

LEG. FINANCE - BILLS 1981 - 1982 1639

CSSB 180 cont.

1639

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
Bill/Resolution No. House CS for Senate Bill 830 (Finance)/HCS CSSB 180 (Fin)
Title "An Act relating to assistance for municipalities and ... communities..."
Requested by House Finance Committee Date 5/6/82

II. FISCAL DETAIL
Agency Affected Department of Community and Regional Affairs
Program Category Affected Development
BRU, Program, Or Subprogram(s) Affected Local Government Assist./Rev. Sharing Adm.
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES		27.5	29.4	31.5	33.7	
200 TRAVEL		5.2	5.7	6.2	6.7	
300 CONTRACTUAL		4.1	4.5	4.9	5.3	
400 COMMODITIES		.7	.1	.1	.1	
500 EQUIPMENT		.6	-0-	-0-	-0-	
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		38.1	39.7	42.7	45.8	

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		38.1	39.7	42.7	45.8	
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME		1	1	1	1	
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)
Assumptions: 1) HCSSB 830 includes a provision transferring the Municipal Assistance Program from the Department of Revenue to the Department of Community and Regional Affairs.
2) No personal services transfers are made from the Department of Revenue to the Department of Community and Regional Affairs.
3) The FY 83 Personal Services funding is based on the existing salary schedule.
4) Succeeding years after FY 83 are adjusted for inflation at an annual rate of 7% for personal services and 9% for other categories, less one time items.

A detailed breakdown and justification are attached.

IV. DATE May 5, 1982 PREPARED BY Doug Griffin
AGENCY C & RA/Local Gov't Assistance
Original: Legislative Finance PHONE 465-4736
cc: Budget and Management
Prime Sponsor (First Legislator Named)
33-001 (Rev. 12/81)

Detailed Breakdown

100 Personal Services 27,475

Accounting Technician I (Range 12) Juneau

1,761 X 12 = 21,132
Benefits 6,343

200 Travel 5,200

8 Trips @ \$450 per trip 3,600
20 Days per diem @ \$80 per day 1,600

300 Contractual Services 4,100

Communications 1,100
Printing and Advertising 1,000
Space rent 2,000

400 Commodities 700

Office supplies 100
Office equipment 600
(one time item)

500 Equipment 600

Major Office Equipment (desk) 600
(one time item)

Justification

The addition of the Municipal Assistance program will create additional work for the staff assigned to administer the State Revenue Sharing Program. The administrative capabilities of present State Revenue Sharing staff in the Division of Local Government Assistance are already spread thin to properly implement what has become an increasingly complex and comprehensive program. It could be argued that the Department of Revenue, whose responsibilities will be reduced as a result of transferring the Municipal Assistance Program out of their agency, could look at a staff reduction or simply the transfer of Municipal Assistance staff to the Department of Community and Regional Affairs. This Department, however, has been advised by the Department of Revenue that this transfer is not possible due to the other related duties performed by Municipal Assistance staff. Therefore, one additional staff person is requested to assist in the administration of a jointly administered State Revenue Sharing/Municipal Assistance Program.

Analysis
page 2

Travel funding is requested to provide better outreach and communication so that the combined program funds can be made available to all eligible communities. Travel funding for State Revenue Sharing Program administration has historically been quite modest and therefore a slight increase is needed to provide adequate travel support.

Contractual funding is needed to provide additional funding for printing, advertising, postage, and telephone calls.

Commodities and equipment funding is needed to provide adequate support for the new position that is requested.

DG/1f/0885U

CORRECTION

Re: SENATE BILL NO. 736

CORRECTION

1
2
3 Please discard SENATE BILL NO. 736 and replace with this corrected
4 version.
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

1 IN THE SENATE

BY STURGULEWSKI, GILMAN,
FERGUSON AND FISCHER

2 SENATE BILL NO. 736

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to home rule municipalities; and
7 providing for an effective date."

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

9 * Section 1. AS 29.08.010 is amended to read:

10 Sec. 29.08.010. HOME RULE. A home rule municipality is a munici-
11 pal corporation and political subdivision and is a city [OF THE FIRST
12 CLASS] or an organized borough that [WHICH] has adopted a home rule
13 charter. It has all legislative powers not prohibited by law or charter

14 * Sec. 2. AS 29.08.040(a) is amended to read:

15 (a) A second class city may be reclassified as a first class city
16 by holding an election on the question as provided in this subsection,
17 if the Department of Community and Regional Affairs determines from the
18 best figures available that the population of the city has reached 600
19 [^00] permanent residents.

20 * Sec. 3. AS 29.13.010 is amended to read:

21 Sec. 29.13.010. MUNICIPAL CHARTER ADOPTION. (a) A first class
22 city or general law [MUNICIPALITY OR SECOND CLASS] borough may adopt a
23 charter for its own government. A second class city may adopt a charter
24 for its own government if the population of the city is at least 600 per-
25 manent residents. A home rule municipality may amend its charter or
26 adopt a new one.

27 (b) A charter is framed by a charter commission of seven members
28 chosen by the special election. A candidate for the commission shall be
29 a qualified voter of the municipality and a resident of the municipality

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

7 c) An unincorporated community with at least 600 permanent resi-
8 dents or an area of the unorganized borough may adopt a charter for its
9 own government and incorporate as a home rule municipality. A person
10 who files a petition to incorporate a home rule municipality in accor-
11 dance with AS 29.18.050 shall prepare and file a proposed home rule char-
12 ter with the petition.

13 * Sec. 4. AS 29.13 is amended by adding a new section to read:

14 Sec. 29.13.015. MODEL CHARTERS. The Department of Community and
15 Regional Affairs shall prepare at least one model home rule charter for
16 a borough and at least one model home rule charter for a city. The
17 model charters shall be made available to persons interested in filing a
18 petition to incorporate a home rule municipality.

19 * Sec. 5. AS 29.18.011(a) is amended to read:

20 (a) A community that [WHICH] meets the following standards may
21 incorporate as a first class or home rule city:

- 22 (1) the community has 600 [400] or more permanent residents;
23 (2) the boundaries of the proposed city include all areas
24 necessary to provide municipal services on an efficient scale;
25 (3) the economy of the community includes the human and
26 financial resources necessary to provide local services; in considering
27 the economy of the community, the Local Boundary Commission shall consi-
28 der property valuations, economic base, personal income, resource and
29 commercial development, anticipated functions, and the expenses and

1 income of the proposed city, including the ability of the community to
2 generate local revenue;

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

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

6 * Sec. 6. AS 29.18.030 is amended to read:

7 Sec. 29.18.030. INCORPORATION OF A BOROUGH [ORGANIZED BOROUGHS].

8 An area may incorporate as a general law or home rule [AN ORGANIZED]
9 borough if it conforms to the following standards:

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

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

16 (3) the economy of the area includes the human and financial
17 resources capable of providing local services; evaluation of an area's
18 economy includes land use, property valuations, total economic base,
19 total personal income, resource and commercial development, anticipated
20 functions, expenses, and income of the proposed borough;

21 (4) land, water, and air transportation facilities allow the
22 communication and exchange necessary for the development of integrated
23 local government.

24 * Sec. 7. AS 29.18.050(8) is amended to read:

25 (8) for home rule or first class city incorporation, the
26 signatures and resident address of 50 permanent resident voters or of 15
27 percent of the permanent resident voters within the proposed municipal-
28 ity, whichever is greater, based on the number who voted in the area in
29 the last general election;

1 * Sec. 8. AS 29.18.050(10) is amended to read:

2 (10) for home rule or general law borough incorporation, the
3 signature and resident address of 15 percent of the permanent resident
4 voters in each first class city and 15 percent of voters in the area
5 outside first class cities based on the number who voted in the respec-
6 tive areas in the last general election;

7 * Sec. 9. AS 29.18.050 is amended by adding a new paragraph to read:

8 (13) for a home rule municipality, a proposed home rule char-
9 ter.

10 * Sec. 10. AS 29.18.110 is amended by adding a new subsection to read:

11 (e) A home rule charter included in the incorporation petition is
12 considered to be part of the incorporation question. The home rule
13 charter is adopted if the voters approve incorporation of the municipal-
14 ity.

15 * Sec. 11. AS 29.18.180(a) is amended to read:

16 (a) For the purpose of defraying the cost of transition to municipi-
17 pal [BOROUGH OR CITY] government and in order to provide for development
18 and interim governmental operations, each municipality [BOROUGH AND
19 CITY] incorporated after January 1, 1968, or, in the case of a second
20 class city, incorporated or reclassified after January 1, 1968, other
21 than a unified municipality incorporated under the provisions of AS
22 29.85, or a municipality otherwise incorporated by consolidation, is
23 entitled to an organization grant equal to \$10 for every voter who voted
24 in the [BOROUGH OR CITY] incorporation election. However, each incorpor-
25 ated home rule or general law borough and each home rule or first class
26 city incorporated or established by reclassification outside an organized
27 borough is entitled to at least \$25,000.

28 * Sec. 12. AS 29.05.010(a) is repealed and reenacted to read:

29 (a) A community that meets the following standards may incorporate

1 as a home rule or first class city:

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

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

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

12 (4) the population of the community is stable enough to
13 support city government;

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

15 * Sec. 13. AS 29.05.030 is repealed and reenacted to read:

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

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

22 (2) the boundaries of the proposed borough conform generally
23 to natural geography and include all areas necessary for full development
24 of municipal services;

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

1 (4) land, water, and air transportation facilities allow the
2 communication and exchange necessary for the development of integrated
3 borough government.

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

5 * Sec. 14. AS 29.05.060(11) is repealed and reenacted to read:

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

10 * Sec. 15. AS 29.05.060 is amended by adding a new paragraph to read:

11 (13) for a home rule municipality, a proposed home rule char-
12 ter.

13 * Sec. 16. AS 29.05.110 is amended by adding a new subsection to read:

14 (e) A home rule charter included in the incorporation petition is
15 considered to be part of the incorporation question. The home rule
16 charter is adopted if the voters approve incorporation of the municipal-
17 ity.

18 * Sec. 17. AS 29.05.180(a) is repealed and reenacted to read:

19 (a) For the purpose of defraying the cost of transition to municipi-
20 pal government and in order to provide for development and interim
21 governmental operations, each municipality incorporated after January 1,
22 1968, or, in the case of a second class city, incorporated or reclassi-
23 fied after January 1, 1968, other than a unified municipality or a
24 municipality otherwise incorporated by consolidation, is entitled to an
25 organization grant equal to \$10 for every voter who voted in the incor-
26 poration election. However, each incorporated home rule or general law
27 borough and each home rule or first class city incorporated or estab-
28 lished by reclassification outside an organized borough is entitled to
29 at least \$25,000.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

* Sec. 18. AS 29.10.010 is amended by adding a new subsection to read:

(d) An unincorporated community with at least 600 permanent residents or an area of the unorganized borough may adopt a charter for its own government and incorporate as a home rule municipality. A person who files a petition to incorporate a home rule municipality in accordance with AS 29.05.060 shall prepare and file a proposed home rule charter with the petition.

* Sec. 19. AS 29.10 is amended by adding a new section to read:

Sec. 29.10.015. MODEL CHARTERS. The department shall prepare at least one model home rule charter for a borough and at least one model home rule charter for a city. The model charters shall be made available to persons interested in filing a petition to incorporate a home rule municipality.

* Sec. 20. Sections 1 - 11 of this Act are repealed.

* Sec. 21. Sections 12 - 20 of this Act take effect on the effective date of a version of or successor to House Bill No. 170 or Senate Bill No. 180 that revises AS 29.

* Sec. 22. Sections 1 - 11 of this Act take effect immediately in accordance with AS 01.10.070(c).

Original sponsors: Rodey, Dankworth
and Kerttula

Offered: 3/18/82
Referred: Finance

1 IN THE SENATE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 314 (C&RA) am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to exemptions from municipal property
7 taxation; and providing for an effective date."

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

9 * Section 1. AS 29.53.020(h) is amended to read:

10 (h) Except as provided in (g) of this section, nothing in (e) -
11 (i) or (k) of this section affects similar exemptions from property
12 taxes granted by a municipality [MUNICIPALITIES] on September 10, 1972
13 or prevents a municipality [MUNICIPALITIES] from granting similar ex-
14 emptions by ordinance as provided in AS 29.53.025(a).

15 * Sec. 2. AS 29.53.020 is amended by adding new subsections to read:

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

26 (l) The Department of Community and Regional Affairs shall adopt
27 regulations to implement the provisions of (g) and (k) of this section.

28 * Sec. 3. AS 29.45.030(h) is amended to read:

29 (h) Except as provided in (g) of this section, nothing in (e) -

1 (i) or (k) of this section affects similar exemptions from property taxes
2 granted by a municipality on September 10, 1972 or prevents a munici-
3 pality from granting similar exemptions by ordinance as provided in
4 AS 29.53.025(a).

5 * Sec. 4. AS 29.45.030 is amended by adding new subsections to read:

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

16 (l) The department shall adopt regulations to implement the pro-
17 visions of (g) and (k) of this section.

18 * Sec. 5. The exemption authorized in AS 29.45.030(k) as added in sec. 4
19 of this Act is in effect beginning with the calendar year 1982.

20 * Sec. 6. The amendments made in secs. 1 and 2 of this Act are repealed.

21 * Sec. 7. AS 28.10.411(c) and (d) are repealed.

22 * Sec. 8. The amendments and repeals made in secs. 1, 2, and 7 of this
23 Act are retroactive to January 1, 1982.

24 * Sec. 9. The amendments made in secs. 3 - 6 of this Act take effect on
25 the effective date of a version of House Bill No. 170 or Senate Bill No. 180
26 revising AS 29.

27 * Sec. 10. Sections 1, 2, 7, and 8 of this Act take effect immediately in
28 accordance with AS 01.10.070(c).

29

Offered: 3/23/82
Referred: Finance

Original sponsor: Ferguson

1 IN THE SENATE

BY THE COMMUNITY AND REGIONAL
AFFAIRS COMMITTEE

2

CS FOR SENATE BILL NO. 802 (C&RA)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TWELFTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to tax exemptions; and providing for
7 an effective date."

8

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

9

* Section 1. AS 29.53.020(a) is amended by adding a new paragraph to
10 read:

11

(9) real property or interests in real property that are exempt
12 from taxation under 43 U.S.C. 1620(d), as amended, as more fully
13 provided in (k) and (l) of this section.

14

* Sec. 2. AS 29.53.020 is amended by adding new subsections to read:

15

(k) The tax exemption required by 43 U.S.C. 1620(d), as amended,
16 shall be implemented according to the following conditions and inter-
17 pretations:

18

(1) "developed" means a purposeful modification of the prop-
19 erty from its original state that effectuates a condition of gainful or
20 productive present use without further substantial modification; survey-
21 ing, construction of roads, providing utilities or other similar actions
22 normally considered to be component parts of the development process,
23 but which do not create the above condition, do not constitute a
24 developed state within the meaning of this paragraph; developed prop-
25 erty, in order to remove the exemption, must be developed for purposes
26 other than exploration, and be limited to the smallest practicable tract
27 of the property actually used in the developed state;

28

(2) "exploration" means the examination and investigation of
29 undeveloped land to determine the existence of subsurface nonrenewable

1 resources;

2 (3) "lease" means a grant of primary possession entered into
3 for gainful purposes with a determinable fee remaining in the hands of
4 the grantor; with respect to a lease that conveys rights of exploration
5 and development, this exemption shall continue with respect to that
6 portion of the leased tract that is used solely for the purpose of
7 exploration.

8 (1) If the property or interest in the property reverts to an un-
9 developed state, or if the lease is terminated, the exemption shall be
10 reinstated, subject to the provisions of (k) of this section.

11 * Sec. 3. AS 29.45.030(a) is amended by adding a new paragraph to read:

12 (7) real property or interests in real property that are
13 exempt from taxation under 43 U.S.C. 1620(d), as amended, as more fully
14 provided in (k) and (1) of this section.

15 * Sec. 4. AS 29.45.030 is amended by adding new subsections to read:

16 (k) The tax exemption required by 43 U.S.C. 1620(d), as amended,
17 shall be implemented according to the following conditions and inter-
18 pretations:

19 (1) "developed" means a purposeful modification of the prop-
20 erty from its original state that effectuates a condition of gainful or
21 productive present use without further substantiation modification;
22 surveying, construction of roads, providing utilities or other similar
23 actions normally considered to be component parts of the development
24 process, but which do not create the above conditions, do not constitute
25 a developed state within the meaning of this paragraph; developed prop-
26 erty, in order to remove the exemption, must be developed for purposes
27 other than exploration, and be limited to the smallest practicable tract
28 of the property actually used in the developed state;

29 (2) "exploration" means the examination and investigation of

1 undeveloped land to determine the existence of subsurface nonrenewable
2 resources;

3 (3) "lease" means a grant of primary possession entered into
4 for gainful purposes with a determinable fee remaining in the hand of
5 the grantor; with respect to a lease that conveys rights of exploration
6 and development, this exemption shall continue with respect to that
7 portion of the leased tract that is used solely for the purpose of
8 exploration.

9 (1) If the property or interest in the property reverts to an un-
10 developed state, or if the lease is terminated, the exemption shall be
11 reinstated, subject to the provisions of (k) of this section.

12 * Sec. 5. The exemption provided under AS 29.45.030(a) as amended by sec.
13 3 of this Act and the additions to AS 29.45.030 under sec. 4 of this Act are
14 retroactive to December 31, 1980.

15 * Sec. 6. The amendments and additions made to AS 29.53.020 by secs. 1
16 and 2 of this Act are repealed.

17 * Sec. 7. Sections 1 and 2 of this Act are retroactive to December 31,
18 1980.

19 * Sec. 8. Sections 3 - 6 of this Act take effect on the effective date of
20 a version of House Bill No. 170 or Senate Bill No. 180 revising AS 29.
21
22
23
24
25
26
27
28
29

AMENDMENT

Offered in the SENATE

TO:

Page , after line , insert:

* Sec. . AS 44.47 is amended by adding a new section to read:

Sec. 44.47.157. FEASIBILITY STUDIES OF PROPOSED BOROUGES. (a)

There is established a program of financial assistance for studies of the feasibility of forming boroughs in the unorganized borough. A municipality located in the unorganized borough or a resident of the unorganized borough may request a feasibility study of an area of the unorganized borough. The request shall be in writing and shall be delivered to the commissioner. The request shall include

(1) a description of the boundaries of the area to be studied, and

(2) a showing of local interest in the feasibility study demonstrated by

(A) a petition for the feasibility study containing the signatures and addresses of at least five percent of the voters residing in the area to be studied based on the number who voted in the area at the last statewide election, or

(B) resolutions adopted by the governing bodies of at least five percent of the municipalities within the area to be studied.

(b) Upon receipt of a request for a feasibility study and after a public hearing in the area of the proposed study, the commissioner may authorize a study of the area as requested or alter the boundaries of the area of the proposed study and authorize a study of the area as altered. In determining which geographical area is appropriate for study as a proposed borough, the commissioner shall consider

(1) the standards applicable to the incorporation of boroughs under AS 29.18.030;

(2) the boundaries of the Native regional corporations established under the Alaska Native Claims Settlement Act (43 U.S.C. secs. 1601 - 1628);

(3) census divisions of the state used for the 1980 census;

(4) boundaries of the regional educational attendance areas;
and

(5) coastal resource service areas organized under AS 46.-40.110 - 46.40.130.

(c) Subject to appropriations for the purpose, the commissioner shall award a contract in accordance with AS 37.05.220 - 37.05.280 for a study authorized under (b) of this section. The commissioner shall include terms in the contract that provide for maximum public participation in the preparation of the feasibility study.

(d) A feasibility study under this section shall include

(1) a recommendation for or against incorporation of a borough government for all or part of the area studied;

(2) an evaluation of the economic development potential of the area;

- (3) an evaluation of capital facility needs of the area;
- (4) an evaluation of demographic, social, and environmental factors affecting the area;
- (5) an evaluation of current relationships among the regional educational attendance areas, the coastal resource service areas, and other regional entities responsible for providing services in the area studied;
- (6) an evaluation of the relationships between the existing municipal governments in the area studied and regional entities responsible for providing services in the area;
- (7) review of a home rule charter if one is submitted for review by the resident or municipality that requested the study;
- (8) specific recommendations for
 - (A) organization of a borough government if one is recommended; or
 - (B) the improvement of the delivery of services by the state in the area studied.

Introduced: 2/10/82
Referred: Community & Regional
Affairs and Finance

1 IN THE SENATE

BY STURGULEWSKI, GILMAN, FERGUSON
AND FISCHER

2 SENATE BILL NO. 735

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to organization grants and transi-
7 tional assistance for municipalities; and providing for
8 an effective date."

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

10 * Section 1. AS 29.18 is amended by adding new sections to article 3 to
11 read:

12 Sec. 29.18.170. ORGANIZATION GRANTS TO CITIES. (a) To defray the
13 cost of transition to city government and to provide for interim govern-
14 ment operations, each city incorporated after July 1, 1982, or, in the
15 case of a second class city, incorporated or reclassified as a first
16 class city after July 1, 1982, is entitled to an organization grant of
17 \$50,000 for the first full or partial fiscal year. The Department of
18 Community and Regional Affairs shall disburse the organization grant
19 within 30 days after certification of the incorporation election or the
20 reclassification election, or as soon after that as money is appropriated
21 for the purpose.

22 (b) A city entitled to an organization grant under (a) of this
23 section is entitled to a second organization grant of \$25,000. The
24 Department of Community and Regional Affairs shall disburse the second
25 organization grant within 30 days after the beginning of the city's
26 second fiscal year, or as soon after that time as money is appropriated
27 for the purpose.

28 Sec. 29.18.172. ORGANIZATION GRANTS TO BOROUGHES. (a) To defray
29 the cost of transition to borough government and to provide for interim

1 government operations, each borough incorporated after July 1, 1982 is
2 entitled to organization grants for the first three fiscal years after
3 incorporation as follows:

- 4 (1) \$300,000 for the first full or partial year;
- 5 (2) \$200,000 for the second year; and
- 6 (3) \$100,000 for the third year.

7 (b) The Department of Community and Regional Affairs shall disburse
8 the first organization grant to a borough within 30 days after certifica-
9 tion of the incorporation election favoring incorporation of a borough,
10 or as soon after that as money is appropriated for the purpose. The
11 second grant shall be disbursed within 30 days after the beginning of
12 the borough's second fiscal year, or as soon after that as money is
13 appropriated for the purpose. The third grant shall be disbursed within
14 30 days after the beginning of the borough's third fiscal year, or as
15 soon after that as money is appropriated for the purpose.

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

18 Sec. 29.18.174. ORGANIZATION GRANT FUND. (a) The organization
19 grant fund is established in the Department of Community and Regional
20 Affairs. An appropriation made to the fund shall be used for organiza-
21 tion grants to municipalities that qualify under AS 29.18.170 or
22 29.18.172 during the fiscal year.

23 (b) Before August 31 of each fiscal year the Department of Commu-
24 nity and Regional Affairs shall submit a report to the Department of
25 Administration indicating

- 26 (1) each municipality that qualifies to receive an organiza-
27 tion grant during the next fiscal year;
- 28 (2) the amount of money needed to cover all organization
29 grants during the next fiscal year.

1 Sec. 29.18.176. TRANSITIONAL ASSISTANCE TO BOROUGHES. (a) Within
2 30 days after the date of incorporation of a borough incorporated after
3 July 1, 1982, the Department of Community and Regional Affairs shall
4 determine the population of the borough.

5 (b) The Department of Community and Regional Affairs shall provide
6 assistance to each borough incorporated after July 1, 1982, in

7 (1) establishing the initial sales and use tax assessment and
8 collection department for a borough that has adopted a sales or use tax;

9 (2) determining the initial property tax assessment roll for
10 a borough that has adopted a property tax, including contracting for
11 appraisals of property needed to complete the initial assessment.

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

14 * Sec. 2. AS 29.05.180 is repealed and reenacted to read:

15 Sec. 29.05.180. ORGANIZATION GRANTS TO CITIES. (a) To defray the
16 cost of transition to city government and to provide for interim govern-
17 ment operations, each city incorporated after July 1, 1982, or, in the
18 case of a second class city, incorporated or reclassified as a first
19 class city after July 1, 1982, is entitled to an organization grant of
20 \$50,000 for the first full or partial fiscal year. The department shall
21 disburse the organization grant within 30 days after certification of
22 the incorporation election or the reclassification election, as soon
23 after that as money is appropriated for the purpose.

24 (b) A city entitled to an organization grant under (a) of this
25 section is entitled to a second organization grant of \$25,000. The
26 department shall disburse the second organization grant within 30 days
27 after the beginning of the city's second fiscal year, or as soon after
28 that time as money is appropriated for the purpose.

29 * Sec. 3. AS 29.05 is amended by adding new sections to read:

859

1 Sec. 29.05.190. ORGANIZATION GRANTS TO BOROUGHES. (a) To defray
2 the cost of transition to borough government and to provide for interim
3 government operations, each borough incorporated after July 1, 1982 is
4 entitled to organization grants for the first three fiscal years after
5 incorporation as follows:

- 6 (1) \$300,000 for the first full or partial year;
7 (2) \$200,000 for the second year; and
8 (3) \$100,000 for the third year.

9 (b) The department shall disburse the first organization grant to
10 a borough within 30 days after certification of the incorporation
11 election favoring incorporation of a borough, or as soon after that as
12 money is appropriated for the purpose. The second grant shall be
13 disbursed within 30 days after the beginning of the borough's second
14 fiscal year, or as soon after that as money is appropriated for the
15 purpose. The third grant shall be disbursed within 30 days after the
16 beginning of the borough's third fiscal year, or as soon after that as
17 money is appropriated for the purpose.

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

20 Sec. 29.05.200. ORGANIZATION GRANT FUND. (a) The organization
21 grant fund is established in the department. An appropriation made to
22 the fund shall be used for organization grants to municipalities that
23 qualify under AS 29.05.180 or 29.05.190 during the fiscal year.

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

- 26 (1) each municipality that qualifies to receive an organiza-
27 tion grant during the next fiscal year;
28 (2) the amount of money needed to cover all organization
29 grants during the next fiscal year.

1 Sec. 29.05.210. TRANSITIONAL ASSISTANCE TO BOROUGHES. (a) Within
2 30 days after the date of incorporation of a borough incorporated after
3 July 1, 1982, the department shall determine the population of the
4 borough.

5 (b) The department shall provide assistance to each borough in-
6 corporated after July 1, 1982, in

7 (1) establishing the initial sales and use tax assessment and
8 collection department for a borough that has adopted a sales or use tax;

9 (2) determining the initial property tax assessment roll for
10 a borough that has adopted a property tax, including contracting for
11 appraisals of property needed to complete the initial assessment.

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

14 * Sec. 4. AS 29.18.180 is repealed.

15 * Sec. 5. Sections 1 and 4 of this Act are repealed.

16 * Sec. 6. Sections 2, 3, and 5 of this Act take effect on the effective
17 date of a version of or successor to House Bill No. 170 or Senate Bill
18 No. 180 that revises AS 29.

19 * Sec. 7. Sections 1 and 4 of this Act take effect immediately in accor-
20 dance with AS 01.10.070(c).

21
22
23
24
25
26
27
28
29

Cook
5/7/82

Original sponsor: Rules/Legislative Council

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 180 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

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

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

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

14 CHAPTER 04. CLASSIFICATION OF MUNICIPALITIES.

15 Sec. 29.04.010. HOME RULE. A home rule municipality is a municipi-
16 pal corporation and political subdivision. It is a city or a borough
17 that has adopted a home rule charter, or it is a unified municipality.
18 A home rule municipality has all legislative powers not prohibited by
19 law or charter.20 Sec. 29.04.020. GENERAL LAW. A general law municipality is a
21 municipal corporation and political subdivision and is an unchartered
22 borough or city. It has legislative powers conferred by law.23 Sec. 29.04.030. CLASSES OF GENERAL LAW. General law municipali-
24 ties are of five classes:

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

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

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

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

25 CHAPTER 05. INCORPORATION.

26 ARTICLE 1. REQUIREMENTS.

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

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

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

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

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

11 ARTICLE 2. PROCEDURE.

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

15 (1) class;

16 (2) name;

17 (3) boundaries;

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

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

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

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

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

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

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

Cook
5/7/82

Original sponsor: Rules/Legislative Council

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 180 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

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

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

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

14 CHAPTER 04. CLASSIFICATION OF MUNICIPALITIES.

15 Sec. 29.04.010. HOME RULE. A home rule municipality is a munici-
16 pal corporation and political subdivision. It is a city or a borough
17 that has adopted a home rule charter, or it is a unified municipality.
18 A home rule municipality has all legislative powers not prohibited by
19 law or charter.20 Sec. 29.04.020. GENERAL LAW. A general law municipality is a
21 municipal corporation and political subdivision and is an unchartered
22 borough or city. It has legislative powers conferred by law.23 Sec. 29.04.030. CLASSES OF GENERAL LAW. General law municipali-
24 ties are of five classes:

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

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

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

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

10 (2) the council may propose reclassification.

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

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

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

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

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

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

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

25 CHAPTER 05. INCORPORATION.

26 ARTICLE 1. REQUIREMENTS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 ARTICLE 2. PROCEDURE.

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

15 (1) class;

16 (2) name;

17 (3) boundaries;

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

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

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

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

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

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

1 and first class cities;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 but outside all cities in the borough.

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

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

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

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

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

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

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

1 for members subsequently elected.

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

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

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

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

1 an asset without the consent of the governing body.

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

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

7 ARTICLE 3. TRANSITIONAL ASSISTANCE.

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

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

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

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

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

29 CHAPTER 06. ALTERATION OF MUNICIPALITIES.

ARTICLE 1. CHANGE OF NAME.

1
2 Sec. 29.06.010. CHANGE OF MUNICIPAL NAME. (a) The governing body
3 of a municipality may change the official municipal name by adopting an
4 ordinance for the purpose and filing the ordinance with the office of
5 the lieutenant governor. Upon receipt of an ordinance ratified by the
6 voters, the lieutenant governor shall issue an order to the municipality
7 changing its existing name. The name change shall become effective on a
8 date fixed in the order and occurring within 45 days after receipt of
9 the ordinance. A copy of the order shall be transmitted to the depart-
10 ment.

11 (b) If an ordinance adopted under (a) of this section that results
12 in a change of the municipal name is subsequently repealed, the lieu-
13 tenant governor shall issue an order reinstating the former name within
14 45 days after the date of the order, unless a different name is adopted
15 as provided in (a) of this section.

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

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

ARTICLE 2. ANNEXATION AND DETACHMENT.

24
25 Sec. 29.06.040. LOCAL BOUNDARY COMMISSION. (a) The Local Boundary
26 Commission may consider any proposed municipal boundary change. It may
27 reject the proposed change, accept the proposed change, or alter the
28 boundaries and accept the proposal as altered. A Local Boundary Commis-
29 sion decision under this subsection may be appealed under the Adminis-

1 trative Procedure Act (AS 44.62).

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

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

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

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

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

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

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

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

1 home rule and general law municipalities.

2 ARTICLE 3. MERGER AND CONSOLIDATION.

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

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

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

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

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

18 (b) The petition includes

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

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

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

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

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

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

1 tures, the department shall investigate the proposal.

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

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

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

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

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

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

1 state shall pay all election costs.

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

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

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

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

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

19 ARTICLE 4. UNIFICATION OF MUNICIPALITIES.

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

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

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

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

1 state shall pay all election costs.

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

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

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

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

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

19 ARTICLE 4. UNIFICATION OF MUNICIPALITIES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 filed.

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

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

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

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

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

26 Sec. 29.06.280. CHARTER COMMISSION ORGANIZATION AND PROCEDURE.

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

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

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

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

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

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

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

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

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

4 (2) provision for

5 (A) the establishment of service areas; and

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

10 (C) reapportionment of districts if they are established

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

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

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

19 (6) a method of amending the charter;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (2) granted to a home rule borough.

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

18 ARTICLE 5. DISSOLUTION.

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

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

23 (2) the local option method specified in AS 29.06.460 -
24 29.06.520.

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

1 12 of the state constitution.

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

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

10 (b) The petition must include

11 (1) the name of the municipality;

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

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

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

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

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

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

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

1 tures, the department shall investigate the proposal.

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

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

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

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

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

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

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

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

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

1 home rule and general law municipalities.

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

3 CHAPTER 10. HOME RULE MUNICIPALITIES.

4 ARTICLE 1. CHARTERS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 tive unless ratified by the voters.

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

3 ARTICLE 2. HOME RULE LIMITATIONS.

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

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

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

1 construction)

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

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

4 CHAPTER 20. MUNICIPAL OFFICERS AND EMPLOYEES.

5 ARTICLE 1. CONFLICT OF INTEREST, PUBLIC MEETINGS.

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

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

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

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

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

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

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

24 ARTICLE 2. GOVERNING BODIES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (1) composition of the assembly;

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

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

22 (e) This section does not apply to a

23 (1) unified municipality;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 of the assembly.

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

4 (1) unified municipality;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 of the assembly.

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

4 (1) unified municipality;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (3) resigns and his resignation is accepted;

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

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

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

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

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

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

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

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

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

23 ARTICLE 3. MUNICIPAL EXECUTIVE AND ADMINISTRATOR.

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

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

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

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

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

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

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

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

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

29 Sec. 29.20.250. POWERS AND DUTIES OF MAYOR. (a) If a municipality

1 has not adopted a manager plan of government under AS 29.20.460 -
2 29.20.520, the administrative power is vested in the mayor and the mayor
3 has the same powers and duties as those of the manager.

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

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

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

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

24 (c) The veto does not extend to

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

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

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

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

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

8 (3) resigns and his resignation is accepted;

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

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

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

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

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

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

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

1 ARTICLE 4. BOARDS AND COMMISSIONS.

2 Sec. 29.20.300. SCHOOL BOARDS. (a) Each municipal school district
3 has a school board. Except as provided in (b) of this section members
4 are elected at the regular election for three-year terms and until their
5 successors take office. Members are elected at large unless a different
6 method of election has been approved by the voters in a regular election

7 (b) The assembly is the school board for a third class borough.
8 The mayor is the presiding officer of the assembly and president of the
9 school board; however, he may not veto an action of the school board.

10 Sec. 29.20.310. UTILITY BOARDS. (a) The governing body of a
11 municipality operating a public utility may provide by ordinance for a
12 managing board of five members and define the board's powers and duties.

13 (b) As determined by ordinance, members of a utility board are
14 appointed by the municipal executive and confirmed by the governing body
15 or are elected at a regular election. The term of a utility board
16 member is two years and until a successor is selected and qualifies.
17 However, the governing body may by ordinance provide for a different
18 term not to exceed four years. The current term of an elected incumbent
19 may not be altered.

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

25 (d) Unless otherwise provided by ordinance, a utility board shall
26 (1) choose its chairman and secretary;
27 (2) appoint the manager of the public utility for a term not
28 longer than five years and set his salary;

29 (3) formulate and enforce the general rules and policies of

1 the utility.

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

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

8 ARTICLE 5. OTHER OFFICIALS AND EMPLOYEES.

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

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

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

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

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

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

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

1 (5) attest deeds and other documents;

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

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

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

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

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

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

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

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

29 ARTICLE 6. MANAGER PLAN.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 ARTICLE 7. MISCELLANEOUS PROVISIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 CHAPTER 25. MUNICIPAL ENACTMENTS.

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

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

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

27 (3) provide for the levying of taxes;

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

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

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

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

7 (8) designate the borough seat;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 CHAPTER 26. ELECTIONS.

20 ARTICLE 1. REGULAR AND SPECIAL ELECTIONS.

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

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

1 both.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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