers,
14 duties, assets and liabilities. The consent must be ratified by a majority
15 of borough voters voting on the question.

16 Sec. 29.12.450. (Sec. 29.68.530.) REVIEW. The Department of Community
17 and Regional Affairs shall review a petition for content and signatures and
18 shall return a deficient petition for correction or completion.

19 Sec. 29.12.460. (Sec. 29.68.540.) INVESTIGATION. If the petition
20 contains the required information and signatures, the Department of Community
21 and Regional Affairs shall investigate the proposal.

22 Sec. 29.12.470. (Sec. 29.68.550.) REPORT AND HEARING. (a) The
23 Department of Community and Regional Affairs shall report its findings to
24 the Local Boundary Commission with its recommendation regarding the
25 dissolution.

26 (b) The Local Boundary Commission shall hold at least one public
27 hearing in the area proposed to be dissolved.

28 Sec. 29.12.480. (Sec. 29.68.560.) DECISION. If the Local Boundary
29 Commission determines that the municipality fails to meet the standards for

1 dissolution, it shall reject the petition. If the commission determines
2 that the municipality meets the standards, it shall accept the petition.

3 Sec. 29.12.490. (Sec. 29.68.570.) ELECTION. (a) The Local Boundary
4 Commission shall immediately notify the lieutenant governor of its acceptance
5 of a dissolution petition. Within 30 days after notification, the lieutenant
6 governor shall order an election within the municipality to determine whether
7 the voters desire dissolution. The election is at least 30 and not more
8 than 90 days after the election order.

9 (b) A person who is a qualified voter of the municipality may
10 vote in the dissolution election.

11 (c) The lieutenant governor shall supervise the election in the
12 general manner prescribed by the Alaska Election Code (AS 15.05-15.60). The
13 state shall pay all election costs.

14 (d) The lieutenant governor shall certify the election results.
15 If dissolution is approved, he shall declare that the municipality is dis-
16 solved effective on the date of certification.

17 Sec. 29.12.500. (Sec. 29.68.580.) SUCCESSION. The government suc-
18 ceeding to a dissolved municipality succeeds to all its rights, powers,
19 duties, assets, and liabilities as provided in AS 29.09.130-29.09.140 (AS
20 29.18.130-29.18.140).

1 CHAPTER 15. HOME RULE MUNICIPALITIES

2 (CHAPTER 13. HOME RULE MUNICIPALITIES)

3 Article 1. CHARTERS

4 Sec. 29.15.010. (Sec. 29.13.010.) MUNICIPAL CHARTER ADOPTION. A
5 first class municipality or second class borough may adopt a charter for its
6 own government. A home rule municipality may amend its charter or adopt a
7 new one. A charter is framed by a charter commission of seven members
8 chosen by the municipal voters at a regular or special election. A candidate
9 for the commission shall be a qualified voter of the municipality and a
10 resident of the municipality for three years immediately preceding the
11 election. A charter commission election is called by filing a petition with
12 the borough assembly or the city council, or by resolution of the borough
13 assembly or city council. The petition shall be signed by a number of
14 municipal voters equal to 15 percent of the votes cast in the last regular
15 election of the municipality.

16 Sec 29.15.020. (Sec. 29.13.020.) NOMINATION. Charter commission
17 candidates are nominated by petitions signed by 50 voters or the number of
18 qualified municipal voters equal to 10 percent of the number of votes cast
19 in the last regular election, whichever is less.

20 Sec. 29.15.030. (Sec. 29.13.030.) ELECTION. At the charter commission
21 election the voters shall consider the question "Shall a charter commission
22 be elected to frame a proposed new charter?" and shall select the members of
23 the commission. If the question is approved, the seven candidates receiving
24 the highest number of votes shall immediately organize as a charter commission

25 Sec. 29.15.040. (Sec. 29.13.040.) PREPARATION OF CHARTER. The charter
26 commission shall, within one year, prepare a municipal charter. The proposed
27 charter shall be signed by a majority of the charter commissioners and filed
28 in the office of the municipal clerk. Within 15 days, the borough
29

1 assembly or city council shall have the charter published once in a newspaper
2 of general circulation if distributed within the municipality. The clerk
3 shall post copies of the proposed charter in at least three public places
4 and make copies available at the office of the clerk. The commission shall
5 give published notice of and hold at least one public hearing on the proposed
6 charter before the signing and filing of the charter.

7 Sec. 29.15.050. (Sec. 29.13.050.) INITIATIVE AND REFERENDUM. (a)
8 Municipal charters shall provide the procedures for the initiative and
9 referendum.

10 (b) A charter may not require an initiative or referendum petition
11 to have a number of signatures greater than 25 percent of the total votes
12 cast at the last regular municipal election.

13 (c) A charter may not permit the initiative and referendum to be
14 used for a purpose prohibited by Sec. 7, art. XI of the state constitution.

15 Sec. 29.15.060. (Sec. 29.13.060.) CHARTER ELECTION. The charter
16 shall be submitted to the municipal voters at a regular or special election
17 held not less than 30 days nor more than 90 days from the publication of the
18 charter.

19 Sec. 29.15.070. (Sec. 29.13.070.) CHARTER ADOPTION. (a) If a majority
20 of those voting on the question favor the proposed charter, it becomes the
21 organic law of the municipality. Thereafter, the court shall take judicial
22 notice of the charter. The municipality shall file the indicated number of
23 copies of the charter with the

- 24 (1) lieutenant governor - two copies;
25 (2) Department of Community and Regional Affairs - two
26 copies;
27 (3) district recorder - one copy;
28 (4) municipal clerk - one copy.
29

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

Sec. 29.15.080. (Sec. 29.13.080.) CHARTER AMENDMENT. A municipal charter may be amended as provided in the charter or by initiative referendum as provided in AS 29.30.090-29.30.180 (AS 29.28.060-29.28.110), except that no amendment shall be effective unless ratified by the voters.

Article 2. HOME RULE LIMITATIONS

Sec. 29.15.110. (Sec. 29.13.100.) LIMITATION OF HOME RULE POWERS. Only the following provisions of this title apply to home rule municipalities as prohibitions on acting otherwise as provided. They supersede existing and prohibit future home rule enactments which provide otherwise:

- (1) AS 29.09.140 (29.18.140) Borough Transition
- (2) AS 29.12.010 (29.73.050) Municipal Name Change
- (3) AS 29.12.040 (29.68.010) Annexation and Exclusion
- (4) AS 29.12.080-160 (29.68.030-29.68.110) Merger and Consolidation
- (5) AS 29.12.420-29.12.500 (29.68.500-29.68.580)

Dissolution

- (6) AS 29.15.080 (29.13.080) Charter Amendment
- (7) AS 29.24.010 (29.23.555) Conflict of Interest
- (8) AS 29.24.020 (29.23.580) Meetings Public
- (9) [Effective until January 1, 1981] AS 29.23.020-29.23.050
Borough Assembly Representation
[Effective January 1, 1981 AS 29.24.060; 29.24.080-29.24.140
(29.23.021; 29.23.025-29.23.050) Borough assembly composition
and Apportionment; Borough Assembly Members

- 1 (10) AS 29.24.150 [29.23.060(c)] Expulsion of Borough Assemblymen
2 (11) AS 29.24.200 [29.23.130(f)] Removal of Borough Mayor from
3 Office
4 (12) AS 29.24.290 [29.23.210(b)] Expulsion of City Councilman
5 from Office
6 (13) AS 29.24.340[a] (29.23.250[a]) Election and Term of
7 Mayor
8 (14) AS 29.24.350 (29.23.255) Removal of Mayor from Office
9 (15) AS 29.24.680 (29.23.540) Prohibitions Respecting Appointment
10 and Removal of Personnel
11 (16) AS 29.24.700 (29.23.560) Municipal Reports
12 (17) AS 29.27.010[a][12] (29.48.130[a][12]) Municipal Exemption
13 on Contractor Bond Requirements
14 (18) AS 29.27.060 (29.48.180) Codification
15 (19) AS 29.30.010, 29.30.030[b]-29.30.040 (29.28.010, 29.28.020[b]-
16 29.28.030 Municipal Elections
17 (20) AS 29.30.060(f) [29.28.050(f)] Expulsion, Removal from Office
18 (21) AS 29.30.210-29.30.330 (29.28.130-29.28.250) Recall
19 (22) AS 29.33.020 (29.48.037) Extraterritorial jurisdiction
20 (23) AS 29.33.030 (29.73.020) Eminent Domain
21 (24) AS 29.33.080 (29.48.033) Garbage and Solid Waste Services
22 (25) AS 29.33.090[b] (29.48.035[b]) Effect of Areawide Exercise
23 of Borough Power
24 (26) AS 29.33.090[c] (29.48.035[c]) Borough Building Code
25 Jurisdiction within Cities
26 (27) AS 29.33.100-29.33.160 (29.48.040-29.48.100) Utilities
27 (28) AS 29.33.220 (29.48.210) Expenditure of Borough Revenue
28 (29) AS 29.33.230 (29.48.220) Post Audit
29

- (30) AS 29.36.010[b] (29.33.010[b]) Areawide Borough Powers
- (31) AS 29.36.040, AS 29.36.230(d), AS 14.12.020[a] (29.33.050, 29.41.010[d], 14.12.020[a]) Responsibility for education on Military Reservations
- (32) AS 29.36.130[c] (29.33.290[c]) Acquisition of Additional Areawide Powers
- (33) AS 29.39.020-29.39.060 (29.43.020-29.43.040) Powers of Cities Outside Boroughs
- (34) AS 29.42.040[d] (29.33.090[d]) Zoning of State Land for Homesite Entry
- (35) AS 29.42.080[b] (29.33.150[b]) Applicability of Local Platting Regulations to State Land in a Municipality
- (36) AS 29.45.010-29.45.530 (29.53.010-53.400) Borough and City Property Taxes
- (37) AS 29.45.020 [AS 29.73.060(070)] Taxpayer Notice
- (38) AS 29.45.580[d] (29.53.415[d]) Interest on Sales Tax
- (39) AS 29.48.090 (29.63.065) Exemption from Special Assessment
- (40) AS 29.51.420-29.51.430 (29.58.345-29.58.350) Bonded Debt for School Construction
- (41) AS 29.51.210[b] (29.58.180[b]) Security for Bonds
- (42) AS 29.51.390 (29.58.315) Bond attorneys, Bond and Financial Consultants
- (43) AS 29.62. (29.88) Municipal Tax Resource Equalization
- (44) AS 29.62. (29.89) State Aid for Miscellaneous Municipal Services
- (45) AS 29.71.010 (29.73.030) Adverse Possession
- (46) AS 29.71.020 (29.73.040) Taxation of Municipalities

1 CHAPTER 18. DEVELOPMENT CITIES

2 (Article 4. DEVELOPMENT CITIES)

3 Sec. 29.18.010. (Sec. 29.18.220.) LEGISLATIVE FINDINGS. The legislature
4 finds that the development of natural resources in isolated and relatively
5 unpopulated areas requires a policy and procedure which will provide planning,
6 financial and other assistance necessary for encouraging orderly development
7 of well-planned, diversified and economically sound new cities necessary to
8 support the sound development of the state's resources by both the private
9 and public sector. It is the purpose of Secs. 220-460 of this chapter to
10 set out the mutual responsibilities of the private and public sectors to
11 achieve these objectives with a view to securing information valuable to
12 future legislatures so that general legislation applicable to the establish-
13 ment of development cities may be perfected.

14 Sec. 29.18.020. (Sec. 29.18.230.) DEVELOPMENT CITIES. Subject to
15 reclassification under Sec. 200(c) [Sec. 400(c)] of this chapter, a develop-
16 ment city is a city of the class designated by the Department of Community
17 and Regional Affairs.

18 Sec. 29.18.030. (Sec. 29.18.240.) INCORPORATION. An area not served
19 by an existing municipality which is not reasonably practicable to be served
20 by an existing municipality may be incorporated as a development city by

21 (1) petition of the industrial developer to the Department of
22 Community and Regional Affairs to be acted on by the Local Boundary Com-
23 mission; or

24 (2) act of the legislature.

25 Sec. 29.18.040. (Sec. 29.18.250.) PETITION FOR INCORPORATION. A
26 development city incorporation petition proposed by an industrial developer
27 shall include the following information about the proposed city:

28 (1) class,
29

1 (2) name,

2 (3) boundaries,

3 (4) composition of the council,

4 (5) maps, documents, preliminary economic development projections,
5 preliminary population projections, outline of the industrial developer's
6 investigative and development expenditures and its proposed capital program,
7 and other information required by the Department of Community and Regional
8 Affairs to show that the proposed city meets the standards for incorporation,

9 (6) the proposed agreement required under Sec. 120 (Sec. 330) of this
10 chapter .

11 Sec. 29.18.050. (Sec. 29.18.260.) REVIEW. The Department of Community
12 and Regional Affairs shall review the petition for content and shall return
13 deficient petitions for correction and completion.

14 Sec. 29.18.060. (Sec. 29.18.270.) INVESTIGATION. If the petition
15 contains the required information, the Department of Community and Regional
16 Affairs shall investigate the proposal to determine whether the development
17 expenditures and proposed capital program by the developer serve the public
18 interest and demonstrate a probability of being carried forward to a suc-
19 cessful conclusion.

20 Sec. 29.18.070. (Sec. 29.18.280.) REPORT. (a) The Department of
21 Community and Regional Affairs shall report its findings to the Local Boundary
22 Commission with its recommendations regarding the incorporation within 60
23 days of receipt of the petition for incorporation.

24 (b) The Local Boundary Commission shall review the petition and
25 the findings and recommendations of the Department of Community and Regional
26 Affairs within 60 days of receiving them.

27 Sec. 29.18.080. (Sec. 29.18.290.) DECISION ON DEVELOPMENT CITY INCOR-
28 PORATION. (a) The Local Boundary Commission may reject a petition for
29

1 incorporation if it finds that

2 (1) the area proposed for incorporation is served by an
3 existing municipality or could be served by an existing municipality;

4 (2) it is improbable that the proposed development will take
5 place;

6 (3) the program and activities contemplated by this chapter
7 may be undertaken through expansion of the corporate limits of an existing
8 city and then declares that city to be a development city for the purpose of
9 preferential designation under Secs. 10 and 130-460 (Secs. 10 and 340 460)
10 of this chapter;

11 (4) the program and activities contemplated by this chapter
12 may be undertaken by establishing a service area within an existing organized
13 borough for a development project, and declares the service area to be
14 eligible for preferential designation under Secs. 200 and 230 (Secs. 410 and
15 450) of this chapter;

16 (5) the proposed development does not serve the public
17 interest.

18 (b) If the Local Boundary Commission finds that a service area
19 within an organized borough is to be designated for preferential treatment
20 under (a)(4) of this section, the assembly may undertake the project in the
21 manner of a development city and shall present to the Local Boundary Com-
22 mission a contractual agreement outlining responsibilities assumed by the
23 borough and the industrial developer to implement the proposed development
24 program.

25 (c) The assembly may decline findings under (b) of this section
26 to establish a service area and in the alternative request the Local Boundary
27 Commission to approve incorporation of a development city.

28 (d) The Local Boundary Commission may dissolve a development city
29 established under Sec. 20 of this chapter if subsequent to its incorporation

1 (1) the major economic development projected does not occur
2 within a period of five years; and

3 (2) if the development project had been reviewed as a new
4 project the Local Boundary Commission determines it would have rejected the
5 petition on the basis that it is improbable the proposed development would
6 have taken place.

7 (e) A commission decision under this section may be appealed
8 under the Administrative Procedure Act (AS 44.62).

9 Sec. 29.18.090. (Sec. 29.18.300.) PRELIMINARY PLANNING. The city
10 shall prepare and submit to the state preliminary plans in advance of com-
11 pletion of the final basic comprehensive plan for the city. The preliminary
12 plans shall include

13 (1) maps, documents, preliminary economic development projections,
14 preliminary population projections, outline of the industrial developer's
15 investigative and development expenditures and its proposed capital program,
16 and other information required by reviewing agencies of the state;

17 (2) a report on the physical and biological character of the
18 proposed city's site and a land and water use plan and the design and siting
19 of the community to be developed based upon these natural factors.

20 Sec. 29.18.100. (Sec. 29.18.310.) REVIEW AND REPORT. (a) The division
21 of planning and research, in conjunction with the Departments of Community
22 and Regional Affairs, Natural Resources, and Environmental Conservation and
23 other departments as determined appropriate by the division of planning and
24 research, shall review the preliminary planning and additional data may be
25 requested.

26 (b) The division of planning and research shall coordinate the
27 preparation of a report and recommendations, if any, which shall be sub-
28 mitted to the governor within 60 days of receipt by the state of the pre-
29 liminary plans from the city. The city may proceed to the completion of

1 the final basic comprehensive plan upon satisfying any specific recommenda-
2 tions contained in the report.

3 (c) During the course of planning toward completion of the basic
4 comprehensive development plan the division of planning and research and the
5 Department of Community and Regional Affairs shall be kept currently informed
6 and the final plan shall be subject to review and recommendation by the
7 division of planning and research, which shall act in its coordinating
8 capacity to secure review by the Department of Environmental Conservation
9 and other state agencies as appropriate.

10 Sec. 29.18.110. (Sec. 29.18.320.) LIMITATION. The city may not proceed
11 with commitment of funds or formal undertakings for physical development
12 until it has a signed contract or contracts for sale of the company's pro-
13 ducts in quantities shown in the economic data and submitted by the company
14 to be adequate to sustain an economically viable operation. The company may
15 submit alternative valid evidence that the projected operation will proceed.
16 The company shall notify the Department of Community and Regional Affairs of
17 the meeting of this requirement. Unless the Department of Economic Develop-
18 ment makes a determination that the data is insufficient, the city may
19 proceed.

20 Sec. 29.18.120. (Sec. 29.18.330.) LOCAL HIRE. In consideration of
21 the incorporation of a development city under this chapter, the major develop-
22 shall enter into an agreement with the appropriate agencies of the state
23 concerning

24 (1) establishing and maintaining an approved Department of
25 Labor on-the-job training program to qualify Alaska residents lacking in the
26 requisite technical skills of the activities to be undertaken;

27 (2) establishing resident hire goals in terms of percent of
28 employees at the end of the first year, second year and third year of operation
29

(3) establishing the responsibilities of the various state agencies towards providing technical assistance, manpower procurement, relocation assistance, job opportunity services to residents in the area, supplemental vocational training, and the scope of effort each state agency has in this regard with specific commitments in terms of numbers of residents, time schedule and dollar value of training;

(4) establishing the penalties and conditions of noncompliance with the agreement.

Sec. 29.18.130. (Sec. 29.18.340.) DEVELOPMENT CITY COUNCIL. The council of a development city has five members consisting of the commissioner of the Department of Community and Regional Affairs, or his designee, and four public members designated by the governor. The governor shall appoint no fewer than two public members from a list of nominees designated by the major developer providing the industrial base of the city as measured by employment and capital investment. The council shall serve at the pleasure of the governor. The designated councilmen need not be residents of the city during its development stage.

Sec. 29.18.140. (Sec. 29.18.350.) FILLING A VACANCY. If a vacancy occurs in the council as constituted under Sec. 130 (Sec. 340) of this chapter, the applicable appointing authority shall designate the replacement during the development stage of the city.

Sec. 29.18.150. (Sec. 29.18.360.) POWERS AND DUTIES OF THE COUNCIL. During the development stage the council of a development city may

(1) exercise the powers and duties of a school board if the city is located outside an organized borough;

(2) exercise the powers and duties of a planning commission under AS 29.42.020 (AS 29.33.080), except that during the first five years or until the development city has 400 permanent residents, zoning and zoning changes will be reviewed and approved by the division of planning and research and the Department of Environmental Conservation.

1 Sec. 29.18.160. (Sec. 29.18.370.) POWERS AND DUTIES OF DEVELOPMENT
2 CITY EXECUTIVE DIRECTOR. During the development stage the council shall
3 appoint an executive director of the development city, who may be one of its
4 members, to serve at the pleasure of the council. The executive director
5 shall have the powers and duties of all executive and administrative city
6 officials set out in this title in order to develop the city under a compre-
7 hensive community development plan.

8 Sec. 29.18.170. (Sec. 29.18.380.) PROCEDURES. During the development
9 stage, the council may provide for conference telephone or radiophone meetings
10 at times determined by the council and shall determine its own rules and
11 order of business.

12 Sec. 29.18.180. (Sec. 29.18.390.) DEVELOPMENT CITY CAPITAL IMPROVEMENT
13 FUNDS. All state agencies shall, where appropriate, adopt procedures to
14 insure that, during the development stage, the needs of a development city
15 are carefully considered in the allocation of funds available for capital
16 improvement projects where those funds have not otherwise been committed by
17 the legislature.

18 Sec. 29.18.190. (Sec. 29.18.400.) TRANSITION. (a) When a development
19 city has 400 permanent residents elections shall take place according to the
20 following schedule:

21 (1) in the first year two additional councilmen who shall be
22 city residents elected for three-year terms;

23 (2) in the second year two councilmen who shall be city
24 residents elected for three-year terms to replace one of the councilmen
25 nominated by the industrial developer and one of the public members desig-
26 nated by the governor;

27 (3) in the third year two councilmen who shall be city
28 residents elected for three-year terms to replace the commissioner of the
29 Department of Community and Regional Affairs and one of the councilmen
nominated by the industrial developer;

1 (4) in the fourth year a mayor who shall be a city resident
2 elected for a three-year term to replace the remaining councilman nominated
3 by the industrial developer.

4 (b) At the time of the election under (a)(4) of this section, or
5 any time after it, the electorate may exercise the right to become a home
6 rule city as authorized under this title.

7 (c) If, within a period of five years from the incorporation of a
8 development city, the number of permanent residents does not reach 400, the
9 Department of Community and Regional Affairs shall order an election for
10 city officials and designate a successor class of city based on population
11 as provided in this title. If the department designates a successor class
12 of city, the provisions of this title relating to that class of city apply,
13 and the city shall be reclassified accordingly.

14 Sec. 29.18.200. (Sec. 29.18.410.) HOUSING POWERS. From the time of
15 the appointment of the first city council and for a period of 10 years fol-
16 lowing the first election of councilmen, the council may act as its own
17 housing and urban renewal authority if such powers have been granted to
18 cities under applicable provisions of law.

19 Sec. 29.18.210. (Sec. 29.18.430.) REVENUE BONDS. Revenue bonds may
20 be issued by a development city under the provisions of AS 29.51.340-29.51.320
21 (AS 29.58.200-29.58.220). However, no vote of the people is required to
22 issue revenue bonds during the development stage. During the development
23 stage revenue bonds may be issued by a majority vote of the city council.

24 Sec. 29.18.220. (Sec. 29.18.440.) SHARED REVENUE. A development city
25 is entitled to shared revenue and other state funds on the same basis as a
26 city or organized borough of the first class or, if reclassified under Sec.
27 200(c) [Sec. 400(c)] of this chapter, on the basis of the reclassification.
28 During the development stage the Department of Community and Regional Affairs
29 may establish an assumed population figure which shall be used to determine
shared revenue based on population on per capita grants.

1 Sec. 29.18.230. (Sec. 29.18.450.) APPLICABILITY OF OTHER PROVISIONS
2 OF THIS TITLE. All applicable provisions of this title consistent with the
3 provisions of this chapter apply to development cities. Provisions of this
4 chapter prevail over other provisions of this title which are inconsistent.

5 Sec. 29.18.240. (Sec. 29.18.460.) DEFINITION. In this chapter
6 "development stage" means that period of time extending from the date of
7 incorporation of a development city until such time as the city may attain a
8 population of 400 permanent residents, or five years from the date of incor-
9 poration, whichever is earlier.

1 Sec. 29.21.040. (Sec. 29.18.540.) FILLING A VACANCY. If a vacancy
2 occurs among the members appointed by the governor, the governor shall
3 designate the replacement who shall serve for the unexpired portion of the
4 term.

5 Sec. 29.21.050. (Sec. 29.18.550.) APPOINTMENT OF CITY OFFICIALS.
6 Until a mayor is elected in accordance with Sec. 060 (Sec. 570) of this
7 chapter, the council shall appoint a city manager for the capital city to
8 serve at the pleasure of the council. The city manager may not be a council
9 member.

10 Sec. 29.21.060. (Sec. 29.18.570.) TRANSITION. (a) When the
11 capital city attains a population of 400 permanent residents, as certified
12 by the lieutenant governor based on the best information available, the
13 lieutenant governor shall notify the council of this determination. The
14 lieutenant governor shall specify an election date which shall be the first
15 Tuesday of October following the notification, except that if it is less
16 than six months from the date of the certification to the first Tuesday of
17 October then the election date shall be the first Tuesday of October of the
18 year following. The elected members shall take office on the Monday
19 following the election.

20 (b) After the lieutenant governor has specified the election date,
21 the council shall make arrangements for an election at which five council
22 members and a mayor shall be elected in the manner prescribed by ordinance
23 and law. The expenses of the election shall be borne by the state. The
24 council of the capital city shall have six members. The governor shall
25 designate

26 one council member holding office on the date of the election to remain a
27 member of the council for a single three-year term commencing on the date
28 the elected council members take office. The successors to the appointed
29 council members shall be elected by the residents, except that if the

1 appointed council member leaves office during the three years, the governor
2 may appoint a successor. The terms of all other appointed or designated
3 council members expire when the elected council members take office. The
4 term of elected council members is as provided in AS 29.24.280 [AS 29.23.200(c)]
5 except that three of the members are elected for an initial term of one
6 year.

7 Sec. 29.21.070. (Sec. 29.18.580.) PLANNING AND ZONING AUTHORITY. The
8 general development plan and specific development plans constitute the land
9 use plan for the capital city area. When a parcel of land has been developed
10 in accordance with the applicable specific development plan, that parcel
11 becomes subject to all planning, zoning, subdivision, building code or other
12 similar ordinances of the Matanuska-Susitna Borough.

13 Sec. 29.21.080. (Sec. 29.18.590.) TRANSFER OF UTILITIES TO THE
14 CAPITAL CITY. The development corporation, in cooperation with the capital
15 city, shall arrange for and agree to an orderly schedule for transferring to
16 the capital city ownership of, and financial and operational responsibility
17 for utilities and any other facilities which the development corporation
18 considers to be integral parts of the capital city infrastructure. Before
19 January 1, 1985, the development corporation and the council of the capital
20 city shall jointly retain independent consultants to study and determine an
21 orderly schedule for transfer of these utilities and facilities to the
22 capital city. The study shall consider the capabilities of the capital city
23 and its existing and anticipated residents to finance the cost of these
24 utilities and other facilities and their operating expenses. The consultants
25 shall propose a recommended schedule for and terms of transfer which are
26 commensurate with the capital city's existing and anticipated population,
27 tax base and any other factors relating to its capability to finance and
28 operate these facilities as they consider appropriate. The development
29 corporation shall, after considering the consultants' report, propose a

1 schedule of and terms and conditions of the transfer to the capital city,
2 which shall, upon review and approval by the council, be included in an
3 agreement between the development corporation and the capital city. If the
4 development corporation and the capital city are unable to agree within six
5 months after the development corporation submits its proposal, the development
6 corporation shall submit the proposal to the Legislative Budget and Audit
7 Committee which shall consider the proposal, and if the committee considers
8 it appropriate to do so, shall recommend to the legislature legislation it
9 considers desirable for the disposition of the utilities and other facilities.
10 If the legislature does not enact legislation regarding the disposition
11 within one year after the proposal is submitted to the Legislative Budget
12 and Audit Committee, the development corporation may at any time thereafter
13 sell or dispose of the utilities and facilities or any of them to a private
14 person or entity or government body, or continue to operate them.

15 Sec. 29.21.090. (Sec. 29.18.600.) DEFINITIONS. In Secs. 010-090
16 Secs. 510-600 of this chapter, unless the context requires otherwise,

17 (1) "capital city area" means the area described in Sec. 020
18 (Sec. 520) of this chapter;

19 (2) "capital city" means the municipality incorporated by
20 this chapter;

21 (3) "development corporation" means the Alaska Capital City
22 Development Corporation;

23 (4) "general development plan" has the same meaning as provided
24 in AS 44.07.360 and includes amendments to the general development plan;

25 (5) "specific development plan" has the same meaning as
26 provided in AS 44.07.360 and includes amendments to each specific development
27 plan.

28 Sec. 29.21.100. (Sec. 29.18.610.) SHORT TITLE. Sections 010-100
29 (Sections 510-610) of this chapter may be cited as the Capital City
Incorporation Act.

1 CHAPTER 24. MUNICIPAL OFFICERS AND EMPLOYEES

2 (CHAPTER 23. MUNICIPAL OFFICERS AND EMPLOYEES)

3 Article 1. CONFLICT OF INTERESTS, PUBLIC MEETINGS

4 Sec. 29.24.010. (Sec. 29.23.555.) CONFLICT OF INTERESTS. Each home
5 rule and general law municipality shall adopt a conflict-of-interests
6 ordinance which, other provisions of this chapter notwithstanding, includes
7 provision that an officer or employee shall disqualify himself from
8 participating in any official action in which he has a substantial financial
9 interest. If a home rule or general law municipality fails to adopt such a
10 conflict-of-interests ordinance within 90 days from September 10, 1972, the
11 conflict-of-interests provision of this section is automatically applicable
12 to and binding upon that municipality.

13 Sec. 29.24.020. (Sec. 29.23.580.) MEETINGS PUBLIC. Meetings of all
14 municipal bodies shall be public as provided in AS 44.62.310. The assembly
15 and council shall provide reasonable opportunity for the public to be heard
16 at regular and special meetings. This section applies to home rule and
17 general law municipalities.

18 Article 2. BOROUGH ASSEMBLY

19 (Article 1. BOROUGH ASSEMBLY)

20 Sec. 29.24.050. (Sec. 29.23.010.) GENERAL POWER. The legislative
21 power of a borough is vested in the assembly.

22 Sec. 29.24.060. (Sec. 29.23.021.) ASSEMBLY COMPOSITION AND
23 APPORTIONMENT. [Effective January 1, 1981].

24 (a) Assembly composition and apportionment shall be consistent
25 with the equal representation standards of the Constitution of the United
26 States.

27 (b) The assembly of a newly incorporated borough is, after incor-
28 poration and until the adoption of an ordinance providing for a change in
29 composition or apportionment, composed of the number of members and
apportioned as set out in the incorporation petition approved by the voters.

1 If the borough is already incorporated, the assembly shall be composed and
2 apportioned in a manner that is consistent with the requirements of this
3 section and prescribed by charter or ordinance.

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

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

7 Sec.29.24.070. (Sec. 29.23.023.) COMPOSITION AND FORM OF
8 REPRESENTATION. (a) The borough assembly shall provide for its composition
9 and for the form of its representation.

10 (b) Not later than the first regular election which occurs after
11 the report of a federal decennial census, the assembly shall propose and
12 submit to the voters of the borough, at that regular election or at a
13 special election called for the purpose, one or more forms of borough
14 assembly representation. The forms of representation which the assembly may
15 submit to the voters are:

16 (1) election of members of the borough assembly at large by
17 the qualified voters throughout the borough;

18 (2) election of members of the borough assembly by district,
19 including

20 (A) election at large by the qualified voters
21 throughout the borough, but with a requirement that a candidate
22 live within an election district established by the borough for
23 election of assembly members; or

24 (b) election from election districts established by the
25 borough for the election of assembly members by the qualified
26 voters of a district;

27 (3) election of members of the borough assembly both at
28 large and by district.
29

1 (c) A form of borough assembly representation which includes
2 election of borough assembly members under (b)(2) or (b)(3) of this section
3 shall be submitted to the voters of the borough with a plan of apportionment
4 as required by AS 29.24.080 [AS 29.23.025(a)].

5 (d) The borough assembly shall, within 30 days of certification
6 of the results of the election held on a proposed form of representation
7 under this section, adopt an ordinance providing for its composition and the
8 form of assembly representation, and, if applicable, the apportionment of
9 assembly seats which corresponds to the proposed form of representation
10 which received the most votes at the election.

11 (e) This section does not apply

12 (1) to a unified municipality incorporated under AS
13 29.12.190-29.12.390 (AS 29.68.240-29.68.440);

14 (2) to a home rule borough if the borough charter contains
15 procedures for changing assembly composition and form of representation.

16 Sec. 29.24.080. (Sec. 29.23.025.) ASSEMBLY RECOMPOSITION AND REAPPOR-
17 TIONMENT. (a) Not later than two months after the official report of a
18 federal decennial census, the borough assembly shall determine and declare
19 by resolution whether the existing apportionment of the borough assembly
20 meets the standards of AS 29.24.060 (AS 29.23.021). If the borough assembly
21 submits to the voters a form of representation which includes election of
22 borough assembly members under AS 29.24.070(b)(2) or (b)(3) [AS
23 29.23.023(b)(2) or (b)(3)], the assembly shall submit with the proposition
24 of a proposed plan of apportionment which corresponds to the form of
25 representation proposed. The assembly shall describe the plan of
26 apportionment in the ballot proposition, and may present the plan in any
27 manner which it believes accurately describes the apportionment which is
28 proposed under the form of representation. If the borough assembly
29

1 determines that its existing apportionment meets the standards of AS
2 29.24.060 (AS 29.23.021), the assembly may include the existing
3 apportionment as a proposed plan of apportionment of assembly seats which
4 corresponds to a form of representation which is proposed.

5 (b) The borough assembly shall provide, by ordinance, for a
6 change in an existing apportionment of the borough assembly whenever it
7 determines that the apportionment does not meet the standards of AS
8 29.24.060 (AS 29.23.021). At the same time, the borough assembly may, by
9 ordinance, change the composition of the assembly.

10 (c) If a petition signed by not less than 50 registered voters who
11 are residents of the borough request the borough assembly to determine
12 whether the existing apportionment meets the standards for apportionment in
13 AS 29.24.060 (AS 29.23.021), and the petition contains evidence that the
14 existing apportionment does not meet those standards, the assembly may make
15 the determination requested. The borough assembly shall make a
16 determination required by this subsection within two months of receipt of a
17 petition which meets the requirements of this subsection.

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

22 (e) Within six months of a determination by the borough assembly
23 under (b) or (c) of this section that the current apportionment does not
24 meet the standards of AS 29.24.060 (AS 29.23.021), the borough assembly
25 shall adopt an ordinance providing for reapportionment, and submit the
26 ordinance to the voters. If, at the end of the six-month time period, an
27 ordinance providing for reapportionment has not been approved by the voters,
28 the commissioner of the Department of Community and Regional Affairs shall
29 provide for the reapportionment in accordance with the standards of AS

1 29.24.060 (AS 29.23.021) by preparing an order of reapportionment and
2 delivering the order to the borough mayor.

3 Sec. 29.24.090. (Sec. 29.23.027) APPORTIONMENT APPEALS. (a) A
4 reapportionment ordinance approved by the voters, or a decision of the
5 borough assembly that the standards of AS 29.24.060 (AS 29.23.021) do not
6 require a change in apportionment, may be appealed to the commissioner of
7 the Department of Community and Regional Affairs. Fifty registered voters
8 who are residents of the borough may submit a petition to the commissioner
9 of community and regional affairs requesting the commissioner to determine
10 whether the proposed reapportionment ordinance approved by the voters meets
11 the standards of AS 29.24.060 (AS 29.23.021), or whether a decision of the
12 borough assembly that the standards of AS 29.24.060 (AS 29.23.021) do not
13 require a change of apportionment is correct. If the petition asks the
14 commissioner of community and regional affairs to review an ordinance
15 approved by the voters under AS 29.24.080(e) [AS 29.23.025(e)], the petition
16 shall be delivered to the commissioner not later than 20 days after
17 certification of the election. If the petition asks the commissioner of
18 community and regional affairs to review a decision of the borough assembly
19 under AS 29.24.080(c) [AS 29.23.025(c)], the petition shall be delivered to
20 the commissioner within 20 days of the decision of the borough assembly.

21 (b) The commissioner of community and regional affairs shall
22 review the petition and may make the determination requested. The
23 commissioner shall provide copies of his determination to the persons
24 petitioning for appeal and to borough officials not later than 60 days after
25 he receives the petition.

26 (c) If the commissioner of community and regional affairs deter-
27 mines that the proposed reapportionment ordinance approved by the voters
28 does not meet the standards of AS 29.24.060 (AS 29.23.021), or if he
29 determines that the decision of the borough assembly that the standards of

1 AS 29.24.060 (AS 29.23.021) do not require a change of apportionment is not
2 correct, the commissioner shall, by order, direct the borough assembly to
3 prepare a reapportionment ordinance which meets the standards of AS
4 29.24.060 (AS 29.23.021) and submit the ordinance to the voters.

5 (d) When the borough assembly has been directed by the
6 commissioner of community and regional affairs to prepare a reapportionment
7 ordinance under (c) of this section, the borough assembly shall, within two
8 months of its receipt of the commissioner's order, adopt an ordinance
9 providing for reapportionment. The borough assembly shall submit an
10 ordinance adopted under this subsection to the voters at a regular election
11 or special election held within 60 days of the date of adoption of the
12 reapportionment ordinance.

13 (e) If at the end of the time period provided under (d) of this
14 section an ordinance providing for reapportionment has not been approved by
15 the voters, the commissioner of community and regional affairs shall provide
16 for the reapportionment of the borough assembly in accordance with the
17 standards of AS 29.24.060 (AS 29.23.021) by preparing an order of
18 reapportionment and delivering the order to the borough mayor.

19 Sec. 29.24.100. (Sec. 29.23.029) JUDICIAL REVIEW AND RELIEF. (a) The
20 commissioner of community and regional affairs may request the superior
21 court to enforce a reapportionment order issued under AS 29.24.090(e) [AS
22 29.23.027(e)].

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

24 (1) a plan of reapportionment approved by the voters under
25 AS 29.24.080(a) [AS 29.23.025(a)];

26 (2) a determination by the borough assembly under AS
27 29.24.080 [AS 29.23.025(c)] that the standards of AS 29.24.060 (AS
28 29.23.021) do not require a change in apportionment;
29

(3) a reapportionment ordinance approved by the voters under AS 29.24.080(d) [AS 29.23.025(d)];

(4) a reapportionment order of the commissioner of community and regional affairs made under AS 29.24.090(c) [AS 29.23.027(c)];

(5) a reapportionment ordinance approved by the voters under AS 29.24.090(d) [AS 29.23.027(d)]; and

(6) a reapportionment order of the commissioner of community and regional affairs made under AS 29.24.090 (e) [AS 29.23.027(e)].

Sec. 29.24.110 (Sec. 29.23.031) EFFECTIVE DATE OF APPORTIONMENT. (a) A change in assembly apportionment or composition under AS 29.23.080 (AS 29.23.025) or AS 29.24.090 (AS 29.23.027) is effective beginning with the first regular election for members of the assembly which is held more than 60 days after the later of:

(1) approval of a reapportionment ordinance by the voters under AS 29.24.080(a) [29.23.025(a)], AS 29.24.080(e) [29.23.025(e)], or AS 29.24.090(d) [29.23.027(d)]; or

(2) the delivery to the mayor of a reapportionment order of the commissioner of community and regional affairs under AS 29.24.090(d) [29.23.027(e)].

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

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

1 (2) the delivery to the mayor of a reapportionment order of
2 the commissioner of community and regional affairs under AS 29.24.090(e) [AS
3 29.23.027(e)].

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

7 Sec. 29.24.120. (Sec. 29.23.033) APPLICABILITY OF APPORTIONMENT
8 PROVISIONS. The provisions of AS 29.24.080-29.24.110 (AS 29.23.025 -
9 29.23.031) do not apply

10 (1) to a unified municipality incorporated under AS
11 29.12.190-29.12.390 (AS 29.68.240 - 29.68.440);

12 (2) to a home rule borough if the borough, by charter,
13 provides for reapportionment of the borough assembly.

14 → Sec. 29.24.130. (Sec. 29.23.040.) REGULAR TERM OF OFFICE. (a)
15 → ^{Sec 125 inserted}
16 Assemblymen are selected for three-year terms and until their successors are
17 selected and have qualified, unless different terms not exceeding four years
18 are prescribed by borough charter or ordinance. Except when otherwise
19 required by a change of composition or apportionment, if the term of an
20 assemblyman is changed by charter or ordinance, the term of an assemblyman
21 holding office at the time the change takes effect is not affected by that
22 change.

23 (b) The regular term of office begins on the first Monday
24 following certification of the election, unless a different date is
25 prescribed by borough charter or ordinance.

26 (c) This section applies to home rule and general law boroughs.

27 Sec. 29.24.140. (Sec. 29.23.050.) QUALIFICATIONS. A resident of the
28 borough is eligible to be an assemblyman if he is a borough voter. An
29 assemblyman who ceases to be a borough voter immediately forfeits his
office. An assemblyman elected from or selected to represent a borough area

1 less than the borough area at large and who becomes a resident of another
2 area may continue to serve only until the next regular election. The
3 assembly may by ordinance establish residence requirements for assemblymen
4 not exceeding three years. This section applies to home rule and general
5 law boroughs.

Sec. 145 inserted
6 Sec. 29.24.150. (Sec. 29.23.060.) PROCEDURE. (a) The assembly shall
7 meet at least once every month, unless otherwise provided by ordinance. All
8 meetings shall be public meetings. Special meetings may be held on the call
9 of the chairman, the presiding officer, or one-third of the members, upon
10 not less than 24 hours written or oral notice communicated to each member.
11 In an emergency a special meeting shall be a legal meeting if all members
12 are present or there is a quorum and all absent members have waived in
13 writing the required notice. A waiver may be either before or after the
14 time of the meeting. The waiver shall be attached to and made a part of the
15 journal for that meeting.

29.23.160
16 (b) The assembly shall elect from among its members a presiding
17 officer and a deputy presiding officer to serve at its pleasure, except that
18 in manager plan boroughs the borough mayor serves as presiding officer. If
19 the presiding officer is not present or disqualifies himself, the deputy
20 presiding officer shall preside.

21 (c) The assembly shall determine its own rules and order of
22 business and provide for keeping a journal of its proceedings. The assembly
23 is the judge of the election and qualification of its members and, with the
24 concurrence of two-thirds of its members, may expel a member for conviction
25 of a felony or misdemeanor described in AS 15.56 as a corrupt practice. The
26 assembly shall consider a conviction of a member for a felony or misdemeanor
27 described in AS 15.56 as a corrupt practice at its first meeting following
28 the final determination of the conviction.
29

1 (d) A majority of the membership authorized by law constitutes a
2 quorum. In the absence of a quorum, any number less than a quorum may recess
3 or adjourn the meeting to a later date. Actions of the assembly are adopted
4 by a majority of the votes authorized on the question. All assemblymen
5 present shall vote unless the assembly for special reasons permits a member
6 to abstain, except no assemblyman may vote on a question in which he has a
7 substantial direct or indirect financial interest.

8 (e) The final vote on each ordinance, resolution, or substantive
9 motion is a recorded "yes" or "no", except that if the vote is unanimous it
10 is necessary only so to state.

11 (f) Repealed by Sec. 16 ch 118 SLA 1972.

12 (g) Repealed by Sec. 16 ch 118 SLA 1972.

13 (h) Repealed by Sec. 16 ch 118 SLA 1972.

14 (j) Repealed by Sec. 16 ch 118 SLA 1972.

15 (out) Sec. 29.24.160. (Sec. 29.23.070.) DEPARTMENTS. (a) The assembly may
16 establish departments and distribute administrative functions among them.

17 (b) Each department is administered by a department head. With
18 the consent of the assembly, the borough mayor may serve as the head of one
19 or more departments or may appoint one person as the head of two or more
20 departments.

21 Sec. 29.24.170. (Sec. 29.23.080.) ASSEMBLY VACANCIES. The assembly
22 shall provide by ordinance the manner in which a vacancy in assembly
23 representation occurs. A vacancy is filled by the majority of the remaining
24 assemblymen, who designate a voter and, if the assembly seat vacated is
25 other than an at-large seat, a resident of the borough area to which the
26 seat was apportioned, to serve until the next regular election. However, if
27 under a borough apportionment city councilmen are appointed as assemblymen
28 or elected to dual assemblycouncil seats, a vacancy in a councilman's seat
29

→ insert 175

1 on the assembly shall be filled by a councilman designated by a majority of
2 the remaining membership of the council to serve until the next regular
3 election.

4 Article 3. BOROUGH EXECUTIVE AND ADMINISTRATOR

5 (Article 2. BOROUGH EXECUTIVE AND ADMINISTRATOR

6 Sec. 29.24.200. (Sec. 29.23.130.) POWER GENERALLY. (a) If the
7 borough has not adopted a manager plan, the borough executive and
8 administrative power is vested in an elected borough mayor. If the borough
9 has adopted a manager plan, the administrative power is vested in an
10 appointed manager and the executive power in an elected borough mayor who
11 has the same functions as those of the mayor of a manager-plan city under
12 Sec. 330 (Sec. 240) of this chapter.

13 (b) A borough voter is eligible to be borough mayor. The assembly
14 may by ordinance establish residence requirements for candidates for borough
15 mayor not exceeding three years.

16 1205 (c) The borough mayor's regular term of office is three years and
17 until a successor is elected and has qualified and begins on the first
18 Monday following certification of the mayor's election. The assembly may
19 provide by ordinance for a different term not to exceed four years, except
20 that the current term of an incumbent borough mayor may not be altered.

21 (d) A borough may adopt or abandon a manager plan at any time, as
22 provided in Secs. 550-620 (Secs. 410-480) of this chapter. The borough
23 mayor may not veto an ordinance or resolution calling for an election on
24 this question. The manager has all the powers and duties of the borough
25 mayor as chief administrative officer. The borough mayor then serves as
26 borough executive.

27 (e) A borough adopting a manager plan may, by agreement with a
28 city, enter into a contract providing for the manager of a city located
29 within the borough to serve also as borough manager. A city adopting a

1 manager plan may, by agreement with a borough, enter into a contract
2 providing for the manager of a borough within which the city is located to
3 serve also as city manager. Appointment and service of the manager shall be
4 as otherwise provided for managers in Secs. 200-220 (Secs. 130-150) and
5 Secs. 590-610 (Secs. 450 - 470) of this chapter. Nothing in this subsection
6 affects the authority of the assembly or council to provide for other dual
7 officeholding if the dual offices held are compatible or otherwise to
8 appoint officers and employees in accordance with law.

9 (f) The assembly, with the concurrence of two-thirds of its
10 members, may remove the borough mayor from office for a conviction of a
11 felony or misdemeanor described in AS 15.56 as a corrupt practice. The
12 assembly shall consider a conviction of the borough mayor of a felony or
13 misdemeanor described in AS 15.56 as a corrupt practice at its first meeting
14 following the final determination of the conviction.

15 Sec. 29.24.210. (Sec. 29.23.140.) POWERS AND DUTIES OF BOROUGH
16 ADMINISTRATOR. The borough mayor or manager as the case may be, as the
17 chief administrative officer, is responsible for the proper administration
18 of all borough affairs. The mayor or manager of the borough shall

19 (1) appoint borough employees and administrative officers, except
20 as provided otherwise in Sec. 480 (Sec. 360) of this chapter and (AS
21 29.33.050); he may hire necessary administrative assistants and may
22 authorize an appointive administrative officer to appoint, suspend, or
23 remove subordinates in his department;

24 (2) suspend or remove by written order borough employees and
25 administrative officers, except as provided otherwise in Sec. 480 (Sec. 360)
26 of this chapter and (AS 29.33.050);

27 (3) supervise enforcement of borough law;

28 (4) prepare the annual budget and capital improvements program
29 for the assembly;

(5) execute the budget and capital improvement program as adopted;

(6) make monthly reports to the assembly on borough finances and operations;

(7) report to the assembly at the end of each fiscal year on the finances and administrative activities of the borough;

(8) prepare and make available for public distribution an annual report on borough affairs;

(9) serve as borough personnel officer unless the assembly authorizes him to appoint a personnel officer;

(10) direct and supervise the administration of

— (A) the functions of all borough officers and employees except as provided otherwise in this title;

(B) the care and custody of all borough buildings and of all real and personal property of the borough, except as provided otherwise by AS (29.33.050);

(C) the construction, maintenance, and operation of all borough roads, bridges, drains, buildings and other public works;

(11) execute other powers or duties specified in this title or lawfully prescribed by the assembly.

No change
Sec. 29.24.220. (Sec. 29.23.150.) EXECUTIVE ABSENCE. The borough mayor, subject to assembly approval, shall designate a person to act as mayor during the mayor's temporary absence or disability. If a manager plan has been adopted, the assembly shall designate by resolution a borough administrative officer to act as manager during his absence or disability.

Sec. 29.24.230. (Sec. 29.23.160.) ASSEMBLY PARTICIPATION. The borough mayor may take part in the discussion of all matters before the assembly but may not vote.

Sec. 29.24.240. (Sec. 29.23.170.) VETO. (a) Except as provided in (b) of this section, the borough mayor may veto any ordinance, resolution,

1 motion or other action of the assembly and may, by veto, strike or reduce
2 items in appropriation ordinances except for school budget items. He shall
3 submit to the assembly at its next regular meeting a written statement
4 advising of his veto and giving his reasons. His veto may be overridden by
5 two-thirds of all the votes to which the assembly is entitled on the
6 question.

7 (b) The borough mayor may not veto actions of the assembly taken
8 under Sec. 200(d) [Sec. 130(d)] of this chapter or actions of the board of
9 equalization and the board of adjustment.

10 Sec. 29.24.250. (Sec. 29.23.180.) FILLING A VACANCY. A vacancy in
11 the office of the borough mayor occurring within six months of a regular
12 election shall be filled by the assembly. The person designated shall serve
13 until the next regular election and until a successor is elected and has
14 qualified. If an assemblyman is chosen, he shall resign his assembly seat.
15 If a vacancy occurs more than six months before a regular election, the
16 assembly shall call a special election to fill the unexpired term.

17 Article 4. CITY COUNCIL

18 (Article 3. CITY COUNCIL)

19 Sec. 29.24.280. (Sec. 29.23.200.) COMPOSITION, ELIGIBILITY, ELECTION
20 AND TERM. (a) Each first class city has a council of six members elected
21 by the voters at large. Each second class city has a council of seven
22 members elected by the voters at large. The council of a first or second
23 class city may by ordinance provide for election of members other than on an
24 at-large basis for all members.

25 (b) A city voter is eligible to hold office as a member of the
26 council. The council may by ordinance establish residence requirements for
27 council members not exceeding three years. A council member who ceases to
28 be eligible to be a city voter immediately forfeits that office.
29

*Expelling
members
Conflict of
interest*

(c) Councilmen are selected for three-year terms and until their successors are elected and have qualified. The regular term of office begins on the first Monday following certification of the election. The council may provide by ordinance for different terms not to exceed four years, except that the current term of incumbent councilmen may not be altered.

Sec. 29.24.290. (Sec. 29.23.210.) PROCEDURE. (a) The council shall meet at least once every month, unless otherwise provided by ordinance. Special meetings may be held on the call of the mayor or two councilmen upon not less than 24 hours written or oral notice communicated to each member. In an emergency, a special meeting called on less than 24 hours notice is a legal meeting if all members are present or there is a quorum and all absent members have waived in writing the required notice. A waiver may be made either before or after the time of the meeting. The waiver shall be attached to and made a part of the journal for that meeting.

(b) The council shall determine its own rules and order of business and provide for keeping a journal of its proceedings. The council is the judge of the election and qualification of its members and, with the concurrence of two-thirds of its members, may expel a member for a conviction of a felony or misdemeanor described in AS 15.56 as a corrupt practice. The council shall consider that conviction during its first meeting following final determination of the conviction.

(c) Four councilmen constitute a quorum. Four affirmative votes are required for the passage of an ordinance, resolution, or motion.

(d) The final vote on each ordinance, resolution, or substantive motion is a recorded roll call vote. All councilmen present shall vote unless the council, for special reasons, permits a member to abstain.

Sec. 29.24.300. (Sec. 29.23.220.) FILLING A VACANCY. If a vacancy occurs in the council, the council by vote of a majority of its remaining members shall designate a person to fill the vacancy until the next regular election, and until a successor is elected and has qualified.

1 Article 5. CITY EXECUTIVE AND ADMINISTRATOR

2 (Article 4. CITY EXECUTIVE AND ADMINISTRATOR)

3 Sec. 29.24.330. (Sec. 29.23.240.) MAYOR. Each city has a mayor as
4 executive who shall ^{IN 29.20.160} preside at council meetings, act as ceremonial head of
5 the city, and sign documents on the city's behalf upon council authoriza-
6 tion. In cities which have not adopted a manager plan, the mayor is
7 responsible for the duties listed in Sec. 390 (Sec. 290) of this chapter.

8 Sec. 29.24.340. (Sec. 29.23.250.) ELECTION AND TERM OF MAYOR. (a) A
9 voter of a home rule or general law city is eligible to hold the office of
10 mayor, except that a home rule city may prescribe additional residency
11 requirements by charter. The council, for all other cities, may by ordinance
12 establish residence requirements for candidates for mayor not exceeding
13 three years.

14 (b) The mayor of a first class city is elected at large for a term
15 of three years and until a successor is elected and has qualified. The
16 council may provide by ordinance for a different term not to exceed four
17 years, except that the current term of an incumbent mayor may not be altered.

18 (c) The mayor of a second class city is elected by and from the
19 council for a term of one year and until a successor is elected and has
20 qualified.

21 (d) The mayor's regular term begins on the first Monday following
22 certification of the mayor's election. The council of a second class city
23 shall meet on the first Monday after certification of the regular election
24 and elect a mayor who takes office immediately.

25 Sec. 29.24.350. (Sec. 29.23.255) REMOVAL FROM OFFICE. The council
26 may, with concurrence of two-thirds of its members, remove the mayor from
27 office for a conviction of a felony or misdemeanor described in AS 15.56 as
28 a corrupt practice. The council shall consider the conviction during its
29 first meeting following final determination of the conviction.

1 Sec. 29.24.360. (Sec. 29.23.260.) MAYOR'S VOTE. (a) The mayor of a
2 first class city is not a council member and may vote only in the case of a
3 tie.

4 (b) The mayor of a second class city is a council member and may
5 vote on all matters.

6 Sec. 29.24.370. (Sec. 29.23.270.) VETO. (a) The mayor of a first
7 class city may veto any ordinance, resolution, motion, or other action of
8 the council and may, by veto, strike or reduce items in appropriation
9 ordinances except, in a city outside an organized borough, for school budget
10 items. He shall submit to the council at its next regular meeting a written
11 statement advising of his veto and giving his reasons. A veto is overridden
12 by the vote of two-thirds of the authorized membership of the council.

13 (b) The mayor of a second class city has no veto power.

14 Sec. 29.24.380. (Sec. 29.23.280.) FILLING A VACANCY. (a) In a first
15 class city, a vacancy in the office of mayor occurring within six months of
16 a regular election shall be filled by the council. The person designated
17 shall serve until the next regular election and until a successor is elected
18 and has qualified. If a councilman is chosen, he shall resign his council
19 seat. If a vacancy occurs more than six months before a regular election,
20 the council shall call a special election to fill the unexpired term.

21 (b) In a second class city, a vacancy in the office of mayor is
22 filled by and from the council.

23 Sec. 29.24.390. (Sec. 29.23.290.) POWERS AND DUTIES OF A CITY
24 MANAGER. If the city has a manager, he is the chief administrative officer.
25 The manager shall

26 (1) appoint city employees and administrative officers, except as
27 provided otherwise in Sec. 480 (Sec. 360) of this chapter and AS 14.14.065;
28 he may hire necessary administrative assistants and may authorize an
29 appointive administrative officer to appoint, suspend, or remove
30 LA-1520 coordinates in his department;

1 (2) suspend or remove by written order city employees and
2 administrative officers, except as provided otherwise in Sec. 480 (Sec. 360)
3 of this chapter and AS 14.14.065;

4 (3) supervise enforcement of city law;

5 (4) prepare the annual budget and capital improvement program for
6 the council;

7 (5) execute the budget and capital program as adopted;

8 (6) make monthly financial reports to the council on city
9 finances and operations;

10 (7) report to the council at the end of each fiscal year on the
11 finances and administrative activities of the city;

12 (8) prepare and make available for public distribution an annual
13 report on city affairs;

14 (9) serve as city personnel officer unless the council authorizes
15 him to appoint a personnel officer;

16 (10) execute other powers and duties specified in this title or
17 lawfully prescribed by the council.

18 Article 6. SCHOOL BOARDS

19 (Article 5. SCHOOL BOARDS)

20 Sec. 29.24.420. (Sec. 29.23.310.) ELECTION. Each borough and city
21 school district has a school board. Members are elected at the regular
22 election held annually on the first Tuesday of October, unless a different
23 election date or interval of years is provided by ordinance, for three-year
24 terms and until their successors take office. All board members are elected
25 at large, but school zones for the election of borough school boards may be
26 established, altered, or abolished as provided by (Sec. 100) of this
27 chapter.

29.20.30

Article 7. UTILITY BOARDS

(Article 6. UTILITY BOARDS)

Sec. 29.24.450. (Sec. 29.23.340.) UTILITY BOARDS. (a) The assembly or council of a municipality operating a public utility may provide by ordinance for a managing board of five members and define the board's powers and duties.

(b) As determined by ordinance, members of the board are appointed by the municipal executive and confirmed by the assembly or council or are elected at the regular election held annually on the first Tuesday of October, unless a different election date or interval of years is provided by ordinance. The term of a utility board member is two years and until a successor is selected and has qualified. However, the assembly or council may by ordinance provide for a different term not to exceed four years and not altering the current term of an elected incumbent.

(c) Vacancies in the board are filled by the municipal executive. Executive appointments shall be confirmed by the assembly or council. A person selected to fill a vacancy on a utility board serves until the expiration of the term and until a successor is elected and has qualified.

(d) Unless otherwise provided by ordinance, the board shall

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

Article 8. OTHER OFFICERS AND EMPLOYEES

(Article 7. OTHER OFFICERS AND EMPLOYEES)

Sec. 29.24.480. (Sec. 29.23.360.) APPOINTMENT OF OFFICERS. The municipal clerk, attorney, treasurer, and police chief are appointed by the chief administrator or by the assembly or council, as determined by

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1 ordinance. Officers serve at the pleasure of the appointing authority,
2 subject to ordinance Appointments by the chief administrator are subject to
3 confirmation by the governing body.

4 Sec. 29.24.490. (Sec. 29.23.370.) MUNICIPAL ATTORNEY. The municipal
5 attorney is the legal advisor of the council or assembly, the school board,
6 and the other officers of the municipality. He represents the municipality
7 as attorney in civil and criminal proceedings. The school board has the
8 right to hire independent counsel when in its judgment independent counsel
9 is needed.

10 Sec. 29.24.500. (Sec. 29.23.380.) MUNICIPAL CLERK. (a) The
11 municipal clerk shall

12 (1) give notice of the time and place of meetings to the
13 assembly or the council and to the public;

14 (2) attend meetings and keep the journal;

15 (3) arrange publication of notices, ordinances, and
16 resolutions;

17 (4) maintain and make available for public inspection an
18 indexed file including the municipal ordinances, resolutions, rules,
19 regulations, and codes;

20 (5) attest deeds and other documents;

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

23 (b) The assembly or council may combine the office of clerk with
24 that of treasurer. If the offices are combined, the clerk shall, as
25 required of the treasurer, give his bond to the municipality for the
26 faithful performance of his duties as clerk-treasurer.

27 Sec. 29.24.510. (Sec. 29.23.390.) MUNICIPAL TREASURER. (a) The
28 treasurer is the custodian of all municipal funds. He shall keep an
29 itemized account of money received and disbursed. He shall pay money on
LA-20 vouchers drawn against appropriations.

1 (b) The treasurer shall give bond to the municipality in a sum
2 which the assembly or council directs.

3 Sec. 29.24.520. (Sec. 29.23.401.) APPOINTMENT TO MUNICIPAL BOARDS AND
4 COMMISSIONS. (a) Notwithstanding AS 39.05.100 or a provision of law
5 relating to age, the municipal appointing authority for a municipal board or
6 commission may appoint a 17-21 year old municipal resident to the board or
7 commission if recommended by the commission, established in AS 29.68.020
8 (Sec. 397) of this chapter.

9 (b) A young person recommended by the commission may be appointed
10 to a municipal board or commission having special qualifications for
11 membership if the proposed nominee, except for his age, meets the required
12 qualifications set by law.

13 (c) An individual appointed to a municipal board or commission
14 under this section is entitled to the rights, privileges and
15 responsibilities of other members, and his appointment is subject to
16 confirmation by the governing body when required by law.

17 (d) No additional seat on a municipal board or commission is
18 created by virtue of AS 29.68 (Secs. 395-401) of this chapter.

19 Article 9. ADOPTION OR REPEAL OF MANAGER PLAN

20 (Article 8. ADOPTION OR REPEAL OF MANAGER PLAN)

21 *Now Article 10.8*
22 Sec. 29.24.550. (Sec. 29.23.410.) APPLICATION. A municipality may
23 adopt a manager plan of government.

24 Sec. 29.24.560. (Sec. 29.23.420.) PETITION. Adoption of a manager
25 plan may be initiated either by petition or upon motion of the assembly or
26 council. A petition for the adoption of a manager plan is submitted to the
27 assembly or council. The petition must be signed by a number of municipal
28 voters equal to the following per cent of the votes cast at the preceding
29 regular election:

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

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

Sec. 29.24.570. (Sec. 29.23.430.) ELECTION. Upon receipt of the petition or upon its motion, the assembly or council shall provide by ordinance or resolution for a vote on the question at the next regular or special election. Notice of the election shall be published at least 30 days before the election.

Sec. 29.24.580. (Sec. 29.23.440.) ADOPTION. (a) If the manager plan is approved, the assembly or council shall, within 60 days, adopt the plan by ordinance or resolution.

(b) The assembly or council shall notify the Department of Community and Regional Affairs of the adoption of the manager plan.

Sec. 29.24.590. (Sec. 29.23.450.) APPOINTMENT. The assembly or council shall appoint a manager by a majority vote of its membership. He is chosen solely on the basis of his executive and administrative qualifications and receives the compensation set by the assembly or council. An elected municipal official may not be appointed manager of the municipality sooner than one year after leaving office, except that, by a vote of three-fourths of its authorized membership, the assembly or council may at any time appoint one of its members or other elected municipal officials as manager.

Sec. 29.24.600. (Sec. 29.23.460.) TERM. Subject to the contract of employment, the manager holds office at the pleasure of the assembly or council.

Sec. 29.24.610. (Sec. 29.23.470.) APPOINTMENT OF TEMPORARY OR NEW MANAGER. In the absence or disability of the manager, the assembly or council shall appoint a temporary manager. If the office becomes vacant, the assembly or council shall appoint a new manager.

Sec. 29.24.620. (Sec. 29.23.480.) REPEAL. A municipality may repeal the manager plan in the same manner used for its adoption. At its first

meeting after repeal, the assembly or council shall enact provisions for the reorganization of the municipal executive and chief administrator.

Article 10. MISCELLANEOUS PROVISIONS

(Article 9. MISCELLANEOUS PROVISIONS)

Sec. 29.24.650. (Sec. 29.23.500.) OATHS OF OFFICE. Municipal officers, before taking office, shall affirm in writing that they will honestly, faithfully, and impartially perform their duties. The oath is filed with the municipal clerk.

Sec. 29.24.660. (Sec. 29.23.520.) BONDING. The administrator and the other municipal officers or employees which the assembly or council may designate shall give bond in the amount and with the surety prescribed by the assembly or council. Premiums on bonds are paid by the municipality.

Sec. 29.24.670. (Sec. 29.23.530.) SALARIES OF ELECTED OFFICERS. The assembly or council shall fix by ordinance the salaries of elected officers. The salary of the mayor may not be reduced during his term of office. An elected officer may not receive any other compensation for service to the municipality. Per diem payments or reimbursements for expenses are not compensation under this section.

Sec. 29.24.680. (Sec. 29.23.540.) PROHIBITIONS. (a) No person may be appointed to or removed from municipal office or in any way favored or discriminated against with respect to a municipal position because of his race, color, sex, creed, national origin or, unless otherwise contrary to law, because of his political opinions or affiliations.

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

(c) No state employee or school district employee may be denied the right to serve as an elected municipal official because of his employment by the state or a school district unless specifically prohibited by charter or ordinance of a municipality, adopted at a special or general

1 election. However, no school district employee may serve on a school
2 district board in the school district where he is employed. ~~Provisions of~~
3 ~~this section do not apply to term of office in effect on August 24, 1976.~~

4 (d) For purposes of this section a school district employee is
5 not a municipal employee.

6 Sec. 29.24.690. (Sec. 29.23.550.) PERSONNEL SYSTEM. All appointments
7 and promotions of municipal officers and employees are made on the basis of
8 merit. The assembly or council may provide for a personnel system.

9 Sec. 29.24.700. (Sec. 29.23.560) REPORTS. (a) Home rule and general
10 law municipalities shall file with the Department of Community and Regional
11 Affairs:

12 (1) maps and descriptions of all annexed or excluded ter-
13 ritory;

14 (2) a copy of the annual audit or in the case of second
15 class cities an audit or statement of annual income and expenditures;

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

17 (4) repealed.

18 (5) a copy of the current annual budget of the municipality;

19 (6) a summary of the optional property tax exemptions autho-
20 rized in the municipality, together with the municipality's estimate of the
21 revenues lost to it by operation of each of the exemptions.

22 (b) Compliance with the provisions of this section is a prerequi-
23 site to receipt of municipal tax resource equalization assistance under AS
24 29.62 (AS 29.88) and state aid for miscellaneous municipal services under AS
25 29.62 (AS 29.89). The Department of Community and Regional Affairs shall
26 withhold annual allocations under those chapters in the event of
27 noncompliance until such time as the report requirements are met.

28 Sec. 29.24.710. (Sec. 29.23.570.) VACANCIES. An elected municipal
29 office is vacated under the following conditions and upon the declaration of

1 vacancy by the assembly or council. The assembly or council shall declare
2 an elective office vacant when the person elected

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

5 (2) is physically absent from the municipality for a 90-day
6 period unless excused by the assembly or council;

7 (3) resigns and his resignation is accepted;

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

10 (5) is removed from office;

11 (6) misses three consecutive regular meetings unless
12 excused; or

13 (7) is convicted of a felony or of an offense involving a
14 violation of his oath of office.

CHAPTER 27. MUNICIPAL ENACTMENTS

(CHAPTER 48, Article 3. MUNICIPAL ENACTMENTS)

Sec. 29.27.010. (Sec. 29.48.130.) ACTS REQUIRED TO BE BY ORDINANCES.

(a) In addition to other actions which this title requires to be by ordinance, the assembly or council of a municipality shall use ordinances to

ok 19.4.10
delete
(1) establish, alter or abolish municipal departments;
→ (2) fix the compensation of members of the assembly or council;

(3) provide for a fine or other penalty, or establish rules or regulations for violation of which a fine or other penalty is imposed;

(4) provide for the levying of taxes;

(5) make appropriations *except* and supplemental appropriations or transfer *&* appropriations;

(6) grant, renew, or extend a franchise;

delete → (7) regulate the rate charged by a public utility;

(8) adopt, modify or repeal the comprehensive plan, *land use regulation* ~~zoning~~ and subdivision ordinances, building and housing codes, and the official map;

(9) approve the transfer of a power to a borough from a city;

(10) designate the borough seat;

(11) provide for the retention or sale of tax-foreclosed property.

(12) exempt contractors from compliance with general requirements relating to payment and performance bonds in the construction or repair of municipal public works projects within the limitations set out in AS 36.25.025.

(b) This section grants no authority but requires the assembly or council to use ordinances in exercising certain of its powers.

Sec. 29.27.020. (Sec. 29.48.140.) FORM OF ORDINANCES. Ordinances are introduced in writing in the form required by the assembly or council.

1 Sec. 29.27.030. (Sec. 29.48.150.) ORDINANCE PROCEDURE. (a) The
2 following procedure governs the enactment of all ordinances except emergency
3 ordinances. An ordinance may be introduced by a member or committee of the
4 assembly or council or by the municipal executive or chief administrator. An
5 ordinance shall be set for hearing by the affirmative vote of a majority of
6 the votes authorized on the question. A summary of the ordinance and its
7 amendments is published together with a notice of time and place for public
8 hearing. The hearing follows publication by at least five days. Copies of
9 the ordinance must be available to all persons present or the ordinance must
10 be read in full. The assembly or council shall hear all interested persons
11 wishing to be heard. After the hearing, the assembly or council shall
12 consider the ordinance and may adopt it with or without amendment. The
13 assembly or council shall print and make available copies of adopted
14 ordinances.

15 (b) Ordinances take effect upon adoption or at a later date
16 specified in the ordinance.

17 Sec. 29.27.040. (Sec. 29.48.160.) EMERGENCY ORDINANCES. (a) To meet a
18 public emergency the assembly or council may adopt ordinances effective on
19 adoption. Every emergency ordinance must contain ~~a~~ finding by the assembly
20 or council that an emergency exists and a statement of the facts upon which
21 the finding is based. The ordinance may be adopted, amended and adopted, or
22 rejected at the meeting at which it is introduced. The affirmative vote of
23 all members present, or the affirmative vote of three-fourths of the total
24 membership, whichever is less, is required for adoption. The assembly must
25 print and make available copies of adopted emergency ordinances.

26 (b) An emergency ordinance may not be used to levy taxes, to
27 grant, renew or extend a franchise, or to regulate the rate charged by a
28 public utility for its services.
29

(1) ~~the this section~~ "Emergency" means

(c) Emergency ordinances are effective for 60 days.

Sec. 29.27.050. (Sec. 29.48.170.) CODES OF REGULATION. The assembly or council may in a single ordinance adopt or amend by reference provisions of a standard published code of regulations. The regular ordinance procedure applies except that neither the ordinance nor its amendments need be distributed to the public or read in full at the hearings. For a period of 15 days before adoption at least five copies of the code must be made available for public inspection at a time and place set out in the hearing notice. Only the adopting ordinance need be printed after adoption. The assembly or council shall provide for the adopted code to be sold to the public. *It is provided at no charge, as determined by the assembly or council.*

Sec. 29.27.060. (Sec. 29.48.180.) CODIFICATION. (a) Each ordinance after adoption shall be codified.

(b) Within three years after incorporation of the municipality, the municipal ~~executive~~ *clerk or designee*, with the advice and assistance of a legal advisor, shall have prepared a general codification of all municipal ordinances of general applicability having the force and effect of law. The municipal code shall be revised and printed at least every five years, unless the code is kept current by regular supplements.

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

(1) the ordinance has been given a serial number or other permanent identifying number and, bearing a notation of the date of adoption and the designation of the adopting authority, it has been entered by the municipal clerk in a properly indexed book maintained for the purposes of organizing and recording the ordinances; or

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

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

Sec. 29.27.070. (Sec. 29.48.185.) RESOLUTIONS. The assembly or council shall provide for the maintenance of a permanent file of resolutions that have been adopted.

Sec. 29.27.080. (Sec. 29.48.200.) PENALTIES. For the violation of an ordinance, the assembly or council may prescribe punishment not to exceed a fine of \$¹⁰⁰⁰500 or imprisonment for ^{6 months}30 days, or both. However, the punishment authorized under this section may be imposed only if copies of the ordinance are made available for distribution to the public at cost.

use lang from zoning material for civil

(5 days) Kodiak case - allow
for mandatory ~~sentencing~~ jail
time not to exceed 5 days
by ordinance.

The assembly or council for minimum and
non-suspendable)

CHAPTER 30. ELECTIONS

(CHAPTER 28. ELECTIONS)

Article 1. REGULAR AND SPECIAL ELECTIONS

Sec. 29.30.010. (Sec. 29.28.010.) ADMINISTRATION. (a) The borough assembly or city council shall prescribe the general rules for conducting municipal elections and appoint at least three judges for each polling place. The municipality may not alter voter qualification requirements of this title.

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

Sec. 29.30.020. (Sec. 29.28.015.) NOMINATIONS. (a) The assembly or council shall provide by ordinance for nominations of elected officers by providing for declaration of candidacy, or petition requiring the signatures of not more than 10 voters, or both.

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

Sec. 29.30.030. (Sec. 29.28.020.) ELECTION DATES. (a) The date of a regular municipal election is the first Tuesday of October annually, or on a date of election or at an interval of years provided by ordinance.

(b) The assembly or council may call a special election upon at least 20 days notice.

Sec. 29.30.040. (Sec. 29.28.030.) VOTER QUALIFICATION. A person may vote only if he is a United States citizen who is qualified to vote in state elections and has been a resident of the municipality for 30 days immediately preceding the election and who is registered to vote in state elections and is not disqualified under art. V of the state constitution. Voter registration by the municipality may not be required. This section

LA-L applies to home rule and general law municipalities.

1 Sec. 29.30.050. (Sec. 29.28.040.) MAJORITY ELECTIONS. If in a
2 municipal election no candidate receives in excess of 40 per cent of the
3 votes cast for his respective office, the assembly or council shall hold a
4 runoff election within two weeks from the date of certification of the
5 election between the two candidates receiving the greatest number of votes
6 for the office. Notice of a runoff election shall be published at least
7 five days before the election. The assembly or council may by ordinance
8 require a majority vote for election of officials. A runoff election or
9 other means of obtaining a majority may be used.

10 Sec. 29.30.060. (Sec. 29.28.050.) ELECTION CONTEST AND APPEAL. (a)
11 The assembly or council may provide by ordinance the time and procedure for
12 the contest of an election.

13 (b) Unless otherwise provided by ordinance, an election may be
14 contested only upon the filing, before or at the time of the first canvass
15 of ballots by the assembly or council, by a person qualified to vote in the
16 municipality of his written affidavit specifying with particularity the
17 grounds for the contest or invalidity of the election.

18 (c) Unless otherwise provided by ordinance, the assembly or
19 council shall declare the election results at the first meeting to canvass
20 the election and record the results in the minutes of that meeting.

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

25 (e) No person may appeal or seek judicial review of a city or
26 borough election for any cause or reason unless the person is qualified to
27 vote in the municipality, has exhausted his administrative remedies before
28 the assembly or council and has commenced, within 10 days after the assembly
29 or council has finally declared the election results, an action in the

1 superior court in the judicial district in which the municipality is
2 located. If no such action is commenced within the 10-day period, the
3 election and election results shall be conclusive, final and valid in all
4 respects.

5 (f) Notwithstanding the provisions of (e) of this section,
6 the expulsion of a member of a borough assembly under AS 29.24.150 [AS
7 29.23.060(c)], of a member of a city council under AS 29.24.290(b)
8 [29.23.210(b)], of a borough mayor under AS 29.24.200(f) [29.23.130(f)], or
9 of a city mayor under AS 29.24.350 (29.23.255) is final and is not subject
10 to judicial review.

11 Article 2. INITIATIVE AND REFERENDUM

12 Sec. 29.30.090. (Sec. 29.28.060.) RESERVATION OF POWERS. The powers
13 of initiative and referendum are reserved to the residents of municipalities
14 except the powers do not extend to matters restricted by Sec. 7, art. XI, of
15 the state constitution.

16 Sec. 29.30.100. (Sec. 29.28.062.) PETITION. A petition for
17 initiative or referendum is filed with the municipal clerk and an initiative
18 petition must be filed not less than 90 days before the next regular
19 election.

20 Sec. 29.30.110. (Sec. 29.28.065.) CONTENTS OF PETITION. A petition
21 for an initiative or referendum shall

22 (1) embrace only a single comprehensive subject;

23 (2) set out fully the ordinance or resolution sought by the
24 petition;

25 (3) state upon the petition, when circulated, the date of first
26 circulation of the petition;

27 (4) contain the statement, when circulated, that the signatures
28 on the petition must be secured within 90 days from the date of the first
29 circulation;

(5) have the required signatures, dates of signatures and resident addresses of the signers.

Sec. 29.30.120. (Sec. 29.28.070.) REQUIRED SIGNATURES. (a) The necessary signatures on a petition shall be secured within 90 days from the date of the first circulation of the petition. The petition shall be signed in ink or indelible pencil.

(b) Every petition for either the initiative or referendum in the government of a municipality shall be signed by a number of qualified voters residing within the territorial limits of the municipality, or, if the act sought to be initiated or referred pertains exclusively to the area outside cities or to a service area, by a number of qualified voters residing within the area outside cities or within the service area, as the case may be, equal to the following percent of the total number of votes cast at the last general election in the city or borough or borough area concerned, or special election called for the purpose of electing city or borough officers:

(1) 25 percent, when a city or borough has fewer than 7,500 persons, or

(2) 15 percent, when a city or borough has 7,500 persons or more.

(c) When signing a petition each voter shall write or print after his signature the date of signing the petition and his resident address.

(d) Illegible signatures unless accompanied by a legible printed name may be rejected by the municipal clerk.

(e) A petition signer may withdraw his signature upon written application to the clerk within seven days after the petition has been filed with the clerk.

Sec. 29.30.130. (Sec. 29.28.073.) SUFFICIENCY OF PETITION. (a) Within 10 days from the filing date, the municipal clerk shall certify on LA-Lt20 petition whether or not it is sufficient.

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1 (b) If the petition is insufficient, it may be amended or sup-
2 plemented within 10 days after the date on which the petition is rejected as
3 insufficient.

4 (c) Within 10 days after supplementary filing the clerk shall
5 recertify the petition. If it is still insufficient, the petition is
6 rejected and filed as a public record.

7 Sec. 29.30.140. (Sec. 29.28.075.) PROTEST. If the municipal clerk
8 certifies the petition is insufficient, a signer of the petition may file a
9 protest with the municipal executive within seven days after the
10 certification and the municipal executive shall present the protest at the
11 next regular meeting to the assembly or council which shall hear and decide
12 the protest.

13 Sec. 29.30.150. (Sec. 29.28.077.) NEW PETITION. Failure to secure
14 sufficient signatures does not preclude the filing of a new initiative or
15 referendum petition. However, a new petition may not be filed sooner than
16 six months after a petition is rejected.

17 Sec. 29.30.160. (Sec. 29.28.080.) PRESENTATION OF INITIATIVE. (a)
18 When a petition seeks enactment of an ordinance or resolution within the
19 powers of the assembly or council and not otherwise restricted by Sec. 60 of
20 this chapter, the clerk shall present it to the assembly or council at its
21 next meeting after certification. The assembly or council may reject the
22 petition if the subject matter of the initiative or referendum is within the
23 restrictions of Sec. 090 (Sec. 60) of this chapter.

24 (b) Unless the petition is granted within 30 days of its
25 submission to the assembly or council, the clerk shall, with the assistance
26 of the municipal attorney, prepare an ordinance or resolution to implement
27 the petition and shall submit it to the voters at the next regular election.
28 The ordinance or resolution shall be published in full in the notice of
29 election but may be summarized on the ballot to indicate clearly the

1 (c) If a majority of those voting favor the proposal, it becomes
2 effective when the election results are officially declared.

3 (d) The assembly or council may at any time not less than 10 days
4 from the date of election adopt an ordinance or resolution to implement the
5 petition. In that event an election shall not be held.

6 Sec. 29.30.170. (Sec. 29.28.090.) PRESENTATION OF REFERENDUM. (a)
7 When a petition seeks a referendum vote on an ordinance or resolution, the
8 clerk shall submit the ordinance to the voters of the municipality at the
9 next regular or special election. If no regular or special election occurs
10 within 75 days of the filing of a sufficient petition with the clerk, the
11 assembly or council shall hold a special election within 75 days of filing.

12 (b) If a sufficient petition for referendum is filed within 30
13 days after final passage of the ordinance, or before the effective date of
14 the ordinance, the ordinance against which the petition is filed shall be
15 suspended pending the referendum on the ordinance. During the period of
16 suspension the assembly or council may not enact an ordinance substantially
17 similar to the suspended ordinance but may repeal the suspended ordinance.

18 (c) If a majority of those voting favor the referendum legis-
19 lation, it remains in effect. If a majority rejects the legislation, it is
20 repealed. A municipal charter may be amended as provided in the charter or
21 by initiative and referendum as provided in Secs. 090-180 (Secs. 60-110) of
22 this chapter.

23 Sec. 29.30.180. (Sec. 29.28.110.) EFFECT. (a) The assembly or
24 council may not, within two years, act in any way to modify or negate the
25 effect of a successful initiative or referendum. If an ordinance against
26 which a referendum is directed has been repealed by the assembly or council
27 after a petition has been filed but before the referendum, the council or
28 assembly may not enact substantially similar legislation for a period of one
29 year after repeal.

(b) An unsuccessful initiative or referendum precludes the filing of a new petition for the same purpose sooner than six months after voter disapproval of the initiative or referendum.

Article 3. RECALL

Sec. 29.30.210. (Sec. 29.28.130) RECALL. An ^{appointed or elected} elected official of a home rule or general law municipality may be recalled by the voters after he has served six months in office.

Sec. 29.30.220. (Sec. 29.28.140.) GROUNDS. Grounds for recall are misconduct in office, incompetence, or failure to perform prescribed duties.

Sec. 29.30.230. (Sec. 29.28.150.) PETITION. (a) A petition seeking recall of one or more municipal officials is filed with the municipal clerk. The petition shall contain

(1) the signatures and resident addresses of a number of voters as prescribed in Sec. 120(b) [Sec. 70(b)] of this chapter for initiative and referendum;

(2) the date each voter signed the petition; and

(3) a statement of the grounds of the recall stated with particularity as to specific instances.

(b) A petition for recall must be filed with the clerk within 60 days after the date of the earliest signature on the petition.

Sec. 29.30.240. (Sec. 29.28.160.) EXAMINATION FOR SUFFICIENCY. The municipal clerk shall review the petition for content and signatures and shall certify on the petition within 10 days of the filing date whether it is accepted or rejected. Until the petition is accepted, a petition signer may withdraw his signature upon written application to the clerk.

Sec. 29.30.250. (Sec. 29.28.170.) SUPPLEMENTAL PETITION. (a) If the petition is rejected because of insufficient signatures, it may be supplemented by additional signatures within 10 days after the date of rejection. If the petition is insufficient for any other reason, it shall

LA-Lb20 rejected and filed as a public record.

1 (b) Within 10 days after supplementary filing, the clerk shall
2 recertify the petition. If it is still insufficient, the petition is
3 rejected and filed as a public record.

4 Sec. 29.30.260. (Sec. 29.28.180.) NEW PETITION. Failure to secure
5 sufficient signatures does not preclude the filing of a new recall petition.
6 However, a new petition may not be filed sooner than six months after a
7 petition is rejected.

8 Sec. 29.30.270. (Sec. 29.28.190.) SUBMISSION. If a recall petition
9 is sufficient, the clerk shall immediately submit it to the assembly or
10 council.

11 Sec. 29.30.280. (Sec. 29.28.200.) ELECTION. (a) If a regular
12 election occurs within 75 days of the submission, the assembly or council
13 shall submit the recall at that election.

14 (b) If no regular election will occur within 75 days, the
15 assembly or council shall hold a special election within 75 days of
16 submission.

17 (c) If a vacancy occurs in the office after a recall petition is
18 filed, the petition shall not be submitted to the voters.

19 Sec. 29.30.290. (Sec. 29.28.210.) FORM OF RECALL BALLOTS. A recall
20 ballot contains:

- 21 (1) the grounds as stated in the recall petition;
22 (2) the officer's statement of 200 words or less, if the
23 statement is filed with the clerk for publication and public inspection
24 within 20 days before the election;
25 (3) the following question: "Shall (name of person) be recalled
26 from the office of (office)? Yes [] No []".

27 Sec. 29.30.300. (Sec. 29.28.220.) ELECTION PROCEDURE. Procedures for
28 conducting a recall election are those of a regular election.
29

1 Sec. 29.30.310. (Sec. 29.28.230.) MAJORITY REQUIRED. A majority vote
2 on the question is required to recall an officer.

3 Sec. 29.30.320. (Sec. 29.28.240.) EFFECT. If an incumbent is not
4 recalled at the recall election, a petition to recall the same incumbent may
5 not be filed sooner than six months after the recall election.

6 Sec. 29.30.330. (Sec. 29.28.250.) ELECTION OF SUCCESSOR. If the
7 voters recall an officer, the clerk shall conduct an election for a
8 successor to fill the unexpired term. The election shall be held at least
9 10 but not more than 45 days from the date of the recall election. However,
10 if a regular or special election occurs within 75 days of the recall
11 election, the successor to the recalled official shall be chosen at that
12 regular or special election. The procedures and requirements for the
13 regular election for the office from which the incumbent is recalled apply
14 to the election conducted under this section.

CHAPTER 33. POWERS AND DUTIES APPLICABLE TO

HOME RULE AND GENERAL LAW MUNICIPALITIES

(CHAPTER 48. POWERS APPLICABLE TO ALL MUNICIPALITIES)

Article 1. GENERAL POWERS

Sec. 29.33.010. (Sec. 29.48.010.) GENERAL POWERS. Municipalities have the following general powers, subject to other provisions of law:

(1) to establish and prescribe the functions of municipal departments, offices or agencies;

(2) to establish and prescribe salaries for the elected and appointed municipal officers and employees;

(3) to make investigations of the affairs of the municipality and make inquiries into the conduct of a municipal department;

(4) to enter into agreements, including those for cooperative or joint administration of any functions or powers with a local government, with the state, or with the United States;

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

(6) to sue and be sued;

(7) to levy taxes and special assessments; *in impose laws for the enforcement thereof*

(8) to enforce ordinances and to prescribe penalties for violations;

(9) to acquire, manage, control, use and dispose of real and personal property, ~~for a purpose authorized under this title, federal law, or other law, or in accordance with such law,~~ *have law* and irrespective of whether or not the property is situated within or outside the municipal boundaries; this power includes the power of a second class borough to expend, for any purpose authorized by law, money received from the disposal of land in a service area created under [AS 29.63.090(f)];

(B) *equal franchises and personal property of municipality*
 (14) *municipality owned utility*

(10) to acquire membership in organizations which promote legislation for the good of the municipality;

(11) to expend funds for community purposes for the good of the municipality;

(12) to borrow money and issue evidences of indebtedness.

Sec. 29.33.010(1) (Sec. 29.23.510.) COMBINING OFFICES. The assembly or council may combine two or more appointive or administrative offices.

Sec. 29.33.020. (Sec. 29.48.037.) EXTRATERRITORIAL JURISIDICTION. (a) A municipality may provide parks, roads (including ice roads), trails, playgrounds, emergency medical services, cemeteries, ^{harbor and marinas} and airports outside its boundaries, subject to AS 29.36.010 (AS 29.33.010), and may regulate their use and operation. ^{provided that if services or facilities subject to regulation of another municipality} A regulation adopted under this section must state that it applies outside the municipality.

(b) A municipality may adopt ordinances to protect its water supply and watershed and may enforce them outside its boundaries. Before this power may be exercised within the boundaries of another municipality, the approval of that municipality must be given by ordinance. This section applies to general law and home rule municipalities.

Sec. 29.33.030. (Sec. 29.73.020.) EMINENT DOMAIN. A home rule or general law municipality may exercise the powers of eminent domain and declaration of taking in the performance of an authorized power or function of the municipality, in accordance with AS 09.55.250-09.55.460. In the case of a second class city, before exercising the power, the council shall request or petition the Department of Community and Regional Affairs for permission to exercise the power. The council may not exercise the power of eminent domain or declaration of taking without the formal approval of the Department of Community and Regional Affairs. The exercise of the power of eminent domain or declaration of taking shall be by ordinance which shall be submitted to the qualified voters at the next regularly scheduled general

1 election or special election called for that purpose. A majority of the
2 qualified voters voting on the question is required for approval of the
3 ordinance.

4 Sec. 29.33.040. (Sec. 29.48.270.) EMERGENCY DISASTER POWERS. (a) A
5 municipality which is wholly or partially within an area which is declared by
6 the President to be a disaster area may participate in and provide for
7 housing and urban renewal and redevelopment in the same manner as a home rule
8 city. The exercise of these powers by a borough is limited to the area
9 outside a city in the borough.

10 (b) A borough may exercise the powers for a housing or urban
11 renewal and redevelopment project transferred to it by a city located in the
12 borough as provided by AS 29.36.100 (AS 29.33.260).

13 (c) AS 29.36.170-29.36.200 (AS 29.38.020-29.38.050) are not
14 applicable to the housing and urban renewal and redevelopment powers granted
15 by this section.

16 (d) Powers granted by this section must be initiated within a
17 period of not more than five years from the date of declaration of a natural
18 disaster by the President, but these powers may be extended for an additional
19 period of not more than three years.

20 Article 2. FACILITIES, SERVICES AND REGULATION

21 Sec. 29.33.070. (Sec. 29.48.030.) ~~MUNICIPAL FACILITIES AND SERVICES~~ ^{AND PROGRAMS}

22 (a) ^{Subject to other provisions of law} A municipality may exercise the powers necessary to provide the following:
23 public facilities and services;

- 24 (1) streets and sidewalks;
- 25 (2) sewers and sewage treatment facilities;
- 26 (3) harbors, wharves, and other marine facilities;
- 27 (4) watercourse and flood control facilities;
- 28 (5) health services and hospital facilities;
- 29

- 1 (6) cemeteries;
2 (7) police protection and jail facilities;
3 (8) cold storage plants;
4 (9) telephone systems;
5 (10) light, power and heat;
6 (11) water;
7 (12) transportation systems;
8 (13) community centers;
9 (14) libraries, visual or performing arts centers, or museums;
10 (15) recreation facilities;
11 (16) airport and aviation facilities;
12 (17) garbage and solid-waste collection and disposal service
13 and facilities subject to Sec. 080 (Sec. 33) of this chapter;
14 (18) fire protection service and facilities, not in conflict
15 with AS 18.70.075, but not limited to AS 18.70.075;
16 (19) parking and parking facilities;
17 (20) housing and urban renewal, rehabilitation and
18 development;
19 (21) preservation, maintenance and protection of historic
20 sites, buildings and monuments;

21 (22) consumer protection;

22 (23) emergency medical services and facilities.

23 (24) ~~any program determined to be to perform any public purpose,~~

24 (b) First and second class boroughs may exercise the powers
25 conferred by (a) of this section only after they have been assumed in the
26 manner required under AS 29.36.090-130 (AS 29.33.250-29.33.290) for areawide
27 exercise or in the manner required under AS 29.36.160-29.36.200 (AS
28 29.38.010-29.38.050) for exercise in the borough area outside cities or are
29 conferred by (Sec.20) of this chapter for exercise in the borough area
outside cities. However, as to powers conferred under (a)(5), (17) and (20),

1 in the borough area outside cities is at the option of the borough and is not
2 subject to those restrictions on acquisition of additional borough powers.
3 Upon adoption of a borough ordinance to provide for areawide exercise of the
4 powers specified, no home rule or general law city within the borough may
5 exercise the powers, unless the borough ordinance provides otherwise or the
6 borough by subsequent ordinance ceases to exercise the power. *✓ written*

7 Sec. 29.33.080. (Sec. 29.48.033.) GARBAGE AND SOLID WASTE SERVICES.

8 (a) A municipality may by ordinance provide for the establishment,
9 maintenance and operation of a system of garbage and solid waste collection
10 and disposal for the entire municipality or for districts or portions of it;
11 require all persons within the municipality or district to use the system and
12 to dispose of their garbage and solid wastes as provided in the ordinance;
13 award contracts for collection and disposal, or provide for the collection
14 and disposal of garbage and solid waste by municipal officials and employees;
15 pay for garbage and solid waste collection and disposal from available funds;
16 require property owners or occupants of premises to use the garbage and solid
17 waste collection and disposal system provided by the municipality and fix
18 charges against the property owners or occupants of premises for the
19 collection and disposal; provide that charges for collection and disposal
20 shall be paid by the property owner or occupants of the premises; and provide
21 penalties for violations of the ordinances.

22 (b) The council or governing body of any political subdivision may
23 not prohibit a person holding a valid certificate from the Alaska Public
24 Utilities Commission from continuing to collect and dispose of garbage,
25 refuse, trash, waste material, or other related services in any area in the
26 political subdivision if the certificate authorizes the collection and
27 disposal of garbage, refuse, trash or other waste material and providing of
28 other services in the area, and the certificate was originally issued before
29 the political subdivision provided like or similar services. A political

1 subdivision may not provide for a garbage, refuse, trash or other waste
2 material collection and disposal service in any area to the extent it lies
3 within an area granted to a garbage, refuse, trash or other waste material
4 carrier by a certificate issued by the commission to the carrier until it has
5 purchased the certificate, equipment and facilities of the carrier or that
6 portion of the certificate which would be affected at fair market value and
7 may exercise the right of eminent domain to determine fair market value.

8 (c) Repealed by Sec. 6 ch 76 SIA 1973.

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

11 Sec. 29.33.090. (Sec. 29.48.035.) REGULATORY POWERS. (a) A *R-write - preserve (b) call with cross-references*
12 municipality may regulate the operation and use of its public rights-of-way,
13 public facilities and services. It may also regulate the following:

14 (1) vehicle, pedestrian, and other traffic, and licensing and
15 operation of motor vehicles, including snow vehicles and off-highway
16 vehicles, and operators not inconsistent with AS 28.01.010;

17 (2) licensing of drivers of taxicabs, for-hire automobiles,
18 motor buses, or other vehicles for the transportation of passengers or
19 baggage not inconsistent with AS 28.01.010;

20 (3) vehicle parking not inconsistent with AS 28.01.010;

21 (4) transportation fares;

22 (5) licensing, impounding and disposition of animals;

23 (6) selling of goods;

24 (7) selling of food;

25 (8) abandoned property;

26 (9) dangerous and disorderly conduct;

27 (10) alcoholic beverages as provided by AS 04.15.070;

28 (11) recreational devices as provided by AS 05.20.100;

1 (12) control of insects and rodents;

2 (13) offering for sale, exposure for sale, sale, use, or
3 explosion of fireworks;

4 (14) building, housing and related codes, which may be
5 provided by cities within cities or, in the manner required in (b) or (c) of
6 this section, by first or second class boroughs in the borough area outside
7 cities or areawide, subject to the following;

8 (A) exceptions to requirements of the codes may be made
9 in the codes among other reasons, in order to provide for the pre-
10 servation, maintenance and protection of historic sites, buildings
11 and monuments;

12 (B) codes may not be used to prohibit or restrict the
13 development or use of solar or wind energy unless the assembly or
14 council finds that the development or use of solar or wind energy
15 would endanger the health or safety of the public;

16 (15) condemnation and abatement of public nuisances and
17 hazards;

18 (16) garbage and solid-waste collection and disposal;

19 (17) water pollution control;

20 (18) air pollution control as provided in AS

21 46.03.140-46.03.240;

22 ^{any activity}
23 ~~(19) other powers and functions~~ affecting the general health,
24 safety, well-being and welfare of its inhabitants;

25 ~~(20) licensing of day care facilities.~~

26 (b) ^{(21) consumer protection} First and second class boroughs may exercise the powers
27 conferred by (a) of this section only after they have been assumed in the
28 manner required under AS 29.36.090-29.36.130 (AS 29.33.250-29.33.290) for
29 areawide exercise or in the manner required under AS 29.36.160-29.36.200 (AS
29.38.010-29.38.050) for exercise in the borough area outside cities

or are conferred by (Sec. 20) of this chapter for exercise in the borough area outside cities. However, as to powers conferred under (a)(5), (17), (18) and (20) of this section, exercise of the powers areawide or, as to (a)(5), ⁽¹⁵⁾ (17) and (20), in the borough area outside cities is at the option of the borough and is not subject to those restrictions on acquisition of additional borough powers. Upon adoption of a borough ordinance to provide for areawide exercise of the powers specified, no home rule or general law city within the borough may exercise the powers, unless the borough ordinance provides otherwise or the borough by subsequent ordinance ceases to exercise the power.

Sec. 29.33.100. (Sec. 29.48.040.) ^{add to extrajurisdictional jurisdiction} ~~substantive~~ MUNICIPALLY-OWNED UTILITIES. A municipality owning or operating utilities may extend service to adjacent areas outside its municipal limits. For that purpose the municipality may acquire, maintain and operate utility facilities together with necessary real property interests in real property outside its limits. This section applies to home rule and general law municipalities.

Sec. 29.33.110. (Sec. 29.48.050.) ^{add Gen. power grant} FRANCHISES AND PERMITS. (a) The assembly acting for the area outside cities and the council acting for the area within a city may grant franchises, including exclusive franchise privileges, ~~for the construction, operation and maintenance of bus transportation systems and public utilities not regulated under AS 42.05 and may permit them the use of streets and other public places under regulations prescribed by ordinance.~~ ^{leave in}

(b) No franchise is valid until it has been submitted to the qualified voters of the city or borough area outside cities in which it applies, and at least ^{a majority} ~~55 percent~~ of the votes cast are in favor of the franchise. At least 30 days notice of a franchise referendum election shall be given in the same manner as is provided for notice of regular municipal elections, and the notice shall specify the purpose of the election. The

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1 ordinance granting a franchise shall provide for its submission for
2 ratification to the qualified voters of the city or borough area outside
3 cities at either a regular or special election, and the result of the
4 election shall be canvassed publicly by the council or assembly and spread
5 upon the records of the minutes and the result declared and certified in the
6 same manner as in a regular election.

7 (c) Public utilities regulated under AS 42.05 have the right to
8 use the streets and other public places, upon payment of a reasonable permit
9 fee and on reasonable terms and conditions and with reasonable exceptions the
10 assembly or council requires. A dispute as to whether fees, terms,
11 conditions, or exceptions are reasonable shall be decided by the Alaska
12 Public Utilities Commission.

13 Sec. 29.33.120. (Sec. 29.48.060.) PUBLIC UTILITIES RATES. The
14 assembly acting for the area outside cities and the council acting for the
15 area within a city may regulate, fix, establish and change, as it considers
16 proper, the rates and charges imposed for utilities services given to the
17 municipality or its inhabitants by ^{not in power} a municipally owned utility ^{municipally owned utilities to the extent not} not regulated
18 under AS. 42.05 ^{prohibited by} and may regulate and provide what is a reasonable deposit for
19 meters and security for service to be given, provided that interest is paid
20 on the deposit. All rates, charges and regulations shall be reasonable and
21 shall permit a fair and reasonable return on invested capital.

22 Sec. 29.33.120. (Sec. 29.48.070.) HEARING FOR REGULATION OF UTILITIES
23 RATES. If the assembly or council considers it advisable to regulate,
24 change, or fix the rates to be charged by a public service corporation,
25 association or individual not regulated under AS 42.05, it shall order a
26 hearing to be held before the governing body at a time and place specified.
27 Notice of the hearing shall be given by at least one publication in a
28 newspaper of general circulation distributed within the municipality or, if
29 no newspaper of general circulation is distributed within the municipality,

1 notice shall be given by posting a notice in three public places within the
2 city or borough area outside cities receiving the utilities services and by
3 serving written notice upon the corporations, associations and individuals
4 whose rates are to be regulated, fixed, or changed in the same manner that
5 summonses are served. The notices shall be published or posted and served at
6 least 15 days before the hearing.

7 ~~Sec. 29.33.140.~~ (Sec. 29.48.080.) RIGHT TO PARTICIPATE AND COMPEL
8 TESTIMONY. At a hearing held under Sec. 70 of this chapter, all public
9 service corporations, associations, or individuals affected by or interested
10 in the matters to be heard may be present and may be represented by counsel.
11 The municipality and all interested parties may produce witnesses and examine
12 them and introduce evidence to prove or disprove the facts in issue or
13 matters to be established or inquired into at the hearing. All parties may
14 compel the attendance of witnesses, and subpoenas requiring attendance shall
15 be issued by the municipal clerk under his hand and the seal of the
16 municipality. Subpoenas duces tecum requiring the production of books and
17 papers shall be issued in like manner upon request. If a person fails to
18 obey a subpoena, the party at whose request the subpoena issued may petition
19 the superior court for an order compelling the attendance of the disobedient
20 witness or the production of the books or papers referred to in a subpoena
21 duces tecum. The superior court shall order the witness to appear and
22 testify or compel the production of the books or papers. A violation of the
23 order of the court is a contempt of court. If a witness appears and refuses
24 to testify concerning a matter material to the facts inquired about at the
25 hearing and to establish or determine which the hearing was had, an
26 application may be made to the superior court to compel the witness to
27 testify and answer questions put to him concerning the matters inquired
28 about, and the court shall make an order compelling the witness to testify.
29 Violation of the order is contempt of court.

1 ~~Sec. 29.33.150.~~ (Sec. 29.48.090.) FURTHER PROCEEDINGS. A hearing
2 under Sec. 70 of this chapter shall begin at the time stated in the notice
3 but may be continued from time to time. At least a quorum of the assembly or
4 council shall be present at the hearing. At the conclusion of the hearing
5 the parties interested may make such arguments before the assembly or
6 council, either in person or by attorney, as they consider proper, touching
7 the matters at issue, and thereafter the assembly or council shall proceed to
8 regulate and fix the rates by ordinance. The date upon which the rates fixed
9 or regulated take effect shall be stated in the ordinance and shall be at
10 least 10 days after passage and approval of the ordinance.

11 ~~Sec. 29.33.160.~~ (Sec. 29.48.100.) APPLICATION. (a) In the case of
12 conflict between the provisions of Secs. 110-130 (Secs. 50-70) of this
13 chapter and the provisions of AS 42.05 as to the regulation of rates of a
14 utility, the provisions of AS 42.05 shall prevail.

15 (b) Sections 110-160 (Sections 50-100) of this chapter apply to
16 home rule and general law municipalities.

17 Article 3. FISCAL DUTIES

18 Sec. 29.33.190. (Sec. 29.48.250.) CENTRALIZED PURCHASING. The
19 assembly or council may provide for centralized purchasing, storage and
20 distribution of supplies, material and equipment for the municipality and its
21 departments.

22 *but* Sec. 29.33.200. (Sec. 29.48.260.) MUNICIPAL PROPERTIES. (a) A
23 municipality may acquire and hold real and personal property or interest in
24 property, and may sell, lease or otherwise dispose of property no longer
25 required for municipal purposes.

26 (b) Notwithstanding the provisions of (c) of this section, a
27 municipality may sell, lease, donate or exchange with the United States, the
28 state, or a political subdivision real estate or other property, or interest
29 in property, when in the judgment of the assembly or council it is

LA-Lae20 advantageous to the municipality to do so.

(c) The assembly or council shall by ordinance establish a formal procedure for the sale, lease or disposition of real property or interest in real property. The ordinance shall require (1) an estimated value of the property by a qualified appraiser or the assessor; (2) a notice of sale published in a newspaper of general circulation distributed within the municipality at least 30 days before the date of the sale, lease, or disposition, or posted within that time in at least three public places in the municipality (3) public auction or opening of sealed bids, if any; and (4) other terms and conditions fixed by the assembly or council. However, no ordinance for the sale, lease, or disposition of real property or interest in real property valued at \$25,000 or more is valid unless ratified by a majority of the qualified voters voting at a regular or special election at which the question of the ratification of the ordinance is submitted. Thirty days notice shall be given of the election and during that period the assembly or council shall have published at least once a week in a newspaper of general circulation distributed within the municipality a notice stating the time of the election and the place of voting, describing the property to be sold, leased or disposed of, giving a brief statement of the terms and conditions of the sale and the consideration, if any, and stating the title and date of passage of the ordinance. Notice shall also be given by posting a copy of it in at least three public places in the municipality at least 30 days before the election. If no newspaper of general circulation is distributed within the municipality, the notice given by posting is sufficient for the purposes of this section.

(d) The assembly or council ^{shall} ~~may~~ by ordinance establish a formal procedure for acquisition ^{disposal} ~~from the state~~ of land ^{interests} ~~or rights~~ in land, ^{and} ~~and the disposal of the land or rights in land, in which event the provisions of (c) of this section do not apply.~~ ^{except that if no ~~conflicting~~ ^{by competitive means} process is used, it may be by ordinance.}

(e) A municipality, in order to make sites available for beneficial new industries, may acquire and hold real property, either inside or outside

1 the corporate limits, and may sell, lease or dispose of it to persons who
2 agree to operate a beneficial new industry upon the terms and conditions the
3 assembly or council considers advantageous to the municipality.

4 (f) A deed, contract of sale, lease, or other instrument evidencing
5 disposition by a borough of land or interest in land classified by the
6 borough as agricultural land shall include, among other terms, conditions and
7 limitations which may be required by law or which the assembly may elect to
8 include, a condition that the land is restricted to agricultural use. The
9 assembly may not by subsequent action waive or abrogate the condition for a
10 period of 50 years. An abrogation of the restriction to agricultural use
11 after the 50-year period requires the consent of any party having an interest
12 in the land. The assembly shall provide for enforcement by appropriate legal
13 means, including but not limited to forfeiture of the purchaser's interest
14 for violation of the condition.

15 Sec. 29.33.210. (Sec. 29.48.190.) BUDGET AND CAPITAL PROGRAM. (a) The
16 assembly or council shall establish the manner for the preparation and
17 submission of the budgets and capital programs by the executive. After
18 public hearing, the assembly or council may ~~by ordinance~~ approve the budgets with or
19 without amendments and shall appropriate the funds required for the approved
20 budgets. *violating - unconstitutional if not for capital project*

21 (b) A bond, contract, lease, or other obligation requiring the
22 payment of funds from the appropriations of a later fiscal year or of more
23 than one fiscal year shall be made or approved by ordinance adopted by a
24 majority of the votes authorized on the question.

25 (c) The assembly or council may make supplemental and emergency
26 appropriations. No payment may be authorized or made and no obligation
27 incurred except in accordance with appropriations.

28 (d) Nothing in this section is intended to prevent the authorizing
29 of payment or making of contracts for capital improvements to be financed
LA-1120 wholly or partly by the issuance of bonds.

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CHAPTER 36. AREAWIDE BOROUGH POWERS AND DUTIES
(CHAPTER 33. AREAWIDE BOROUGH POWERS AND DUTIES)

Article 1. SCOPE

Sec. 29.36.010. (Sec. 29.33.010.) SCOPE OF AREAWIDE POWERS. (a)
First and second class boroughs shall exercise the powers as specified and
in the manner specified in this chapter on an areawide basis, both inside
and outside cities within their boundaries.

(b) No city, whether home rule or not, may exercise an areawide
power once that power is being exercised by a borough.

Article 2. MANDATORY AREAWIDE POWERS AND DUTIES

(Chapter 33, Article 2. ASSESSMENT AND COLLECTION OF TAXES)

Sec. 29.36.040. (Sec. 29.33.050.) EDUCATION. Each borough
constitutes a borough school district and establishes, maintains, and
operates a system of public schools on an areawide basis as provided in AS
14.14.060. A military reservation within an organized borough is not part
of the borough school district until the military mission is terminated or
until inclusion in the borough school district is approved by the Department
of Education. However, operation of the military reservation schools by the
borough school district may be required by the Department of Education under
AS 14.14.110. If the military mission of a military reservation terminates
or continued management and control by a regional educational attendance
area is disapproved by the Department of Education, operation, management
and control of schools on military reservation transfers to the borough
school district in which the military reservation is located.

Sec. 29.36.050. (Sec. 29.33.030.) ASSESSMENT AND COLLECTION OF TAXES.
(ASSESSMENT AND COLLECTION) Boroughs shall assess and collect property,
sales, and use taxes levied within their boundaries, subject to ch. 45 (ch.
53) of this title. Taxes levied by a city and collected by a borough are
returned in full to the levying city.

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Cross reference - Borough shall provide for as provided in AS
Sec. 29.36.060. (New Section) PLANNING, PLATTING, AND ZONING.

Article 3. ACQUISITION OF ADDITIONAL AREAWIDE POWERS

(Chapter 33. Article 5. ADDITIONAL AREAWIDE POWERS)

Sec. 29.36.090. (Sec. 29.33.250.) ADDITIONAL AREAWIDE POWERS. First and second class boroughs acquire additional areawide municipal powers by transfer from a city or by holding an areawide election on the question, except as provided otherwise in AS 29.33.070 (AS 29.48.030) and AS 29.33.080 [29.48.035(b)].

Sec. 29.36.100. (Sec. 29.33.260.) TRANSFER BY CITY. (a) A city may transfer to the first or second class borough in which it is located any of its powers or functions, subject to the approval of the borough assembly.

(b) First and second class boroughs shall exercise all powers transferred to them by cities.

Sec. 29.36.110. (Sec. 29.33.270.) PETITION FOR POWER. An election on the question of adding an areawide power may be initiated in two ways:

(1) a number of voters equal to 15 percent of the number of votes cast in the borough at the preceding regular election may file a petition with the assembly, or

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

Sec. 29.36.120. (Sec. 29.33.280.) INVESTIGATION. The assembly shall hold at least one public hearing in the borough on the question. The assembly shall then evaluate the ability of the borough to exercise the powers and make its findings public.

Sec. 29.36.130. (Sec. 29.33.290.) ELECTION. (a) The assembly shall, within 30 days after its findings have been made public, order an election to be held on the question. The election shall be held at least 30 days after the order and not later than the next regular election occurring after the 30-day period.

1 (b) If more than one power is proposed, each appears separately
2 on the ballot.

3 (c) The borough mayor shall certify the election results to the
4 Department of Community and Regional Affairs. The vote on the question of
5 adding an areawide power shall be tabulated in two separate classifications.
6 One shall consist of all votes cast in the home rule and first class cities
7 of the borough. The other shall consist of all votes cast in the remaining
8 borough area. If the majority of the votes cast in each classification is
9 favorable, the borough shall assume the added power within 30 days of
10 certification of the election results. Upon acquisition of an areawide
11 power the borough succeeds to all of the rights, powers and duties of any
12 city or service area with respect to that power. The borough succeeds to
13 claims, franchises and other contractual obligations, liability for bonded
14 and all other indebtedness and to all of the right, title and interest in
15 the real and personal property held by the city or service area for the
16 exercise of the power. The borough assembly may levy and collect special
17 charges, taxes or assessments including interest for the purpose of
18 amortizing bonded indebtedness previously incurred by the city or service
19 area for continuing services in the area. When a city or service area had
20 previously incurred bonded indebtedness, no less than all property that was
21 within the city or service area at the time the bonds were issued shall
22 remain subject to taxation to pay the principal of and interest on the bond
23 for as long as they remain outstanding. Upon acquisition of additional
24 areawide powers the borough, in consultation with the city or service area
25 personnel, shall arrange for an orderly and equitable transfer of rights,
26 assets, liabilities, powers, duties and other matters related to acquisition
27 of the areawide powers. This subsection applies to home rule and general
28 law cities.
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Article 4. BOROUGH POWERS AND DUTIES IN THE AREA

OUTSIDE CITIES

(CHAPTER 38. BOROUGH POWERS AND DUTIES IN THE
AREA OUTSIDE CITIES

Sec. 29.36.160. (Sec. 29.38.010.) FIRST CLASS BOROUGH. The first class borough may exercise in the area outside cities any general law municipal power. Before exercising a power outside cities only, the borough shall seek to have the identical power transferred from cities within the borough or propose joint borough-city exercise of the power.

Sec. 29.36.170. (Sec. 29.38.020.) SECOND CLASS BOROUGH. The second class borough may exercise in the area outside cities municipal powers approved at incorporation, conferred by AS 29.36.170 (AS 29.48.020), or added as provided in this chapter. Before exercising a power outside cities only, the borough shall seek to have the identical power transferred from cities within the borough or propose joint borough-city exercise of the power.

Sec. 29.36.170. (Sec. 29.48.020.) SECOND CLASS BOROUGH POWERS OUTSIDE CITIES. [NOTE: THIS SECTION HAS BEEN COMBINED WITH SEC. 29.38.020] A second class borough may, in the area outside cities,

- (1) regulate or prohibit the offering for sale, exposure for sale, sale, use, or explosion of fireworks;
- (2) provide for the licensing, impounding, and disposition of animals;
- (3) regulate the licensing and operation of motor vehicles and operators;
- (4) regulate snow vehicles as provided in AS 05.30.070;
- (5) provide for garbage and solid waste collection and disposal subject to AS 29.33.080 (Sec. 33) of this chapter;

change vs include "septa"

(6) provide for water pollution control;

(7) establish or participate in federal and state government loan programs for housing rehabilitation and improvement for conservation of energy.

(9) tax, spend, and regulate for the purpose of promoting industrial development

Sec. 29.36.180. (Sec.29.38.030.) ADDITIONAL POWERS. The second class borough may initiate the acquisition of additional powers outside cities in either of two ways:

(1) a number of voters equal to 15 percent of the number of votes cast in the area outside cities at the preceding regular election may file a petition with the assembly, or

(2) the assembly may place the question on the ballot.

Sec. 29.36.190. (Sec. 29.38.040.) INVESTIGATION. The assembly shall hold at least one public hearing in the borough on the question. The assembly shall then evaluate the ability of the borough to exercise the powers and make its findings public.

Sec. 29.36.200. (Sec. 29.38.050.) ELECTION. (a) The assembly shall, within 30 days after its findings have been made public, order an election on the question in the borough area outside cities. The election shall be held at least 30 days after the order and not later than the next regular election occurring after the 30-day period.

(b) If more than one power is proposed, each appears separately on the ballot.

(c) The borough mayor shall certify the election results to the Department of Community and Regional Affairs. If the majority of the votes cast on the question is favorable, the borough shall assume the added power within 30 days of certification of election results.

Article 5. POWERS OF THIRD CLASS BOROUGHES

(CHAPTER 41. POWERS OF THIRD CLASS BOROUGHES)

1 Sec. 29.36.230. (Sec. 29.41.010.) POWERS OF THIRD CLASS BOROUGHES.

2 (a) A third class borough shall exercise the areawide powers of education
3 and tax assessment and collection in the manner provided for second class
4 boroughs. Areawide exercise of powers other than education and tax
5 assessment ^{those under AS 29.33.010} and collection is not authorized.

6 (b) A third class borough may by a majority vote of the voters in
7 a general or special election provide for planning, platting and zoning in
8 accordance with AS 29.42.010-29.42.150 (AS 29.33.070-29.33.245) for boroughs
9 and may exercise any general law municipal power which a second class
10 borough is authorized to assume by this title. Powers assumed by a third
11 class borough under this section may be exercised only within service areas.
12 A third class borough may establish, operate, alter or abolish service areas
13 in the manner provided by (AS 29.63.090) for second class boroughs. The
14 acquisition of additional powers on a service area basis may be initiated in
15 either of two ways:

16 (1) a number of voters equal to 15 percent of the number of
17 votes cast in the proposed service area at the preceding regular election
18 may file a petition with the assembly; or

19 (2) the assembly may place the question on the ballot.

20 (c) A third class borough may borrow money and issue negotiable
21 general obligation, revenue or refunding bonds and other evidences of
22 indebtedness as provided for first and second class boroughs in AS
23 29.51.200-29.51.510 (AS 29.58.150-29.58.340).

24 (d) A military reservation within a third class borough is not
25 part of the borough school district until the military mission is terminated
26 or until inclusion in the borough school district is approved by the
27 Department of Education. However, operation of the military reservator
28 schools by the borough school district may be required by the Department of
29 Education under AS 14.14.110. If the military mission of a military

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1 reservation terminates or continued management and control by a regional
2 educational attendance area is disapproved by the Department of Education,
3 operation, management and control of schools on the military reservation
4 transfers to the borough school district in which the military reservation
5 is located.

6 Sec. 29.36.240. (Sec. 29.41.020.) ASSEMBLY TO SERVE AS SCHOOL BOARD.
7 The borough assembly is the borough school board for third class boroughs.
8 The borough executive is the presiding officer of the borough assembly and
9 president of the school board. The borough executive has all powers of a
10 borough executive except for the veto power.

11 Article 6. SERVICE AREAS

12 Sec. 29.36.270. (Sec. 29.63.090) SERVICE AREAS. (a) Service areas
13 to provide special services within a borough may be established, operated,
14 altered or abolished by the assembly by ordinance. Special services include
15 services not provided on an areawide basis within the borough or the borough
16 area outside cities or a higher or different level of service than that
17 provided on an areawide basis or in the borough area outside cities. In a
18 first class borough the assembly may exercise within a service area any
19 power granted a first class city by general law. Except as provided in (f)
20 of this section, a second class borough may exercise the powers granted a
21 first class city by general law but the exercise of the powers must be
22 approved by a majority of the qualified voters residing within the service
23 area and voting on the question at a regular or special election. *upon petition signed by 75 owners*

24 (b) The assembly may levy or authorize the levying of taxes,
25 charges, or assessments in service areas to finance the special services.

26 (c) The assembly may provide for appointed or elected boards to
27 supervise the furnishing of special services in service areas.

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

1 provided by an existing service area, by annexation to a city, or by incor-
2 poration as a city.
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CHAPTER 39. POWERS OF CITIES OUTSIDE BOROUGHES

(CHAPTER 43. POWERS OF CITIES OUTSIDE BOROUGHES

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3 Sec. 29.39.010. (Sec. 29.43.010.) ADDITIONAL POWERS. In addition to
4 the powers granted by (ch. 48) of this title, cities outside boroughs are
5 granted the powers specified in this chapter. Powers of this chapter which
6 are incorporated by reference to laws governing boroughs apply to home rule
7 cities outside boroughs only in those cases in which they are made
8 applicable to home rule boroughs in the provisions incorporated.

9 Sec. 29.39.020. (Sec. 29.43.020.) ASSESSMENT AND TAX COLLECTION.
10 Home rule and first class cities outside boroughs may assess, levy and
11 collect a general property tax. A property tax if levied must be assessed,
12 levied and collected as provided by ch. 45 (ch. 53) of this title for
13 boroughs. Cities outside boroughs may levy and collect sales and use taxes
14 as provided by ch. 45 (ch. 53) of this title for boroughs.

15 Sec. 29.39.030. (Sec. 29.53.405) DIFFERENTIAL TAX ZONES. Cities may
16 by ordinance establish, alter and abolish differential tax zones to provide
17 and levy property taxes for services not provided generally within the city
18 or a different level of service than that provided generally within the
19 city.

20 Sec. 29.39.040. (Sec. 29.43.030.) EDUCATION. Home rule and first
21 class cities outside boroughs constitute city school districts and
22 establish, maintain, and operate a system of public schools as provided by
23 AS 29.36.040 (AS 29.33.050) for boroughs.

24 Sec. 29.39.050. (Sec. 29.43.040.) PLANNING AND ZONING. (a) Home rule
25 and first class cities outside first and second class boroughs shall, and
26 second class cities outside first and second class boroughs may, provide for
27 planning, platting and ~~zoning~~ ^{land use regulations}, as provided by AS 29.42.010-29.42.245 (AS
28 29.33.070-29.33.245) for boroughs.
29

(b) Home rule and first class cities within third class boroughs shall, and second class cities within third class boroughs may, provide for planning, platting and zoning, as provided by AS 29.42.010-29.42.150 (AS 29.33.070-29.33.245) for boroughs.

Sec. 29.39.060. (Sec. 29.43.100.) EXTENSION OF CURFEWS OUTSIDE CITIES. The provisions of a curfew ordinance enacted by a city of any class concerning minors shall be imposed in the total area within 20 miles of the limits of that city. If a given area lies within 20 miles of two or more cities with conflicting curfew ordinances, the provisions of the curfew ordinance of the city having the largest population prevails as to the overlapping area.

Sec. 29.39.070. (Sec. 29.43.105.) ENFORCEMENT OF CURFEWS. (a) The municipal peace officers shall enforce the provisions of the ordinance inside the city limits. Under AS 29.39.060-29.39.080 (AS 29.43.100 - 29.43.110) the state peace officers shall enforce the provisions of the ordinance in the area outside the city limits.

(b) In an area where state peace officers are not available, the municipal peace officer may enforce the provisions of the ordinance in the area outside the city limits if the enforcement responsibilities are delegated by contract between the state and the municipality.

Sec. 29.39.080. (Sec. 29.43.110.) PENALTY FOR VIOLATION OF CURFEW. The penalty for violation of AS 29.36.060-29.36.080 (AS 29.43.100 29.43.110) is as prescribed by the curfew ordinance of the city, and a fine so paid shall be paid to the city when the violation takes place in the city. Otherwise the fine shall be paid to the state. However, the penalty shall not exceed a fine of \$300, or imprisonment for 30 days, or both.

delete

*3rd class enforce
state law
let state
set curfew*

CHAPTER 42. PLANNING, PLATTING AND ZONING

(Chapter 33. Article 4. PLANNING, PLATTING AND ZONING)

Sec. 29.42.010. (Sec. 29.33.070.) PLANNING, PLATTING AND ZONING.

(a) First and second class boroughs shall provide for planning, platting and zoning on an areawide basis.

(b) The assembly by ordinance may

(1) designate the council of a city within the borough as a board of adjustment within the city;

(2) delegate other planning and zoning powers conferred by this chapter to a city within the borough;

(3) revoke or modify any part or all of the powers delegated under this subsection.

Sec. 29.42.020. (Sec. 29.33.080.) PLANNING COMMISSION. (a) The borough planning commission consists of five residents unless a greater number is otherwise provided by ordinance. Commission membership shall be apportioned so that the number of members from first class cities reflects the proportion of borough population residing within those cities. Members shall be appointed by the borough executive for a term of three years subject to confirmation by the assembly, except that appointments of members from first class cities are selected from a list of recommendations submitted by the city council. Members first appointed shall draw lots for one, two-and three-year terms. Appointments to fill vacancies are for the unexpired term. The compensation and expenses of the planning commission and its staff are paid as directed by the assembly.

(b) The commission shall prepare and recommend to the assembly

(1) a comprehensive plan consisting of maps and related texts for the systematic development of the borough;

(2) a zoning ordinance to implement the plan;

- 1 (3) a subdivision ordinance;
2 (4) the official map of the borough;
3 (5) modifications to the documents specified in (1)-(4) of
4 this section.

5 (c) The commission shall publish notice of and hold at least one
6 hearing before submitting its recommendations under (b) of this section to
7 the assembly.

8 (d) The commission shall

- 9 (1) act as the platting board;
10 (2) act upon requests for variances;
11 (3) act upon requests for conditional uses.

12 (e) Subject to Sec. 150 (Sec. 245) of this chapter, no platting
13 request, variance or conditional use may be granted except upon an
14 affirmative vote of a majority of the commission.

15 (f) The commission shall designate its presiding officer and
16 shall meet as frequently as is necessary. The commission shall establish ,
17 subject to approval by the assembly, rules and regulations for the conduct
18 of its meetings. Meetings shall be public and minutes shall be kept.
19 Minutes and records shall be filed with the municipal clerk and retained as
20 public records.

21 (g) Exceptions may be granted to building, housing and related
22 codes by the planning commission when an applicant for an exception
23 demonstrates that the exception will result in increased energy efficiency,
24 unless the planning commission determines that the exception would endanger
25 the health or safety of the public.

26 Sec. 29.42.030. (Sec. 29.33.085.) COMPREHENSIVE PLAN. (a) The
27 comprehensive plan is a compilation of policy statements, goals, standards
28 and maps for guiding the physical, social and economic development, both
29 private and public, of the borough, and may include, but is not limited to,

1 the following: statements of policies, goals, standards, a land use plan, a
2 community facilities plan, a transportation plan, and recommendations for
3 plan implementation.

4 (b) The assembly shall adopt a comprehensive plan based upon the
5 recommendations of the planning commission. The assembly may modify the
6 plan, provided that it first obtains the recommendations of the planning
7 commission. The planning commission shall undertake an overall review of
8 the plan at least once every two years and shall present recommendations
9 based on the review to the assembly.

10 Sec. 29.42.040. (Sec. 29.33.090.) ZONING. (a) In accordance with
11 the comprehensive plan, the assembly shall regulate and restrict the use of
12 land and improvements by districts or contract zoning to permit specific
13 uses provided for in the contract. Regulations shall be uniform for each
14 class or kind of building, structure, land or water area within each
15 district, but the regulations may differ among districts and exceptions may
16 be made in order to provide for the preservation, maintenance and protection
17 of historic sites, buildings and monuments. In this section, "contract
18 zoning" means a zoning reclassification to a less restricted use when the
19 owner of the rezoned property, either through an agreement with the assembly
20 or a covenant in favor of the borough, places restrictions on the use of the
21 land beyond the zoning requirements generally attaching to the new district
22 in which the property has been placed. The assembly shall hold a public
23 hearing on the proposed contract zoning.

24 (b) Zoning regulations adopted under (a) of this section may
25 include, but are not limited to, restriction of

- 26 (1) land use;
27 (2) building location and use;
28 (3) the height and size of structures;
29

(4) the number of stories in buildings;

(5) the percentage of lot which may be covered;

(6) the size of open spaces;

(7) population density and distribution.

(c) Zoning regulations are designed to

(1) provide for orderly development;

(2) lessen street congestion;

(3) promote fire safety and public order;

(4) protect the public health and general welfare;

(5) prevent overcrowding;

(6) stimulate systematic development of transportation, water, sewer, school, park and other public facilities.

(7) establish or participate in federal and state government loan programs for housing rehabilitation and improvement for conservation of energy.

(d) Repealed by sec. 45 ch 85 SLA 1979.

(e) A zoning ordinance adopted or amended under (a) of this section may not preclude an activity authorized under a license or permit issued under AS 04 if the activity was licensed or permitted by the Alcoholic Beverage Control Board before the adoption of the zoning ordinance or zoning ordinance amendment.

Sec. 29.42.050. (Sec. 29.33.110.) BOARD OF ADJUSTMENT. (a) The assembly is the board of adjustment but may delegate by resolution or ordinance part or all of its functions to a city within the borough for the area within city boundaries in accordance with AS 29.42.010(b)(1) [AS 29.33.070(b)(1)], in addition to making delegations as provided for an assembly under AS 29.42.150 (AS 29.33.245). Meetings of the borough board are held at the call of the presiding officer and of the city board by the mayor. The presiding officer or mayor may administer oaths and compel

attendance of witnesses. Meetings and hearings of the board shall be open to the public and the board shall keep minutes of its proceedings as a public record.

(b) The board of adjustment shall hear and decide

(1) appeals regarding alleged errors in enforcement of zoning ordinances and building codes;

(2) appeals from the decisions of the planning commission on requests for conditional uses;

(3) appeals from the decisions of the planning commission on requests for variances from the terms of the zoning ordinance which are not contrary to the public interest, when a literal enforcement would deprive a property owner of rights commonly enjoyed by other properties in the same district.

→ (c) A variance shall not be granted because of special conditions caused by actions of the person seeking relief or for reasons of pecuniary hardship or inconvenience. A variance shall not be granted which will permit a land use in a district in which that use is prohibited.

Sec. 29.42.060. (Sec. 29.33.120.) ADJUSTMENT PROCEDURE. An interested party, including but not limited to a borough or city official, may file with the board of adjustment an appeal specifying his objections. Copies are filed with the administrative officer involved and with the borough clerk within the time required by the zoning ordinance. The officer shall provide the board with all pertinent records, including his written decision. An appeal to the board stays enforcement proceedings unless the board or a court issues an enforcement order based on a certificate of imminent peril to life or property made by the enforcement officer.

Sec. 29.42.070. (Sec. 29.33.130.) JUDICIAL REVIEW. (a) The assembly shall provide by ordinance for appeals from the board of adjustment to the superior court.

1 (b) A municipal officer, a taxpayer, or a person, jointly or
2 severally aggrieved, may appeal an action of the board to the superior court
3 by filing with the borough clerk within the time fixed by ordinance, a
4 notice of appeal specifying grounds. When the notice of appeal is filed,
5 the board shall at once transmit to the superior court clerk copies of all
6 the papers constituting the record in the case.

7 (c) An appeal from the board of adjustment stays enforcement
8 proceedings unless the court issues an enforcement order based on a
9 certificate of imminent peril to life or property made by the board.

10 (d) The appeal is heard upon the record by the superior court,
11 and the court may reverse or affirm, wholly or partly, the decision appealed
12 from.

13 (e) Issues in proceedings under this section have preference over
14 all other civil actions and proceedings. An appeal lies from the decision
15 of the superior court as in other civil cases.

16 Sec. 29.42.080. (Sec. 29.33.150.) PLATTING JURISDICTION AND POWER.

17 (a) The planning commission acting as the platting board has jurisdiction
18 over platting and shall adopt and publish rules and regulations to implement
19 this power. Jurisdiction includes, but is not limited to, the control of

20 (1) form, size, and other aspects of subdivision,
21 dedications, and vacations of land;

22 (2) dimensions of lots or tracts;

23 (3) street width, arrangement, and right-of-way, including
24 allowance for access to lots and installation of street paving, curbs,
25 gutters, sidewalks, sewers, water lines, drainage, and other public utility
26 facilities and improvements.

27 (b) The regulations adopted under (a) of this section apply to
28 subdivision plats of undeveloped state land for disposal under AS 38.05 or
29 AS 38.08 filed with the platting board, except that the platting board may

not disapprove the subdivision plat or adopt regulations which require the state to construct access roads or capital improvements on state land included in the subdivision plat.

Sec. 29.42.090. (Sec. 29.33.160.) PROCEDURE. (a) The platting board shall within 60 days of filing approve or disapprove the plat or shall return it to the applicant for modification or correction. If the board fails to act, the plat is considered approved and a certificate of approval shall be issued by the board on demand. The applicant for plat approval may consent to the extension of the period for action by the board. The board shall state on its record and in writing to the applicant its reason for disapproval of a plat.

(b) The platting board shall submit an approved plat to the district recorder in compliance with AS 40.15.010-40.15.020.

(c) If a municipality has adopted a subdivision ordinance which requires the submission of a preliminary or sketch subdivision plat during the platting procedure, the commissioner of natural resources shall, not later than 60 days before filing a final subdivision plat which contains land to be disposed of to individuals under AS 38.05 or AS 38.08, file a preliminary subdivision plat with the platting authority of the municipality.

Sec 29.42.100. (Sec. 29.33.170.) WAIVER IN CERTAIN CASES. (a) The platting authority shall, in individual cases, waive the preparation, submission for approval, and recording of a plat upon satisfactory evidence that

(1) each tract or parcel of land will have adequate access to a public highway or street;

(2) each parcel created is five acres in size or larger and that the land is divided into four or fewer parcels;

1 (3) the conveyance is not made for the purpose of, or in
2 connection with, a present or projected subdivision development;

3 (4) no dedication of a street, alley, thoroughfare or other
4 public area is involved or required.

5 (b) In other cases the platting authority may waive the
6 preparation, submission for approval, and recording of a plat, if the
7 transaction involved does not fall within the general intent of Secs.
8 29.42.080-29.42.170 (Secs. 29.33.150-29.33.240) of this chapter and AS 40.15
9 if it is not made for the purpose of, or in connection with, a present or
10 projected subdivision development and no dedication of a street, alley,
11 thoroughfare, park or other public area is involved or required.

12 Sec. 29.42.110. (Sec. 29.33.180.) INFORMATION REQUIRED. A plat shall
13 show initial point of survey, original or reestablished corners and their
14 descriptions, and actual traverse showing area of closure and all distances,
15 angles and calculations required to determine initial point, corners and
16 distances of the plat, as well as other information which may be required by
17 ordinance.

18 Sec. 29.42.120. (Sec. 29.33.190.) PENALTIES. (a) The owner or agent
19 of the owner of land located within a subdivision who transfers, sells, or
20 enters into a contract to sell land in a subdivision before a plat of the
21 subdivision has been prepared, approved, and recorded, is guilty of a
22 misdemeanor and upon conviction is punishable by a fine of not more than
23 \$500 for each lot or parcel transferred, sold, or included in a contract to
24 be sold. The borough may enjoin a transfer, sale, or contract to sell, and
25 may recover the penalty by appropriate legal action.

26 (b) No person may record a plat or seek to have a plat recorded
27 unless it bears the approval of the platting board. A person who knowingly
28 violates this requirement is punishable upon conviction by a fine of not
29 more than \$500.

1 Sec. 29.42.140.²⁰ (Sec. 29.33.200.) ALTERATION OF REPLAT PETITION. No
2 recorded plat may be altered or replatted except upon petition of the owners
3 of a majority of the land affected by the alteration or replat or by the
4 platting board. No platted street may be vacated, except upon petition of
5 the municipality or owners of the majority of the front feet of the land
6 fronting the part of the street sought to be vacated. The petition shall be
7 filed with the platting board. It shall be accompanied by a copy of the
8 existing plat showing the proposed alteration or replat.

9 Sec. 29.42.140. (Sec. 29.33.210.) NOTICE OF HEARING. The platting
10 board shall fix a time for a hearing on the petition which shall not be more
11 than 60 days after the filing. The board shall publish a notice stating
12 when and by whom the petition was filed, its purpose, and the time and place
13 of the hearing. The notice shall generally describe the alteration or
14 replat sought. The notice shall be published once a week for two
15 consecutive weeks in a newspaper of general circulation in the area. The
16 board shall also mail a copy of the notice to each affected property owner
17 not signing the petition.

18 Sec. 29.42.150. (Sec. 29.33.220.) HEARING AND DETERMINATION. At the
19 hearing the platting board shall consider the alteration or replat and make
20 its decision on the merits of the proposal. No vacation of a city street
21 may be made without the consent of the city council. No vacation of a
22 street in the borough area outside cities may be made without the consent of
23 the borough assembly. The assembly or council shall have 30 days from the
24 decision in which to veto the board decision. If no veto is received by the
25 board within the 30-day period, the consent of the city or borough shall be
26 considered to have been given to the vacation.

27 Sec. 29.42.160. (Sec. 29.33.230.) RECORDING. If the alteration or
28 replat is approved, the revised plat must be recorded by the platting board
29 and is thereafter the lawful plat.

1 Sec. 29.42.170. (Sec. 29.33.240.) TITLE TO VACATED AREA. (a) The
2 title to the street or other public area vacated on a plat attaches to the
3 lot or lands bordering on the area in equal proportions, except that if the
4 area was originally dedicated by different persons, original boundary lines
5 shall be adhered to so that the street area which lies on one side of the
6 boundary line shall attach to the abutting property on that side, and the
7 street area which lies on the other side of the boundary line shall attach
8 to the property on that side. The portion of a vacated street which lies
9 within the limits of a platted addition attaches to the lots of the platted
10 addition bordering on the area. If a public square is vacated, the title to
11 it vests in the city if it lies within the city and to the borough if it
12 lies within the borough outside a city. If the property vacated is a lot or
13 tract, title vests in the rightful owner.

14 (b) If the borough or city acquired the street or other public
15 area vacated for legal consideration or by express dedication to and accep-
16 tance by the borough or city other than required subdivision platting,
17 before the final act of vacation the fair market value of the street or
18 public area shall be deposited with the platting authority to be paid over
19 to the borough or city on final vacation.

20 (c) Provisions of (a) of this section notwithstanding, the
21 council of a second class city located outside an organized borough may
22 vacate those streets, alleys, crossings, sidewalks or other public ways that
23 may have been previously dedicated or established when the council, in its
24 discretion, finds that the streets, alleys, crossings, sidewalks or other
25 public ways are no longer necessary for the public welfare, or when the
26 public welfare will be enhanced by the vacation. If the council determines
27 that all or a portion of the area vacated under this subsection should be
28 devoted to another public purpose, title to the area vacated and held for
29 another public purpose does not vest as provided in (a) of this section but
LA-Lr20 remains in the city.

1 Sec. 29.42.150. (Sec. 29.33.245.) DELEGATIONS. The assembly may by
2 ordinance authorize the planning commission, ^{and} the platting ^{authority} ~~board and the~~
3 ~~board of adjustment~~ to delegate powers to hear and decide cases under this
4 chapter in a manner authorized by the ordinance, including but not limited
5 to delegations to one or more members of the commission or board, to other
6 boards or commissions, or to a hearing officer designated by the commission
7 or board. ~~The assembly shall prescribe procedures for hearings and appeals.~~
8 ~~The commission or board shall hear and decide appeals de novo.~~
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CHAPTER 45. MUNICIPAL TAXATION

(Chapter 53. MUNICIPAL ASSESSMENT AND TAXATION

Article 1. MUNICIPAL PROPERTY TAX

Sec. 29.45.010. (Sec. 29.53.010.) GENERAL PROPERTY TAX. Home rule and general law boroughs may levy (1) an areawide property tax for areawide functions, and (2) a property tax limited to the area outside cities for functions limited to the area outside cities. A property tax if levied must be assessed, levied and collected on real and personal property as provided in this chapter. *Unified municipality may levy areawide and nonareawide property taxes.*

Sec. 29.45.020. (Sec. 29.73.070) TAXPAYER NOTICE. (a) If a municipality levies and collects real or personal 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 43.18.100)

(AS 43.18.100) \$

MUNICIPAL TAX RESOURCE EQUALIZATION ASSISTANCE

(AS 29.88) \$

STATE AID FOR MISCELLANEOUS MUNICIPAL SERVICES (AS 29.89)

(AS 29.89) \$

TOTAL AID \$

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

		MILLAGE EQUIVALENT	
		PREVIOUS YEAR	THIS YEAR
PUBLIC SCHOOL FOUNDATION PROGRAM			
ASSISTANCE		MILLS	MILLS
STATE AID FOR RETIREMENT OF			
SCHOOL CONSTRUCTION DEBT		MILLS	MILLS
MUNICIPAL TAX RESOURCE EQUALI-			
ZATION ASSISTANCE		MILLS	MILLS
STATE AID FOR MISCELLANEOUS			
MUNICIPAL SERVICES		MILLS	MILLS
TOTAL MILLAGE EQUIVALENT		MILLS	MILLS

Notice shall be provided

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

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

(b) If the municipality levies and collects only a sales tax, the governing body shall provide a notice substantially in the form set out in (a) of this section. In providing notice under this subsection, the council or assembly shall substitute for the millage equivalency its estimate of the equivalent sales tax rate for each of the categories of financial assistance set out in (a) of this section. Notice shall be provided

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

1 (2) if there is no newspaper of general circulation in the
2 municipality, by posting a copy of the notice for at least 20 days in at
3 least two public places within the municipality, with posting to occur not
4 later than 45 days after the final adoption of the municipality's budget.

5 (c) Compliance with the provisions of this section is a prerequi-
6 site to receipt of municipal tax resource equalization assistance under AS
7 29.62 (AS 29.88) and state aid for miscellaneous municipal services under AS
8 29.62 (AS 29.89). The Department of Community and Regional Affairs shall
9 withhold annual allocations under those chapters until municipal officials
10 demonstrate that the requirements of this section have been met.

11 Sec. 29.45.030. (Sec. 29.53.020.) REQUIRED EXEMPTIONS. (a) The
12 following property is exempt from general taxation:

13 (1) municipal, state or federally owned property, except
14 that private leaseholds, contracts or other interest in the property shall
15 be taxable to the extent of those interests;

16 (2) household furniture of the head of a family or a
17 householder not exceeding \$500 in value;

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

20 (4) property of a nonbusiness organization composed
21 entirely of persons with 90 days or more of active service in the armed
22 forces of the United States whose conditions of service and separation were
23 other than dishonorable, or the property of the auxiliary of such
24 organization;

25 (5) money on deposit;

26 (6) the real property of certain residents of the state to
27 the extent and subject to the conditions provided in (e) of this section.

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

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

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

6 (3) lots supporting and adjacent to a structure or
7 residence mentioned in (1) or (2) of this subsection which are necessary to
8 convenient use;

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

11 (c) Property described in (a) or (b) of this section from which
12 income is derived is exempt only if that income is solely from use of the
13 property by nonprofit religious, charitable, hospital, or educational groups
14 for classroom space.

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

18 (e) The real property owned and occupied as a permanent place
19 of abode by a resident 65 years of age or over is exempt from taxation of
20 the assessed value of the real property. Only one exemption may be granted
21 with respect to the same property and, if two or more persons are eligible
22 for an exemption with respect to the same property, the parties shall decide
23 between or among themselves which shall receive the benefit of the
24 exemption. No real property may be exempted under this subsection which the
25 assessor determines, after notice and hearing to the parties concerned, has
26 been conveyed to the applicant primarily for the purpose of obtaining the
27 exemption. The determination of the assessor is appealable under AS
28 44.62.560 and 44.62.570.

1 (f) No exemption may be granted except upon written application
2 for the exemption on a form prescribed by the state assessor for use by
3 local assessors. The claimant must file the application no later than
4 January 15 of the assessment year for which the exemption is sought, but
5 during the same year the governing body of the municipality for good cause
6 shown may waive the claimant's failure to make timely application for
7 exemption for that year and authorize the assessor to accept the application
8 as if timely filed. The claimant must file a separate application for each
9 assessment year in which the exemption is sought. If an application is
10 filed within the required time and is approved by the assessor, he shall
11 allow an exemption in accordance with the provisions of this section. If a
12 claimant whose failure to file by January 15 of the assessment year has been
13 waived as provided in this subsection and the application for exemption is
14 approved, the amount of tax which the claimant may have already paid for the
15 assessment year with respect to the property exempted shall be refunded to
16 him. The assessor may at any time require proof in the form he considers
17 necessary of the right and amount of an exemption claimed under this
18 section.

19 (g) The state shall reimburse a borough or city, as
20 appropriate, for the real property tax revenues lost to it by the operation
21 of (e) of this section. However, reimbursement will be made to a borough or
22 city for revenue lost to it only to the extent that the loss exceeds an
23 exemption which was granted by the borough or city, or which upon proper
24 application by an individual would have been granted by the borough or city,
25 under AS 29.53.025(a).

26 (h) Except as provided in (g) of this section, nothing in (e)
27 (i) of this section affects similar exemptions from property taxes granted
28 by municipalities on September 10, 1972 or prevents municipalities from
29 granting similar exemptions by ordinance as provided in AS 29.53.025.

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

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

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

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

16 Sec. 29.45.040. (Sec. 29.73.060.) PROPERTY TAX EQUIVALENCY PAYMENTS.

17 (a) A resident of the state 65 years of age or older who rents a permanent
18 place of abode is eligible for tax equivalency payments from the state
19 through the Department of Community and Regional Affairs.

20 (b) For purposes of determining payments to eligible persons, the
21 department shall calculate a property tax equivalent percentage for each
22 home rule or general law municipality which levies a general property tax at
23 the rate of one percent per mil. The property tax equivalent percentage
24 applied to the annual rent charged to the applicant equals the property tax
25 equivalency payment payable under this section.

26 (c) To obtain tax equivalency payments the eligible resident must
27 apply to the department for payment for the preceding year by January 15 of
28 each year on forms and in the manner prescribed by the department. Each
29 applicant shall submit with the application rental receipts or, if rental

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

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12 applied to the annual rent charged to the applicant equals the property tax
13 equivalency payment payable under this section.

14 (c) To obtain tax equivalency payments the eligible resident must
15 apply to the department for payment for the preceding year by January 15 of
16 each year on forms and in the manner prescribed by the department. Each
17 applicant shall submit with the application rental receipts or, if rental
18 receipts are not available, other evidence satisfactory to the department
19 for determination of the fact of payment of rent and the amount paid.

20 (d) If two or more persons occupy a residence as tenants, not all
21 of whom are eligible for tax equivalency payments under this section, the
22 assessor shall determine equitable partial payments to be made to the
23 eligible tenants. However, tax equivalency payments to an eligible
24 applicant may not be reduced because the spouse is less than 65 years of
25 age. If all occupants in a residence are eligible for tax equivalency
26 payments under this section, the occupants shall decide between and among
27 themselves which shall receive payment.

28 Sec. 29.45.050. (Sec. 29.53.025.) OPTIONAL EXEMPTIONS AND EXCLUSIONS.

29 (a) Municipalities may exclude or exempt or partially exempt residential

1 receipts are not available, other evidence satisfactory to the department
2 for determination of the fact of payment of rent and the amount paid.

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

11 Sec. 29.45.050. (Sec. 29.53.025.) OPTIONAL EXEMPTIONS AND EXCLUSIONS.

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1 property from taxation by ordinance ratified by the voters at a regular or
2 special election. An exclusion or exemption authorized by this section may
3 not exceed \$10,000 for any one residence.

4 (b) Municipalities may by ordinance

5 (1) classify boats and vessels for purposes of taxation and
6 may establish the assessed valuation of boats and vessels on the basis of
7 their registered or certificated net tonnage; a tax based upon a tonnage
8 valuation shall not exceed \$5 a year for a boat or vessel of less than five
9 net tons and shall not exceed \$15 a year for a boat or vessel of more than
10 five net tons;

11 (2) classify and exempt from taxation

12 (A) the household furniture over \$500 in value and the
13 effects of the head of a family or a householder; and

14 (B) the property of an organization not organized for
15 business or profit-making purposes and used exclusively for
16 community purposes, provided that income derived from rental of
17 such property does not exceed the actual cost to the owner of the
18 use by the renter; and

19 (C) historic sites, buildings and monuments;

20 (D) land of a nonprofit organization used for agricultural
21 purposes if rights to subdivide the land are conveyed to the state
22 and the conveyance includes a covenant restricting use of the land
23 to agricultural purposes only; rights conveyed to the state under
24 this subparagraph may be conveyed by the state only in accordance
25 with AS 38.05.069(c).

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

27 (1) a home rule or first or second class borough may, by
28 ordinance, adjust its property tax structure in whole or in part to the
29 property tax structure of a city within it, including but not limited to,

1 excluding personal property from taxation, establishing exemptions, and
2 extending the redemption period;

3 (2) a home rule or first class city shall have the same
4 power to grant exemptions or exclude property from borough taxes that it has
5 as to city taxes, provided that the exemptions or exclusions have been
6 adopted as to city taxes and further provided that the city appropriate to
7 the borough sufficient money to equal revenues lost by the borough because
8 of the exemptions or exclusions, the amount to be determined annually by the
9 assembly ~~without weighted voting~~ ^{OK}.

10 (3) a home rule or general law city within an organized
11 borough may, by ordinance, adjust its property tax structure in whole or in
12 part to the property tax structure of the borough, including but not limited
13 to exempting or partially exempting property from taxation.

14 (d) Exemptions or exclusions from property tax which have been
15 granted by home rule municipalities in addition to exemptions authorized or
16 required by law, and which are in effect on September 10, 1972 and not later
17 withdrawn, are not affected by this Act.

18 (e) Municipalities may by ordinance classify and exempt or par-
19 tially exempt from taxation privately owned land, wet land and water areas
20 for which a scenic, conservation, or public recreation use easement is
21 granted to a governmental body. To be eligible for a tax exemption, or
22 partial exemption, the easement must be in perpetuity. However, the
23 easement is automatically terminated before an eminent domain taking of fee
24 simple title or less than fee simple title to the property so that the
25 property owner is compensated at a rate which does not reflect the easement
26 grant.

27 (f) A municipality may by ordinance exempt from taxation all or
28 any part of the increase in assessed value of improvements to real property
29 if an increase in assessed value is directly attributable to alteration of

1 the natural features of the land or new maintenance, repair or renovation of
2 an existing structure and if the alteration, maintenance, repair or
3 renovation, when completed, enhances the exterior appearance or aesthetic
4 quality of the land or structure. No exemption may be allowed under this
5 subsection for the construction of an improvement to a structure if the
6 principal purpose of the improvement is to increase the amount of space for
7 occupancy or nonresidential use within the structure or for the alteration
8 of land as a consequence of construction activity. An exemption provided in
9 this subsection may continue for up to four years from the date the
10 improvement is completed or from the date of approval for the exemption by
11 the local assessor, whichever is later.

12 (g) A municipality may by ordinance exempt from taxation all or
13 any part of the increase in assessed value of improvements to a single
14 family dwelling if the principal purpose of the improvement is to increase
15 the amount of space for occupancy. An exemption provided in this subsection
16 may continue for up to two years from the date the improvement is completed
17 or from the date of approval of an application for the exemption by the
18 local assessor, whichever is later.

19 Sec. 29.45.060. (Sec. 29.53.030.) MINING CLAIMS. The assessed value
20 of an unimproved unpatented mining claim which is not producing, and a
21 nonproducing patented mining claim upon which the improvements originally
22 required for patent have become useless and valueless through depreciation,
23 removal or otherwise, is fixed at \$200 for each 20 acres or fraction of 20
24 acres. If the surface ground of a claim has a separate and independent
25 value for nonmining uses, the real and personal property is assessed at its
26 full and true value.

27 Sec. 29.45.070. (Sec. 29.53.035.) FARM OR AGRICULTURAL LANDS. (a)
28 Farm use lands included in a farm unit and not dedicated or being used for
29 nonfarm purposes shall be assessed on the basis of full and true value for
LA-160m use, and shall not be assessed as if subdivided or used for some other

1 nonfarm purpose. The assessor shall maintain records valuing the farm use
2 land for both full and true value and farm use value. Should the farm use
3 land be sold, leased, or otherwise disposed of for uses incompatible with
4 farm use or be converted to a use incompatible with farm use by the owner,
5 the owner is liable to pay an amount equal to the additional tax at the
6 current mill levy together with eight percent interest for the preceding
7 seven years, as though the land had not been assessed for farm use purposes.
8 Payment by the owner shall be made to the state to the extent of its
9 reimbursement for revenue loss under (e) of this section for the preceding
10 seven years. The balance of the payment shall be made to the city or
11 borough.

12 (b) An owner of farm use land must, to secure the assessment,
13 make application to the assessor before May 15 of each year in which the
14 assessment is desired. The application shall be made upon forms prescribed
15 by the state assessor for the use of the local assessor and shall include
16 information which may reasonably be required to determine the entitlement of
17 the applicant. If the farm use land is leased for farm use purposes, the
18 applicant shall furnish to the assessor a copy of the lease bearing the
19 signatures of both lessee and lessor along with the completed application.
20 The applicant shall furnish the assessor a copy of the lease covering the
21 period for which the exemption is requested.

22 (c) In this section "farm use" means the use of land for raising
23 and harvesting crops or for the feeding, breeding and management of
24 livestock or for dairying or another agricultural use for profit or any
25 combination thereof. To be farm use land, the owner or the lessee must be
26 actively engaged in farming the land, and derive at least 10 per cent of his
27 yearly gross income from the farm use land. The provisions of this section
28 do not apply to land respecting which the owner has granted, and has
29 outstanding, a lease or option to buy the surface rights. A property owner

1 wishing to file for farm use classification having no history of
2 farm-related income may submit a declaration of intent at the time of filing
3 the application with the assessor setting out the intended use of the land
4 and the anticipated percentage of income. An applicant using this procedure
5 shall file with the assessor before February 1 of the following year a
6 notarized statement of the percentage of gross income attributable to the
7 farm use land. Failure to make the filing required in this subsection
8 forfeits the exemption.

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

12 (e) Subject to legislative appropriations for the purpose, the
13 state shall reimburse a borough or city, as appropriate, for the real
14 property tax revenues lost to it by the operation of this section.

15 Sec. 29.45.080. (Sec. 29.53.040.) MOBILE HOMES. Mobile homes,
16 trailers, house trailers, trailer coaches and similar property used or
17 intended to be used for residential, office or commercial purposes and
18 attached to the land or connected to water, gas, electric or sewage
19 facilities are classed as real property for tax purposes except where
20 expressly classified as personal property by ordinance. This section does
21 not apply to house trailers and mobile homes which are unoccupied and held
22 for sale by persons engaged in the business of selling mobile homes.

23 Sec. 29.45.090. (Sec. 29.53.045.) TAX ON OIL AND GAS PRODUCTION AND
24 PIPELINE PROPERTY. (a) A municipality may levy and collect taxes on taxable
25 property taxable under AS 43.56 only by using one of the methods set out in
26 (b) or (c) of this section.

27 (b) A municipality may levy and collect a tax on the full and
28 true value of taxable property taxable under AS 43.56 as valued by the
29 Department of Revenue at a rate not to exceed that which produces an amount

of revenue from the total municipal property tax equivalent to \$1,500 a year for each person residing within its boundaries.

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

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

(e) For purposes of this section, population shall be determined by the commissioner of community and regional affairs based on the latest statistics of the United States Bureau of the Census or on other reliable population data, and shall advise each municipality of its population as so determined by January 15 of each year.

Sec. 29.45.100. (Sec. 29.53.050.) TAX LIMITATION. (a) No municipality may levy and tax for any purpose in excess of three percent of the assessed valuation of property within the municipality in any one year.

(b) No municipality, or combination of municipalities occupying the same geographical area, in whole or in part, may levy taxes (1) which will result in tax revenues from all sources exceeding \$1,000 a year for each person residing within their boundaries or (2) upon values which, when combined with the value of property otherwise taxable by the municipality, exceed the product of 225 percent of the average per capita assessed full and true value of property in the state multiplied by the number of

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1 residents of the taxing municipality. If two or more municipalities
2 occupying the same geographical area, in whole or in part, attempt to levy a
3 tax (1) the combined levy of which would result in tax revenues from all
4 sources exceeding \$1,000 a year for each person residing within their
5 boundaries or (2) upon value which, when combined with the value of property
6 otherwise taxable by the municipality, exceed the product of 225 per cent of
7 the average per capita assessed full and true value of property in the state
8 multiplied by the number of residents of the taxing municipality, the
9 commissioner of community and regional affairs shall apportion the lawful
10 levy and equitably divide these revenues on the basis of need, services
11 performed and other considerations in the public interest. For the purpose
12 of this subsection, population shall be determined by the commissioner of
13 community and regional affairs based on the latest statistics of the United
14 States Bureau of the Census or on other reliable population data. For
15 purposes of this subsection the average per capita assessed full and true
16 value of property in the state shall be calculated without regard to the
17 assessed value of taxable property under AS 43.58.

18 Sec. 29.45.110. (Sec. 29.53.055.) NO LIMITATIONS ON TAXES TO PAY
19 BONDS. The limitations provided for in Sec. 45 or 50 of this chapter do not
20 apply to taxes levied or pledged to pay or secure the payment of the
21 principal and interest on bonds. Taxes to pay or secure the payment of
22 principal and interest on bonds may be levied without limitation as to rate
23 or amount, regardless of whether the bonds are in default or in danger of
24 default.

25 Sec. 29.45.120. (Sec. 29.53.060.) FULL AND TRUE VALUE. (a) The
26 assessor shall assess property at its full and true value as of January 1 of
27 the assessment year, except as provided in this section and Secs. 30, 35 and
28 160 of this chapter. The full and true value is the estimated price which
29 the property would bring in an open market and under the then prevailing

1 market conditions in a sale between a willing seller and a willing buyer
2 both conversant with the property and with prevailing general price levels.

3 (b) Assessment of business inventories may be based on the
4 average monthly method of assessment rather than the value existing on
5 January 1. The method used to assess business inventories shall be
6 prescribed by the borough assembly.

7 (c) In the case of cessation of business during the tax year, the
8 assembly may provide for reassessment of business inventories using the
9 average monthly method of assessment for the tax year rather than the value
10 existing on January 1 of the tax year, and for reduction and refund of
11 taxes. In enacting an ordinance authorized by this section, the assembly
12 may prescribe procedures, restrictions, and conditions of assessing or
13 reassessing business inventories and of remitting or refunding taxes.

14 Sec. 29.45.130. (Sec. 29.53.070.) RETURNS. (a) The assembly may
15 require every person having ownership or control of or an interest in
16 property to submit a return in the form prescribed by the assessor, based on
17 property values existing on January 1, except as otherwise provided in this
18 chapter.

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

21 Sec. 29.45.140. (Sec. 29.53.080.) INDEPENDENT INVESTIGATION. (a) The
22 assessor is not bound to accept a return as correct. He may make an
23 independent investigation of property returned or of taxable property upon
24 which no return has been filed. In either case, the assessor may make his
25 own valuation of the taxable property, which is prima facie evidence.

26 (b) For investigation, the assessor or his agent may enter any
27 premise during reasonable hours and may examine property on the premises.
28 He may examine all property records involved. A person shall, upon request,
29 furnish to the assessor or his agent every facility and assistance for the

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1 purposes of the investigation. If refused entry, the assessor may seek a
2 court order to compel entry.

3 (c) An assessor may examine a person on oath. Upon request, the
4 person shall present himself for examination by the assessor.

5 Sec. 29.45.150. (Sec. 29.53.090.) STATEMENT. A person who fails to
6 file a statement required by ordinance or who knowingly makes a false
7 affidavit to a statement required by a tax ordinance relative to the amount,
8 location, kind or value of property subject to taxation with intent to evade
9 the taxation, is guilty of a misdemeanor. Upon conviction, he is punishable
10 by a fine of not more than \$500, or by imprisonment for not more than 30
11 days, or by both, together with costs of prosecution.

12 Sec. 29.45.160. (Sec. 29.53.095.) REEVALUATION. A systematic
13 reevaluation of taxable real and personal property undertaken by the
14 assessor, whether of specific areas in which real property is located or of
15 specific classes of real or personal property to be assessed, shall be made
16 only in accordance with a resolution or other act of the assembly directing
17 a systematic reevaluation of all taxable property within the borough over
18 the shortest period of time practicable, as determined by the assembly and
19 fixed in the resolution or other act of the assembly.

20 Sec. 29.45.170. (Sec. 29.53.100.) ASSESSMENT ROLL. (a) The assessor
21 shall prepare an annual assessment roll. The roll contains

- 22 (1) a description of all taxable property;
23 (2) the assessed value of all taxable property;
24 (3) the names and addresses of persons with property subject
25 to assessment and taxation.

26 (b) The assessor may list real property by any description that
27 may be made certain. Real property is assessed to the owner of record as
28 shown in the records of the district recorder, who shall at least monthly
29 provide the assessor a copy of each recorded change of ownership showing the

name and mailing address of the owner and the name and mailing address of the party recording the change of ownership. Other persons having an interest in the property may be listed on the assessment records with the owner. The person in whose name property is listed as owner is conclusively presumed to be the legal owner of record. If the property owner is unknown, the property may be assessed to "unknown owner." No assessment is invalidated by a mistake, omission or error in the name of the owner, if the property is correctly described.

Sec. 29.45.180. (Sec. 29.53.110.) ASSESSMENT NOTICE. (a) The assessor shall give every person named in the assessment roll a notice of assessment, showing the assessed value of his property. On each notice is printed a brief summary of the dates when taxes are payable, delinquent and subject to penalty and interest, and the dates when the board of equalization will sit.

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

Sec. 29.45.190. (Sec. 29.53.120.) CORRECTIONS. (a) A person receiving an assessment notice shall advise the assessor of errors or omissions in the assessment of his property. The assessor may correct errors or omissions in the roll before the board of equalization hearing.

(b) If errors found in the preparation of the assessment roll are adjusted, the assessor shall mail a corrected notice allowing 30 days for appeal to the board.

Sec. 29.45.200. (Sec. 29.53.130.) APPEAL. (a) A person whose name appears on the assessment roll or his agent or assigns may appeal to the board of equalization for relief from an alleged error in valuation not adjusted by the assessor to the taxpayer's satisfaction.

1 (b) The appellant shall, within 30 days from the date of mailing
2 of notice of assessment, submit to the assessor a written appeal specifying
3 grounds in the form which the board may require. Otherwise, the right of
4 appeal ceases unless the board finds that the taxpayer was unable to comply.

5 (c) The assessor shall notify appellants by mail of the time and
6 place of their hearing.

7 (d) The assessor shall prepare for use by the board a summary of
8 assessment data relating to each assessment which is appealed.

9 (e) A city may appeal an assessment to the board of equalization
10 in the same manner as a taxpayer. Within five days after receipt of the
11 appeal, the assessor shall notify the person whose property assessment is
12 being appealed by the city.

13 Sec. 29.45.210. (Sec. 29.53.135.) BOARD OF EQUALIZATION. The
14 assembly sits as a board of equalization for the purpose of hearing any
15 appeal from determinations of the borough assessor, or it may delegate this
16 authority to a board appointed by it for that purpose. The board of
17 equalization shall consist of at least that number of members of the
18 assembly over and above the number required for a quorum to transact
19 business. The board is governed in its proceedings by such procedures
20 consistent with general rules of administrative law and the laws governing
21 equalization proceedings as may be adopted by ordinance, including but not
22 limited to quorum and voting requirements. The assembly shall by ordinance
23 adopt rules for the membership and conduct of the board.

24 Sec. 29.45.220. (Sec. 29.53.140.) HEARING. (a) If an appellant fails
25 to appear, the board of equalization may proceed with the hearing in his
26 absence.

27 (b) The appellant bears the burden of proof.

28 (c) The only grounds for adjustment is proof of unequal,
29 excessive or improper valuation based on facts which are stated in a valid
LA-Lw20tten appeal timely filed or proved at the hearing.

1 (d) The board shall certify its actions to the assessor within
2 seven days.

3 (e) The assessor shall enter the changes and certify the final
4 assessment roll by June 1.

5 (f) An appellant may appeal to the superior court for, and is
6 entitled to, trial de novo of the board's action. Either party to the
7 appeal may demand a jury trial.

8 Sec. 29.45.230. (Sec. 29.53.150.) SUPPLEMENTARY ASSESSMENT ROLLS.
9 The assessor shall include property omitted from the assessment roll on a
10 supplementary roll, using the procedures set out in this chapter for the
11 original roll.

12 Sec. 29.45.240. (Sec. 29.53.160.) TAX ADJUSTMENTS ON PROPERTY
13 AFFECTED BY A NATURAL DISASTER. (a) The assembly may provide for
14 reassessment and reduction of taxes for property destroyed, damaged, or
15 otherwise reduced in value as a result of a natural disaster.

16 (b) A reassessment may be made by the assessor only upon the
17 receipt of a sworn statement of the taxpayer that his losses exceed \$1,000.
18 A reduction of taxes may be made only on losses in excess of \$1,000 for the
19 remainder of the year following the disaster. Upon reassessment, the
20 borough shall recompute this tax and refund taxes which have already been
21 paid.

22 (c) The borough shall make notice of assessment or reassessment
23 and shall hold an equalization hearing as provided in this chapter, except
24 that a notice of appeal is filed with the board of equalization within 10
25 days after notice of assessment is given to the person appealing.
26 Otherwise, the right of appeal ceases unless the board finds that the
27 taxpayer is unable to comply.

28 (d) In enacting an ordinance or resolution authorized by this
29 section, the assembly may, consistent with this section, prescribe

1 procedures, restrictions and conditions of assessing or reassessing property
2 and of remitting, refunding or forgiving taxes.

3 (e) In this section "disaster" means a major disaster declared by
4 the President of the United States under the provisions of the Federal
5 Disaster Act of 1950, Title 42, United States Code, sec. 1855-1855g, or
6 other federal law.

7 Sec. 29.45.250. (Sec. 29.53.170.) TAX LEVY AND RATE. (a) The power
8 granted to the assembly to assess, levy and collect a general property tax
9 shall be exercised by means of general ordinances, but the rate of levy, the
10 date of equalization and the date when taxes become delinquent shall be
11 fixed by resolution.

12 (b) The assembly shall annually determine the rate of levy before
13 June 15. By July 1 the tax collector shall mail tax statements setting out
14 the levy, dates when taxes are payable and delinquent, and penalties and
15 interest.

16 Sec. 29.45.260. (Sec. 29.53.180.) RATES OF PENALTY AND INTEREST. (a)
17 If the taxpayer is required to pay the entire tax on the due date set by the
18 assembly, a penalty not to exceed 10 percent may be added to all delinquent
19 taxes, and interest at the rate of eight percent a year shall accrue upon
20 all unpaid taxes, not including penalty, from the due date until paid in
21 full. If the taxpayer is given the right to pay the tax in two installments
22 and the first half is not paid when due, the entire tax becomes delinquent
23 and penalty and interest accrue as follows:

24 (1) if the first half is paid when due, the second half is
25 payable on the due date fixed by the assembly for the second half and if not
26 paid is delinquent after that date;

27 (2) a penalty not to exceed eight percent shall be added to
28 all taxes delinquent until the due date fixed for payment of the second
29 half, and interest at the rate of eight percent a year shall be charged on

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1 the whole of the unpaid taxes, not including penalty, from due date until
2 paid in full;

3 (3) after the due date for the payment of the second half, a
4 total penalty of not more than 10 percent may be added to all delinquent
5 taxes, and interest at the rate of eight percent a year shall accrue upon
6 all unpaid taxes, not including penalties, from due date until date paid in
7 full.

8 (b) If the assembly imposes a penalty for the nonpayment of
9 property taxes when due, or the late return of personal property assessment
10 forms, the rate of penalty or combined rates of penalty may not exceed 10
11 percent of the tax due on the property concerned.

12 (c) If the assembly charges interest on property taxes not paid
13 when due, the rate of interest may not exceed eight percent a year upon the
14 delinquent taxes and shall be charged from the due date until paid in full.

15 ARTICLE 2. ENFORCEMENT OF TAX LIENS

16 Sec. 29.45.290. (Sec. 29.53.200.) VALIDITY. Certified assessment and
17 tax rolls are valid and binding on all persons, notwithstanding any defect,
18 error, omission or invalidity in the assessment rolls or proceedings
19 pertaining to the assessment roll.

20 Sec. 29.45.300. (Sec. 29.53.210.) TAX LIABILITY. (a) The owner of
21 personal property assessed is personally liable for the amount of taxes
22 assessed against his property. The tax, together with penalty and interest,
23 may be collected in a personal action brought in the name of the borough.

24 (b) Real property taxes, together with penalty and interest, are
25 a lien upon the property assessed, and the lien is prior and paramount to
26 all other liens or encumbrances against the property.

27 Sec. 29.45.310. (Sec. 29.53.220.) ENFORCEMENT OF PERSONAL PROPERTY
28 TAX LIENS BY DISTRAINT AND SALE. The lien of personal property taxes may be
29 enforced by distraint and sale of the property. The assembly shall provide

the procedure for distraint and sale by ordinance. No seizure, levy or distraint is legal unless demand is first made of the person assessed for the amount of the tax, penalty and interest, and no sale is valid unless made at public auction after 15 days notice given by posting or publication. The seizure is made by virtue of a warrant issued by the borough clerk to a peace officer. If the property sold is not sufficient to satisfy the tax, penalty, interest, and costs of sale, the warrant may authorize the seizure of other personal property sufficient to satisfy the tax, penalty, interest and costs of sale.

Sec. 29.45.320. (Sec. 29.53.230.) REAL PROPERTY TAX COLLECTION. (a) The borough shall enforce delinquent real property tax liens by annual foreclosure, unless otherwise provided by ordinance.

(b) If the tax on property described in Sec. 40 of this chapter or on a leasehold interest in tax exempt property is not paid when due, a borough may enforce the tax by a personal action against the delinquent taxpayer brought in the district or superior court, in addition to other remedies available to the borough to enforce the lien.

Sec. 29.45.330. (Sec. 29.53.240.) FORECLOSURE LIST. (a) The borough shall

(1) annually present a petition for judgment and a certified copy of the foreclosure list for the previous year's delinquent taxes in the superior court for judgment;

(2) publish the foreclosure list for four consecutive weeks in a newspaper of general circulation distributed within the borough or, if there is no newspaper of general circulation distributed within the borough, post the list at three public places for at least 30 days;

(3) within 10 days after the first publication or posting, mail to the last known owner of each property as his name and address appear on the list a notice advising of the foreclosure proceeding in which a

petition for judgment of foreclosure has been filed and describing the property and the amount due as stated on the list.

(b) The list shall be arranged in alphabetical order as to the last name and shall include

- (1) the last known owner;
- (2) the property description as stated on the assessment roll;
- (3) years and amounts of delinquency;
- (4) penalty and interest due;
- (5) a statement that the list is available for public inspection at the clerk's office;

(6) a statement that the list has been presented to the superior court with a petition for judgment and decree.

(c) Completion of the requirements of (a) of this section constitutes and has the same force and effect as the filing of an individual and separate complaint and service of summons to foreclose a lien against each property described on the foreclosure list.

Sec. 29.45.340. (Sec. 29.53.250.) CLEARING DELINQUENCIES. During the publication or posting of the foreclosure list and up to the time of transfer to the borough a person may pay the taxes, together with the penalty, interest and costs. The collector shall note payment on the foreclosure list.

Sec. 29.45.350. (Sec. 29.53.260.) LIST TO LIENHOLDER. A holder of a mortgage or other lien on real property may request the clerk to send by certified mail notice of a foreclosure list which includes such real property.

Sec. 29.45.360. (Sec. 29.53.270.) GENERAL FORECLOSURE. The borough shall bring one general foreclosure proceeding in rem against the properties included in the list. If the owner is unknown, the property is proceeded

1 against as belonging to "unknown owner." Tax foreclosure proceedings have
2 priority over all other civil proceedings except board of adjustment appeals
3 as provided in AS 29.33.130(e).

4 Sec. 29.45.370. (Sec. 29.53.280.) ANSWER AND OBJECTION. A person
5 having an interest in a tract on the foreclosure list may file an answer
6 within 30 days of the date of last publication, specifying his objection.
7 The court shall make its decision in summary proceedings. The foreclosure
8 list is prima facie evidence that the assessment and levy of the tax is
9 valid and that the tax is unpaid.

10 Sec. 29.45.380. (Sec. 29.53.290.) JUDGEMENT. The court shall in a
11 proper case give judgment and decree that the tax liens be foreclosed. It
12 is a several judgment against and a lien on each parcel.

13 Sec. 29.45.390. (Sec. 29.53.300.) TRANSFER AND APPEAL. (a)
14 Foreclosed properties are transferred to the borough for the lien amount.
15 When answers are filed the court may enter judgment against and order the
16 transfer to the borough of all other properties on the list pending
17 determination of the matters in controversy. The court shall hear and
18 determine the issues raised by the complaint and answers in the same manner
19 and under the same rules as it hears and determines other actions.

20 (b) The court clerk shall deliver a certified copy of the
21 judgment and decree to the borough clerk. The certified judgment and decree
22 constitutes a transfer to the borough.

23 (c) The judgment and decree stops objections to it which could
24 have been presented before judgment and decree.

25 (d) Appeal from a judgment and decree of foreclosure, or from a
26 final order in the proceeding, may be taken in the manner provided for
27 appeals in civil actions.

28 Sec. 29.45.400. (Sec. 29.53.310.) REDEMPTION PERIOD. (a) Properties
29 transferred to the borough are held by the borough for at least one year.

1 During the redemption period a party having an interest in the property may
2 redeem it by paying the lien amount plus penalties, interest and costs,
3 including all costs incurred under Sec. 350(a) of this chapter. Property
4 redeemed is subject to all taxes, assessments, liens and claims as though it
5 had continued in private ownership. Only the amount applicable under the
6 judgment and decree must be paid in order to redeem the property.

7 (b) A person holding a mortgage or other lien of record covering
8 a part only of a parcel of real property included in the judgment and decree
9 of foreclosure may redeem that part by paying the proportionate amount
10 applicable under the judgment and decree.

11 Sec. 29.45.410. (Sec. 29.53.320.) EFFECT. Receipt of redemption
12 money by the clerk releases all claims of the borough to the property. The
13 clerk shall record the redemption and issue a certificate containing a
14 property description, the redemption amount, and the dates of judgment and
15 decree of foreclosure. The clerk shall file the certificate with the
16 recorder and collect the recording fee from the person redeeming at the time
17 of redemption. The court clerk shall file the certificate as part of the
18 judgment roll.

19 Sec. 29.45.420. (Sec. 29.53.330.) ADDITIONAL LIENS. If a property
20 included in a foreclosure list is removed after payment of delinquencies or
21 redemption by another lienholder, the payment represented by receipt for
22 payment constitutes an additional lien on the property, collectible by the
23 lienholder in the same manner as the original lien.

24 Sec. 29.45.430. (Sec. 29.53.340.) POSSESSION DURING REDEMPTION
25 PERIOD. Foreclosure does not affect the former owner's right to possession
26 during the redemption period. In the event that waste is committed by the
27 former owner, or by anyone acting under his permission or control, the
28 borough may declare an immediate forfeiture of the right to possession.
29

1 Sec. 29.45.440. (Sec. 29.53.350.) EXPIRATION. (a) At least 30 days
2 before the expiration of the redemption period the clerk shall publish a
3 redemption period expiration notice. The notice shall contain the date of
4 judgment, the date of expiration of the period of redemption and a warning
5 to the effect that all properties ordered sold under the judgment, unless
6 redeemed, shall be deeded to the borough or city immediately on expiration
7 of the period of redemption and that every right or interest of any person
8 in the properties will be forfeited forever to the borough or city. The
9 notice is published once a week for four consecutive weeks in a newspaper of
10 general circulation distributed within the borough. If there is no
11 newspaper of general circulation distributed within the borough, the notice
12 is posted in three public places for at least four consecutive weeks. The
13 clerk shall send a copy of the published notice by certified mail to each
14 record owner of property against which a judgment of foreclosure has been
15 taken and, if the assessed value of the property is more than \$10,000, to
16 all holders of mortgages or other liens of record on the property. The
17 notice shall be mailed within five days of the first publication. The
18 mailing shall be sufficient if mailed to the property owner and to the
19 holder of a mortgage or recorded lien at the last address of record. The
20 right of redemption shall expire 30 days after the date of the first
21 publication notice.

22 (b) Costs incurred in the determination of holders of mortgages
23 and other liens of record and costs of publication of notice incurred by a
24 municipality under (a) of this section are a lien on the property and may be
25 recovered by the municipality.

26 Sec. 29.45.450. (Sec. 29.53.360.) DEED TO BOROUGH OR CITY. (a)
27 Unredeemed properties in the area of the borough outside cities are deeded
28 to the borough by the clerk of the court. Unredeemed properties within a
29 city are deeded to the city subject to the payment by the city of unpaid

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1 borough taxes and costs of foreclosure levied against the property before
2 foreclosure. The deeds shall be recorded in the recording district in which
3 the property is located.

4 (b) Conveyance gives the borough or the city clear title except
5 for prior recorded liens of the United States and the state.

6 (c) If unredeemed property lies within a city and if the city has
7 no immediate public use for the property but the borough does have an
8 immediate public use, the city shall deed the property to the borough. If
9 unredeemed property lies within the borough outside a city and if the
10 borough does not have an immediate public use for the property but the city
11 does have an immediate public use, the borough shall deed the property to
12 the city.

13 (d) No deed is invalid for irregularities, omissions or defects,
14 unless the former owner has been misled to his injury. After two years from
15 the date of the deed, its validity is conclusively presumed and any claim of
16 the former owner is forever barred.

17 Sec. 29.45.460. (Sec. 29.53.370.) DISPOSITION AND SALE OF FORECLOSED
18 PROPERTIES. (a) The assembly of a borough or council of a city shall
19 determine by ordinance whether foreclosed property deeded to the
20 municipality under Sec. 360 of this chapter shall be retained by the
21 municipality for a public purpose. The ordinance shall contain the legal
22 description of the property, the address or a general description of the
23 property sufficient to provide the public with notice of its location, and
24 the name of the last record owner of the property as his name appears on the
25 assessment rolls of the municipality.

26 (b) Tax-foreclosed properties conveyed to a borough or city by
27 tax foreclosure and not required for a public purpose may be sold. Before
28 the sale of tax-foreclosed property held for a public purpose, the assembly
29 or council, by ordinance, shall determine that a public need does not exist.

LA-LTR0 ordinance shall contain the information required in (a) of this section.

1 (c) The clerk shall send a copy of the published notice of
2 hearing of an ordinance to consider a determination required by (a) or (b)
3 of this section by certified mail to the former record owner of the parcel
4 of property which is the subject of the ordinance. The notice shall be
5 mailed within five days of its first publication and shall be sufficient if
6 mailed to the property owner at the last address of record.

7 (d) The provisions of (c) of this section do not apply with
8 respect to property which has been held by the municipality for a period of
9 more than 10 years after the close of the redemption period.

10 Sec. 29.45.470. (Sec. 29.53.375.) REPURCHASE BY RECORD OWNER. (a)
11 The record owner at the time of tax foreclosure of property acquired by a
12 borough or city, or his assigns, may, at any time before the sale or
13 contract of sale of the tax-foreclosed property by the borough or city,
14 repurchase the property. The borough or city shall sell the property for
15 the full amount applicable to the property under the judgment and decree,
16 with interest at the rate of eight percent a year from the date of entry of
17 the judgment of foreclosure to the date of repurchase, delinquent taxes
18 assessed and levied as though it had continued in private ownership, and
19 costs of foreclosure and sale, including, but not limited to, costs of
20 publication of notice and any costs associated with the determination of
21 holders of mortgages and other liens of record under Sec. 350(a) of this
22 chapter.

23 (b) After adoption of an ordinance providing for the retention of
24 a parcel of tax-foreclosed property by the municipality for a public
25 purpose, the right of the former record owner to repurchase the property
26 ceases.

27 Sec. 29.45.480. (Sec. 29.53.380.) PROCEEDS OF TAX SALE.

28 (a) Upon sale of foreclosed real or personal property the borough or city
29 shall divide the proceeds less cost of collection, between the borough and

1 the city having unpaid taxes against the property. The division is in
2 proportion to the respective municipal taxes against the property at the
3 time of foreclosure.

4 (b) The former record owner of tax-foreclosed real property which
5 has been held by a municipality for less than 10 years after the close of
6 the redemption period and never designated for a public purpose which is
7 sold at a tax-foreclosure sale is entitled to the portion of the proceeds of
8 the sale which exceeds the amount sufficient to satisfy unpaid taxes,
9 delinquent taxes assessed and levied as if the property had continued in
10 private ownership, penalty, interest and costs of property sold, including
11 costs incurred under Sec. 350(a) of this chapter. If the proceeds of the
12 sale of tax-foreclosed property exceed the total of unpaid and delinquent
13 taxes, penalty, interest, and costs, the borough or city shall provide the
14 former owner of the property written notice advising of the amount of the
15 excess and the manner in which a claim for the balance of the proceeds may
16 be submitted. Notice is sufficient under this subsection if mailed to the
17 former owner at his last address of record. Upon presentation of a proper
18 claim, the municipality shall remit the excess to the former record owner. A
19 claim for the excess filed after six months of the date of sale is forever
20 barred.

21 Sec. 29.45.490. (Sec. 29.53.385.) PAYMENT OF TAXES UPON PUBLIC
22 UTILIZATION. If a city or borough holds or takes title to tax-foreclosed
23 property for a public purpose, the city or borough shall satisfy unpaid
24 taxes and assessments against the property held by other municipalities,
25 with accrued interest but without penalty. If the amount required to
26 satisfy the unpaid taxes and assessments exceeds the assessed valuation of
27 the property, the city or borough shall pay the other municipalities the
28 assessed valuation, which shall be divided between the other municipalities
29 in proportion to their respective taxes and assessments against the property
LA-L 20 at the time of foreclosure.

1 Sec. 29.45.510. (Sec. 29.53.390.) REFUND OF TAXES. (a) If a taxpayer
2 pays taxes under protest, he may bring suit in the superior court against
3 the borough for recovery of the taxes. If judgment for recovery is given
4 against the borough, the borough shall refund the amount of the taxes to the
5 taxpayer with interest at eight percent from the date of payment plus 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 borough,
8 on audit of the account in question, is satisfied that this is the case, the
9 borough shall refund the excess to the taxpayer with interest at eight
10 percent from the date of payment. A claim for refund filed after one year
11 of the due date of the tax is forever barred.

12 ARTICLE 3. CITY PROPERTY TAX.

13 Sec. 29.45.530. (Sec. 29.53.400.) POWER OF LEVY. Home rule and first
14 class cities within boroughs may levy a general property tax. A property
15 tax, if levied, shall be levied in the manner provided for borough levies in
16 Sec. 170(a) of this chapter and is subject to Secs. 10-25, 50-55 and 310-350
17 of this chapter. The council shall by June 15 of each year present to the
18 borough assembly a statement of the city's rate of levy, unless a different
19 date is agreed upon by the borough and city.

20 Sec. 29.45.540. (Sec. 29.53.410.) LIMITED PROPERTY TAXING POWER FOR
21 SECOND CLASS CITIES. A second class city may by referendum levy real and
22 personal property taxes as provided for first class cities. However, levy
23 by a second class city may not exceed one-half of one percent of the
24 assessed valuation of the property taxed, except that the limit does not
25 apply to a levy necessary to avoid a default upon payment of principal and
26 interest of bonded or other indebtedness which is secured by a pledge to
27 levy ad valorem or other taxes without limit to meet debt payments.

28 Sec. 29.45.570. (Sec. 29.53.415.) SALES AND USE TAX. (a) A borough
29 may levy and collect a sales tax not exceeding six percent on sales or

rents, and on services made within the borough. The sales tax may apply to any or all of these sources. Exemptions may be granted by ordinance.

(b) A borough levying a sales tax may also by ordinance levy a use tax on the storage, use or consumption of tangible personal property within the borough. The use tax rate must equal the sales tax rate and the use tax shall be levied only upon buyers.

(c) A person who furnishes proof, in the form required by the borough tax collector, that he has paid a sales tax on the source on which a use tax is levied by the borough is required to pay the use tax only to the extent of the difference between the amount of the sales tax paid and the amount of the use tax levied by the borough. This subsection applies to a sales tax levied in any taxing jurisdiction whether in or outside the state.

(d) If the assembly of a home rule or general law borough charges interest on sales taxes not paid when due, the rate of interest may not exceed eight percent a year upon the delinquent taxes and shall be charged from the due date until paid in full.

Sec. 29.45.590. (Sec. 29.53.420.) REFERENDUM, ADOPTION AND MODIFICATION. (a) The assembly shall hold a referendum vote on the question of enacting a sales tax or increasing the rate of levy of sales taxes. Borough sales tax propositions may be presented only once in any 12-month period. A sales tax proposition may be submitted to the voters at a regular or special election or at a general election of the state.

(b) If the proposition receives a majority of the votes cast, the assembly may enact the sales tax or increase the rate of the sales tax as a levy upon buyers, sellers, or both. The sales tax is collected at the time of sale or at the time of payment in credit transactions and transmitted to the borough

ARTICLE 5. CITY SALES AND USE TAXES

1 Sec. 29.45.610. (Sec. 29.53.440.) POWER OF LEVY. Cities within a
2 borough which levies and collects sales or use taxes for areawide borough
3 functions may levy sales or use taxes upon all sources taxed by the borough
4 in the manner provided for boroughs.
5

6 Sec. 29.45.620. (Sec. 29.53.450.) POWER OF LEVY AND COLLECTION.
7 Cities within a borough which does not levy and collect sales or use taxes
8 for areawide borough functions may levy and collect sales or use taxes in
9 the manner provided for boroughs.

10 Sec. 29.45.630. (Sec. 29.53.460.) COMBINING SALES TAX WITH
11 INCORPORATION. A petition for second class city incorporation may request
12 that a sales tax proposal be placed on the same ballot. The petition must
13 state the proposed tax rate. The petition may request that incorporation be
14 dependent upon the passage of the sales tax proposition. If so, the
15 incorporation proposition fails if the sales tax fails.
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CHAPTER 48. SPECIAL ASSESSMENTS

(CHAPTER 63. SPECIAL ASSESSMENTS AND SERVICE AREAS)

ARTICLE 1. SPECIAL ASSESSMENTS

Sec. 29.48.010. (Sec. 29.63.010.) ASSESSMENT AND PROPOSAL. The assembly or council may assess against the property of a governmental unit and private real property benefited all or a portion of the cost of constructing or improving capital improvements. The state shall pay an assessment levied, except as otherwise provided by law and subject to its right of protest under Sec. 15(a)(8) of this chapter. If a governmental unit other than the state benefited by an assessment refuses to pay the assessment, it shall be denied the benefit of the improvement. An improvement proposal may be initiated by

(1) petition to the assembly or council of the owners of one-half in value of the property to be benefited or

(2) the assembly or council.

Sec. 29.48.020. (Sec. 29.63.015.) PROCEDURE. (a) The assembly or council may prescribe by ordinance the complete special assessment procedure for local improvements, including and subject to the following:

(1) the procedure for filing petition;

(2) a survey and report by the borough or city executive concerning the need for, desirable extent of, and estimated cost of each proposed local improvement;

(3) a public hearing on the necessity for the local improvement;

(4) a resolution of the assembly or council determining to proceed or not to proceed with the proposed local improvement;

(5) a public hearing by the assembly or council on the special assessment roll for the local improvement;

1 (6) published notice of each public hearing required by this
2 section and mailing notice to each legal owner of record of real property
3 within the special assessment district;

4 (7) a resolution confirming the special assessment roll for
5 the local improvement;

6 (8) if protests as to the necessity of a local improvement
7 are made by owners of property which will bear 50 percent or more of the
8 estimated cost of the improvement, the assembly or council may not proceed
9 with the improvement until the objections have been reduced to less than 50
10 percent, except upon approval of not fewer than three-fourths of the
11 assembly or council.

12 (b) If the assembly or council does not prescribe a procedure for
13 special assessments as permitted by this section, the assembly or council
14 shall comply with the special assessment procedures set out in Secs. 20-70
15 of this chapter.

16 Sec. 29.48.030. (Sec. 29.63.020.) DECISION AND NOTICE. (a) When an
17 improvement proposal has been filed with the municipal clerk and presented
18 to the assembly or council, the assembly or council shall find by resolution
19 whether (1) the improvement request is necessary and should be made, and (2)
20 the request has sufficient and proper petitioners. The findings of the
21 assembly or council are conclusive.

22 (b) If the assembly or council passes a resolution approving an
23 improvement proposal with the necessary findings, it shall develop a
24 proposed improvement plan including the cost estimate and the percentage of
25 the improvement plan cost to be assessed against the property benefited.
26 This plan is to be filed with the municipal clerk.

27 (c) The assembly or council shall set a time for public hearing
28 on the improvement plan. The assembly or council shall publish a notice at
29 least once a week for four consecutive weeks in a newspaper of general

1 circulation if distributed within the municipality and shall send notice by
2 mail to every record owner of property within the special assessment
3 district.

4 Sec. 29.48.040. (Sec. 29.63.025.) RECORD OWNER. The person in whose
5 name property is listed on the municipal property tax roll as owner is
6 conclusively presumed to be the legal owner of record. If the owner is
7 unknown, the assessment may be made against "unknown owner."

8 Sec. 29.48.050. (Sec. 29.63.030.) OBJECTIONS AND REVISION. (a)
9 Objections to the improvement plan may be filed not less than 30 nor more
10 than 60 days after publication of notice on a date specified by the assembly
11 or council. The assembly or council may by resolution approve the plan and
12 proceed with the improvement if the owners of one-half in value of the
13 property to be benefited do not object in writing.

14 (b) If objections are made by the owners of property bearing
15 one-half of the estimated cost of the improvement, the assembly or council
16 may not proceed with the improvement unless it revises the plan to meet the
17 objections and the objections are reduced to less than 50 per cent. A
18 revised plan shall be approved and adopted as an original plan.

19 Sec. 29.48.060. (Sec. 29.63.040.) ASSESSMENT ROLL. (a) At any time
20 after project approval, the assembly or council shall assess the authorized
21 percentage of the cost against tracts in proportion to benefit received.
22 Assessments may not exceed actual costs.

23 (b) The special assessment roll contains property descriptions,
24 names of owners of record and assessment amounts.

25 (c) The assembly or council shall fix a time to hear objections
26 to the roll. The municipal clerk shall send an assessment and hearing
27 notice by mail to each record owner of an assessed tract not less than 15
28 days before the hearing.

1 Sec. 29.48.070. (Sec. 29.63.050.) HEARING AND SETTLEMENT. After the
2 public hearing, the assembly or council shall correct errors and any
3 inequalities in the roll. When the roll is corrected, the clerk shall so
4 certify.

5 Sec. 29.48.080. (Sec. 29.63.060.) PAYMENT. (a) The assembly or
6 council shall fix times of payment, rate of interest on unpaid installments,
7 and delinquency of assessments. Payment may not be required sooner than 60
8 days after assessment. Payment may be in one sum or by installments, but a
9 sum or installment may not exceed 25 percent of the assessed value of the
10 property affected. Penalty and interest are the same as for real property
11 taxes.

12 (b) Within 30 days after fixing the time of payment, the
13 municipal clerk shall mail a statement to the owner of record of each
14 property assessed. The statement designates the property, the assessment
15 amount, the time of delinquency, and penalties.

16 (c) Within five days after the statements are mailed, the clerk
17 shall publish notice that the statements have been mailed.

18 (d) Assessments are liens upon the property assessed and are
19 prior and paramount to all liens except municipal tax liens. They may be
20 enforced as provided in AS 29.53.200-29.53.390 for enforcement of property
21 tax liens.

22 Sec. 29.48.090. (Sec. 29.63.065.) EXEMPTION. (a) The real property
23 owned and occupied by a resident 65 years of age or over, or the spouse,
24 widow, widower, or minor heir of the original applicant, on which is located
25 only his permanent abode which is a single-family residence^e, is exempt from
26 (1) special sewer assessments levied by a home rule or general law
27 municipality after September 2, 1975 and (2) special water assessments
28 levied by a home rule or general law municipality after September 2, 1975.
29 Only one exemption may be granted with respect to the same property, and, if

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two or more persons are eligible for an exemption with respect to the same property, the parties shall decide between or among themselves which shall receive the benefit of the exemption. No real property may be exempted under this subsection which the municipality determines, after notice and hearing to the parties concerned, has been conveyed to the applicant primarily for the purpose of obtaining the exemption. The determination of the municipality is appealable under AS 44.62.560-44.62.570.

(b) No exemption may be granted under this section except upon written application for the exemption on a form prescribed by the state assessor for use by local assessors and in accordance with the following requirements:

(1) the claimant must file the initial application during the period of time between the date the assessment roll is certified and the time of payment fixed by the assembly or council. Within one year of the date the assessment roll is certified the assembly or council for good cause shown may waive the claimant's failure to make timely initial application for the exemption and authorize the assessor to accept the application as if timely filed.

(2) a claimant receiving the exemption must file with the department by March 15 of each subsequent year a separate application proving eligibility as of January 1 in order to retain the exemption. Within the same year the department for good cause shown may waive the claimant's failure to make timely application and approve the application as if timely filed.

(3) if an application is filed within the required time under this subsection and is approved by the assembly or council, the exemption shall be allowed in accordance with the provisions of this section. If a waiver under this subsection is granted and the application for exemption approved, the amount of any assessment, penalty or interest

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1 which the claimant may have already paid on the assessment shall be refunded
2 to him. The municipality may at any time require proof in the form
3 considered necessary of the right and amount of an exemption claimed under
4 this section.

5 (c) The state shall reimburse a home rule or general law
6 municipality for the sewer and water assessment revenues which it would
7 receive but for the operation of this section. Reimbursement under this
8 subsection is a lien in favor of the state against the property exempted to
9 the extent of the assessment against the property exempted. Upon
10 recordation in the recording office of the district in which the property
11 exempted is located the lien is prior and superior to other liens against
12 the property except for general taxes or other special assessments and may
13 be enforced by lien foreclosure as provided in AS 34.10.070-34.10.220. The
14 lien becomes immediately due and payable

15 (1) upon sale or other transfer of the property except to a
16 spouse, widow, widower, or minor heir; however, if the property is
17 transferred to a minor heir the lien becomes due and payable on the date the
18 minor heir reaches the age of 25 years; or

19 (2) when property exempted under (a)(1) or (2) of this
20 section receives more than one sewer connection or more than one water
21 connection; or

22 (3) when the claimant fails to prove eligibility under
23 (b)(2) of this section.

24 (d) In this section

25 (1) "resident" means a person who for 12 consecutive months
26 has maintained his permanent place of abode in the state;

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

1 (3) "minor heir" means a person who, at the time of transfer
2 of the property, has not attained the age of 19 years or who, if he has not
3 attained the age of 22 years, is a full-time student at an educational
4 institution or a member of the armed forces of the United States.

5 Sec. 29.48.100. (Sec. 29.63.070.) REASSESSMENT. (a) The assembly or
6 council shall within one year correct any deficiency in a special assessment
7 found by a court.

8 (b) Notice and hearing must conform to the initial assessment
9 procedures.

10 (c) Payments on the initial assessment are credited to the
11 property upon reassessment.

12 (d) The reassessment becomes a charge upon the property
13 notwithstanding failure to comply with any provision of the assessment
14 procedure.

15 Sec. 29.48.110. (Sec. 29.63.080.) OBJECTION AND APPEAL. (a) The
16 regularity or validity of an assessment may not be contested by a person who
17 did not file with the municipal clerk a written objection to the assessment
18 roll before its confirmation.

19 (b) The decision of the assembly or council upon an objection may
20 be appealed to the superior court within 30 days of the date of confirmation
21 of the assessment roll.

22 (c) If no objection is filed or an appeal taken within the time
23 provided in this section, the assessment procedure shall be considered
24 regular and valid in all respects.

25 Sec. 29.48.120. (Sec. 29.63.085.) SPECIAL ASSESSMENT BONDS. (a) The
26 assembly or council may by ordinance authorize the issuance and sale of
27 special assessment bonds to pay all or part of the cost of an improvement in
28 a special assessment district. The principal and interest of bonds issued
29 shall be payable solely from the levy of special assessments against the

1 property to be benefited. The assessments shall constitute a sinking fund
2 for the payment of principal and interest on the bonds. The property
3 benefited may be pledged by the assembly or council to secure a payment.

4 (b) Upon default in a payment due on a special assessment bond, a
5 bondholder may enforce payment of principal and interest and costs of
6 collection in a civil action in the same manner and with the same effect as
7 actions for the foreclosure of mortgages on real property. Foreclosure
8 shall be against all property on which assessments are in default. The
9 period for redemption shall be the same as in the case of a mortgage
10 foreclosure on real property.

11 (c) Before the assembly or council may issue special assessment
12 bonds, it shall establish a guarantee fund and appropriate to the fund
13 annually a sum adequate to cover any deficiency in meeting payments of
14 principal and interest of bonds issued by reason of nonpayment of
15 assessments when due. Money received from actions taken against property for
16 nonpayment of assessments shall be credited to the guarantee fund. Interest
17 on the guarantee funds shall be a cost of the improvement district.

1 CHAPTER 51. MUNICIPAL DEBT

2 (CHAPTER 58. MUNICIPAL DEBT)

3 ARTICLE 1. REVENUE ANTICIPATION NOTES

4 Sec. 29.51.010. (Sec. 29.58.010.) BORROWING IN ANTICIPATION OF
5 REVENUE. A municipality of the state which is authorized to incur
6 indebtedness may borrow money to meet appropriations for any fiscal year in
7 anticipation of the collection of the revenues for that year but all debt so
8 contracted shall be paid before the end of the next fiscal year. Revenue
9 anticipation notes may be issued as evidence of the borrowing.

10 Sec. 29.51.020. (Sec. 29.58.020.) ISSUANCE OF NOTES. The governing
11 body of a municipality may, by ordinance or resolution, authorize the
12 issuance of revenue anticipation notes and prescribe the form and details of
13 the notes and the manner of their execution. The governing body of the
14 municipality may delegate to its chief fiscal officer the power to issue the
15 notes from time to time under the terms and conditions of the ordinance or
16 resolution which provides for the manner of their sale.

17 Sec. 29.51.030. (Sec. 29.58.040.) ISSUANCE OF NOTES IN ANTICIPATION
18 OF STATE, FEDERAL GRANTS. (a) The governing body of a municipality, upon
19 adoption of a long-range capital improvement budget by ordinance or
20 resolution, may by resolution provide for revenue anticipation notes in an
21 amount not to exceed the total amount of any state or federal grants finally
22 committed for these projects. The notes mature no later than the end of the
23 next fiscal year. The notes may be for single or multiple projects outlined
24 in the adopted capital improvement budget.

25 (b) If the state or federal grants for capital improvement
26 projects have not been paid to the municipality before maturity of the notes
27 issued in anticipation of the receipt of the revenue, the governing body of
28 the municipality may issue new notes in order to meet payment of the notes
29 then maturing or may renew the outstanding revenue anticipation notes. New

1 notes issued or renewals of outstanding revenue anticipation notes shall
2 mature not later than the end of the next fiscal year.

3 Sec. 29.51.040. (Sec. 29.58.050.) PRIORITY OF REPAYMENT. The payment
4 of the principal and interest on revenue anticipation notes shall be payable
5 from revenues, and their payment additionally shall be secured by a pledge
6 of the full faith, credit and unlimited taxing power of the municipality
7 issuing them.

8 Sec. 29.51.050. (Sec. 29.58.060.) SALE OF NOTES. The municipality
9 may sell revenue anticipation notes in the manner and at the price it
10 determines, at either public or private sale.

11 ARTICLE 2. BOND ANTICIPATION NOTES

12 Sec. 29.51.080. (Sec. 29.58.070.) BOND ANTICIPATION BORROWING. A
13 municipality may borrow money in anticipation of the sale of general
14 obligation and revenue bonds if

15 (1) the general obligation bonds to be sold have been
16 authorized by the assembly or council and ratified by a majority vote at a
17 regular or special election;

18 (2) the revenue bonds to be sold have been authorized by
19 ordinance.

20 Sec. 29.51.090. (Sec. 29.58.080.) ISSUANCE OF NOTES. The assembly or
21 council shall issue negotiable or nonnegotiable notes for the amounts
22 borrowed with a maturity date not to exceed one year from the date of issue.
23 All notes and the interest on them are payable at fixed places on or before
24 a fixed time, from the proceeds of the sale of bonds in anticipation of
25 which the original note or notes were issued, unless the bonds have not been
26 sold by the maturity date of the notes.

27 Sec. 29.51.100. (Sec. 29.58.090.) ISSUANCE OF NEW NOTES. If the sale
28 of the bonds has not occurred before the maturity of the notes issued in
29 anticipation of the sale, the assembly or council shall issue new notes in

1 order to meet payment of the notes then maturing or shall renew the
2 outstanding bond anticipation notes. New notes issued or renewals of
3 outstanding bond anticipation notes shall bear a maturity date not to exceed
4 one year from the date of issue. Notes, new notes, and renewals of notes
5 shall not be outstanding for a total elapsed time of more than three years.

6 Sec. 29.51.110. (Sec. 29.58.100.) REPAYMENT OF NOTES. Every note is
7 payable from the proceeds of the sale of bonds which the notes anticipated
8 or from the proceeds of the sale of new bond anticipation notes.

9 Sec. 29.51.120. (Sec. 29.58.110.) SECURITY. (a) Notwithstanding any
10 other provisions of this chapter as to payment of notes, notes issued in
11 anticipation of the sale of general obligation bonds and the interest on
12 them are secured by the full faith, credit, taxing power and resources of
13 the municipality. The municipality may levy ad valorem taxes for payment
14 without limitation of rate or amount.

15 (b) Notes issued in anticipation of the sale of revenue bonds and
16 the interest on them are secured in the same manner as are the revenue bonds
17 in anticipation of which the notes are issued.

18 Sec. 29.51.130. (Sec. 29.58.120.) LIMITATION. The total amount of
19 notes issued and outstanding shall at no time exceed the total amount of
20 bonds authorized to be issued.

21 Sec. 29.51.140. (Sec. 29.58.130.) USE OF PROCEEDS. The proceeds from
22 the sale of notes shall be used only for the purposes for which the proceeds
23 from the sale of bonds may be used or to meet payment of outstanding bond
24 anticipation notes.

25 Sec. 29.51.150. (Sec. 29.58.140.) SALE OF NOTES. Notes issued under
26 this chapter shall be sold by the municipality in the manner and at the
27 price it determines, at either public or private sale, but no note may be
28 sold for less than par and accrued interest.
29

ARTICLE 3. GENERAL OBLIGATION BONDS

1 Sec. 29.51.180. (Sec. 29.58.150.) GENERAL OBLIGATION BONDS. A
2 municipality may acquire, construct, improve and equip capital improvements
3 and issue negotiable or nonnegotiable general obligation bonds for these
4 purposes.
5

6 Sec. 29.51.190. (Sec. 29.58.160.) VOTE AND NOTICE OF EXISTING INDEBT-
7 EDNESS REQUIRED. (a) A municipality may incur general obligation bond debt
8 only after a bond authorization ordinance is approved by a majority of those
9 voting on the question at a regular or special election. Any municipal
10 voter may vote in the bond election, except as otherwise provided by charter
11 or law.

12 (b) Before a general obligation bond issue election, the assembly
13 or council shall have published a notice of the municipality's total
14 existing bond indebtedness at least once a week for three consecutive weeks.
15 The first notice shall be published at least 20 days before the date of the
16 election. A notice shall include

17 (1) the current total general obligation bonded
18 indebtedness, including authorized but unsold bonds of the municipality;

19 (2) the cost of the debt service on the current
20 indebtedness;

21 (3) the total assessed valuation within the municipality.

22 Sec. 29.51.200. (Sec. 29.58.170.) FORM AND TERMS OF SALE. The
23 assembly or council shall fix the date of the bonds, denominations,
24 maturities, rate of interest, place and manner of payment, redemption terms,
25 registration privileges, manner of execution, and signatures required. If
26 an officer whose signature appears on the bonds or coupons ceases to be an
27 officer before delivery of the bonds, his signature is valid as if he had
28 remained in office until delivery.
29

1 Sec. 29.51.210. (Sec. 29.58.180.) PAYMENT. (a) The full faith and
2 credit of a municipality are pledged for the payment of principal and
3 interest on general obligation bonds. The municipality may levy ad valorem
4 taxes for payment without limitation of rate or amount to pay or secure the
5 payment of the principal and interest on bonds, regardless of whether the
6 bonds are in default or in danger of default.

7 (b) General obligation bonds issued for acquiring, constructing,
8 improving and equipping a municipally-owned utility or other
9 revenue-generating enterprise may be additionally secured by a pledge of the
10 revenue derived from operation. Bonds so secured are not subject to a debt
11 limitation imposed by a borough or city home rule charter.

12 ARTICLE 4. REVENUE BONDS

13 Sec. 29.51.240. (Sec. 29.58.200.) REVENUE BONDS. (a) A municipality
14 may acquire, construct, improve and equip capital improvements to be
15 operated upon a revenue-producing basis, and bonds for these purposes are
16 payable solely from unpledged revenue of the public facilities for which the
17 bonds are issued.

18 (b) A municipality may issue its revenue bonds to finance the
19 purchase of residential mortgage loans. The revenue bonds issued under this
20 subsection are payable solely from the principal and interest of the
21 mortgage loans and from any other amounts pledged by the municipality,
22 except the pledge of revenues derived from taxes. Revenue bonds issued under
23 this subsection do not constitute a general obligation of the municipality.

24 (c) A municipality may also issue revenue bonds for any lawful
25 purpose. The bonds are payable from any amounts pledged by the municipality
26 except taxes and do not constitute general obligations of the municipality.

27 Sec. 29.51.250. (Sec. 29.58.205.) NO ELECTION REQUIRED. No election
28 is required to authorize the issuance and sale of revenue bonds, unless
29 otherwise provided by ordinance.

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1 Sec. 29.51.260. (Sec. 29.58.210.) FORMS AND TERMS. The assembly or
2 council shall fix the date of the bonds, denominations, maturities, rate or
3 rates of interest, place and manner of payment, redemption terms,
4 registration privileges, manner of execution, signatures required, and other
5 details of the bonds. If an officer whose signature appears on the bonds or
6 coupons ceases to be an officer before delivery of the bonds, his signature
7 is valid as if he had remained in office until delivery.

8 Sec. 29.51.270. (Sec. 29.58.220.) PAYMENT. Bonds issued under AS
9 29.58.200 - 29.58.220 or the proceedings of the assembly or council
10 authorizing their issuance may contain the covenants which the assembly or
11 council considers advisable concerning

12 (1) the rates or fees to be charged for services rendered by
13 the public facilities, the revenue of which is pledged to the payment of the
14 bonds, or the terms and conditions of any other amounts collected which are
15 pledged to the payment of the bonds;

16 (2) the deposit and use of the revenue of the public
17 facilities or of other amounts collected which are pledged to the payment of
18 the bonds;

19 (3) the issuance of additional bonds payable from revenue of
20 the public facilities or of other amounts collected which are pledged to the
21 payment of the bonds;

22 (4) the rights of the bondholders in case of default in the
23 payment of the principal or interest on the bonds, including the appointment
24 of a receiver to operate the public facilities;

25 (5) other covenants as the assembly or council determines.

26 ARTICLE 5. REFUNDING BONDS

27 Sec. 29.51.300. (Sec. 29.58.240.) AUTHORIZATION. If a municipality
28 has outstanding general obligation or revenue bonds and the assembly or
29 council determines that it would be financially advantageous to refund the

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bonds, the assembly or council may provide by ordinance for the issuance of general obligation or revenue refunding bonds.

Sec. 29.51.310. (Sec. 29.58.250.) EFFECT OF BONDS. The refunding bonds may take up and refund all or any part of outstanding bonds at or before their maturity or redemption date. The assembly or council may include various series and issues of bonds in a single issue of refunding bonds.

Sec. 29.51.320. (Sec. 29.58.260.) NO ELECTION REQUIRED. No election is required to authorize the issuance and sale of refunding bonds. Their issuance may be authorized and all proceedings with reference to them prescribed by ordinance of the assembly or council. However, when it is desirable to use general obligation bonds to refund a revenue bond issue, the governing body shall call an election on the question.

Sec. 29.51.330. (Sec. 29.58.270.) PAYMENT OF REFUNDING BONDS. General obligation refunding bonds are payable according to Sec. 180 of this chapter. Revenue refunding bonds are payable according to Sec. 220 of this chapter.

Sec. 29.51.340. (Sec. 29.58.280.) SALE. General obligation ^{refunding bonds} or revenue refunding bonds may, in the discretion of the assembly or council, be exchanged ~~at par~~ for the bonds being refunded, or may be sold at public or private sale for an amount not less than par and accrued interest. They may be issued and delivered at any time before the date of maturity or redemption of the refunded bonds.

ARTICLE 6. MISCELLANEOUS PROVISIONS

Sec. 29.51.370. (Sec. 29.58.300.) PUBLIC SALE. The municipality shall sell all bonds at a public or private sale, ^{as provided} as provided by ordinance. No bonds may be sold at less than par value.

Sec. 29.51.380. (Sec. 29.58.310.) INTEREST RATE. No municipal bond or note may bear an interest rate exceeding the contract usury rate of interest provided by law.

1 Sec. 29.51.390. (Sec. 29.58.315.) BOND ATTORNEYS, BOND AND FINANCIAL
2 CONSULTANTS. The governing body or its designee of a home rule or general
3 law municipality shall be the sole contracting authority for bond attorneys,
4 bond consultants and financial consultants engaged in long range financial
5 planning of the municipality which leads to sale of bonds.

6 Sec. 29.51.400. (Sec. 29.58.320.) REDEMPTION BEFORE MATURITY. A bond
7 or note may be made subject to redemption before maturity as stated in the
8 authorization or in the bond or note.

9 Sec. 29.51.410. (Sec. 29.58.340.) BOROUGH INDEBTEDNESS. (a) Boroughs
10 may incur indebtedness

11 (1) on an areawide basis for areawide functions; or

12 (2) on a noncity basis for functions performed in the area
13 outside cities only; or

14 (3) on a service area basis for functions performed in a
15 service area only.

16 (b) Payment of debt principal and interest as well as other costs
17 shall be limited to the area incurring the debt under (a)(2) or (a)(3) of
18 this section, except that the full faith and credit of the entire borough
19 may be pledged to guarantee payment of principal and interest.

20 (c) If the bonded debt to be incurred by a borough is an areawide
21 debt, the vote is areawide; if the full faith and credit of the entire
22 borough is pledged for the payment of the debt of the area outside cities or
23 of a service area, an areawide election is held and the proposition must
24 pass both areawide and in the area which will benefit from the improvement;
25 if the bonded indebtedness to be incurred is limited to areas outside cities
26 only or to service areas, the vote is limited to voters in those areas.

27 (d) The indebtedness of a municipality reclassified under AS
28 29.08.040 is not affected by reclassification. Not less than all property
29 within a municipality which is reclassified remains subject to taxation to

1 amortize bonded or other indebtedness affecting the municipality and
2 authorized on the effective date of reclassification.

3 Sec. 29.51.420. (Sec. 29.58.345.) BONDED INDEBTEDNESS FOR SCHOOL
4 CONSTRUCTION. A home rule city levying property taxes for schools, upon
5 furnishing proof satisfactory to the Department of Education and the
6 Department of Community and Regional Affairs of the needs for school
7 facilities which, if provided, will require the city to exceed limits on
8 authorizing or issuing bonds which may be established by charter, may exceed
9 the limits to the extent necessary to pay costs of school construction. In
10 this section "costs of school construction" means costs as defined in AS
11 43.18.100(g)(2).

12 Sec. 29.51.430. (Sec. 29.58.350.) BOND GUARANTEE FUND. (a) To
13 guarantee payment by the state of the principal and interest of bonds issued
14 under the enabling authority of Sec. 345 of this chapter, there is in the
15 Department of Community and Regional Affairs a special fund called the local
16 school bond guarantee fund in which there shall be deposited all money
17 appropriated by the legislature for the purpose of the fund and other money
18 which may be made available for the purpose of the fund from any other
19 source. Money in the fund shall be held and applied solely to further
20 guarantee and provide an additional pledge of payment of all bonds issued
21 under the provisions of Sec. 345 of this chapter. Money shall not be
22 withdrawn from the fund if a withdrawal would reduce the amount in the fund
23 to an amount equal to less than the "maximum debt service reserve" (as
24 defined in this section), except for payment of interest then due and
25 payable on bonds and the principal of bonds then maturing and payable and
26 for the retirement of bonds in accordance with the terms of a contract
27 between the municipality and its bondholders and for the payments on account
28 of which interest or principal or retirement of bonds other money is not
29 then available in accordance with the terms of the contract. In this

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1 section "maximum debt service reserve" means, as of any date of computation,
2 the largest amount of money required by the terms of all contracts between
3 municipalities and their bondholders as to bonds issued under Sec. 345 of
4 this chapter to be raised in any succeeding calendar year for the payment of
5 interest on and maturing principal of outstanding bonds and payments
6 required by the terms of the contracts to sinking funds established for the
7 payment or redemption of the bonds, all calculated on the assumption that
8 bonds will cease to be outstanding after the date of the computation by
9 reason of the payment of bonds at their respective maturities and the
10 payments of the required money to sinking funds and the application of the
11 money in accordance with the terms of the contracts to the retirement of
12 bonds.

13 (b) Money in the guarantee fund at any time in excess of the
14 maximum debt service reserve, whether by reason of investment or otherwise,
15 may be withdrawn by the department and transferred to the general fund.

16 (c) Money at any time in the guarantee fund may be invested in
17 any direct obligation of, or obligations as to which principal and interest
18 is guaranteed by, the United States, the state or a political subdivision.

19 (d) For purposes of valuation, investments in the guarantee fund
20 shall be valued at the lowest of the par value, cost to the authority, or
21 market value of the investments. Valuation on any particular date shall
22 include the amount of interest then earned or accrued to that date on any
23 money or investments in the fund.

24 (e) Other provisions of this section notwithstanding, no bonds
25 may be issued carrying the guarantee provided in this section unless there
26 is in the guarantee fund the maximum debt service reserve for all bonds then
27 issued and outstanding and the bonds about to be issued, but nothing
28 prevents or precludes a municipality from satisfying the foregoing
29 requirement by depositing so much of the proceeds of the bonds about to be

1 issued, upon their issuance, as is needed to achieve the maximum debt
2 service reserve.

3 (f) In order to assure the maintenance of the maximum debt
4 service reserve in the guarantee fund, there is authorized to be
5 appropriated
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CHAPTER 62. STATE PROGRAMS

(CHAPTER 88. MUNICIPAL TAX RESOURCE EQUALIZATION)

ARTICLE 1. MUNICIPAL TAX RESOURCE EQUALIZATION

Sec. 29.62.010. (Sec. 29.88.010.) STATE EQUALIZATION OF TAX RESOURCES FOR LOCAL GOVERNMENT SERVICES. (a) During each fiscal year the department shall compute an equalization entitlement for local government services provided by a taxing unit.

(b) The equalization entitlement computed for a taxing unit is based on the population, relative ability to generate revenue, and local tax burden of the taxing unit and is determined by the application of the formula

Entitlement = $P \times R$ where P = population, and R = millage rate equivalent, determined by dividing the sum of the locally generated revenue of the taxing unit by one-tenth of one percent (0.1) of the full and true value of assessed property of the taxing unit determined under AS 29.88.020(d); however, the property value used under this subsection may not be less than 15 percent of the statewide average per capita full and true assessed property value.

(c) For purposes of this section, locally generated revenue

(1) includes

(A) the actual revenue derived from the levy and collection of local taxes in the taxing unit for local government services during the preceding fiscal year of the taxing unit;

(B) motor vehicle payments received by the municipality during the preceding fiscal year under AS 28.10.431;

(C) revenue from fees, rentals, leases, penalties, licenses or permits received during the preceding fiscal year by the municipality for a function or service over which it has control, including revenues derived from parks and recreation ser-

1 vices, mass transit, offstreet parking, and garbage and solid
2 waste disposal services;

3 (D) special assessments received during the preceding
4 fiscal year; and

5 (E) payments received by a municipality from a utility
6 which are in place of taxes levied and collected by the munici-
7 pality;

8 (2) excludes

9 (A) revenue derived from the levy and collection of
10 municipal taxes and appropriated for the operating expenses and
11 debt service of utilities;

12 (B) revenue from interest earned on investments and
13 from
14 the sale and lease of land or equipment; and

15 (C) all other revenue from whatever service derived.

16 Sec. 29.62.020. (Sec. 29.88.015.) DETERMINATION OF POPULATION. (a)
17 For purposes of this chapter, the population of a taxing unit shall be
18 determined annually by the latest figures of the United States Bureau of the
19 Census or other population data which, in the judgment of the department, is
20 reliable.

21 (b) The population of the taxing unit includes the population of
22 any military reservation which is a part of the taxing unit.

23 Sec. 29.62.030. (Sec. 29.88.020.) DETERMINATION OF MILLAGE RATE
24 EQUIVALENT. (a) The department may require a municipality to return a
25 certification, signed by the municipal treasurer or manager and the mayor,
26 which provides an estimate of the locally generated revenue received by the
27 municipality during the preceding fiscal year.

28 (b) By October 15 of each year, the department shall make an initial
29 determination of the millage rate equivalent of each taxing unit to be used

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1 for computing and distributing equalization entitlements for the current
2 fiscal year under this chapter. The department shall base the initial
3 determination on the estimates in the certification returned by a
4 municipality under (a) of this section.

5 (c) As early as possible, but not later than December 15 of each
6 year, the department shall make a final determination of the millage rate
7 equivalent of each taxing unit to use to compute and distribute equalization
8 entitlements under this chapter. The department shall base the
9 determination on audits, financial statements and other financial reports
10 prepared and submitted by a municipality. The department shall adjust the
11 locally generated revenue reported by a municipality to exclude the
12 municipal revenue claimed by the municipality which does not qualify for
13 inclusion in or recognition as locally generated revenue for local
14 government purposes under AS 29.88.010(c)(1). The adjustment shall be made
15 by deducting from total revenue claimed by the municipality the amount of
16 the department's estimate of revenue which is not recognized for local
17 government purposes.

18 (d) The full and true assessed property value shall be determined
19 by the department in the manner provided for the computation of state aid to
20 education under AS 14.17.140. When the determination of locally generated
21 revenue includes revenue of a utility received under AS 29.88.010(c)(1)(E),
22 the full and true assessed property value shall include the computed
23 assessed value of the utility, determined by dividing the amount of the
24 payment in place of taxes made by the utility by the millage rate which
25 would apply to the utility if the utility were subject to levy and
26 collection of taxes under AS 29.53.

27 (e) In addition to the computation for municipalities which levy
28 and collect a property tax, the department shall determine an estimated full
29 and true assessed property value under (d) of this section for

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1 (1) each municipality which is a school district and which
2 does not levy and collect a property tax;

3 (2) each second class city with a population of 750 or more
4 persons; however, a computation is not required under this paragraph more
5 often than once during a period of three successive calendar years; and

6 (3) all other second class cities, by determining the
7 average per capita full and true assessed property value of all cities
8 having a population of less than 750 persons in which an assessment has been
9 completed by a municipality or for which a determination is not made under
10 (1) or (2) of this subsection.

11 (f) The department shall annually compute a statewide average per
12 capita full and true assessed property value.

13 Sec. 29.62.040. (Sec. AS 29.88.025.) REPORTS. A payment of an
14 equalization entitlement may not be made to a municipality under this
15 chapter until the municipality has submitted its certificate of estimated
16 revenue and its financial report to the department for the fiscal year
17 preceding the year for which the equalization entitlement is sought,
18 together with a budget for the municipality's current fiscal year. The
19 financial report shall include a listing of general revenue collected from
20 taxes levied and assessed by the municipality and any other revenue which,
21 in the opinion of the municipal officials, is eligible for inclusion in
22 computations of the locally generated revenue of the taxing unit.

23 Sec. 29.62.050. (Sec. 29.88.030.) LIMITATION ON COMPUTATION AND USE
24 OF PAYMENTS. (a) An equalization entitlement generated by the general tax
25 levy of a taxing unit may be used only for authorized expenditures of that
26 taxing unit, but up to 15 percent of the payment of an equalization
27 entitlement generated by areawide revenue of a municipality may be used by
28 the municipality for areawide or nonareawide purposes at the discretion of
29 its assembly or council.

1 (b) An equalization entitlement determined with reference to
2 revenue other than revenue obtained from the levy and collection of taxes
3 may be used for areawide or nonareawide purposes, at the discretion of the
4 assembly or council.

5 Sec. 29.62.060. (Sec. 29.88.035.) TAX EQUALIZATION ACCOUNT. The tax
6 equalization account is established. Money to carry out the provisions of
7 this chapter shall be allocated by the department to the account. The
8 amount allocated to the account shall be fully distributed by the department
9 as payments to municipalities to fulfill each municipality's share
10 authorized under AS 29.62.010. (AS 29.88.010.). The amount allocated to the
11 account shall be distributed by the department pro rata among eligible
12 municipalities.

13 Sec. 29.62.070. (Sec. 29.88.040.) ADMINISTRATION. (a) The
14 department may adopt regulations necessary to implement this chapter. The
15 regulations shall include, among other provisions,

16 (1) procedures and filing dates for submitting certification
17 and financial reports;

18 (2) procedures for obtaining information required to compute
19 and determine the municipality's millage rate equivalent; and

20 (3) procedures by which the department shall notify a
21 municipality in writing of the reasons for a proposed disallowance or
22 adjustment of any factor bearing upon the determination of the
23 municipality's entitlement and by which the municipality will be provided
24 reasonable time in which to respond or to challenge the department's
25 determination.

26 (b) The department shall make reasonable efforts to advise and
27 assist municipalities in collecting information and completing reports
28 necessary for the determination of entitlements under this chapter.
29

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(c) The department shall, by regulation, classify for inclusion or exclusion as a component of a municipality's millage rate equivalent under AS 29.62.010 (AS 29.88.010) any tax revenue appropriated for a utility not included in the definition set out in AS 29.62.080(4) [(AS 29.88.045(4))].

Sec. 29.62.080. (Sec. 29.88.045.) DEFINITIONS. In this chapter

(1) "department" means the department of Community and Regional Affairs;

(2) "municipality" means a city, borough or unified municipality incorporated under the laws of the state;

(3) "taxing unit" means a municipality and

(A) in a borough or unified municipality, a service area or the entire area outside cities;

(B) in a city, a differential tax zone;

(4) "utilities" means electricity, water, sewer, gas heat, or telephone services, and refuse and garbage collection services.

Article 2. STATE AID FOR MISCELLANEOUS MUNICIPAL PURPOSES

(CHAPTER 89. STATE AID FOR MISCELLANEOUS MUNICIPAL PURPOSES.)

Sec. 29.62.110. (Sec. 29.89.010.) REVENUE SHARING PAYABLE. In addition to the equalization entitlements paid under AS 29.62 (AS 29.88), during each fiscal year the department shall pay aid

(1) to a municipality or other eligible recipient which has the power to provide the services described in AS 29.62.030 - AS 29.62.070 (AS 29.88.020 - AS 29.88.040) and exercises the power in the manner required by this chapter;

(2) to a Native village government under AS 29.62.150 (AS 29.89.050).

Sec. 29.62.120. (Sec. 29.89.020.) STATE AID TO MUNICIPALITIES FOR ROADS. (a) The department shall pay to a municipality which has power to

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1 provide for road maintenance and exercises that power, \$2,500 a mile for
2 each mile of road, street or highway maintained by the local government,
3 excluding (1) the official state highway system, (2) roads, streets or
4 highways not dedicated to public use, (3) roads, streets or highways
5 maintained under the local service road program (AS 19.30.111 - 19.30.251),
6 and (4) alleyways, in accordance with regulations adopted by the Department
7 of Transportation and Public Facilities. A payment may not be made under
8 this subsection for maintenance of a road which is not used by automotive
9 equipment.

10 (b) A frozen waterway and a connection from an inhabited area to
11 a waterway which may be safely used for public transportation by automotive
12 equipment and is so used during a portion of a year is eligible for a
13 payment of \$1,500 per mile if the waterway and connection are maintained
14 during the period of use by a municipality or combination of municipalities.
15 The department, after consultation with the Department of Transportation and
16 Public Facilities, shall determine which waterways and connections qualify
17 and, where the waterways or connections lie outside the corporate limits of
18 a municipality, which municipalities shall receive the payments under this
19 subsection, unless the municipalities involved have agreed in writing to a
20 particular distribution.

21 Sec. 29.62.130. (Sec. 29.89.030.) STATE AID TO MUNICIPALITIES AND
22 OTHER ELIGIBLE RECIPIENTS FOR HEALTH FACILITIES AND HOSPITALS. (a) The
23 department shall pay

24 (1) to a municipality which has the power to provide
25 hospital facilities and services and which exercises that power, \$1,000 per
26 bed for each bed actually used for patient care, limited to the number of
27 beds provided for in the construction design of the hospital, or \$75,000 a
28 hospital for those hospitals with 10 or more beds, or \$25,000 a hospital for
29 those hospitals with less than 10 beds, as the municipality may elect; money

1 received under this paragraph may be used only for hospitals and shall be
2 apportioned among qualifying hospitals as the municipality determines;

3 (2) on the basis set out in (1) of this subsection to a
4 municipality for a nonprofit hospital not operated by a municipality if the
5 municipality first certifies to the department that the nonprofit hospital
6 is in compliance with all standards for hospitals which have been adopted by
7 the municipality; money may not be paid on behalf of a nonprofit hospital
8 without this certification; payments to the municipality shall be
9 transferred to the nonprofit hospital in accordance with the basis by which
10 the payment was generated by the hospital, and shall be applied to the
11 annual cost of operation and maintenance of the hospital or for the
12 provision of health care service at the hospital as the directors of the
13 hospital determine;

14 (3) to a municipality in which a health facility is
15 operated, \$1,000 per bed for each bed actually used for patient care,
16 limited to the number of beds provided for in the construction design of the
17 health facility, or \$4,000 per health facility as the municipality
18 determines.

19 (b) A hospital may not receive payment under both (a)(1) and
20 (a)(2) of this section.

21 (c) Money received by a municipality under (a)(3) of this section
22 shall be used for expenses of health services or operation and maintenance
23 of health facilities as the municipality determines.

24 (d) Before money may be distributed under this section, the
25 commissioner of health and social services shall certify to the commissioner
26 of community and regional affairs that any accumulation of assets by
27 nonprofit corporations or other recipients under this section is dedicated
28 irrevocably to a public purpose.
29

1 Sec. 29.62.140. (Sec. 29.89.040.) STATE AID TO VOLUNTEER FIRE
2 DEPARTMENTS IN THE UNORGANIZED BOROUGH. (a) The department shall pay to a
3 volunteer fire department registered with the state fire marshal and serving
4 an area not in an organized borough or city a sum for protection purposes
5 equal to \$10 per capita for the population served by the department, as
6 determined by the state fire marshal.

7 (b) A grant shall be made under (a) of this section to facilitate
8 the organization of a volunteer fire department in an area not in an
9 organized borough or city, upon application of the proposed fire protection
10 group to the state fire marshal and upon approval of applications according
11 to standards of organization and service prescribed by regulations adopted
12 by the state fire marshal.

13 Sec. 29.62.150. (Sec. 29.89.050.) STATE AID TO NATIVE VILLAGE
14 GOVERNMENTS. The state shall pay \$25,000 to a Native village government for
15 a village which is not incorporated as a city under this title. In this
16 section "native village government" means

17 (1) a local governing body organized by authority of the Act
18 of Congress of June 18, 1934 (25 U.S.C. sec. 476); or

19 (2) a traditional village council or, if there is no
20 traditional village council, the paramount chief or other governing body of
21 a Native village which meets the requirements of the Alaska Native Claims
22 Settlement Act (43 U.S.C. sec 1601 - 1628).

23 Sec. 29.62.160. (Sec. 29.89.060.) POPULATION DETERMINATION. For
24 purposes of this chapter, population shall be determined by the latest
25 figures of the United States Bureau of the Census or other reliable pop-
26 ulation data, including but not limited to public school enrollment figures,
27 public utility connection, registered voters or certified employment
28 payrolls.
29

1 Sec. 29.62.170. (Sec. 29.89.070.) AREA COST-OF-LIVING DIFFERENTIAL.

2 (a) Payments to a municipality or other eligible recipient under
3 AS 29.62.120 - 29.62.130 (AS 29.89.020 - 29.89.030) shall reflect area
4 cost-of-living differentials. Payments shall be based upon the sum of per
5 capita, per mile and per bed or facility grants due each municipality or
6 other recipient multiplied by the appropriate area cost-of-living
7 differential. The area cost-of-living differential for each recipient shall
8 be determined annually by election district under the provisions of AS
9 39.27.030. Application of the area cost-of-living differential may not
10 result in distribution of an amount less than the amount of the payment
11 determined without reference to application of this section.

12 (b) The election districts used to establish area cost-of-living
13 differentials under (a) of this section are those designated by the
14 proclamation of reapportionment and redistricting of December 7, 1961, and
15 retained for the house of representatives by proclamation of the governor
16 September 3, 1965.

17 Sec. 29.62.180. (Sec. 29.89.080.) MISCELLANEOUS SERVICES ACCOUNT. The
18 miscellaneous services account is established. Money to carry out the
19 provisions of this chapter shall be allocated by the department to the
20 account in accordance with AS 29.95.010. If amounts in the account are
21 insufficient to pay each municipality's or other recipient's share
22 authorized under this chapter, the amounts which are available shall be
23 distributed pro rata among eligible municipalities and other recipients.

24 Sec. 29.62.190. (Sec. 29.89.090.) REGULATIONS. The department shall
25 adopt regulations necessary to carry out the purposes of this chapter. The
26 regulations shall include minimum standards required to qualify a
27 municipality or other recipient for payments for each service. The
28 department may require a municipality or other recipient to submit a
29 performance report adequate to demonstrate to the department that a service

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1 for which payment is requested under this chapter was performed by the
2 municipality or other recipient and meets minimum standards of service
3 prescribed by regulation.

4 Sec. 29.62.200. (Sec. 29.89.100.) DEFINITIONS. In this chapter

5 (1) "department" means the Department of Community and
6 Regional Affairs;

7 (2) "health facility"

8 (A) means a facility which is licensed, when required,
9 by the state under AS 18.20.010-18.20.130 and which is owned
10 or operated or both by a municipality or by a nonprofit
11 corporation or other nonprofit sponsor;

12 (B) includes a public health center, maternity home,
13 community mental health center, facility for the mentally or
14 physically handicapped, nursing home or convalescent center;

15 (C) excludes a facility operated or wholly supported by
16 the state or the federal government;

17 (3) "hospital" means a licensed hospital determined by the
18 Department of Health and Social Services to be a general hospital; the term
19 excludes a facility operated or wholly supported by the state or the federal
20 government.

21 Article 3. STATE AID FOR HOSPITAL CONSTRUCTION

22 (CHAPTER 90. STATE AID FOR HOSPITAL CONSTRUCTION)

23 Sec. 29.62.230. (Sec. 29.90.010.) STATE AID FOR HOSPITAL
24 CONSTRUCTION. If construction of a hospital began after January 1, 1968, and
25 state matching aid for construction approved for payment to the municipality
26 or other hospital sponsor constitutes less than 25 percent of the total
27 project cost, the department shall pay to the municipality or other hospital
28 sponsor each fiscal year \$2,500 a bed for the maximum number of beds
29 provided for in the construction design of the facility or five percent of

1 the total project cost, whichever is greater. State aid provided for in
2 this section shall continue until the municipality or other hospital sponsor
3 has received an amount which, combined with state matching money for
4 construction of the hospital, equals 25 percent of the total project cost.
5 Money received for construction may not be used for any other purpose.

6 Sec. 29.62.240. (Sec. 29.90.020.) HOSPITAL CONSTRUCTION ASSISTANCE
7 ACCOUNT. The hospital construction assistance account is established. Money
8 to carry out the provisions of this chapter shall be allocated by the
9 department to the account in accordance with AS 29.62.280 (AS 29.95.010). If
10 amounts in the account are insufficient to pay each recipient's share
11 authorized under this chapter, the amounts which are available shall be
12 distributed pro rata among eligible recipients.

13 Sec. 29.62.250. (Sec. 29.90.030.) DEFINITIONS. In this chapter

14 (1) "department" means the Department of Community and
15 Regional Affairs;

16 (2) "hospital" means a licensed hospital determined by the
17 Department of Health and Social Services to be a general hospital; the term
18 excludes a facility operated or wholly supported by the state or the federal
19 government;

20 (3) "total project cost" means

21 (A) costs directly related to the project; and

22 (B) the total of all costs of financing and carrying
23 out the project, including but not limited to,

24 (1) the costs of all necessary studies, surveys,
25 plans and specifications, architectural, engineering or other
26 special services, acquisition of real property, site pre-
27 paration and development, purchase, construction,
28 reconstruction and improvement of real property, and the
29 acquisition of machinery and equipment as may be necessary in
connection with the project;

1 (ii) an allocable portion of the administrative and
2 operating expenses of the municipality or other hospital
3 sponsor;

4 (iii) the cost of financing the project, including
5 interest on bonds issued to finance the project; and

6 (iv) the cost of other items, including any
7 indemnity and surety bonds and premiums on insurance, legal
8 fees, fees and expenses of trustees, depositaries, financial
9 advisors, and paying agents for the bonds issued as the
10 issuer considers necessary.

11 Article 4. ADMINISTRATION OF MUNICIPAL FINANCIAL PROGRAMS

12 (CHAPTER 95. ADMINISTRATION OF MUNICIPAL FINANCIAL ASSISTANCE PROGRAMS)

13 Sec. 29.62.280. (Sec. 29.95.010.) ALLOCATION AND DISTRIBUTION. (a)
14 Each year, the Department of Community and Regional Affairs shall allocate
15 money appropriated to the accounts established in AS 29.62 (AS 29.88, AS
16 29.89, and AS 29.90) in the amounts determined by the legislature.

17 (b) Money in the miscellaneous services account established in AS
18 29.62.180 (AS 29.89.080) which exceeds the amount required to fully fund
19 distributions authorized by AS 29.62 (AS 29.89) shall be reallocated to the
20 tax equalization account established in AS 29.62.060 (AS 29.88.035) and
21 distributed according to the provisions of AS 29.62 (AS 29.88).

22 (c) Money in the hospital construction assistance account
23 established in AS 29.62.240 (AS 29.89.020) which exceeds the amount required
24 to fully fund distributions authorized by AS 29.62 (AS 29.90) shall be
25 reallocated to the tax equalization account established in AS 29.62.060 (AS
26 29.88.035) and distributed according to the provisions of AS 29.62 (AS
27 29.88).

28 Sec. 29.62.290. (Sec. 29.95.020.) QUALIFICATION FOR MINIMUM PAYMENT.

29 (a) A municipality qualifying for an entitlement under AS 29.62 (AS 29.88

or AS 29.89) shall receive a minimum payment of \$25,000 plus an area cost-of-living differential for each fiscal year if:

(1) the municipality has conducted a regular election under AS 29.30.010 - 29.30.060 (AS 29.28.010 - 29.28.050) during the fiscal year preceding the year for which payment of an entitlement is authorized by AS 29.62 (AS 29.88 or AS 29.89) and has reported the results of the election to the commissioner of the Department of Community and Regional Affairs;

(2) regular council meetings are held in the municipality in accordance with the requirements of AS 29.24.290 (AS 29.23.210) during the fiscal year preceding the year for which payment of an entitlement is authorized by AS 29.62 (AS 29.88 or AS 29.89) and a record of the proceedings is maintained;

(3) a municipal budget has been adopted for the fiscal year during which payment of an entitlement is authorized by AS 29.62 (AS 29.88 or AS 29.89) and an audit or financial statement for the preceding fiscal year has been prepared and furnished to the Department of Community and Regional Affairs in accordance with AS 29.24.700(a) [AS 29.23.560(a)]; and

(4) local ordinances adopted by the governing body of the municipality have been codified in accordance with AS 29.27.060 (AS 29.48.180).

(b) The area cost-of-living differential payable to each municipality under this section shall be determined annually by election district under the provisions of AS 39.27.030. Except as provided in AS 29.62.300 (AS 29.95.030), application of the area cost-of-living differential may not result in a payment which is less than the minimum payment determined under (a) of this section. For purposes of this subsection, the election districts used are those designated by the proclamation of reapportionment and redistricting of December 7, 1961, and retained for the house of representatives by proclamation of the governor

1 (c) The Department of Community and Regional Affairs shall pay to
2 each municipality eligible to receive a minimum payment under this section
3 an amount equal to the difference between the minimum payment determined
4 under (a) and (b) of this section and the sum of the amounts payable for the
5 same fiscal year under AS 29.62 (AS 29.88 and AS 29.89).

6 (d) A payment under this section may be prorated and reduced
7 under AS 29.62.300 (AS 29.95.030).

8 (e) Payments under this section shall be made from the money
9 allocated to the tax equalization account established in AS 29.62.060 (AS
10 29.88.035).

11 Sec. 29.62.300. (Sec. 29.95.030.) PRORATION OF PAYMENTS. (a)
12 Payments under AS 29.62.290 (AS 29.95.020) and AS 29.62. art.4., (AS 29.88)
13 shall equal the amount allocated to the tax equalization account AS
14 29.62.060 (AS 29.88.035), adjusted in accordance with AS 29.62.80 (AS
15 29.95.010).

16 (b) Adjustments of payments shall be determined by prorating
17 amounts payable under AS 29.62.290 (AS 29.95.020) and amounts payable under
18 article 1 of this chapter (AS 29.88) by a factor which, when applied,
19 reduces all payments in equal proportion so that payment under AS 29.95.020
20 and payments under AS 29.88 equal the amount allocated to the tax
21 equalization account established in AS 29.88.035.

CHAPTER 65. GENERAL GRANT LAND

(CHAPTER 18., ARTICLE 3A., GENERAL GRANT LAND)

Sec. 29.65.010. (Sec. 29.18.201.) DETERMINATION OF ENTITLEMENT OF BOROUGHES AND UNIFIED MUNICIPALITIES. The general grant land entitlement of each of the municipalities in this section is the amount set out opposite each:

- (1) Municipality of Anchorage - 44,893 acres;
- (2) City and Borough of Juneau - 19,584 acres;
- (3) City and Borough of Sitka 10,500 acres;
- (4) Bristol Bay Borough - 2,898 acres;
- (5) Fairbanks North Star Borough - 112,000 acres;
- (6) Haines Borough - 2,800 acres;
- (7) Kenai Peninsula Borough - 155,780 acres;
- (8) Ketchikan Gateway Borough 11,593 acres;
- (9) Kodiak Island Borough - 56,500 acres;
- (10) Matanuska-Susitna Borough - 355, 210 acres;
- (11) North Slope Borough - 89,850 acres.

Sec. 29.65.020. (Sec. 29.18.202.) DETERMINATION OF ENTITLEMENT FOR CITIES. The general grant land entitlement of a city formerly eligible to receive general grant land under the provisions of secs. 190 and 200 of this chapter, as repealed by this act, is 10 percent of the maximum total acreage of vacant, unappropriated, unreserved land within the boundaries of each city at any time between the initial date of eligibility under former secs. 190 and 200 of this chapter and July 1, 1978. Within six months of July 1, 1978, the director shall determine the entitlement for each city eligible to receive general grant land under this section and certify that entitlement to the city.

Sec. 29.65.030. (Sec. 29.18.203.) DETERMINATION OF ENTITLEMENT FOR NEWLY INCORPORATED MUNICIPALITIES. (a) The general grant land entitlement

1 of a municipality incorporated after July 1, 1978 is 10 percent of the total
2 acreage of vacant, unappropriated, unreserved land within the boundaries of
3 the municipality on the date of incorporation of that municipality.

4 (b) Within six months of the date of incorporation of a
5 municipality which is incorporated after July 1, 1978, the director shall
6 determine the entitlement of each municipality eligible to receive general
7 grant land under (a) of this section and certify the entitlement to the
8 municipality.

9 Sec. 29.65.040. (Sec. 29.18.204.) STATUS OF ENTITLEMENTS. (a) After
10 July 1, 1978, general grant land entitlements provided in AS 29.18.201 and
11 29.18.202 are vested property rights which must be fulfilled as provided in
12 AS 29.18.205 or 29.18.208.

13 (b) General grant land entitlements provided by AS 29.18.203 are
14 property rights which vest on the date of incorporation of the municipality.
15 The entitlement must be fulfilled as provided in AS 29.18.205.

16 (c) Land may be selected by a municipality to satisfy a general
17 grant land entitlement under AS 29.18.201 and 29.18.202 at any time before
18 October 1, 1980.

19 (d) Land may be selected by a municipality to satisfy a general
20 grant land entitlement under AS 29.18.203 at any time within one year after
21 the director certifies the entitlement to the municipality.

22 (e) The time limitations imposed by (c) and (d) of this section
23 for exercising a vested general grant land entitlement do not apply to

24 (1) the portion of an entitlement which cannot be satisfied
25 by that date because of a shortage of land suitable for residential,
26 commercial and industrial purposes which is vacant, unappropriated,
27 unreserved land;

28 (2) payments for land deficiency under AS 29.18.208;
29

1 (3) the portion of an entitlement which cannot be satisfied
2 because the land selected by a municipality has been selected by a party
3 entitled to select land owned by the United States or the state; or

4 (4) the portion of an entitlement which cannot be satisfied
5 because the land nominated for selection by the municipality is not tenta-
6 tively approved for patent to the state.

7 Sec. 29.65.050. (Sec. 29.18.205.) FULFILLMENT OF LAND ENTITLEMENTS

8 (a) The acreage of each municipality's land selections under former secs.
9 190 and 200 of this chapter for which patent has been issued before July 1,
10 1978 shall be credited toward fulfillment of the entitlement of that
11 municipality.

12 (b) All approved selections under former secs. 190 and 200 of this
13 chapter for which patent has not been issued to a municipality on July 1,
14 1978 shall be reviewed by the director within nine months of July 1, 1978.
15 Any approved selection of land which was vacant, unappropriated or
16 unreserved on the date of selection is valid as of the date of the approval
17 under former secs. 190 and 200 of this chapter, and a patent shall be issued
18 to the municipality within three months after approval by the director of a
19 plat of survey. The acreage shall be credited toward fulfillment of the
20 municipality's entitlement. No municipality is entitled to receive patent
21 under this chapter to more than its entitlement determined under secs. 201 -
22 203 of this chapter. Any prior approval by the director of municipal
23 selections for land which was not vacant, unappropriated or unreserved on
24 the date of selection shall be rescinded, and patent may not be issued
25 except when disposal to a third party by sale or lease has occurred.
26 Transfers of land to municipalities under this chapter are subject to AS
27 38.05.321. Classification actions as reflected upon the land status records
28 of the Department of Natural Resources are determinative of land
29 classification status for purposes of this chapter.

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(c) Repealed by sec. 45 ch 85 SLA 1979.

(d) Repealed by sec. 45 ch 85 SLA 1979.

(e) Repealed by sec. 45 ch 85 SLA 1979.

(f) The director shall approve each selection for patent within nine months of its selection by a municipality, and a patent shall be issued to the municipality for land selected in satisfaction of a general grant land entitlement vested under AS 29.18.201 - 29.18.203 within three months after approval by the director of a plat of survey.

(g) Repealed by sec. 45 ch 85 SLA 1979.

(h) Repealed by sec. 45 ch 85 SLA 1979.

(i) Repealed by sec. 45 ch 85 SLA 1979.

Sec. 29.65.060. (Sec. 29.18.206.) SCHOOL, UNIVERSITY AND MENTAL HEALTH LAND. (a) If an entitlement determined in sec. 201 or 202 of this chapter results in a per capita entitlement for the municipality of less than one and one-half acre, the municipality may select vacant school, university or mental health land within the municipality in partial fulfillment of its land entitlement under this chapter. School, university or mental health land may be selected notwithstanding the fact that these lands are not unappropriated and unreserved within the meaning of this chapter and secs. 190 and 200 of this chapter, repealed by this act, but each selection of school, university or mental health land by a municipality must be vacant, unappropriated, or unreserved land as defined in this chapter, except that it need not be general grant land.

(b) The acreage of school, university or mental health land, if any, within a municipality may not be included in the determination of entitlement under sec. 201 or 202 of this chapter.

(c) Land conveyed under this section will be credited against a municipality's remaining land entitlement under this chapter.

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(d) Within six months after approval of a municipal selection of school, university, or mental health land, the director shall identify state general grant land of approximately equal value to the land requested by the municipality, and shall propose the replacement land for the concurrence of the appropriate board. If a proposal by the director is rejected by the board, the director shall meet with the board as often as necessary to determine the type and amount of equal value replacement land that would be required to obtain the board's concurrence, and shall propose the replacement land for consideration by the board. The replacement land shall thereafter be managed for the purposes for which the land selected by the municipality was acquired by the Territory and State of Alaska.

(e) The notice and review provisions of AS 38.05.305 and 38.05.345 are applicable to the designation of other general grant land as school, university or mental health land in replacement of land selected under this section. The provisions of AS 38.50 and AS 38.05.032 do not apply to such designations under this section. The provisions of AS 38.05.030(a), 38.05.030(e), and 38.05.035(a)(13) which require the approval of the respective trust board before disposal of lands by the director do not apply to selections of school, university or mental health land by a municipality under this section.

(f) For purposes of determining the per capita entitlement under (a) of this section, the population of a municipality shall be the population determined by the commissioner of the Department of Community and Regional Affairs under AS 43.18.010 for the program year beginning July 1, 1978 for a municipality whose entitlement is determined under sec. 201 or 202 of this chapter.

Sec. 29.65.070. (Sec. 29.18.207.) SELECTION AND CONVEYANCE PROCEDURE.

(a) Repealed by sec. 45 ch 85 SLA 1979.

(b) Repealed by sec. 45 ch 85 SLA 1979.

(c) If land selected by a municipality is unsurveyed at the time of approval, the director shall survey, or may approve the municipality's survey of, the exterior boundaries of an approved selection without interior subdivision, and shall issue patent in terms of the exterior boundary survey. The cost of the survey shall be borne by the municipality. If land selected by a municipality has been surveyed at the time of its selection, the boundaries shall conform to the public land subdivisions established by the approved survey.

(d) The director may approve municipal selections of land which have been tentatively approved or patented to the state by the federal government, but he may not issue patent to a municipality until the land has first been patented to the state. After approval of a selection by the director, but before patent to a municipality, the municipality may execute conditional leases and make conditional sales only with the consent of the director. Conditional sales and conditional leases made before July 1, 1978 do not require the consent of the director.

(e) Nothing in this chapter affects a valid existing claim, location or entry under the laws of the state or the United States whether for homestead, mineral, right-of-way or other purposes. Nothing in this chapter affects the rights of an owner, claimant, locater or entryman to the full use and enjoyment of the land so occupied.

Sec. 29.65.080. (Sec. 29.18.208.) PAYMENT FOR LAND DEFICIENCY. (a) There is established within the general fund the Alaska municipal land account for the following purposes:

(1) providing payment to the boroughs and unified municipalities designated in AS 29.18.201 for a deficiency of land physically suitable for residential, commercial or industrial purposes; or

1 (2) providing payment to the boroughs and unified
2 municipalities designated in sec. 201 of this chapter for certain general
3 grant lands selected by the state and conveyed to a Native corporation under
4 the provisions of the Alaska Native Claims Settlement Act.

5 (b) A municipality shall receive payment for its land deficiency
6 from the account established in (a) of this section. A municipality is
7 eligible to receive payment for land deficiency if, after July 1, 1980, the
8 amount of land selected by a municipality which is physically suitable for
9 residential, commercial or industrial purposes amounts to less than
10 one-third acre per capita. Any entitlement under AS 29.18.201 which is less
11 than one-third acre per capita will, for the purposes of this subsection, be
12 considered a land deficiency. An unselected remaining entitlement will, for
13 the purpose of deficiency payment under this subsection, be considered as
14 land physically suitable for residential, commercial or industrial purposes.
15 A municipality eligible under this subsection is entitled to receive a
16 payment for land deficiency equal to \$1,000 per acre for a number of acres
17 equal to the difference between one-third of the population of the
18 municipality less the number of acres physically suitable for residential,
19 commercial or industrial purposes which has been selected by the
20 municipality. For the purpose of this subsection, the population of the
21 municipality shall be the population determined in accordance with AS
22 29.18.206(f). No payment may be made to a municipality under this subsection
23 in excess of \$9,000,000.

24 (c) If a municipality selected vacant, unappropriated, unreserved
25 land on or before December 18, 1971, to which the state had received
26 tentative approval or patent, and such land was also selected by a Native
27 corporation organized under the Alaska Native Claims Settlement Act (P.L.
28 92-203), and title to that land is ultimately vested in that Native
29 corporation, the municipality may, at its option, request payment for land

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1 deficiency from the account established in (a) of this section. The
2 acceptance of payment under this subsection by a municipality constitutes a
3 relinquishment of any other right, title or claim to the land by that
4 municipality. The total payment to a municipality under this subsection may
5 not exceed \$1,000 per acre to a maximum of 8,000 acres.

6 (d) The governor shall annually submit to the legislature a
7 request for an appropriation to the account for the municipalities which
8 have elected to receive payments under (b) or (c) of this section. The
9 request for appropriation shall distinguish between amounts necessary to
10 make payments for land deficiency under (b) of this section and those
11 required to make payments for land deficiency under (c) of this section.

12 (e) For purposes of fulfilling entitlements under this section,
13 the legislature is authorized to appropriate

14 (1) not more than \$4,000,000 per fiscal year, and not more
15 than \$12,000,000 in total, for the purpose of paying entitlements under (b)
16 of this section;

17 (2) not more than \$1,000,000 per fiscal year, and not more
18 than \$8,000,000 in total, for the purpose of paying entitlements under (c)
19 of this section.

20 (f) If an annual appropriation is not sufficient to meet the
21 amount due to all municipalities which have elected to accept payment for
22 land deficiency under (b) or (c) of this section, the governor shall
23 apportion the appropriation among the municipalities in proportion to the
24 payment calculated for each municipality for that year. When a distribution
25 of payments is made under (c) of this section, the remaining entitlement of
26 a municipality to which payment is made shall be reduced in an amount equal
27 to the number of acres for which payment was received. An appropriation made
28 under this section is in addition to other grants and entitlements
29 authorized to eligible municipalities.

1 (g) Payments authorized by this section may not be made to a
2 municipality eligible for an entitlement under sec. 202 or 203 of this
3 chapter.

4 (h) Payments made under this section shall be used by those local
5 governments which levy property taxes to reduce those levies in proportion
6 to the amount of state payments received by a local government for a given
7 fiscal year. The governing body of each local government shall furnish a
8 notice with the tax statement describing the effect on property tax levies
9 of payments received under this section.

10 Sec. 29.65.090. (Sec. 29.18.209.) AUTHORIZATION FOR LAND EXCHANGES.
11 The director, with the concurrence of the commissioner, and any municipality
12 are authorized to exchange land or interests in land when it is in the
13 public interest. Land or interests in land exchanged under this section must
14 be of approximately equal value, including the non-monetary value of public
15 benefits. Exchange procedures shall comply with applicable law and municipal
16 ordinances. The notice and review provisions of AS 38.05.305 and 38.05.345
17 are applicable to exchanges of land under this section. The provisions of AS
18 38.50 do not apply to exchanges of land under this section.

19 Sec. 29.65.100. (Sec. 29.18.210.) PUBLIC PURPOSE AND EXPANSION NEEDS.
20 (a) Consistent with the best interests of the state, if a municipality does
21 not contain and cannot reasonably acquire sufficient nonfederal land within
22 its boundaries to meet its legitimate needs for public or private settlement
23 or development, it shall be the policy of the state to select federal land
24 reasonably necessary to meet the needs of the municipality and to make the
25 land selected available to the municipality under AS 38.05.315 or (b) of
26 this section.

27 (b) Where state land is the most logical location for demonstrated
28 municipal expansion for nonpublic settlement and development purposes, and
29 when an exchange of land under sec. 209 of this chapter is not possible or

1 is not in the public interest, it is the policy of the state to sell or
2 lease the land at public auction. The state may contract with a municipality
3 to act as its agent in an auction of state land under applicable statutes.
4 When a municipality acts as the agent of the state in an auction, the
5 municipality may retain from the proceeds of the auction the expenses which
6 the director determines to be necessary and reasonable.

7 (c) Nothing in this chapter limits or impairs the authority of the
8 director to transfer land to municipalities, without limit or consideration,
9 for public purposes in accordance with AS 38.05.315. If there is a remaining
10 entitlement of the municipality, land transferred under AS 38.05.315 shall
11 be credited toward fulfillment of the entitlement.

12 Sec. 29.65.110. (Sec. 29.18.211.) ELECTION OF BENEFITS. (a) A
13 municipality which on July 1, 1978 is engaged in litigation, or which
14 becomes engaged in litigation, regarding a claim to state land under former
15 secs. 190 and 200 of this chapter shall elect either to obtain the benefits
16 provided in secs. 201 -213 of this chapter or to pursue the litigation and
17 thereby waive any claim to entitlement under secs. 201 213 of this chapter.
18 An election shall be made by filing a motion for dismissal with prejudice in
19 the court in which the litigation is pending. If the claim involves a
20 municipality identified in sec. 201 of this chapter, the municipality shall
21 file its motion for dismissal within 60 days of July 1, 1978. If the claim
22 involves a city eligible to receive an entitlement under sec. 202 of this
23 chapter, the city shall file its motion for dismissal within 60 days after
24 receiving the certificate of entitlement provided by the director under sec.
25 202 of this chapter. Failure of the municipality to file a motion for
26 dismissal during the time period provided in this subsection shall be
27 considered a waiver of entitlement under secs. 201 - 213 of this chapter.

28 (b) A municipality which was eligible to file land selections
29 under former secs. 190 and 200 of this chapter and which does not enter

1 into litigation over a claim to rights under those sections before the
2 expiration of the time period within which it could make an election under
3 (a) of this section shall be considered to have elected to receive benefits
4 under secs. 201 - 213 of this chapter and to have waived any claim which
5 might have been raised under former secs. 190 and 200 of this chapter.

6 (c) The provisions of secs. 201 - 213 of this chapter do not
7 affect the rights, if any, of any party to litigation regarding the former
8 AS 29.18.190 29.18.200 or 29.18.420, which litigation is maintained by a
9 municipality that has elected not to obtain the benefits provided by secs.
10 201 - 213 of this chapter.

11 Sec. 29.65.120. (Sec. 29.18.212.) ADMINISTRATION. The commissioner
12 may adopt regulations in accordance with the Administrative Procedure Act
13 (AS 44.62) necessary to carry out the purposes of secs. 201 - 213 of this
14 chapter.

15 Sec. 29.65.130. (Sec. 29.18.213.) DEFINITIONS. In secs. 201 - 213 of
16 this chapter, unless the context otherwise requires,

17 (1) Repealed by sec. 45 ch 85 SLA 1979.

18 (2) "approved selection" means a municipal land selection
19 which has been approved in writing by the director for transfer by patent to
20 a municipality;

21 (3) "director" means the director of the division of lands,
22 Department of Natural Resources, or his designee;

23 (4) "general grant land" means land patented or tentatively
24 approved to the state from the United States under sec. 6(a) or (b) of the
25 Alaska Statehood Act;

26 (5) "mental health land" means land granted under Title II,
27 sec. 202 of P.L. 84-830, as amended before or after July 1, 1978;

28 (6) "municipal land selection" means a request by a
29 municipality, filed in writing with the director under authority of secs.

1 190 and 200 of this chapter repealed by this act or under secs. 201 - 213 of
2 this chapter for vacant, unappropriated, unreserved general grant land
3 within its municipal boundaries in partial fulfillment of its municipal
4 entitlement;

5 (7) "municipality" means a home rule or general law city or
6 organized borough of any class, and includes unified municipalities
7 established under AS 29.68.240 - 29.68.440;

8 (8) "patent" means a document, issued by the director to a
9 municipality for a previously approved selection, which conveys and
10 quitclaims all the right, title and interest of the state without
11 reservation or condition except as may be required by law;

12 (9) "remaining entitlement" means the general grant land
13 entitlement determined in accordance with secs. 201 - 203 of this chapter,
14 reduced by the total acreage of approved selections, including both patented
15 and unpatented parcels;

16 (10) "school land" means those rectangular sections 16 and 36
17 within each township surveyed on or before January 3, 1959, and confirmed
18 and transferred to the State of Alaska upon its admission under sec. 6(k),
19 Alaska Statehood Act, 72 Stat. 339, and any other land designated solely for
20 school revenues;

21 (11) "university land" means all sections 33 reserved to the
22 university under 38 Stat. 1214, as amended (48 U.S.C. 353) and all land
23 granted to or reserved for the benefit of the university;

24 (12) "vacant, unappropriated, unreserved land" means general
25 grant land as defined in (4) of this section, excluding minerals as required
26 by sec. 6(i) of the Alaska Statehood Act, which

27 (A) has not been set aside by statute for one or more
28 particular uses or purposes;
29

1 (B) has not been approved for patent to a municipality
2 under secs. 201-213 of this chapter or former secs. 190 and 200 of
3 this chapter repealed by this act; or

4 (C) is unclassified or, if classified under AS
5 38.05.300, is classified for agricultural, grazing, commercial,
6 industrial, private recreational, residential, utility or
7 open-to-entry purposes,
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CHAPTER 68. MUNICIPAL PROGRAMS

ARTICLE 1. INVOLVEMENT OF YOUNG PEOPLE IN LOCAL GOVERNMENT

Sec. 29.68.010. (Sec. 29.23.395.) INTENT OF SECS. 397-401. It is the intent of Secs. 397-401 of this chapter to provide an opportunity for the young people of Alaska to become involved in the institutions and processes of local government comparable to that embodied in legislation under consideration at the First Session of the Seventh Legislature providing for participation in the executive branch of state government.

Sec. 29.68.020. (Sec. 29.23.397.) COMMISSION. (a) The governing body of a municipality may by ordinance establish a commission on the involvement of young people in local government.

(b) The commission may consist of not more than nine members, drawn from fields of public affairs, education, the sciences, the professions, other fields of private endeavor, from the state or local service, and three additional members from the 17-22 age group, and shall include women and representatives of minority groups. The members shall be appointed by the governing body in the manner prescribed by ordinance without regard to political affiliation and shall serve at the pleasure of that body. One member shall be designated by the governing body as chairman of the commission.

(c) Members of the commission serve without compensation but are entitled to per diem and travel expenses as may be authorized by ordinance.

(d) The commission shall establish procedures to enable it to recommend annually to the governing body a group of promising young men and women from whom the governing body may select interns and youth voting members of municipal boards and commissions. The commission, in establishing these procedures, shall enlist the aid of municipal residents who are actively interested in working with young people. Following adoption of the procedures, the commission shall accept applications from

persons and nominations for consideration, and shall interview all applicants or nominees.

(e) Recommendations of the commission shall be limited to young people who

(1) have a capacity, desire, interest, ability and potential for leadership and service to the community and to the state;

(2) will have attained the age of 17 but not the age of 22 before the beginning of their service.

(f) Annually, the commission shall evaluate the program and shall submit a written report to the governing body.

Sec. 29.68.030. (Sec. 29.23.399.) INTERNS. An intern may be appointed to serve on the staff of the governing body or the municipal administration for a period of time prescribed by the governing body, with a maximum of one year. He may be assigned responsibilities in any office, department or agency of the municipality. Service will begin at a time prescribed by the governing body. Interns shall be appointed without regard to political affiliation. Salaries shall be individually established by the governing body on the basis of prior experience and the responsibilities of the position to which the intern is assigned.

ARTICLE 2. HISTORICAL DISTRICTS

Sec. 29.68.060. (Sec. 29.48.108.) CREATION OF HISTORICAL DISTRICT COMMISSIONS. The governing body of a general law or home rule municipality may establish a historical district commission or designate the planning and zoning commission or itself to serve as the historical district commission.

Sec. 29.68.070. (Sec. 29.48.110.) ESTABLISHMENT OF HISTORICAL DISTRICTS. (a) In addition to existing municipal authority providing for the preservation, protection, and maintenance of historic sites, the local historical district commission established under Sec. 108 of this chapter, in consultation with the Historic Sites Advisory Committee within the

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1 Department of Natural Resources, may establish a historical district within
2 the boundaries of the municipality.

3 (b) A historical district shall be a reasonably compact area of
4 historical significance in which two or more structures important in state
5 or national history, and related by physical proximity or historical
6 association, are located. For purposes of this section, "structures
7 important in state or national history" means properties recommended by
8 historical district commissions, which are listed in the National Register
9 of Historic Places or are characteristic of the Russian-American period
10 before October 18, 1867, the early territorial period before 1930, or early
11 Native heritage, reflecting the indigenous characteristics of Native culture
12 in Alaska. Upon recommendation of the governing body of a general law or
13 home rule municipality and the Historic Sites Advisory Committee, the
14 Department of Natural Resources may by regulation formulate additional
15 criteria for the establishment of historical districts not inconsistent with
16 this subsection.

17 (c) The establishment of a historical district under this section
18 shall be consistent with any applicable comprehensive plan for the
19 municipality.
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CHAPTER 71. GENERAL PROVISIONS

1 Sec. 29.71.010. (Sec. 29.73.030.) ADVERSE POSSESSION. A home rule or
2 general law municipality may not be divested of title to real property by
3 adverse possession.

4 Sec. 29.71.020. (Sec. 29.73.040.) TAXATION OF MUNICIPALITIES. No
5 state law or regulation may assess or tax, or be construed to assess or tax,
6 home rule or general law cities or boroughs of the state, unless the law or
7 regulation expressly provides that the cities or boroughs are to be assessed
8 or taxed by the particular law or regulation.

9 Sec. 29.71.030. (Sec. 29.78.010.) DEFINITIONS. In this title, unless
10 otherwise provided, or the context otherwise requires,

11 (1) "borough" means a general law first, second or third
12 class organized borough;

13 (2) "city" means a general law first or second class city;

14 (3) "conditional use" means exception, special exception,
15 special use, or special permit designated in the zoning ordinance;

16 (4) "consolidation" means dissolution of two or more
17 municipalities and their incorporation as a new municipality;

18 (5) "majority" means a simple majority;

19 (6) "merger" means dissolution of a municipality and its
20 absorption by another municipality;

21 (7) "municipal election" includes but is not limited to
22 elections to choose city councilmen, borough assemblymen, school board
23 members and utility board members;

24 (8) "municipality" means a general law municipal corporation
25 and political subdivision, which is a first or second class borough or city,
26 or a third class borough, incorporated under the laws of the state;

27 (9) "owner", "record owner", or "owner of record" means
28 owner of record or purchaser of record;
29

1 (10) "personal property" means tangible property other than
2 real property, ~~such as merchandise and stock in trade, machinery and~~
3 ~~equipment, furniture and fixtures, motor vehicles and vehicles, boats and~~
4 ~~vessels and aircraft;~~

5 (11) "property" means real and personal property;

6 (12) "published" means appearing at least once in a
7 newspaper of general circulation distributed within the municipality or, if
8 there is no newspaper of general circulation distributed within the
9 municipality, posting in three public places for at least five days;

10 (13) "real property" means land and improvements and all
11 possessory rights and privileges appurtenant to the property, and includes
12 personal property affixed to the land or improvements;

13 (14) "regular election" means the municipal election held on
14 the first Tuesday of October annually, or on an election date or at an
15 interval of years provided by ordinance;

16 (15) "street" includes streets, avenues, boulevards, roads,
17 lanes, alleys, and other ways;

18 (16) "subdivision" means the division of a tract or parcel
19 of land into two or more lots, sites, or other divisions for the purpose,
20 whether immediate or future, of sale or building development, includes
21 resubdivision, and, when appropriate to the context, relates to the process
22 of subdividing or to the land or area subdivided;

23 (17) "voter" means a United States citizen who is qualified
24 to vote in state elections and has been a resident of the municipality for
25 30 days immediately preceding the election and who is registered to vote in
26 state elections and is not disqualified under art. V of the state
27 constitution.

28 (18) "areawide power" means a power of an organized borough
29 exercised throughout the borough;

(19) "nonareawide power" means a power of an organized
borough exercised by the borough only in the area outside of cities.

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