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HB 72 cont.

2319

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 ARTICLE 4. UNIFICATION OF MUNICIPALITIES.

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

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

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

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

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

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

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

24 (b) The petition shall be signed by at least
25 (1) the number of voters residing outside all home rule and
26 first class cities in the borough equal to 25 percent of the votes
27 cast in that area in the last regular borough election; and
28 (2) the number of voters residing in home rule or first
29 class cities in the borough equal to 25 percent of the votes cast in

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

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

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

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

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

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

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

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

1 last regular borough election, whichever is less.

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

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

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

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

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

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

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

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

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

10 Sec. 29.06.290. CHARTER COMMISSION ORGANIZATION AND PROCEDURE.

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

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

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

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

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

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

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

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

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

11 (1) provision for

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

16 (B) the establishment of service areas;

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

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

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

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

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

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

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

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

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

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

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

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

1 published.

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

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

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

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

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

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

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

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

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

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

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

2 (2) granted to a home rule borough.

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

5 ARTICLE 5. DISSOLUTION.

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

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

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

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

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

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

26 (b) The petition must include

27 (1) the name of the municipality;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 CHAPTER 10. HOME RULE MUNICIPALITIES.

24 ARTICLE 1. CHARTERS.

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

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

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

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

8 (e) A proposed charter for an existing municipality is prepared
9 by a charter commission of seven elected members. A charter commis-
10 sion election is called by filing a petition with the governing body
11 or by resolution of the governing body. The petition shall be signed
12 by a number of voters equal to 15 percent of the votes cast in the
13 last regular election in the municipality.

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

18 Sec. 29.10.020. MODEL CHARTERS. The department shall prepare at
19 least one model home rule charter for a borough and at least one model
20 home rule charter for a city. The model charters shall be made avail-
21 able to persons interested in filing a petition to incorporate a home
22 rule municipality under AS 29.05.060.

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

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

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

1 constitution.

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

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

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

15 Sec. 29.10.050. CHARTER COMMISSION ELECTION. At a charter com-
16 mission election the voters of an existing municipality shall consider
17 the question "Shall a charter commission be elected to prepare a pro-
18 posed charter?" and shall elect the members of the commission. If the
19 question is approved, the seven candidates receiving the highest
20 number of votes shall immediately organize as a charter commission.

21 Sec. 29.10.060. PREPARATION OF CHARTER BY CHARTER COMMISSION.
22 The charter commission shall, within one year, prepare a proposed home
23 rule charter for an existing municipality. The proposed charter shall
24 be signed by a majority of the members of the commission and filed in
25 the office of the municipal clerk. Within 15 days, the clerk shall
26 have the proposed charter published and make copies available. The
27 commission shall give published notice of and hold at least one public
28 hearing on the proposed charter before the signing and filing of the
29 charter.

1 Sec. 29.10.070. CHARTER ELECTION. The proposed home rule char-
2 ter for an existing municipality shall be submitted to the voters at
3 an election held not less than 30 days or more than 90 days after the
4 proposed charter is published. The proposed home rule charter for an
5 unincorporated community or for an area in the unorganized borough
6 shall be submitted to the voters at an incorporation election held
7 under AS 29.05.110.

8 Sec. 29.10.080. CHARTER ADOPTION. (a) If a majority of those
9 voting in an existing municipality favor the proposed charter or if a
10 majority of those voting in an unincorporated community or in an area
11 in the unorganized borough favor incorporation of a home rule munici-
12 pality, the proposed charter becomes the organic law of the municipal-
13 ity effective on the date the election is certified. Thereafter, a
14 court shall take judicial notice of the charter. The new home rule
15 municipality shall file the indicated number of copies of the charter
16 with

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

21 (b) At the time of voting on the proposed charter in a third
22 class borough, voters shall vote also on whether the borough shall, on
23 adoption of the charter, retain a combined assembly and school board
24 or elect a separate assembly and board as otherwise provided for home
25 rule boroughs. If a combined assembly and school board are approved
26 at the charter election, the assembly serving at the time of the
27 election continues to serve as the assembly and board on voter ap-
28 proval of the charter and until terms of assembly members expire as
29 provided before adoption of the charter. If a separate board and

1 assembly are approved at the charter election, a school board shall be
2 elected in conformity with AS 14.12.030 - 14.12.100 at the next regu-
3 lar election, if it occurs within 90 days of the date of the charter
4 election, or otherwise at a special election within 90 days of the
5 date of the charter election. Expiration dates of terms of school
6 board members elected at a special election must coincide with the
7 date of the regular election. Until a board is elected and qualified,
8 the assembly continues to serve as the board.

9 Sec. 29.10.090. CHARTER REJECTION. (a) If a proposed charter
10 for an existing municipality is rejected, the charter commission shall
11 prepare another proposed charter to be submitted to the voters at an
12 election to be held within one year after the date of the first char-
13 ter election. If the second proposed charter is also rejected, the
14 charter commission shall be dissolved and the question of adoption of
15 a charter shall be treated as if it had never been proposed or ap-
16 proved.

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

20 Sec. 29.10.100. CHARTER AMENDMENT. (a) A home rule charter may
21 be amended as provided in the charter, except that no amendment is
22 effective unless ratified by the voters.

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

24 ARTICLE 2. HOME RULE LIMITATIONS.

25 Sec. 29.10.200. LIMITATION OF HOME RULE POWERS. Only the fol-
26 lowing provisions of this title apply to home rule municipalities as
27 prohibitions on acting otherwise than as provided. These provisions
28 supersede existing and prohibit future home rule enactments that
29 provide otherwise:

- 1 (1) AS 29.05.140 (transition)
- 2 (2) AS 29.06.010 (change of municipal name)
- 3 (3) AS 29.06.040 - 29.06.060 (annexation and detachment)
- 4 (4) AS 29.06.090 - 29.06.170 (merger and consolidation)
- 5 (5) AS 29.06.190 - 29.06.420 (unification of municipali-
- 6 ties)
- 7 (6) AS 29.06.450 - 29.06.530 (dissolution)
- 8 (7) AS 29.10.100 - (charter amendment)
- 9 (8) AS 29.20.010 (conflict of interest)
- 10 (9) AS 29.20.020 (meetings public)
- 11 (10) AS 29.20.050 (legislative power)
- 12 (11) AS 29.20.060 - 29.20.120 (assembly composition and
- 13 apportionment)
- 14 (12) AS 29.20.140 (qualifications of members of governing
- 15 bodies)
- 16 (13) AS 29.20.150 (term of office)
- 17 (14) AS 29.20.220 (executive power)
- 18 (15) AS 29.20.630 (prohibitions)
- 19 (16) AS 29.20.640 (reports)
- 20 (17) AS 29.25.010(a)(10) (municipal exemption on contractor
- 21 bond requirements)
- 22 (18) AS 29.25.050 (codification)
- 23 (19) AS 29.25.060 (resolutions)
- 24 (20) AS 29.26.030 (notice of elections)
- 25 (21) AS 29.26.050 (voter qualification)
- 26 (22) AS 29.26.250 - 29.26.360 (recall)
- 27 (23) AS 29.35.020 (extraterritorial jurisdiction)
- 28 (24) AS 29.35.030 (eminent domain)
- 29 (25) AS 29.35.050 (garbage and solid waste services)

- 1 (26) AS 29.35.070 (public utilities)
2 (27) AS 29.35.080 (alcoholic beverages)
3 (28) AS 29.35.120 (post audit)
4 (29) AS 29.35.160 (education)
5 (30) AS 29.35.170(b) (assessment and collection of taxes)
6 (31) AS 29.35.180(b) (land use regulation)
7 (32) AS 29.35.250 (cities inside boroughs)
8 (33) AS 29.35.260 (cities outside boroughs)
9 (34) AS 29.35.340 (acquisition of areawide power)
10 (35) AS 29.40.160(a) - (c) (title to vacated areas)
11 (36) AS 29.40.200 (subdivisions of state land)
12 (37) AS 29.45.010 - 29.45.570 (property taxes)
13 (38) AS 29.45.650(c) and (d) (sales and use tax)
14 (39) AS 29.46.090 (exemption from special assessment)
15 (40) AS 29.47.200(b) (security for bonds)
16 (41) AS 29.47.260 (construction)
17 (42) AS 29.60.050(a) (limitation on computation and use of
18 payment)
19 (43) AS 29.60.120(a) and (c) (state aid for health facili-
20 ties and hospitals)
21 (44) AS 29.65.010 - 29.65.140 (general grant land)

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

23 CHAPTER 20. MUNICIPAL OFFICERS AND EMPLOYEES.

24 ARTICLE 1. CONFLICT OF INTEREST AND PUBLIC MEETINGS.

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

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

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

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

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

9 (b) If a municipality fails to adopt a conflict of interest
10 ordinance within 180 days after January 1, 1986, the provisions of
11 this section are automatically applicable to and binding upon that
12 municipality.

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

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

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

21 ARTICLE 2. GOVERNING BODIES.

22 Sec. 29.20.050. LEGISLATIVE POWER. (a) The legislative power
23 of a borough is vested in the assembly. The legislative power of a
24 city is vested in the council.

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

27 Sec. 29.20.060. ASSEMBLY COMPOSITION AND APPORTIONMENT. (a)
28 Assembly composition and apportionment shall be consistent with the
29 equal representation standards of the Constitution of the United

1 States.

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

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

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

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

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

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

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

24 (1) election of members of the assembly at large by the
25 voters throughout the borough;

26 (2) election of members of the assembly by district, in-
27 cluding

28 (A) election at large by the voters throughout the
29 borough, but with a requirement that a candidate live in an

1 election district established by the borough for election of
2 assembly members; or

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

6 (3) election of members of the assembly both at large and
7 by district.

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

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

15 (1) composition of the assembly;

16 (2) the form of assembly representation that received the
17 most votes; and

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

21 (e) This section applies to home rule and general law municipal-
22 ities, except it 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 representa-
26 tion.

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

1 whether the existing apportionment of the assembly meets the standards
2 of AS 29.20.060. If the assembly submits to the voters a form of
3 representation that includes election of assembly members under
4 AS 29.20.070(b)(2) or (b)(3) the assembly shall submit with the propo-
5 sition a proposed plan of apportionment that corresponds to the form
6 of representation proposed. The assembly shall describe the plan of
7 apportionment in the ballot proposition, and may present the plan in
8 any manner that it believes accurately describes the apportionment
9 that is proposed under the form of representation. If the assembly
10 determines that its existing apportionment meets the standards of
11 AS 29.20.060, the assembly may include the existing apportionment as a
12 proposed plan of apportionment of assembly seats that corresponds to a
13 form of representation that is proposed.

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

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

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

1 majority of the votes cast.

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

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

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

1 petition.

2 (c) If the commissioner determines that the proposed reapportionment ordinance approved by the voters does not meet the standards
3 of AS 29.20.060, or if the commissioner determines that the decision
4 of the assembly that the standards of AS 29.20.060 do not require a
5 change of apportionment is not correct, the commissioner shall, by
6 order, direct the assembly to prepare a reapportionment ordinance that
7 meets the standards of AS 29.20.060 and submit the ordinance to the
8 voters.
9

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

17 (e) If at the end of the time period provided under (d) of this
18 section an ordinance providing for reapportionment has not been ap-
19 proved by the voters, the commissioner shall provide for the reappor-
20 tionment of the assembly in accordance with the standards of AS 29.-
21 20.060 by preparing an order of reapportionment and delivering the
22 order to the borough mayor.

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

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

27 (1) a plan of reapportionment approved by the voters under
28 AS 29.20.080(a);

29 (2) a determination by the assembly under AS 29.20.080 that

1 the standards of AS 29.20.060 do not require a change in apportion-
2 ment;

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

5 (4) a reapportionment order of the commissioner made under
6 AS 29.20.090(c);

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

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

11 Sec. 29.20.110. EFFECTIVE DATE OF APPORTIONMENT. (a) A change
12 in assembly apportionment or composition under AS 29.20.080 or 29.20.-
13 090 is effective beginning with the first regular election for members
14 of the assembly that is held more than 60 days after the later of

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

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

19 (b) The provisions of (a) of this section do not apply to a
20 borough in which a change in assembly composition or apportionment is
21 subject to review and approval or determination of nonobjection by the
22 Attorney General of the United States under the Voting Rights Act of
23 1965, as amended (42 U.S.C. 1971 - 1974). A change in assembly compo-
24 sition or apportionment subject to review under the Voting Rights Act
25 of 1965, as amended, is effective beginning with the first regular
26 election for members of the assembly that is held more than 60 days
27 after

28 (1) receipt by the assembly of approval by the Attorney
29 General of the United States of the proposed change in the composition

1 or apportionment of the assembly;

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

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

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

10 (1) unified municipality;

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

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

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

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

26 (c) A municipality may by ordinance establish district residency
27 requirements for members of its governing body. A member of the
28 governing body who represents a district and who becomes a resident of
29 another district in the municipality continues to serve until the next

1 regular election unless provided otherwise by ordinance.

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

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

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

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

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

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

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

28 (b) A governing body shall hold at least one regular meeting
29 each month unless otherwise provided by ordinance. If a majority of

1 the members are given at least 24 hours oral or written notice and
2 reasonable efforts are made to notify all members, a special meeting
3 of the governing body may be held at the call of the presiding officer
4 or at least one-third of the members. A special meeting may be con-
5 ducted with less than 24 hours notice if all members are present or if
6 absent members have waived in writing the required notice. Waiver of
7 notice can be made before or after the special meeting is held. A
8 waiver of notice shall be made a part of the journal for the meeting.

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

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

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

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

25 Sec. 29.20.170. VACANCIES. The governing body may provide by
26 ordinance the manner in which a vacancy occurs in any elected office
27 except the office of mayor or school board member. Unless otherwise
28 provided by ordinance, the governing body shall declare an elective
29 office, other than the office of mayor or school board member, vacant

1 when the person elected
2 (1) fails to qualify or take office within 30 days after
3 election or appointment;
4 (2) is physically absent from the municipality for 90
5 consecutive days unless excused by the governing body;
6 (3) resigns and the resignation is accepted;
7 (4) is physically or mentally unable to perform the duties
8 of office as determined by two-thirds vote of the governing body;
9 (5) is convicted of a felony or of an offense involving a
10 violation of the oath of office;
11 (6) is convicted of a felony or misdemeanor described in
12 AS 15.56 and two-thirds of the members of the governing body concur in
13 expelling the person elected;
14 (7) is convicted of a violation of AS 15.13;
15 (8) no longer physically resides in the municipality and
16 the governing body by two-thirds vote declares the seat vacant; or
17 (9) if a member of the governing body, misses three consec-
18 utive regular meetings and is not excused.
19 Sec. 29.20.180. FILLING A VACANCY. (a) If a vacancy occurs in
20 a governing body, the remaining members shall, within 30 days unless a
21 different period is provided by ordinance, appoint a qualified person
22 to fill the vacancy. If less than 30 days remain in a term, a vacancy
23 may not be filled.
24 (b) Notwithstanding (a) of this section, if the membership is
25 reduced to fewer than the number required to constitute a quorum, the
26 remaining members shall, within seven days, appoint a number of quali-
27 fied persons to constitute a quorum.
28 (c) A person appointed under this section serves until the next
29 regular election, when a successor shall be elected to serve the

1 balance of the term.

2 ARTICLE 3. MUNICIPAL EXECUTIVE AND ADMINISTRATOR.

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

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

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

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

20 (b) The mayor of a second class city is elected by and from the
21 council, and serves until a successor is elected and qualifies. The
22 council of a second class city shall meet on the first Monday after
23 certification of the regular election and elect a mayor who takes
24 office immediately. The mayor of a second class city serves a one-
25 year term, unless a longer term is provided by ordinance. The mayor
26 of a second class city may serve only while a member of the council
27 regardless of the term established for the office of mayor.

28 (c) Except by ordinance ratified by the voters, no limit may be
29 placed on the total number of terms or number of consecutive terms a

1 Mayor may serve.

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

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

8 Sec. 29.20.250. POWERS AND DUTIES OF MAYOR. (a) If a muni-
9 cipality has not adopted a manager plan of government, the mayor is the
10 chief administrator and the mayor has the same powers and duties as
11 those of a manager under AS 29.20.500.

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

17 Sec. 29.20.260. EXECUTIVE ABSENCE. The borough mayor, subject
18 to assembly approval, shall designate a person to act as mayor during
19 the borough mayor's temporary absence or disability. If a manager
20 plan has been adopted, the assembly shall designate by resolution a
21 borough administrative official to act as manager during the manager's
22 absence or disability.

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

27 (b) A veto must be exercised before the next regular meeting of
28 the governing body and must be accompanied by a written explanation of
29 the reasons for the veto. A veto may be overridden by vote of two-

1 thirds of the authorized membership of the governing body within 21
2 days following exercise of the veto, or at the next regular meeting,
3 whichever is later.

4 (c) The veto does not extend to

- 5 (1) appropriation items in a school budget ordinance;
6 (2) actions of the governing body sitting as the board of
7 equalization or the board of adjustment;
8 (3) adoption or repeal of a manager plan of government.

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

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

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

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

17 (3) resigns and the resignation is accepted;

18 (4) is physically or mentally unable to perform the duties
19 of office;

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

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

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

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

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

28 (b) A vacancy in the office of mayor occurring six months before
29 a regular election shall be filled by the governing body. The person

1 appointed serves until the next regular election when a successor is
2 elected to serve the balance of the term. If a member of the govern-
3 ing body is appointed mayor, the member shall resign the seat on the
4 governing body. If a vacancy occurs more than six months before a
5 regular election, the governing body shall call a special election to
6 fill the unexpired term.

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

12 ARTICLE 4. BOARDS AND COMMISSIONS.

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

19 (b) The assembly is the school board for a third class borough.
20 The mayor is the presiding officer of the assembly and president of
21 the school board. However, the mayor may not veto an action of the
22 school board.

23 Sec. 29.20.310. UTILITY BOARDS. (a) The governing body of a
24 municipality operating a public utility may provide by ordinance for a
25 utility board of five members and define the board's powers and
26 duties.

27 (b) As determined by ordinance, members of a utility board are
28 either appointed by the mayor and confirmed by the governing body or
29 are elected at a regular election. The term of a utility board member

1 is two years and until a successor is selected and qualifies. How-
2 ever, the governing body may by ordinance provide for a different term
3 not to exceed four years. The current term of an elected incumbent
4 may not be altered.

5 (c) Vacancies on a utility board are filled by the mayor.
6 Executive appointments shall be confirmed by the governing body. A
7 person appointed to fill a vacancy on a utility board serves until the
8 expiration of the term for which appointed and until a successor is
9 elected and qualifies.

10 (d) Unless otherwise provided by ordinance, a utility board
11 shall

12 (1) choose its chairman and secretary;

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

15 (3) formulate and enforce the general rules and policies of
16 the utility.

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

20 (b) Members of boards and commissions, except for members of the
21 board of adjustment and assembly members serving on the board of
22 equalization, are appointed by the mayor and confirmed by the govern-
23 ing body.

24 ARTICLE 5. OTHER OFFICIALS AND EMPLOYEES.

25 Sec. 29.20.360. APPOINTMENT OF OFFICIALS. Unless otherwise pro-
26 vided by ordinance, the municipal clerk, attorney, treasurer, and
27 police chief are appointed by the chief administrator. Unless other-
28 wise provided by ordinance, an official described in this section
29 serves at the pleasure of the appointing authority and, if appointed

1 by the chief administrator, must be confirmed by the governing body.

2 Sec. 29.20.370. MUNICIPAL ATTORNEY. The municipal attorney is
3 the legal advisor of the governing body, the school board, and the
4 other officials of the municipality. The municipal attorney repre-
5 sents the municipality as attorney in civil and criminal proceedings.
6 The school board may hire independent counsel when in its judgment
7 independent counsel is needed.

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

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

11 (2) attend meetings of the governing body and keep the
12 journal;

13 (3) arrange publication of notices, ordinances, and resolu-
14 tions;

15 (4) maintain and make available for public inspection an
16 indexed file containing municipal ordinances, resolutions, rules,
17 regulations, and codes;

18 (5) attest deeds and other documents;

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

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

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

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

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

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

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

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

18 ARTICLE 6. MANAGER PLAN.

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

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

27 (2) 15 percent if the municipality has 7,500 persons or
28 more.

29 Sec. 29.20.470. ELECTION ON ADOPTION OF MANAGER PLAN. On

1 receipt of a petition to adopt a manager plan or on its own motion to
2 adopt a manager plan, the governing body shall provide by ordinance or
3 resolution for a vote on the question at the next election.

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

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

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

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

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

22 (1) appoint, suspend, or remove municipal employees and
23 administrative officials, except as provided otherwise in this title
24 and AS 14.14.065;

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

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

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

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

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

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

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

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

25 ARTICLE 7. MISCELLANEOUS PROVISIONS.

26 Sec. 29.20.600. OATHS OF OFFICE. Before taking office a munici-
27 pal official shall affirm in writing that the duties of the office
28 will be honestly, faithfully, and impartially performed by the offi-
29 cial. The oath is filed with the municipal clerk.

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

5 Sec. 29.20.620. COMPENSATION FOR ELECTED OFFICIALS. The govern-
6 ing body shall by ordinance provide a method of determining the sal-
7 aries of elected officials. The salary of the mayor may not be re-
8 duced during the term of office of the mayor, unless during the term a
9 manager plan is adopted. An elected official may not receive com-
10 pensation for service to the municipality in addition to the salary
11 received as an elected official, unless otherwise provided by ordi-
12 nance. Per diem payments or reimbursements for expenses are not
13 compensation under this section.

14 Sec. 29.20.630. PROHIBITIONS. (a) A person may not be in any
15 way favored or discriminated against with respect to municipal
16 employment because of the person's race, color, sex, creed, national
17 origin or, unless otherwise contrary to law, because of the person's
18 political opinions or affiliations.

19 (b) Subject to AS 14.14.140, a state employee or school district
20 employee may not be denied the right to serve as an elected municipal
21 official because of employment by the state or a school district. For
22 purposes of this subsection a school district employee is not a
23 municipal employee.

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

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

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

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

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

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

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

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

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

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

18 CHAPTER 25. MUNICIPAL ENACTMENTS.

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

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

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

26 (3) provide for the levying of taxes;

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

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

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

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

6 (8) designate the borough seat;

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

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

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

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

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

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

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

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

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

1 full;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 have been adopted.

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

4 Sec. 29.25.070. PENALTIES. (a) For the violation of an ordi-
5 nance, a municipality may by ordinance prescribe a penalty not to
6 exceed a fine of \$1,000 and imprisonment for 90 days.

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

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

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

20 CHAPTER 26. ELECTIONS.

21 ARTICLE 1. REGULAR AND SPECIAL ELECTIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (1) mayor; or

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

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

12 (c) Unless otherwise provided by ordinance, a runoff election
13 shall be held within three weeks after the date of certification of
14 the election for which a runoff is required, and notice of the runoff
15 election shall be published at least five days before the election
16 date. The runoff election shall be between the two candidates receiv-
17 ing the greatest number of votes for the seat.

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

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

26 (c) Unless otherwise provided by ordinance, the governing body
27 shall declare the election results at the first meeting to canvass the
28 election, record the results in the minutes of that meeting, and
29 authorize the results to be certified.

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

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

14 ARTICLE 2. INITIATIVE AND REFERENDUM.

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

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

29 (1) is not restricted by AS 29.26.100;

- 1 (2) includes only a single subject;
2 (3) relates to a legislative rather than to an administra-
3 tive matter; and
4 (4) would be enforceable as a matter of law.

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

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

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

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

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

16 (4) notice that signatures must be secured within 90 days
17 after the date the petition is issued;

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

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

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

28 (b) If a petition consists of more than one page, each page
29 shall contain the summary of the ordinance or resolution to be

1 initiated or the ordinance or resolution to be referred.

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

4 Sec. 29.26.130. SIGNATURE REQUIREMENTS. (a) The signatures on
5 an initiative or referendum petition shall be secured within 90 days
6 after the clerk issues the petition. The statement provided under
7 AS 29.26.120(a)(6) shall be signed and dated by the sponsor. Signa-
8 tures shall be in ink or indelible pencil.

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

13 (1) 25 percent of the votes cast if a municipality has
14 fewer than 7,500 persons; or

15 (2) 15 percent of the votes cast if a municipality has
16 7,500 persons or more.

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

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

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

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

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

1 (b) A petition that is insufficient may be supplemented with
2 additional signatures obtained and filed before the 11th day after the
3 date on which the petition is rejected.

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

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

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

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

28 (b) If the governing body adopts substantially the same measure,
29 the petition is void and the matter initiated may not be placed before

1 the voters.

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

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

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

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

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

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

27 Sec. 29.26.190. EFFECT. (a) The effect of an ordinance or
28 resolution may not be modified or negated within two years after its
29 effective date if adopted in an initiative election or if adopted

1 after a petition that contains substantially the same measure has been
2 filed.

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

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

12 ARTICLE 3. RECALL.

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

17 Sec. 29.26.250. GROUNDS FOR RECALL. Grounds for recall are
18 misconduct in office, incompetence, or failure to perform prescribed
19 duties.

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

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

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

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

29 (b) An additional sponsor may be added at any time before the

1 petition is filed by submitting the name of the sponsor to the clerk.

2 Sec. 29.26.270. RECALL PETITION. (a) If the municipal clerk
3 determines that an application for a recall petition meets the re-
4 quirements of AS 29.26.260, the clerk shall prepare a recall petition.

5 All copies of the petition shall contain

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

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

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

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

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

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

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

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

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

29 (b) The clerk shall determine the number of signatures required

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

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

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

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

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

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

25 (b) A petition that is insufficient may be supplemented with
26 additional signatures obtained and filed before the 11th day after the
27 date on which the petition is rejected if

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

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

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

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

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

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

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

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

28 Sec. 29.26.330. FORM OF RECALL BALLOT. A recall ballot shall
29 contain

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

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

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

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

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

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

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

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

28 (d) If an official other than a member of the governing body or
29 school board is recalled, a successor shall be elected to fill the

1 unexpired portion of the term. The election shall be held not more
2 than 60 days after the date the recall election is certified, except
3 that if a regular election occurs within 75 days after certification
4 the successor shall be chosen at that election.

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

9 Sec. 29.26.360. APPLICATION. AS 29.26.250 - 29.26.360 apply to
10 home rule and general law municipalities.

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

12 CHAPTER 35. MUNICIPAL POWERS AND DUTIES.

13 ARTICLE 1. GENERAL POWERS.

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

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

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

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

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

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

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

28 (7) to enforce an ordinance and to prescribe a penalty for
29 violation of an ordinance;

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

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

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

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

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

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

19 (14) to sue and be sued.

20 Sec. 29.35.020. EXTRATERRITORIAL JURISDICTION. (a) To the
21 extent a municipality is otherwise authorized by law to exercise the
22 power necessary to provide the facility or service, the municipality
23 may provide parks, playgrounds, cemeteries, emergency medical ser-
24 vices, solid and septic waste disposal, utility services, airports,
25 streets (including ice roads), trails, transportation facilities,
26 wharves, harbors and other marine facilities outside its boundaries
27 and may regulate their use and operation to the extent that the juris-
28 diction in which they are located does not regulate them. A regu-
29 lation adopted under this section must state that it applies outside

1 the municipality.

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

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

9 Sec. 29.35.030. EMINENT DOMAIN. (a) A municipality may exer-
10 cise the powers of eminent domain and declaration of taking in the
11 performance of a power or function of the municipality under the
12 procedures set out in AS 09.55.250 - 09.55.460. In the case of a
13 second class city, the exercise of the power of eminent domain or
14 declaration of taking must be by ordinance that is submitted to the
15 voters at the next general election or at a special election called
16 for that purpose. A majority of the votes on the question is required
17 for approval of the ordinance.

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

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

27 (b) Powers granted by this section must be initiated within a
28 period of not more than five years after the date of declaration of a
29 natural disaster by the President or governor, but these powers may be

1 extended for an additional period of not more than three years.

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

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

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

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

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

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

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

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

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

1 waste material collection and disposal service in an area to the
2 extent it lies in an area granted to a garbage, refuse, trash, or
3 other waste material carrier by a certificate issued by the Alaska
4 Public Utilities Commission to the carrier until it has purchased the
5 certificate, equipment and facilities of the carrier, or that portion
6 of the certificate that would be affected, at fair market value. A
7 municipality may exercise the right of eminent domain to acquire the
8 certificate, equipment and facilities of the carrier, or that portion
9 of the certificate that would be affected.

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

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

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

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

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

3 (2) not otherwise prohibited by law.

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

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

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

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

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

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

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

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

29 Sec. 29.35.110. EXPENDITURE OF BOROUGH REVENUES. Borough

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

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

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

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

24 (b) An emergency services communications center under this
25 section may be governed by a board of directors. A member of a board
26 of directors of an emergency services communications center serves
27 without compensation but is entitled to per diem and travel expenses.
28 If an emergency services communications center is organized as a
29 nonprofit corporation, a member of its board of directors may not be

1 employed by the nonprofit corporation.

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

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

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

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

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

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

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

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

23 (d) In this section

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

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

1 Sec. 29.35.140. REGULATION OF TRANSPORTATION CARRIERS. A
2 municipality may not regulate an activity regarding transportation of
3 passengers or freight for hire if the regulation conflicts with the
4 regulation of that activity by the Alaska Transportation Commission as
5 the regulation existed on April 1, 1983 under former AS 02.05, former
6 AS 42.07, or former AS 42.10.

7 ARTICLE 2. MANDATORY AREAWIDE POWERS.

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

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

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

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

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

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

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

9 ARTICLE 3. ADDITIONAL POWERS.

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

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

15 (1) provide transportation systems;

16 (2) provide water pollution control;

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

19 (4) license day care facilities;

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

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

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

28 (1) provide transportation systems;

29 (2) regulate the offering for sale, exposure for sale,

1 sale, use or explosion of fireworks;
2 (3) license, impound, and dispose of animals;
3 (4) provide garbage, solid waste, and septic waste col-
4 lection and disposal;
5 (5) provide air pollution control in accordance with
6 AS 46.03.140 - 46.03.230;
7 (6) provide water pollution control;
8 (7) participate in federal or state loan programs for
9 housing rehabilitation and improvement for energy conservation;
10 (8) provide for economic development;
11 (9) provide for the acquisition and construction of local
12 service roads and trails under AS 19.30.111 - 19.30.251;
13 (10) establish an emergency services communications center
14 under AS 29.35.130;
15 (11) subject to AS 28.01.010, regulate the licensing and
16 operation of motor vehicles and operators.
17 (b) A second class borough may by ordinance exercise the follow-
18 ing powers on an areawide basis:
19 (1) provide transportation systems;
20 (2) license, impound, and dispose of animals;
21 (3) provide air pollution control in accordance with
22 AS 46.03.140 - 46.03.230;
23 (4) provide water pollution control;
24 (5) license day care facilities.
25 (c) In addition to powers conferred by (a) of this section, a
26 second class borough may, on a nonareawide basis, exercise a power not
27 otherwise prohibited by law if the exercise of the power has been
28 approved at an election by a majority of voters living in the borough
29 but outside all cities in the borough.

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

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

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

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

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

17 ARTICLE 4. CITY POWERS.

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

20 (b) On adoption of a borough ordinance to provide for areawide
21 exercise of a power, no city may exercise the power unless the borough
22 ordinance provides otherwise or the borough by ordinance ceases to
23 exercise the power.

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

1 platting, and land use regulation as provided by AS 29.35.180(a) for
2 first and second class boroughs.

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

4 Sec. 29.35.260. CITIES OUTSIDE BOROUGHES. (a) A city outside a
5 borough may exercise a power not otherwise prohibited by law. A
6 provision that is incorporated by reference to laws governing boroughs
7 applies to home rule cities outside boroughs only if the provision is
8 made applicable to home rule boroughs.

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

14 (c) A home rule city outside a borough shall provide for plan-
15 ning, platting, and land use regulation as provided by AS 29.35.180(b)
16 for home rule boroughs. A first class city outside a borough shall,
17 and a second class city outside a borough may, provide for planning,
18 platting, and land use regulation as provided by AS 29.35.180(a) for
19 first and second class boroughs.

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

21 ARTICLE 5. ACQUISITION OF ADDITIONAL POWERS.

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

25 (b) A second class borough acquires an additional power by
26 transfer of the power by a city or by holding an election on the ques-
27 tion. For acquisition of an areawide power, the election shall be
28 held areawide. For acquisition of a nonareawide power, the election
29 shall be held nonareawide.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (e) The borough mayor shall certify the election results to the
28 department.

29 Sec. 29.35.340. EFFECT OF ACQUIRING AN AREAWIDE POWER. (a) On

1 acquisition of an areawide power the first or second class borough
2 succeeds to all of the rights, powers, and duties of any city or
3 service area with respect to that power. The borough succeeds to
4 claims, franchises, and other contractual obligations, liability for
5 bonded and all other indebtedness, and to all of the right, title, and
6 interest in the real and personal property held by a city or service
7 area for the exercise of the power.

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

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

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

22 Sec. 29.35.350. DEFINITION. In AS 29.35.200 - 29.35.350,
23 "power" means the provision of a public facility or service, or the
24 exercise of a regulatory power.

25 ARTICLE 6. CONSTRUCTION OF POWERS.

26 Sec. 29.35.400. GENERAL CONSTRUCTION. A liberal construction
27 shall be given to all powers and functions of a municipality conferred
28 in this title.

29 Sec. 29.35.410. EXTENT OF POWERS. Unless otherwise limited by

1 law, a municipality has and may exercise all powers and functions
2 necessarily or fairly implied in or incident to the purpose of all
3 powers and functions conferred in this title.

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

8 ARTICLE 7. SERVICE AREAS.

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

16 (1) the city agrees by ordinance; or

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

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

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

27 Sec. 29.35.470. FINANCING. The assembly may levy or authorize
28 the levying of taxes, charges, or assessments in a service area to
29 finance the special services. If the assembly authorizes the levying

1 of taxes, charges, or assessments, the rate of taxation and the issu-
2 ance of bonds are subject to assembly approval.

3 Sec. 29.35.480. SERVICE AREAS IN FIRST CLASS BOROUGHES. In a
4 first class borough, the assembly may exercise in a service area any
5 power granted a first class city by law. The assembly may exercise in
6 a service area any nonareawide power that may be exercised by a first
7 class borough.

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

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

14 (2) all owners of real property in the service area consent
15 in writing to the exercise of the power if no voters reside in the
16 service area.

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

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

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

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

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

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

6 (b) If a city in a borough consents by ordinance, the assembly
7 may by ordinance delegate any of its powers and duties under this
8 chapter to the city. The assembly may by ordinance, without first
9 obtaining the consent of the city, revoke any power or duty delegated
10 under this section.

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

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

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

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

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

- 9 (1) statements of policies, goals, and standards;
10 (2) a land use plan;
11 (3) a community facilities plan;
12 (4) a transportation plan; and
13 (5) recommendations for implementation of the comprehensive
14 plan.

15 (b) With the recommendations of the planning commission, the
16 assembly shall adopt by ordinance a comprehensive plan. The assembly
17 shall, after receiving the recommendations of the planning commission,
18 periodically undertake an overall review of the comprehensive plan and
19 update the plan as necessary.

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

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

27 (2) land use permit requirements designed to encourage or
28 discourage specified uses and construction of specified structures, or
29 to minimize unfavorable effects of uses and the construction of

1 structures;

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

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

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

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

10 (3) the variance is sought solely to relieve pecuniary
11 hardship or inconvenience.

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

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

29 Sec. 29.40.060. JUDICIAL REVIEW. (a) The assembly shall

1 provide by ordinance for an appeal by a municipal officer or person
2 aggrieved from a decision of a hearing officer, board of adjustment,
3 or other body to the superior court.

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

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

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

12 (2) dimensions and design of lots;

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

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

20 Sec. 29.40.080. PLATTING AUTHORITY. (a) The assembly by ordi-
21 nance shall establish a platting authority to administer subdivision
22 regulations and to perform other duties as required by the assembly.
23 The platting authority may consist of members of the planning commis-
24 sion or of other municipal residents.

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

28 Sec. 29.40.090. ABBREVIATED PLATS AND WAIVERS. (a) Notwith-
29 standing other provisions of this chapter, the assembly shall by

1 ordinance establish an abbreviated plat procedure for a plat that will

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

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

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

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

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

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

14 (1) initial point of survey;

15 (2) original or reestablished corners and their descrip-
16 tions;

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

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

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

28 (b) The platting authority shall state in writing its reasons
29 for disapproval of a plat. If the platting authority approves a plat,

1 the plat shall be acknowledged and filed in accordance with AS 40.15.-
2 010 - 40.15.020.

3 Sec. 29.40.120. ALTERATION OR REPLAT PETITION. A recorded plat
4 may not be altered or replatted except by the platting authority on
5 petition of the state, the borough, a public utility, or the owners of
6 a majority of the land affected by the alteration or replat. A plat-
7 ted street may not be vacated, except on petition of the state, the
8 borough, a public utility, or owners of a majority of the land front-
9 ing the part of the street sought to be vacated. The petition shall
10 be filed with the platting authority and shall be accompanied by a
11 copy of the existing plat showing the proposed alteration or replat.

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

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

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

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

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

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

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

26 (d) The council of a second class city located outside a borough
27 may vacate streets, alleys, crossings, sidewalks, or other public ways
28 that may have been previously dedicated or established when the coun-
29 cil finds that the streets, alleys, crossings, sidewalks, or other

1 public ways are no longer necessary for the public welfare, or when
2 the public welfare will be enhanced by the vacation. If the council
3 determines that all or a portion of the area vacated under this sub-
4 section should be devoted to another public purpose, title to the area
5 vacated and held for another public purpose does not vest as provided
6 in (a) of this section but remains in the city.

7 Sec. 29.40.170. DELEGATIONS. The planning commission and the
8 platting authority may, as authorized by ordinance, delegate powers to
9 hear and decide cases under this chapter, including, but not limited
10 to, delegations to

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

13 (2) other boards or commissions;

14 (3) a hearing officer designated by the planning commission
15 or platting authority.

16 Sec. 29.40.180. VIOLATIONS. It is unlawful for the owner of
17 land located in a subdivision to transfer, sell, offer to sell, or
18 enter into a contract to sell land in a subdivision before a plat of
19 the subdivision has been prepared, approved, and filed in accordance
20 with this chapter. It is unlawful for a person to file a plat or
21 other document depicting subdivided land in a public recorder's office
22 unless the plat or document has been approved by the platting author-
23 ity. For the violation of a provision of this chapter, a subdivision
24 regulation adopted under this chapter, or a term, condition, or
25 limitation imposed by a platting authority in the exercise of its
26 powers under this chapter, a municipality may by ordinance prescribe a
27 penalty not to exceed a fine of \$1,000 and imprisonment for 90 days.

28 Sec. 29.40.190. REMEDIES. (a) The municipality or an aggrieved
29 person may institute a civil action against a person who violates a

1 provision of this chapter, a subdivision regulation adopted under this
2 chapter, or a term, condition, or limitation imposed by a platting
3 authority. In addition to other relief, a civil penalty not to exceed
4 \$1,000 may be imposed for each violation. An action to enjoin a
5 violation may be brought notwithstanding the availability of any other
6 remedy. Upon application for injunctive relief and a finding of a
7 violation or threatened violation, the superior court shall grant the
8 injunction.

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

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

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

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

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

26 (c) The commissioner of natural resources may withdraw the sub-
27 division plat and amend it in response to the determination of non-
28 compliance by the platting authority under (b) of this section. The
29 platting authority shall respond within 30 days to the amendment or

1 response from the commissioner of natural resources.

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

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

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

7 CHAPTER 45. MUNICIPAL TAXATION.

8 ARTICLE 1. MUNICIPAL PROPERTY TAX.

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

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

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

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

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

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

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

25 "NOTICE TO TAXPAYER

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

29 PUBLIC SCHOOL FOUNDATION PROGRAM ASSISTANCE