

LEG. FINANCE - BILLS 1985 - 1986 2321
HB 72 cont. 2321

1 Sec. 29.65.140. APPLICATION. This chapter applies to home rule
2 and general law municipalities.

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

4 CHAPTER 71. GENERAL PROVISIONS.

5 Sec. 29.71.010. ADVERSE POSSESSION. A municipality may not be
6 divested of title to real property by adverse possession.

7 Sec. 29.71.020. DEDICATION OF MUNICIPAL PROPERTY. Dedication of
8 streets, rights-of-way, easements or other areas for public use may
9 not be construed to require the municipality to maintain, improve or
10 provide for municipal services in the area dedicated and the dedica-
11 tion does not impose any liability on the municipality for the condi-
12 tion of the area dedicated.

13 Sec. 29.71.030. TAXATION OF MUNICIPALITIES. No state law or
14 regulation may assess or tax, or be construed to assess or tax, a
15 municipality unless the law or regulation expressly provides that the
16 municipality is to be assessed or taxed by the particular law or
17 regulation.

18 Sec. 29.71.800. DEFINITIONS. In this title, unless otherwise
19 provided or the context otherwise requires,

20 (1) "areawide" means throughout a borough, both inside and
21 outside all cities in the borough;

22 (2) "assembly" means the governing body of a borough;

23 (3) "borough" means a general law borough or a home rule
24 borough;

25 (4) "city" means a general law first or second class city
26 or a home rule city;

27 (5) "commissioner" means the commissioner of community and
28 regional affairs;

29 (6) "consolidation" means dissolution of two or more

- 1 municipalities and their incorporation as a new municipality;
- 2 (7) "council" means the governing body of a city;
- 3 (8) "department" means the Department of Community and
4 Regional Affairs;
- 5 (9) "election" means a regular or special municipal elec-
6 tion and does not include a state election;
- 7 (10) "governing body" means the legislative body of a muni-
8 cipality that is the assembly of a borough or the council of a city;
- 9 (11) "majority" means a simple majority;
- 10 (12) "merger" means dissolution of a municipality and its
11 absorption by another municipality;
- 12 (13) "municipality" means a political subdivision incor-
13 porated under the laws of the state that is a home rule or general law
14 city, a home rule or general law borough, or a unified municipality;
- 15 (14) "nonareawide" means throughout the area of a borough
16 outside all cities in the borough;
- 17 (15) "owner" or "record owner" means the owner of record or
18 purchaser of record as shown in the records of the district recorder;
- 19 (16) "personal property" means tangible property other than
20 real property, such as merchandise, stock in trade, machinery, equip-
21 ment, furniture, fixtures, vehicles, boats, and aircraft;
- 22 (17) "property" means real and personal property;
- 23 (18) "published" means appearing at least once in a news-
24 paper of general circulation distributed in the municipality or, if
25 there is no newspaper of general circulation distributed in the muni-
26 cipality, posting in three public places for at least five days;
- 27 (19) "real property" means land and improvements, all pos-
28 sessory rights and privileges appurtenant to the property, and in-
29 cludes personal property affixed to the land or improvements;

1 (20) "regular election" means the municipal election held on
2 the first Tuesday of October annually, or on a different date or
3 interval of years provided by ordinance or charter;

4 (21) "special election" means a municipal election and does
5 not include a regular election or a state election;

6 (22) "street" includes streets, avenues, boulevards, roads,
7 lanes, alleys, and other ways;

8 (23) "subdivision"

9 (A) means the division of a parcel of land into two or
10 more lots or other divisions for the purpose of sale or building
11 development, includes resubdivision, and relates to the process
12 of subdividing or to the land subdivided;

13 (B) does not include cadastral plats, cadastral con-
14 trol plats, open-to-entry plats, or remote parcel plats created
15 by or on behalf of the state regardless of whether these plats
16 include easements or other public dedications;

17 (24) "unified municipality" means a municipality unified in
18 accordance with AS 29.06.190 - 29.06.410;

19 (25) "voter" means a United States citizen who is qualified
20 to vote in state elections, has been a resident of the municipality
21 for 30 days immediately preceding the election, is registered to vote
22 in state elections, and is not disqualified under art. V of the state
23 constitution.

24 * Sec. 18. AS 01.10.060 is amended by adding a new paragraph to read:

25 (15) "municipality" means a political subdivision incor-
26 porated under the laws of the state that is a home rule or general law
27 city, a home rule or general law borough, or a unified municipality.

28 * Sec. 19. AS 05.35.040 is amended to read:

29 Sec. 05.35.040. POWER OF MUNICIPALITY. A municipality may own,

1 maintain and employ a facility constructed under AS 05.35.010 -
2 05.35.070. The exercise of this power on an areawide basis is at the
3 option of the borough and is not subject to the restrictions on ac-
4 quiring additional areawide powers in AS 29.35.300 - 29.35.330
5 [AS 29.33.250 - 29.33.290].

6 * Sec. 20. AS 09.45.845 is amended to read:

7 Sec. 09.45.845. VACATING OF STREETS IN WHOLE OR IN PART. The
8 vacating of streets in whole or in part by the voluntary action of a
9 municipality, for the purpose of making it possible for the court to
10 mitigate the hardships suffered by individuals because of the change
11 in land boundaries caused by the act of God, consisting of an earth-
12 slide, can be accomplished by the offer of the municipality expressed
13 in the complaint followed by the court's approval of it in the action
14 authorized in AS 09.45.800 - 09.45.880, without other formalities.
15 This provision is a special emergency substitute for the provisions
16 contained in AS 29.40.120 - 29.40.160 [AS 29.33.200 - 29.33.240].

17 * Sec. 21. AS 09.55.275 is amended to read:

18 Sec. 09.55.275. REPLAT APPROVAL. No agency of the state or
19 municipality may acquire property located within a municipality exer-
20 cising the powers conferred by AS 29.35.180 or 29.35.260(c) that
21 [AS 29.33.150 - 29.33.245 WHICH] results in a boundary change unless
22 the agency or municipality first obtains from the municipal platting
23 authority preliminary approval of a replat showing clearly the loca-
24 tion of the proposed public streets, easements, rights-of-way, and
25 other taking of private property. Final approval of replat shall be
26 similarly obtained. However, if a state agency clearly demonstrates
27 an overriding state interest, a waiver to the approval requirements of
28 this section may be granted by the governor. The platting authority
29 shall treat applications for replat made by state or local

1 governmental agencies in the same manner as replat petitions
2 originated by private landowners.

3 * Sec. 22. AS 09.65.070(e)(1) is amended to read:

4 (1) "municipality" has the meaning given in AS 01.10.-
5 060(15) and [MLANS A HOME RULE BOROUGH OR CITY, A GENERAL LAW BOROUGH
6 OR CITY OF ANY CLASS, A UNIFIED MUNICIPALITY ESTABLISHED UNDER AS 29.-
7 68.240 - 29.68.440, OR A MUNICIPALITY ESTABLISHED BY MERGER OR CON-
8 SOLIDATION UNDER AS 29.68.030 - 29.68.110; THE TERM] includes a public
9 corporation established by a municipality;

10 * Sec. 23. AS 14.08.071(b) is amended to read:

11 (b) Except for the first election of regional school members
12 under (a) of this section, elections [ELECTION] shall be held annually
13 on the first Tuesday in October. Elections shall be supervised by the
14 director of elections in the office of the lieutenant governor, but
15 shall be administered within second class cities as part of the regular
16 municipal election. The lieutenant governor shall adopt [PROMULGATE]
17 regulations for the conduct of the election of regional school board
18 members comparable, as far as practicable, to those prescribed for
19 election of school board members under AS 14.12 and AS 29.20.300
20 [AS 29.28] except that the majority election requirements of AS 29.-
21 26.060 [AS 29.28.040] do not apply to, nor may the regulations require
22 runoff elections for, the first election of regional school board
23 members under (a) of this section or, if a school board by resolution
24 so requests, to subsequent elections in the regional educational
25 attendance area served by that school board.

26 * Sec. 24. AS 14.08.081 is amended to read:

27 Sec. 14.08.081. RECALL. The members of a regional school board
28 are subject to recall in accordance with AS 29.26.240 - 29.26.360
29 [AS 29.28.130 - 29.28.250], except that the director of the division

1 of elections shall perform the functions of a municipal clerk, and the
2 lieutenant governor shall perform the functions of the assembly or
3 council under those sections.

4 * Sec. 25. AS 14.12.030(c) is amended to read:

5 (c) The [NOTWITHSTANDING THE] provisions of (a) and (b) of this
6 section do not apply if [, WHERE] the [BOROUGH] assembly serves as the
7 school board of the borough school district [UNDER AS 29.41.020 THE
8 NUMBER OF MEMBERS OF THE ASSEMBLY-SCHOOL BOARD SHALL BE DETERMINED IN
9 THE MANNER PRESCRIBED BY AS 29.23.020].

10 * Sec. 26. AS 14.12.110 is amended to read:

11 Sec. 14.12.110. SINGLE BODY AS ASSEMBLY AND SCHOOL BOARD. Not-
12 withstanding the provisions of this chapter or other law, a single
13 body may serve as both the [BOROUGH] assembly and [BOROUGH] school
14 board in the manner provided for third class boroughs under AS 29.20.-
15 300(b) [AS 07.17.030], if

16 (1) an [A BOROUGH] ordinance for that purpose is approved
17 by the assembly and ratified by a referendum of a majority of the
18 qualified borough voters voting on the question at a regular or spe-
19 cial election; [,] and

20 (2) [IF] the public school population within the borough is
21 500 pupils or less.

22 * Sec. 27. AS 14.14.020 is amended to read:

23 Sec. 14.14.020. BOND REQUIRED. Before the officer responsible
24 for custody [OF], investment, or management of school district money
25 enters upon the duties of office, the district, or the municipality if
26 the treasury is centralized, shall obtain a bond with sufficient
27 sureties in an amount equal to the money that may come into the offi-
28 cer's official custody, but not to exceed \$50,000. The bond shall be
29 conditioned on the officer's honest and faithful disbursement and

1 accounting of all money that may come into the official custody of the
2 officer. The bond shall be filed with the clerk of the school board.
3 This section does not apply to an officer who has been bonded under
4 AS 29.20.610 [AS 29.23.520].

5 * Sec. 28. AS 14.14.050(d) is amended to read:

6 (d) The school board shall not make the audit if an audit that
7 [WHICH] satisfies the requirements of this section and that [WHICH] is
8 filed and posted as required by this section [,] is made according to
9 AS 29.35.110 [AS 29.48.220].

10 * Sec. 29. AS 14.17.140(n) is amended to read:

11 (a) The Department of Community and Regional Affairs, in
12 consultation with the assessor for each district, shall determine the
13 full value of the taxable real and personal property in each district.
14 Exemptions granted under AS 43.25 shall be honored. If there is no
15 local assessor or current local assessment for a district, then the
16 Department of Community and Regional Affairs shall make the deter-
17 mination of full value from information available. In making the
18 determination, the Department of Community and Regional Affairs shall
19 be guided by AS 29.45.110 [AS 29.53.060]. The determination of full
20 value shall be made before October 1 and sent by certified mail,
21 return receipt requested, before that date to the president of the
22 school board in each district. Duplicate copies shall be sent to the
23 commissioner. The governing body of the municipality that [BOROUGH OR
24 CITY WHICH] is the district may obtain judicial review of the deter-
25 mination by filing a motion in the superior court of the judicial
26 district in which the district is located within 30 days after receipt
27 of the determination. The superior court may modify the determination
28 of the Department of Community and Regional Affairs only upon a find-
29 ing of abuse of discretion or upon a finding that there is no

1 substantial evidence to support the determination.

2 * Sec. 30. AS 15.13.010(a) is amended to read:

3 (a) This chapter applies in every election for governor, lieu-
4 tenant governor, a member of the state legislature, a delegate to a
5 constitutional convention, or judge seeking electoral confirmation.
6 It also applies to every candidate for election to a municipal office
7 in a municipality [CITY OR BOROUGH] with a population of more than
8 1,000 inhabitants according to the latest United States census figures
9 or estimates of population certified as correct for administrative
10 purposes by the Department of Community and Regional Affairs. A
11 municipality may exempt its elected municipal officers from the re-
12 quirements of this chapter if a majority of the voters voting on the
13 question at a [ANY] regular election, as defined by AS 29.71.800(20)
14 [AS 29.78.010(14)], or a special municipality-wide election called for
15 that purpose, vote to exempt its elected municipal officers from the
16 requirements of this chapter. The question of exemption from the
17 requirements of this chapter may be submitted by the governing body
18 [CITY COUNCIL OR BOROUGH ASSEMBLY] by ordinance or by initiative
19 election [ORDINANCE]. Nothing in this chapter prohibits a municipal-
20 ity from regulating by ordinance campaign contributions and expendi-
21 tures.

22 * Sec. 31. AS 15.13.120(f)(3) is amended to read:

23 (3) AS 29.20.170 [AS 29.23.060(c)], if the candidate is a
24 candidate for the borough assembly;

25 * Sec. 32. AS 15.13.120(f)(4) is amended to read:

26 (4) AS 29.20.280 [AS 29.23.130(f)], if the candidate is a
27 candidate for borough mayor;

28 * Sec. 33. AS 15.13.120(f)(5) is amended to read:

29 (5) AS 29.20.170 [AS 29.23.210(b)], if the candidate is a

- 1 candidate for city council;
- 2 * Sec. 34. AS 15.13.120(f)(6) is amended to read:
- 3 (6) AS 29.20.280 [AS 29.23.255], if the candidate is a
- 4 candidate for city mayor;
- 5 * Sec. 35. AS 15.56.110(b)(2) is amended to read:
- 6 (2) a member of the borough assembly [ASSEMBLYMAN] under
- 7 AS 29.20.170(6) [AS 29.23.060(c)];
- 8 * Sec. 36. AS 15.56.110(b)(3) is amended to read:
- 9 (3) a borough mayor under AS 29.20.280(6) [AS 29.23.130-
- 10 (f)];
- 11 * Sec. 37. AS 15.56.110(b)(4) is amended to read:
- 12 (4) a member of the city council [COUNCILMAN] under AS 29.-
- 13 20.170(6) [AS 29.23.210(b)];
- 14 * Sec. 38. AS 15.56.110(b)(5) is amended to read:
- 15 (5) a city mayor under AS 29.20.280(6) [AS 29.23.255];
- 16 * Sec. 39. AS 16.20.036(g) is amended to read:
- 17 (g) The establishment of a refuge under this section does not
- 18 impair or alter existing rights of a municipality [BOROUGH OR CITY] to
- 19 state land selected [SELECT STATE LAND] under former AS 29.18.190 -
- 20 29.18.200.
- 21 * Sec. 40. AS 16.20.038(g) is amended to read:
- 22 (g) The establishment of a refuge under this section does not
- 23 impair or alter existing rights of a municipality [BOROUGH OR CITY] to
- 24 state land selected [SELECT STATE LAND] under former AS 29.18.190 -
- 25 29.18.200.
- 26 * Sec. 41. AS 18.26.250(2) is amended to read:
- 27 (2) municipality [MUNICIPAL CORPORATION OR POLITICAL SUB-
- 28 DIVISION OF THE STATE AS THE TERMS ARE USED IN AS 29];
- 29 * Sec. 42. AS 18.80.290(d) is amended to read:

1 (d) The governing [LEGISLATIVE] body of a general law or home
2 rule municipality has the authority under AS 29.20.320 [AS 29.48.035]
3 to grant to local commissions powers and duties similar to those
4 exercised by the Alaska Human Rights Commission under the provisions
5 of this chapter [ACT].

6 * Sec. 43. AS 19.30.241(2) is amended to read:

7 (2) "home rule city" means a city as defined in AS 29.04.-
8 010 [AS 29.08.010];

9 * Sec. 44. AS 19.30.241(3) is amended to read:

10 (3) "local government" means an organized borough of any
11 class, a unified municipality [ORGANIZED UNDER AS 29.68.240 - 29.68.-
12 440], a home rule city, or a first class city [OF THE FIRST CLASS];

13 * Sec. 45. AS 19.30.260 is amended to read:

14 Sec. 19.30.260. PURPOSE. The purpose of AS 19.30.260 -
15 19.30.320 is to facilitate funding for the upgrading, reconstruction,
16 rehabilitation, or paving of existing subdivision roads within a road
17 maintenance service area established under AS 29.35.450 [AS 29.63] or
18 under a home rule charter.

19 * Sec. 46. AS 19.30.280(a) is amended to read:

20 (a) After establishing a road maintenance service area under
21 AS 29.35.450 [AS 29.63], or under a home rule charter, a municipality
22 may apply to the department for a grant as money is available for road
23 improvements, subject to regulations adopted by the department to
24 carry out the provisions of AS 19.30.260 - 19.30.320. The department
25 shall require a municipality to submit a five-year plan for the up-
26 grading, reconstructing, rehabilitating, or paving of maintenance
27 service area roads for approval before October 1 of each fiscal year.

28 * Sec. 47. AS 26.23.230(5) is amended to read:

29 (5) "political subdivision" means a home rule or general

1 law borough or city [, WHETHER HOME RULE OR OTHERWISE,] including a
2 unified municipality [MUNICIPALITIES UNIFIED UNDER AS 29.68.240 -
3 29.68.440], an unincorporated village, or other unit of local govern-
4 ment;

5 * Sec. 48. AS 28.15.051(d) is amended to read:

6 (d) The department may issue a special driver's permit to a
7 person who is at least 14 years of age with the consent of the per-
8 son's parents or guardians for the purpose of driving a motor-driven
9 cycle. This permit may be issued upon application and successful
10 completion of all prescribed tests and fees, and is valid for the same
11 period of time as a driver's license. The permit is not valid in a
12 municipality that [WHICH] by ordinance prohibits the driving of a
13 motor-driven cycle by a person under the age of 16 years; a borough
14 may adopt the ordinance on a nonareawide basis only, unless the power
15 to adopt it on an areawide basis is acquired under AS 29.35.300 -
16 29.35.330 or former AS 29.33.250 - 29.33.290.

17 * Sec. 49. AS 38.04.020(b)(1) is amended to read:

18 (1) land nominated for selection or selected by a muni-
19 cipality to satisfy a general grant land entitlement under AS 29.65 or
20 former AS 29.18.201 - 29.18.213;

21 * Sec. 50. AS 38.04.020(e)(4) is amended to read:

22 (4) preliminary feasibility studies, engineering design
23 work, right-of-way acquisition, and construction of access roads and
24 capital improvements required by municipal subdivision ordinance or
25 regulation of the platting authority [BOARD UNDER AS 29.33.150];

26 * Sec. 51. AS 38.04.021(a) is amended to read:

27 (a) A municipality may apply for financial assistance for the
28 execution of a land disposal program of general grant land entitle-
29 ments received from the state under AS 29.65 or former AS 29.18.201 -

1 29.18.213 by submitting a request to the commissioner for inclusion in
2 the request submitted to the legislature under AS 38.04.020(e). A
3 municipality may request financial assistance for expenses of survey-
4 ing land, designing subdivision plats, installing improvements re-
5 quired by municipal ordinance or regulation of the local platting
6 authority [BOARD], and other reasonable direct costs of land disposal.

7 * Sec. 52. AS 38.04.021(d) is amended to read:

8 (d) A grant made under this section may not exceed five times
9 the amount of money appropriated by a first class city, a borough, or
10 a unified municipality [UNIFIED UNDER AS 29.68.240 - 29.68.440] for
11 the disposal of municipal land in the current fiscal year unless the
12 commissioner exempts the municipality from this subsection.

13 * Sec. 53. AS 38.04.021(e)(2) is amended to read:

14 (2) a first class city, a borough, or a unified municipal-
15 ity that [UNIFIED UNDER AS 29.68.240 - 29.68.440 WHICH] is exempted by
16 the commissioner under (d) of this section.

17 * Sec. 54. AS 38.04.900(b) is amended to read:

18 (b) A municipality has standing to petition the commissioner for
19 the adoption of a regulation, or for the amendment or repeal of an
20 existing regulation, or to appeal a decision of the commissioner with
21 respect to classification, management, or disposal of land made under
22 authority of a regulation adopted under (a) of this section with
23 respect to state land outside the corporate boundaries of the muni-
24 cipality to protect any interest which the municipality is authorized
25 to regulate outside its boundaries under AS 29.35.020 [AS 29.48.037].

26 * Sec. 55. AS 38.05.127(d) is amended to read:

27 (d) Upon application by a municipality or an affected owner of
28 land, the department may vacate, release, modify, or relocate an ease-
29 ment and right-of-way for public access to or along navigable or

1 public waters reserved by the department in a patent issued under
2 AS 29.65 or former AS 29.18.011 - 29.18.460, [AS 29.18] if the commis-
3 sioner determines the action is consistent with the public interest.

4 * Sec. 56. AS 38.05.290(b) is amended to read:

5 (b) Consistent with the best interests of the state, in the
6 selection of general grant land it is the policy of the state to make
7 available the maximum land area from which municipalities may fulfill
8 land entitlements under AS 29.65 or former AS 29.18.201 - 29.18.213.

9 * Sec. 57. AS 38.05.321(b) is amended to read:

10 (b) State land classified as agricultural land that [WHICH] has
11 been selected by a municipality under former AS 29.18.190 - 29.18.200
12 or former AS 29.18.205(e) may be approved by the director for patent
13 under AS 29.65.050(c) [AS 29.18.205(f)]; however, only rights in the
14 land for agricultural purposes may be transferred and all other inter-
15 ests in the land will remain with the state. Agricultural land ap-
16 proved for patent to a municipality [UNDER AS 29.18.205(f)] shall be
17 credited, acre for acre, toward fulfillment of that municipality's
18 entitlement under AS 29.65.010 - 29.65.030 or former AS 29.18.201 -
19 29.18.203. If the director later determines it to be in the best
20 interests of the state to transfer some or all of the additional
21 rights in that approved or patented agricultural land, those rights
22 shall pass without consideration to the municipality in which the land
23 is located. The notice and review provisions of AS 38.05.945 are
24 applicable to conveyance of rights under this section.

25 * Sec. 58. AS 38.05.321(c) is amended to read:

26 (c) The provisions of this section do not apply to

27 (1) [TO] state land classified as agricultural land that
28 has been selected by a municipality under the provisions of former
29 AS 29.18.190 - 29.18.200 if the selection is an approved selection

1 before April 1, 1978 and is otherwise valid under AS 29.65.050(b) or
2 former AS 29.18.205(b); or

3 (2) a quitclaim of the interest of the state to the federal
4 government under AS 38.05.035(b)(9).

5 * Sec. 59. AS 38.09.080 is amended to read:

6 Sec. 38.09.080. LAND WITHIN MUNICIPALITIES. (a) If a munici-
7 pality has filed a selection of state lands under AS 29.65 or former
8 AS 29.18.201 - 29.18.213 with the commissioner, the state land se-
9 lected may not be designated for homestead entry; if the commissioner
10 determines that land selected by a municipality is not available for
11 patent to the municipality under AS 29.65 or former AS 29.18.201 -
12 29.18.213, the state land is available for designation by the commis-
13 sioner for homestead entry under AS 38.09.010.

14 (b) The disposal of homestead entry land is subject to local
15 platting, recording, or subdivision requirements established under
16 AS 29.35.180 [AS 29.33] and AS 40.15.

17 * Sec. 60. AS 39.50.145 is amended to read:

18 Sec. 39.50.145. PARTICIPATION BY MUNICIPALITIES. A municipality
19 may exempt its municipal officers from the requirements of this chap-
20 ter if a majority of the voters voting on the question at a [ANY]
21 regular election, as defined by AS 29.71.800(20) [AS 29.78.010(14)],
22 or a special municipality-wide election, vote to exempt its municipal
23 officers from the requirements of this chapter. The question of
24 exemption from the requirements of this chapter may be submitted by
25 the city council or borough assembly by ordinance or by initiative
26 election [ORDINANCE].

27 * Sec. 61. AS 39.50.200(a)(7) is amended to read:

28 (7) "municipal officer" includes a borough or city mayor,
29 borough assemblyman, city councilman, school board member, elected

1 utility board member, city or borough manager, members of a city or
2 borough planning or zoning commission within a home rule or general
3 law city or borough, or [INCLUDING BUT NOT LIMITED TO] a unified muni-
4 cipality [UNDER AS 29.68];

5 * Sec. 62. AS 40.15.075 is amended to read:

6 Sec. 40.15.075. AUTHORITY IN THE UNORGANIZED BOROUGH AND THIRD
7 CLASS BOROUGH. The division of lands is the platting authority in
8 the area outside organized boroughs and outside cities in the unor-
9 ganized borough and in the third class borough for only the purposes
10 of hearing and acting on petitions for the change or vacation of plats
11 and shall execute this function substantially in conformity with the
12 provisions of AS 29.40.130 - 29.40.160 [AS 29.33.210 - 29.33.240].
13 Costs of publication and mailing [AS WELL AS OTHER COSTS] authorized
14 in AS 29.40.130 [AS 29.33.210] shall be paid to the division by the
15 petitioner. The Department of Natural Resources shall adopt reason-
16 able regulations governing the exercise of the authority conferred by
17 this section upon the division of lands.

18 * Sec. 63. AS 40.15.200 is amended to read:

19 Sec. 40.15.200. APPLICATION TO STATE AND POLITICAL SUBDIVI-
20 SIONS. All subdivisions of land made by the state, its agencies,
21 instrumentalities and political subdivisions are subject to the provi-
22 sions of this chapter and AS 29.40.070 - 29.40.160 [AS 29.33.150 -
23 29.33.240], or home rule ordinances or regulations governing subdivi-
24 sions, and shall comply with ordinances and other local regulations
25 adopted under this chapter and AS 29.40.070 - 29.40.160 or former
26 AS 29.33.150 - 29.33.240, or under home rule authority, in the same
27 manner and to the same extent as subdivisions made by other land-
28 owners.

29 * Sec. 64. AS 41.35.180(5) is amended to read:

1 (5) consult with local historical district commissions re-
2 garding the establishment of historical districts under AS 29.55.010 -
3 29.55.020 [AS 29.48.108 - 29.48.110] and the approval of project
4 alterations under AS 45.98.040; recommend, if appropriate, the formu-
5 lation of additional criteria for the designation of historical dis-
6 tricts under AS 29.55.020(b) [AS 29.48.110(b)]; approve plans for and
7 evaluate the suitability of specific structures for purposes of loan
8 eligibility and continuance under the historical district revolving
9 loan fund (AS 45.98); and consult with the Department of Commerce and
10 Economic Development relative to the adoption of regulations for
11 historical district loans under AS 45.98.

12 * Sec. 65. AS 41.98.175(d) is amended to read:

13 (d) In (a) of this section "municipalities" includes cities or
14 organized boroughs of any class and unified municipalities exercising
15 powers to initiate projects described in AS 41.98.170 and acquire
16 parks and open space land, as otherwise authorized by law [, AND
17 INCLUDES BUT IS NOT LIMITED TO UNIFIED MUNICIPALITIES ORGANIZED UNDER
18 AS 29.68.240 - 29.68.440].

19 * Sec. 66. AS 42.05.711(1) is amended to read:

20 (1) A person, utility, or cooperative that is exempt from regu-
21 lation under AS 42.05.711(a) or (d) - (k) is not subject to regulation
22 by a municipality under AS 29.35.070 [AS 29.48.060 - 29.48.090].

23 * Sec. 67. AS 43.56.010(b) is amended to read:

24 (b) A municipality may levy and collect a tax under AS 29.45.080
25 [AS 29.53.045] at the rate of taxation that applies to other property
26 taxed by the municipality. The tax shall be levied at a rate no
27 higher than the rate applicable to other property taxable by the
28 municipality. No municipality may exempt from taxation property
29 authorized to be taxed under this chapter. Exemptions shall be

1 limited to those in AS 29.45.030, 29.45.050, [AS 29.53.020 AND
2 AS 29.53.025] and AS 43.56.020.

3 * Sec. 68. AS 43.56.010(c) is amended to read:

4 (c) If the total value of assessed property of a municipality
5 taxing under AS 29.45.080(c) [AS 29.53.045(c)] exceeds the product of
6 225 percent of the average per capita assessed full and true value of
7 property in the state (to be determined by the department and reported
8 to each municipality by January 15 of each year) multiplied by the
9 number of residents of the taxing municipality, the department shall
10 designate the portion of the tax base against which the local tax may
11 be applied. [FOR PURPOSES OF THIS SUBSECTION THE AVERAGE PER CAPITA
12 ASSESSED FULL AND TRUE VALUE OF PROPERTY IN THE STATE SHALL BE
13 CALCULATED WITHOUT REGARD TO THE ASSESSED VALUE OF TAXABLE PROPERTY
14 UNDER AS 43.58.]

15 * Sec. 69. AS 43.56.010(d) is amended to read:

16 (d) A tax paid to a municipality under AS 29.45.080 or former
17 AS 29.53.045 on or before June 30 of the tax year shall be credited
18 against the tax levied under (a) of this section for that tax year.
19 If, however, a tax is not paid to a municipality until after June 30
20 of the taxable year, the department upon application shall refund to
21 the taxpayer the amount of tax paid to the municipality under AS 29.-
22 45.080 or former AS 29.53.045. The credit or refund of taxes paid to
23 a municipality may not exceed the total amount of tax levied by the
24 department upon the taxpayer for the tax year, under (a) of this
25 section.

26 * Sec. 70. AS 43.56.060(a) is amended to read:

27 (a) The department shall assess property for the tax levied
28 under AS 43.56.010(b) and AS 29.45.080 [AS 29.53.045] on property used
29 or committed by contract or other agreement for use for the pipeline

1 transportation of gas or unrefined oil or for the production of gas or
2 unrefined oil at its full and true value as of January 1 of the as-
3 sessment year.

4 * Sec. 71. AS 43.75.130(1) is amended to read:

5 (1) to each unified municipality [UNIFIED UNDER AS 29.68.-
6 240 - 29.68.440,] and to each city located in the unorganized borough,
7 50 percent of the amount of tax revenue collected in the municipality
8 from taxes levied by AS 43.75;

9 * Sec. 72. AS 44.33.403(2)(A) is amended to read:

10 (A) has the authority under AS 29.35 [AS 29.41 OR
11 AS 29.48] to provide and maintain a cultural facility;

12 * Sec. 73. AS 44.47 is amended by adding new sections to read:

13 ARTICLE 12. BOROUGH FEASIBILITY STUDIES.

14 Sec. 44.47.700. BOROUGH FEASIBILITY STUDIES. (a) The commis-
15 sioner may contract for studies of the feasibility of establishing
16 boroughs in the unorganized borough. A study may be conducted under
17 this section only if

18 (1) appropriations are available for that purpose; and

19 (2) the study is requested by a person residing in the area
20 to be studied or by a city located in the area to be studied.

21 Sec. 44.47.710. REQUESTS FOR STUDIES. A request for a study of
22 the feasibility of establishing a borough in the unorganized borough
23 shall be submitted to the commissioner in writing and shall include

24 (1) a description of the boundaries of the area of the pro-
25 posed study; and

26 (2) an indication of local interest in the proposed study
27 consisting of either

28 (A) a petition requesting the study containing the
29 signatures and addresses of five percent of the voters residing

1 in the area of the proposed study based on the number of voters
2 who voted in the area in the last statewide election; or

3 (B) resolutions requesting the study adopted by the
4 governing bodies of at least five percent of the cities within
5 the area of the proposed study.

6 Sec. 44.47.720. BOUNDARIES. The boundaries of an area studied
7 shall conform to the boundaries indicated in the request for the study
8 under AS 44.47.710 unless the commissioner, after a public hearing
9 held in the area of the proposed study, determines that the boundaries
10 should be altered. In determining the boundaries of an area to be
11 studied, the commissioner shall consider

12 (1) the standards applicable to the incorporation of bor-
13 oughs under AS 29.05.030;

14 (2) boundaries of regional corporations established under
15 43 U.S.C. 1606;

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

17 (4) boundaries of the regional educational attendance areas
18 established under AS 14.08.031; and

19 (5) boundaries of coastal resource service areas organized
20 under AS 46.40.110 - 46.40.210.

21 Sec. 44.47.730. CONTRACTS. (a) The commissioner shall contract
22 for a study of the feasibility of establishing a borough in the unor-
23 ganized borough by following the procedures set out in AS 36.98. The
24 commissioner shall include terms in the contract that provide for

25 (1) public participation in the preparation of the study;

26 (2) completion of the study not later than June 30 of the
27 third year after the year the contract is executed.

28 (b) A study under this section shall include

29 (1) a recommendation for or against incorporation of a

- 1 borough containing all or part of the area studied;
- 2 (2) an evaluation of the economic development potential of
3 the area studied;
- 4 (3) an evaluation of capital facility needs of the area
5 studied;
- 6 (4) an evaluation of demographic, social, and environmental
7 factors affecting the area studied;
- 8 (5) an evaluation of the relationships among regional
9 educational attendance areas, coastal resource service areas, and
10 other regional entities responsible for providing services in the area
11 studied;
- 12 (6) an evaluation of the relationships between the existing
13 cities within the area studied and regional entities responsible for
14 providing services in the area; and
- 15 (7) specific recommendations for
- 16 (A) organization of a home rule or general law borough
17 government if one is recommended;
- 18 (B) changes in organization of cities in the area
19 studied; or
- 20 (C) the improvement of the delivery of services to the
21 public by the state in the area studied.

22 * Sec. 74. AS 44.83.162(m) is amended to read:

23 (m) For purposes of (c) of this section, the number of residents
24 of the community equals the number of residents of the community
25 determined by the Department of Community and Regional Affairs in
26 accordance with AS 29.60.020 [AS 29.88.015].

27 * Sec. 75. AS 44.85.270(i) is amended to read:

28 (i) All references to the "reserve fund" in this section include
29 special accounts within the reserve fund which may be created by the

1 authority to secure the payment of particular bonds, including, with-
2 out limitation, bonds issued by the capital city established under
3 AS 29.14.010 [AS 29.18.510]. The commissioner of revenue may lend
4 surplus money in the general fund to the authority for deposit to any
5 account in the reserve fund in an amount equal to the required debt
6 service reserve. The loans shall be made on such terms and conditions
7 as may be agreed upon by the commissioner of revenue and the author-
8 ity, including, without limitation, terms and conditions providing
9 that the loans need not be repaid until the obligations of the corpo-
10 ration secured and to be secured by the account in the reserve fund
11 are no longer outstanding.

12 * Sec. 76. AS 44.85.410(3)(A) is amended to read:

13 (A) a general obligation bond that [WHICH] is a direct
14 and general obligation of a political subdivision of the state,
15 all the taxable property within which is subject to taxation to
16 pay the bond, note or evidence of debt, and the interest without
17 limitation, as to rate or amount generally to the extent permit-
18 ted by law or to avoid a default as provided for second class
19 cities under AS 29.45.590 [AS 29.53.410]; or

20 * Sec. 77. AS 44.85.410(3)(D) is amended to read:

21 (D) a bond of a borough issued as a general obligation
22 of a service area under AS 29.47.440 or former AS 29.58.340; [.]

23 * Sec. 78. AS 45.98.020 is amended to read:

24 Sec. 45.98.020. HISTORICAL DISTRICT LOANS. Upon endorsement and
25 plan approval by a local historical district commission established
26 under AS 29.55.010 or former AS 29.48.108 and the recommendation of a
27 majority of the members of the Historic Sites Advisory Committee, the
28 Department of Commerce and Economic Development may make loans to a
29 person, firm, business or municipality subject to applicable laws for

1 the restoration, improvement, rehabilitation, or maintenance of a
2 structure that [WHICH] is

3 (1) within the boundaries of a historical district estab-
4 lished under AS 29.55.020 or former AS 29.48.110;

5 (2) identified as important in state or national history as
6 provided for in AS 29.55.020(b) or former AS 29.48.110(b); and

7 (3) another building or structure within a historical dis-
8 trict, and suitable for superficial modification so that it can con-
9 form to the period or motif of the surrounding buildings or structures
10 that are the reason for the area's designation as a historical dis-
11 trict.

12 * Sec. 79. AS 46.03.210(a) is amended to read:

13 (a) A municipality with a population in excess of 1,000 may,
14 within five years from August 5, 1969, establish and administer within
15 its jurisdiction an air pollution control program. Organized boroughs
16 may establish an air pollution control program on an areawide basis,
17 and the exercise of powers with respect to the program is not subject
18 to the restrictions on acquiring additional areawide powers specified
19 in AS 29.35.300 - 29.35.330 [AS 29.33.250 - 29.33.290]. Local pro-
20 grams shall

21 (1) provide by ordinance for requirements compatible with
22 those imposed by the provisions of AS 46.03.140 and 46.03.170 and
23 applicable regulations;

24 (2) provide for the enforcement of the requirements imposed
25 through appropriate administrative and judicial processes;

26 (3) provide for a local administrative organization, staff,
27 and othe resources necessary to effectively carry out the purposes of
28 the program; and

29 (4) be approved by the department as being satisfactory to

1 meet the requirements of AS 46.03.140 - 46.03.170 and the applicable
2 regulations.

3 * Sec. 80. AS 46.11.040(3)(A) is amended to read:

4 (A) is constructed under an exception to the municipal
5 building code granted because the exception will result in in-
6 creased energy efficiency [UNDER AS 29.33.080(g)]; or

7 * Sec. 81. AS 46.11.900(8) is amended to read:

8 (8) "state financial assistance" means a loan, grant,
9 guarantee, insurance, payment, rebate, subsidy, or other form of state
10 assistance (other than aid under AS 29.60 [AS 29.88, AS 29.89, AS 29.-
11 90, AS 29.95,] and AS 43.18) including the purchase by a state agency
12 of a loan to finance the construction of a new residential, commer-
13 cial, or industrial building;

14 * Sec. 82. AS 46.35.200(3) is amended to read:

15 (3) "local government" means a city or borough including a
16 unified municipality [UNIFIED UNDER AS 29.68.240 - 29.68.440];

17 * Sec. 83. AS 46.40.140(h) is amended to read:

18 (h) Members of coastal resource service area boards are subject
19 to recall on the same grounds and in the same manner as provided for
20 recall of municipal officials in AS 29.26.240 - 29.26.350 [AS 29.28.-
21 130 - 29.28.250]. The lieutenant governor functions in place of the
22 assembly or council and municipal clerk for receipt and review of
23 recall petitions and the conduct of recall elections.

24 * Sec. 84. AS 46.40.210(2)(A) is amended to read:

25 (A) unified municipalities [ESTABLISHED UNDER AS 29.-
26 68.240 - 29.68.440];

27 * Sec. 85. AS 47.35.010(b) is amended to read:

28 (b) The department shall, within 90 days after receiving a
29 written request that it do so, delegate its powers relating to

1 nurseries under this section and under AS 47.35.040 - 47.35.060 to a
2 municipality that [WHICH] has adopted an ordinance providing for day
3 care licensing under home rule powers or as authorized under AS 29.-
4 35.200 - 29.35.210 [AS 29.48.035(a)(20)]. A municipality to which
5 these powers have been delegated may waive or modify any regulation or
6 standard established by the department under the authority of AS 47.-
7 35.010 - 47.35.080 as it applies to nurseries or the application of
8 any such regulation or standard as it applies to a particular day care
9 licensee but must notify the department of any waiver.

10 * Sec. 86. The following laws are repealed: AS 04.11.400(c); AS 04.-
11 21.080(b)(11); AS 14.56.065(b), 14.56.180(3); AS 15.13.130(6); AS 18.55.-
12 950(10); AS 19.20.015(f); AS 24.55.330(3); AS 28.40.100(a)(10); AS 29.08;
13 AS 29.13; AS 29.18; AS 29.23; AS 29.28; AS 29.33; AS 29.38; AS 29.41;
14 AS 29.43; AS 29.48; AS 29.53; AS 29.58; AS 29.63; AS 29.68; AS 29.73;
15 AS 29.78; AS 29.83; AS 29.89; AS 29.95; AS 30.15.070(3); AS 30.30.170(2);
16 AS 35.15.120(3); AS 42.06.630(6); AS 43.20.016; AS 43.56.210(8); AS 44.-
17 07.360(8); AS 44.33.417(6); AS 44.47.310(5); and AS 44.85.410(4).

18 * Sec. 87. A right or liability of a municipality existing on
19 January 1, 1986, is not affected by the enactment of this Act. Ordinances
20 and regulations in effect on January 1, 1986, remain in effect unless they
21 conflict with provisions of this Act. Ordinances and regulations in effect
22 on January 1, 1986, that conflict with provisions of this Act remain in
23 effect for 180 days after January 1986. The terms of elected or appointed
24 municipal officials in office on January 1986, are not affected by this
25 Act, and their terms expire as provided before January 1, 1986.

26 * Sec. 88. This Act takes effect January 1, 1986.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 3/15/85

REQUEST

Bill/Resolution No.: CSHB 72 (C&RA)
 Title: An Act Relating to
Municipal Government
 Sponsor: Rules/Governor
 Requestor: Senate C&RA Committee
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Community & Regional Affairs
 Program Category Affected: _____
Community Development
 BRU, Program or Subprogram(s) Affected: _____
BRU: Community Assistance Grants
 Component: Organizational Grants

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
500 LAND & STRUCTURES						
700 GRANTS, CLAIMS		-0-	400.0	350.0		
800 MISCELLANEOUS						
TOTAL OPERATING		-0-	400.0	350.0		

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE						
----------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)



GENERAL FUND		-0-	400.0	350.0		
FEDERAL FUNDS						
OTHER						
TOTAL		-0-	400.0	350.0		

POSITIONS:

FULL-TIME		-0-	-0-	-0-		
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

SEE ATTACHED ANALYSIS

Prepared By: Doug Griffin, Deputy Director  Phone: 465-4750
 Division: Municipal & Regional Assistance Date: 3/15/85
 Approved by Commissioner:  Date: 3/15/85
 Agency: Community & Regional Affairs

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

7/1/84

HB 72

AN ACT RELATING TO MUNICIPAL GOVERNMENT

ANALYSIS: This bill commits the State to paying increased levels of transitional assistance to newly incorporated cities and boroughs. However, given the increasingly complex requirements for incorporation, the fact that the bill does not become effective until January 1, 1986 (half way through FY 86), and the ability to request supplemental funding to pay transitional grants after the fact on a reimbursement basis, assumptions have been changed to produce a zero fiscal effect for FY 86. This will prevent money from being tied up to address incorporations which may not occur.

The Legislature does need to acknowledge that the bill does carry possible increased financial obligations, but it is impossible to predict when these added costs will be borne by the State. For this reason, the fiscal note reflects no additional cost for FY 86, but assumptions for future years are included as follows:

Assumptions: FY 86 - no incorporations
 FY 87 - two cities and one borough incorporate
 FY 88 - two cities incorporate

Program Summary: The only portion of this bill which will create fiscal impact is Sec. 29.05.180-190 which provides additional transitional assistance through increased organizational grants. The Department is also required to provide additional assistance to newly formed cities and boroughs in setting up a sales tax collection system and tax rolls for property taxation. It is difficult to gauge whether this type of assistance will in fact be requested. If it is requested, additional work will be required of the State Assessor and technical assistance sections of the Division of Municipal and Regional Assistance. Given this uncertainty, possible costs for this type of technical assistance are not reflected in this fiscal note.

Computations:

Grants in FY 86.....	-0-
Grants in FY 87.....	400.0
(2 cities @ \$50,000 per -- first year grant)	
(1 borough @ \$300,000 per -- first year grant)	
Grants in FY 88.....	350.0
(2 cities @ \$50,000 per -- first year grant)	
(2 cities @ \$25,000 per -- second year grant)	
(1 borough @ 200,000 per -- second year grant)	

Economic Impact: The economic impact on State and local governments will be limited.

Impact on Local Governments: This bill is strongly supported by the Alaska Municipal League and most municipalities of the State. Impacts will generally be positive, particularly for newly incorporated municipalities.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

102
HB 72

Revision Date: _____

REQUEST

Bill/Resolution No.: _____
Title: An Act relating to
Municipal Government
Sponsor: Rules/Governor
Requestor: _____
Date of Request: _____

FISCAL DETAIL

Agency Affected: Community & Regional Affairs
Program Category Affected: _____
Community Development
BRU, Program or Subprogram(s) Affected: _____
BRU: Community Assistance Grants
Component: Organizational Grants

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS		100.0	450.0	350.0		
800 MISCELLANEOUS						
TOTAL OPERATING		100.0	450.0	350.0		

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE						
----------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		100.0	450.0	350.0		
FEDERAL FUNDS						
OTHER						
TOTAL		100.0	450.0	350.0		

POSITIONS:

FULL-TIME		-0-	-0-	-0-		
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

(See Attached Page)

Prepared By: Doug Griffin, Deputy Director Phone: 465-4750
Division: Municipal & Regional Assistance Date: 1-10-85

Approved by Commissioner: Eric Roda Date: 1-10-85
Agency: Community & Regional Affairs

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

HB-72

STATE OF ALASKA 1985 - 14th LEGISLATURE, FIRST SESSION
FISCAL NOTE

Bill/Resolution No.: _____

Title: An Act relating to municipal government

ANALYSIS:

Assumptions: Incorporation under Sec. 29.05.180--190 of the proposed legislation provides for increased transitional assistance to newly incorporated cities and boroughs. For purposes of this fiscal note it is assumed that incorporations will occur as follows:

- FY 86: 2 cities incorporate
- FY 87: 2 cities and one borough incorporate
- FY 88: 2 cities incorporate

Program Summary: The only portion of this 206 page bill which will create fiscal impact is Sec. 29.05.180--29.05.190 which provides additional transitional assistance through increased organizational grants. These increased organizational grants more realistically provide the level of assistance required to establish new cities and boroughs. The Department is also required to provide additional assistance to newly formed cities and boroughs in setting up a sales tax collection system and tax rolls for property taxation. It is difficult to gauge whether this type of assistance will in fact be requested. If it is requested, additional work will be required of the State Assessor and technical assistance sections of the Division of Municipal and Regional Assistance. Given this uncertainty, possible costs for this type of technical assistance are not reflected in the fiscal note.

1. Positions: No new positions
2. Other Expenditures: N/A
3. Funding: General funds
4. Section Cost Analysis: All costs are contained in Section 3, Article 3 of this bill.

Computations: The costs for FY 86-FY 88 are computed as follows based on the assumptions previously stated:

Grants in FY 86.....	100.0
(2 cities incorporate @ \$50,000 per -- first year grant)	
Grants in FY 87.....	450.0
(2 cities @ \$50,000 per -- first year grant)	
(1 borough @ \$300,000 per -- first year grant)	
(2 cities @ \$25,000 per -- second year grant)	
Grants in FY 88.....	350.0
(2 cities @ \$50,000 per -- first year grant)	
(1 borough @ \$200,000 -- second year grant)	
(2 cities @ \$25,000 -- second year grant)	

Economic Impact: Other than providing newly incorporated municipalities with greater financial incentives to incorporate and a more realistic level of transitional assistance, the economic impact on the state and local governments will be limited.

Impact on Local Governments: This bill is strongly supported by the Alaska Municipal League and most municipalities of the State. Impacts will generally be positive, particularly for newly incorporated municipalities.

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

M E M O R A N D U M

February 15, 1985

SUBJECT: Municipal Code Revision (HB 72)

TO: Representative Goll
Chairman, Community and Regional
Affairs Committee

FROM: Tamara Brandt Cook *TBC*
Deputy Director
Division of Legal Services

Here is the sectional analysis that you requested of HB 72. Please note that only differences between the bill and existing law are indicated. The underlined section number matches the section as numbered in HB 72. The statutory references in parenthesis indicate provisions in existing law from which the section in HB 72 is derived.

TBC:csh
J11/102

Section-by-Section Analysis

HB 72

FOURTEENTH LEGISLATIVE SESSION

Sec. 29.03.030. This is added to the chapter dealing with the unorganized borough in order to cross-reference the section authorizing the division of lands to act as the platting authority in the unorganized borough.

CHAPTER 04. CLASSIFICATION OF MUNICIPALITIES.

Sec. 29.04.010. Minor rewording. (AS 29.08.010)

Sec. 29.04.020. No change. (AS 29.08.020)

Sec. 29.04.030. No change. (AS 29.08.030)

Sec. 29.04.040. (a) The phrase "as provided in this subsection" is deleted as unnecessary. To reclassify as a first class city, a second class city must have 600 residents, whereas existing law requires only 400 residents for reclassification. (AS 29.08.040(a))

(b) No change. (AS 29.08.040(b))

(c) No change. (AS 29.08.040(c))

(d) Minor rewording, but no substantive change. (AS 29.08.040(d) and (e))

(e) "Department of Community and Regional Affairs" is altered to read "department". This bill adds "department" to the definitions section and uses that term throughout the title in place of "Department of Community and Regional Affairs". (AS 29.08.040(f))

Sec. 29.04.050. This deletes the provision for reclassification of a second class borough to a third class borough. (AS 29.08.040(g))

incorporation of a third class borough. This section contains several technical changes. The term "organized borough" is replaced with "borough" since that is defined. The term "local services" is replaced by "municipal services". The term "local government" is replaced by "borough government" as being more precise since this section deals with the incorporation of boroughs and not cities.
(AS 29.18.030)

(b) This is new and provides that an area may not incorporate as a third class borough.

(Note: Provision for incorporation as a home rule borough does not coincide with Chapter 10, which provides for charter adoption only by first and second class boroughs already in existence.)

Sec. 29.05.060. "Department of Community and Regional Affairs" is replaced by the word "department" which is defined for the title. The paragraphs are reorganized so that the most general requirements precede the most specific requirements for incorporation. (AS 29.18.050)

(7) Signature requirements apply to home rule and first class cities as a unit and then to the rest of the voters in the area of the proposed borough as another unit. Under existing law only first class cities are treated as a special unit for the purpose of gathering signatures.
(AS 29.18.050(10))

(11) Signature requirements for incorporation of a first class city must also be complied with for incorporation of a home rule city. (AS 29.05.060(8))

(13) A new provision for incorporation of a home rule municipality requiring that a proposed home rule charter be filed with the incorporation petition.

Sec. 29.05.070. Minor rewording, but no substantive change.
(AS 29.18.060)

Sec. 29.05.080. (a) Combines material currently found in two subsections. Adds requirement that notice of the meeting be published. "Published" is defined for the title.
(AS 29.18.070(a) and (c))

(b) No change. (AS 29.18.070(b))

substantive change because the section currently applies to home rule municipalities under AS 29.13.100.

Sec. 29.05.150. No substantive change. (AS 29.18.150)

Sec. 29.05.180. This section now applies only to organization grants for cities incorporated after July 1, 1984. A new section has been added to the bill to deal with organization grants for boroughs. A newly incorporated city or a second class city in the unorganized borough that reclassifies shall be entitled to a first year organization grant of \$50,000 and to a second organization grant of \$25,000. Under existing law, a municipality is entitled to receive \$10 for every voter or \$25,000 minimum, and the municipality receives no grant the second year. (AS 29.18.180)

Sec. 29.05.190. This section deals with organization grants to boroughs only and applies to boroughs incorporated after July 1, 1984. A borough shall be entitled to a first year organization grant of \$300,000; a second year grant of \$200,000; and a third year grant of \$100,000. Under existing law a borough receives \$10 for every voter or a minimum \$25,000 grant. (AS 29.18.180)

Sec. 29.05.200. This is new material establishing an organization grant fund. The Department of Community and Regional Affairs is required to prepare a yearly report on the fund to be presented to the Department of Administration.

Sec. 29.05.210. This is new material which requires the Department of Community and Regional Affairs to determine the population of a newly incorporated borough, help the borough establish an initial assessment and collection department if it has adopted a sales or use tax; and help the borough to determine the initial assessment roll if the borough has adopted a property tax.

CHAPTER 06. ALTERATION OF MUNICIPALITIES.

Sec. 29.06.010. The phrase "ratified by the qualified voters voting on the question at a regular or special election" is replaced by "ratified by the voters". The word "voter" is defined for the title. References to the lieutenant governor are changed to the director of elections. (AS 29.73.050)

CORRECTION

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

Section-by-Section Analysis

HB 72

FOURTEENTH LEGISLATIVE SESSION

Sec. 29.03.030. This is added to the chapter dealing with the unorganized borough in order to cross-reference the section authorizing the division of lands to act as the platting authority in the unorganized borough.

CHAPTER 04. CLASSIFICATION OF MUNICIPALITIES.

Sec. 29.04.010. Minor rewording. (AS 29.08.010)

Sec. 29.04.020. No change. (AS 29.08.020)

Sec. 29.04.030. No change. (AS 29.08.030)

Sec. 29.04.040. (a) The phrase "as provided in this subsection" is deleted as unnecessary. To reclassify as a first class city, a second class city must have 600 residents, whereas existing law requires only 400 residents for reclassification. (AS 29.08.040(a))

(b) No change. (AS 29.08.040(b))

(c) No change. (AS 29.08.040(c))

(d) Minor rewording, but no substantive change. (AS 29.08.040(d) and (e))

(e) "Department of Community and Regional Affairs" is altered to read "department". This bill adds "department" to the definitions section and uses that term throughout the title in place of "Department of Community and Regional Affairs". (AS 29.08.040(f))

Sec. 29.04.050. This deletes the provision for reclassification of a second class borough to a third class borough. (AS 29.08.040(g))

The material currently dealing with reclassification to third class status is deleted. (AS 29.08.040(h), and (j))

Sec. 29.04.060. (a) Minor rewording, but no substantive change. (AS 29.08.040(g) and (h))

(b) Minor rewording, but no substantive change. (AS 29.08.040(i))

CHAPTER 05. INCORPORATION.

Sec. 29.05.010. (a) A community that meets certain standards may incorporate as a home rule or first class city, whereas existing law provides for incorporation of a first class city only. (AS 29.18.011)

(1) A community must have 600 residents to incorporate as a home rule or first class city, whereas existing law requires 400 residents for incorporation as a first class city. (AS 29.18.011(a)(1))

(2) No change. (AS 29.18.011(a)(2))

(3) The term "local services" is altered to "municipal services". (AS 29.18.011(a)(3))

(4) The term "local government" is altered to "city government". (AS 29.18.011(a)(4))

(5) The term "local government" is altered to "city government". (AS 29.18.011(a)(5))

(b) No change. (AS 29.18.011(b))

(Note: Provision for incorporation as a home rule city does not coincide with Chapter 10, which provides for charter adoption only by first class cities already in existence.)

Sec. 29.05.020. (a) No change. (AS 29.18.021(a))

(b) The term "organized borough" is altered to "borough", which is defined for the title. (AS 29.18.020(b))

Sec. 29.05.030. (a) This provides for incorporation of a home rule, first class, or second class borough, but not for

incorporation of a third class borough. This section contains several technical changes. The term "organized borough" is replaced with "borough" since that is defined. The term "local services" is replaced by "municipal services". The term "local government" is replaced by "borough government" as being more precise since this section deals with the incorporation of boroughs and not cities.
(AS 29.18.030)

(b) This is new and provides that an area may not incorporate as a third class borough.

(Note: Provision for incorporation as a home rule borough does not coincide with Chapter 10, which provides for charter adoption only by first and second class boroughs already in existence.)

Sec. 29.05.060. "Department of Community and Regional Affairs" is replaced by the word "department" which is defined for the title. The paragraphs are reorganized so that the most general requirements precede the most specific requirements for incorporation. (AS 29.18.050)

(7) Signature requirements apply to home rule and first class cities as a unit and then to the rest of the voters in the area of the proposed borough as another unit. Under existing law only first class cities are treated as a special unit for the purpose of gathering signatures.
(AS 29.18.050(10))

(11) Signature requirements for incorporation of a first class city must also be complied with for incorporation of a home rule city. (AS 29.05.060(8))

(13) A new provision for incorporation of a home rule municipality requiring that a proposed home rule charter be filed with the incorporation petition.

Sec. 29.05.070. Minor rewording, but no substantive change.
(AS 29.18.060)

Sec. 29.05.080. (a) Combines material currently found in two subsections. Adds requirement that notice of the meeting be published. "Published" is defined for the title.
(AS 29.18.070(a) and (c))

(b) No change. (AS 29.18.070(b))

(c) No substantive change. (AS 29.18.080(a))

Sec. 29.05.090. "Department of Community and Regional Affairs" is altered to "department". (AS 29.18.080(b))

Sec. 29.05.100. No substantive change. (AS 29.18.090)

Sec. 29.05.110. This section contains a few minor changes, so that the use of language is consistent throughout the bill. The word "officer" is changed to "official" and that is the term used throughout. Currently, Title 29 uses the terms municipal "officer" and "official" interchangeably. Effective January 1, 1981, the director of elections became responsible for conducting state elections rather than the lieutenant governor and here the responsibility for the election is conferred on the director of elections. (AS 29.18.110)

Sec. 29.05.120. This section is reorganized. Current references to the lieutenant governor are changed to the director of elections. (AS 29.18.120)

- (a) Contains material currently found in AS 29.18.120(b).
- (b) Contains material currently found in AS 29.18.120(b).
- (c) Contains material currently found in AS 29.18.120(b).
- (d) Contains material currently found in AS 29.18.120(c).
- (e) Contains material currently found in AS 29.18.120(d).
- (f) Contains material currently found in AS 29.18.120(e).

Sec. 29.05.130. The phrase "borough assembly or city council" is replaced by the word "municipality". The last line of the current section is dropped as no longer necessary. The provisions of this section apply to all organized boroughs whether incorporated or organized before or after September 10, 1972. (AS 29.18.130)

Sec. 29.05.140. Minor wording changes are made to improve readability and to insure that terms are used consistently throughout the title. (AS 29.18.140)

(d) Added to clarify that the section applies to home rule and general law municipalities, however, this is not a

substantive change because the section currently applies to home rule municipalities under AS 29.13.100.

Sec. 29.05.150. No substantive change. (AS 29.18.150)

Sec. 29.05.180. This section now applies only to organization grants for cities incorporated after July 1, 1984. A new section has been added to the bill to deal with organization grants for boroughs. A newly incorporated city or a second class city in the unorganized borough that reclassifies shall be entitled to a first year organization grant of \$50,000 and to a second organization grant of \$25,000. Under existing law, a municipality is entitled to receive \$10 for every voter or \$25,000 minimum, and the municipality receives no grant the second year. (AS 29.18.180)

Sec. 29.05.190. This section deals with organization grants to boroughs only and applies to boroughs incorporated after July 1, 1984. A borough shall be entitled to a first year organization grant of \$300,000; a second year grant of \$200,000; and a third year grant of \$100,000. Under existing law a borough receives \$10 for every voter or a minimum \$25,000 grant. (AS 29.18.180)

Sec. 29.05.200. This is new material establishing an organization grant fund. The Department of Community and Regional Affairs is required to prepare a yearly report on the fund to be presented to the Department of Administration.

Sec. 29.05.210. This is new material which requires the Department of Community and Regional Affairs to determine the population of a newly incorporated borough, help the borough establish an initial assessment and collection department if it has adopted a sales or use tax; and help the borough to determine the initial assessment roll if the borough has adopted a property tax.

CHAPTER 06. ALTERATION OF MUNICIPALITIES.

Sec. 29.06.010. The phrase "ratified by the qualified voters voting on the question at a regular or special election" is replaced by "ratified by the voters". The word "voter" is defined for the title. References to the lieutenant governor are changed to the director of elections. (AS 29.73.050)

(d) This is added and applies the section to home rule municipalities. This is not a substantive change since the section is a home rule limitation under AS 29.13.100:

Sec. 29.06.040. (a) Authorizes an appeal of a decision of the Local Boundary Commission regarding a proposed municipal boundary change. (AS 29.68.010(a))

(b) Minor rewording. (AS 29.68.010(a))

(c) Deletes outdated time period during which the Local Boundary Commission was to establish certain procedures. (AS 29.68.010(b))

(d) Minor reorganizing but no substantive change. (AS 29.68.010(c))

Sec. 29.06.050. No substantive change. (AS 29.68.020)

Sec. 29.06.060. This is new material specifically applying all sections dealing with annexation as home rule limitations. The material contained in sec. 29.06.040 of this bill is currently a limitation on home rule municipalities.

Sec. 29.06.090. Adds a provision that a third class borough may not be formed through merger or consolidation. (AS 29.68.030)

Sec. 29.06.100. The words "existing" and "proposed" are added to make it clear that some requirements refer to an existing municipality and some to a proposed municipality. (AS 29.68.040)

Sec. 29.06.110. "Department of Community and Regional Affairs" is changed to "department". (AS 29.68.050, 29.68.060, 29.68.070(a))

Sec. 29.06.120. No substantive change. (AS 29.68.070(b))

Sec. 29.06.130. "Assembly or council" is changed to "governing body" which is defined for the title. Material contained in the last sentence under current law is placed into a new subsection (b). (AS 29.68.080)

Sec. 29.06.140. Material currently contained in AS 29.68.090(a) and (b) is combined into (a). The statutory reference in AS 29.68.090(d) is eliminated as unnecessary.

References to "lieutenant governor" are changed to "director of elections". (AS 29.68.090)

Sec. 29.06.150. No substantive change. (AS 29.68.100)

Sec. 29.06.160. No substantive change. (AS 29.68.110)

Sec. 29.06.170. This is a new section clarifying that the article on merger and consolidation applies to home rule municipalities. These sections are currently applied to home rule municipalities under AS 29.13.100.

Sec. 29.06.190. No substantive change. (AS 29.68.240)

Sec. 29.06.200. No substantive change. (AS 29.68.250)

Sec. 29.06.210. "Unification" is added to make it clear that this is a special type of petition. (b)(1) and (2) are slightly rewritten for clarity. (AS 29.68.260)

Sec. 29.06.220. No substantive change. (AS 29.68.270)

Sec. 29.06.230. New section setting out duties of charter commission. (AS 29.68.350(a))

Sec. 29.06.240. This is rewritten for clarity. Under existing law membership is divided between the area outside cities and the area inside cities. This approach is altered so that membership is divided between the area outside home rule and first class cities and the area inside home rule and first class cities in the borough. (AS 29.68.310)

Sec. 29.06.250. (a) No substantive change. (AS 29.68.280)

(b) No substantive change. (AS 29.68.290(a))

(c) No substantive change. (AS 29.68.290(b))

(d) This is new material providing that a resolution or petition for unification is void if insufficient nominations are received for the charter commission.

Sec. 29.06.260. No substantive change. (AS 29.68.300)

Sec. 29.06.270. (a) The question submitted to the voters is whether a charter commission shall be formed, not whether unification shall take place. (AS 29.68.320(a) and (b))

(b) No substantive change. (AS 29.68.320(c))

(c) No substantive change. (AS 29.68.320(d))

Sec. 29.06.280. Reworded to clarify that formation of a charter commission is being considered, not unification. (AS 29.68.330)

Sec. 29.06.290. No substantive change. (AS 29.68.340(a) - (d))

Sec. 29.06.300. No substantive change. (AS 29.68.340(e), 29.68.390(e))

Sec. 29.06.310. No substantive change. (AS 29.68.340(f))

Sec. 29.06.320. The language "at a regular or special borough election called by the borough assembly held within 60 days of the date of publication and posting of the proposed charter as required in sec. 380 of this chapter" is deleted since this appears elsewhere. Parts have been slightly rewritten for clarification and statutory references to other sections in AS 29.68.350(a)(5) and (7) are deleted as unnecessary. AS 29.68.350(b) is deleted as unnecessary. (AS 29.68.350)

Sec. 29.06.330. Some excessive verbage is eliminated. (AS 29.68.360)

Sec. 29.06.340. No substantive change. (AS 29.68.370)

Sec. 29.06.350. The language "once in at least one newspaper having general circulation distributed within the borough, if there is a newspaper having general circulation distributed in the borough" is eliminated as unnecessary since "published" is defined for the title. (AS 29.68.380)

Sec. 29.06.360. (a) No substantive change. (AS 29.68.635(a), 29.68.390(a))

(b) No substantive change. (AS 29.68.390(b))

(c) No substantive change. (AS 29.68.390(c))

(d) No substantive change. (AS 29.68.390(d))

Sec. 29.06.370. The statutory reference to the article on unification is eliminated as unnecessary. (AS 29.68.400)

Sec. 29.06.380. This section is slightly reworded for clarity. (AS 29.68.410)

Sec. 29.06.390. This section is slightly reworded for clarity. (AS 29.68.420)

Sec. 29.06.400. This is reworded for clarity and the statutory reference to the unification article is deleted as unnecessary. (AS 29.68.430)

Sec. 29.06.410. (2) is changed so that it is clear that a unified municipality has the powers of a home rule borough, since a unified municipality is a home rule unit of government. (AS 29.68.440)

Sec. 29.06.420. This is a new section making the provisions dealing with unification applicable to home rule municipalities. Although annexation, merger and consolidation, and dissolution are currently home rule limitations, the sections dealing with unification are not applicable to home rule municipalities as limitations under existing law.

Sec. 29.06.450. No changes other than changes in terminology used consistently throughout in this bill. (AS 29.68.500)

Sec. 29.06.460. No changes except for minor rewording for clarity. (AS 29.68.510)

Sec. 29.06.470. No changes, except for minor rewording for clarity. (AS 29.68.520)

Sec. 29.06.480. "Department of Community and Regional Affairs" is altered to "department". (AS 29.68.530, 29.68.540)

Sec. 29.06.490. No changes except for minor rewording for clarity. (AS 29.68.550)

Sec. 29.06.500. (a) No change. (AS 29.68.560)

(b) Provides for an administrative appeal of a Local Boundary Commission decision.

Sec. 29.06.510. Material contained in AS 29.68.570(a) and (b) is consolidated into (a). References to the "lieutenant governor" are changed to the "director of elections", who is now in charge of state elections. (AS 29.68.570)

Sec. 29.06.520. The statutory reference contained in existing law is deleted as unnecessary. (AS 29.68.580)

Sec. 29.06.530. This is a new section clarifying that the article dealing with dissolution applies to home rule municipalities. AS 29.13.100 makes these sections applicable to home rule municipalities under current law.

CHAPTER 10. HOME RULE MUNICIPALITIES.:

Sec. 29.10.010. Reorganized, but otherwise no change.
(AS 29.13.010)

Sec. 29.10.020. No change. (AS 29.13.020)

Sec. 29.10.030. No change. (AS 29.13.030)

Sec. 29.10.040. No change. (AS 29.13.040)

Sec. 29.10.050. No change. (AS 29.13.050)

Sec. 29.10.060. No change. (AS 29.13.060)

Sec. 29.10.070. No change. (AS 29.13.070)

Sec. 29.10.080. No change. (AS 29.13.080)

Sec. 29.10.100. The following paragraphs contain sections which are added to the limitations of home rule powers:

(5) unification of municipalities;

(10) legislative power;

(11) assembly composition and apportionment (only one section on assembly composition and reapportionment, AS 29.23.021 which is, now sec. 29.60.060, is a limitation under existing law), however, AS 29.20.033 provides that the other section might apply to some home rule municipalities;

(12) qualifications of members of governing bodies;

- (14) executive power;
- (27) alcoholic beverages;
- (30) assessment and collection of taxes;
- (31) land use regulation;
- (35) title to vacated areas;
- (37) property taxes (this adds sec. 29.45.450 - 500 and sec. 29.45.550 to the limitations listed under existing law);
- (41) construction;
- (45) general grant land;

The following paragraphs under AS 29.13.100 no longer appear as limitations:

- (4) election and term of mayor;
- (8) municipal elections (material now contained in AS 29.28.010 is not a limitation under this bill; material in AS 29.28.020(b) is expanded so that the notice requirement covers both regular and special elections and the requirement is a limitation under this bill);
- (15) borough building code jurisdiction within cities (the material is deleted from this bill);
- (20) expenditures of borough revenue;
- (25) bond attorneys (the material is deleted from this bill);
- (35) bonded debt for school construction (the material is deleted from this bill);
- (37) zoning of state land for homesite entry (this was repealed in 1979);
- (39) applicability of local platting regulations (the material is deleted from this bill);

(40) expulsion of borough assemblymen (this material is substantially rewritten and not made binding upon home rule municipalities);

(41) removal of borough mayor from office (this material is substantially rewritten and not made applicable as a home rule limitation);

(42) expulsion of city councilmen (this material is substantially rewritten and not made applicable as a home rule limitation);

(43) removal of mayor from office (this material is substantially rewritten and not made applicable as a home rule limitation);

(44) expulsion, removal from office (this material is substantially rewritten and not made applicable as home rule limitation).

CHAPTER 20. MUNICIPAL OFFICERS AND EMPLOYEES.

Sec 29.20.010. Each municipality shall adopt a conflict of interest ordinance. A member of the governing body shall declare a financial interest he has in an official action and ask to be excused. The presiding officer rules on the question and his decision may be overridden. Under existing law an officer or employee is required to disqualify himself from participating in an official action in which he has a substantial financial interest. (AS 29.23.555)

Sec. 29.20.020. "Assembly and council" is altered to "governing body" and the section is divided into subsections for ease of use. (AS 29.23.580)

Sec. 29.20.050. The second sentence is new material, however it does not substantively change existing law since it can be implied that the legislative power of a city is vested in the council. This is applicable as a home rule limitation. (AS 29.23.010)

Sec. 29.20.060. No substantive change. This is made specifically applicable to home rule municipalities, but is a home rule limitation now under AS 29.13.100(3). (AS 29.23.021)

Sec. 29.20.070. "Borough" is dropped before the word "assembly" when it appears and "assembly" is defined for the title. The statutory reference contained in AS 29.23.023(e)(1) is deleted as unnecessary since "unified municipality" is defined. (AS 29.23.023)

Sec. 29.20.080. "Borough" is deleted as unnecessary when it appears before the word "assembly". In (e) "of the Department of Community and Regional Affairs" is deleted since "commissioner" is defined for the title. Statutory references are altered to reflect new numbering. (AS 29.23.025)

Sec. 29.20.090. "Borough" is deleted as unnecessary when it appears before "assembly". "Of Community and Regional Affairs", appearing several times in the section, is deleted since "commissioner" is defined for the title. Statutory references are altered to reflect renumbering. (AS 29.23.027)

Sec. 29.20.100. "Borough" is deleted where it appears before "assembly". "Of Community and Regional Affairs" is deleted since "commissioner" is defined for the title. Statutory references are altered to reflect new numbering. (AS 29.23.029)

Sec. 29.20.110. Statutory references are altered to reflect new numbering. (AS 29.23.031)

AS 29.20.120. The statutory reference in (1) is deleted since "unified municipality" is defined for the title. Statutory references are revised to reflect new numbering. (AS 29.23.033)

Sec. 29.20.130. No change. (AS 29.23.200(a))

Sec. 29.20.140. This section is substantially rewritten to combine material concerning the qualifications for membership in assemblies with material concerning the qualifications for membership in councils.

(a) Rewritten, but no substantive change. (AS 29.23.050, 29.23.200(b))

(b) Combines material currently found in different sections. (AS 29.23.050, 29.23.200(b))

(c) This contains new material allowing a municipality to establish district residency requirements for members of the assembly or council. Current law allows an assemblyman elected from one district who becomes a resident of another district to serve only until the next regular election. The subsection allows a municipality to provide otherwise by ordinance. It is also made applicable to city councils. Under existing law a council may be elected by district rather than at-large, but no provision deals with the possibility that a councilman might change his district residency. (AS 29.23.050, 29.23.200(a))

(d) New material prohibiting a municipality from limiting the number of terms or number of consecutive terms a voter may serve on the assembly or council, unless the limit is ratified.

(e) This is applicable to both home rule and general law municipalities. Under current law the qualifications for assemblymen are applicable to home rule and general law municipalities but the qualifications for city councilmen are not. (AS 29.23.050, 29.23.200)

Sec. 29.20.150. Combines material dealing with the term of office or members of the assembly with material dealing with the term of office of members of the council.

(a) This is substantially rewritten, however, the only substantive change is that members of the council may serve different terms when allowed by charter, as well as by ordinance. (AS 29.23.040(a), 29.23.200(c))

(b) No substantive change. (AS 29.23.040(a), 29.23.200(c))

(c) The material permitting a different date to be prescribed by charter or ordinance is made applicable to city councils. (AS 29.23.040(b), 29.23.200(c))

(d) This is added as a home rule limitation with respect to city councils. (AS 29.23.040(c))

Sec. 29.20.160. Combines material dealing with assemblies and with councils into one section.

(a) The last line dealing with the presiding officer is new material as it applies to the council. (AS 29.23.060(b), 29.23.240)

(b) The material dealing with the calling of a special meeting is substantively changed. Under existing law a special meeting may not be called unless all members receive 24 hours written notice or, if there is an emergency and all absent members waive the notice. As rewritten, a special meeting may be held if a majority of the members receive 24 hours notice and reasonable efforts are made to notify all members. (AS 29.23.060(a), 29.23.210(a))

(c) A member of the governing body disqualified from voting is considered present for purposes of constituting a quorum. A majority of the membership of a council constitutes a quorum, while under existing law four councilmen constitute a quorum. This is not a substantive change, since a first class city has a council of six members and second class city has a council of seven members. Four councilmen are still required for a quorum. (AS 29.23.060(d), 29.23.210(c))

(d) Actions are adopted by a majority of the total membership of the governing body, while under existing law actions are adopted by a majority of votes authorized on the question. All members vote and unless they are required to abstain by law, while under existing law a member may abstain if permitted by the governing body, and must abstain if he has a substantial financial interest in the question. This section is applicable to city councils as well as to assemblies. (AS 29.23.060(d), 29.23.210(c))

(e) Specifically provides that the journal shall be a public record. (AS 29.23.060(c), 29.23.210(b))

(f) Requires a governing body to determine by ordinance its rules and order of business. (AS 29.23.060(c), 29.23.210(b))

Sec 29.20.170. This allows the governing body to prescribe the manner in which a vacancy occurs in any elected office, other than the office of mayor or member of the school board. The governing body is required to declare an elective office vacant under specific conditions, unless a municipality establishes otherwise by ordinance. (AS 29.23.060(c), 29.23.080, 29.23.210(b), 29.23.220, 29.23.570)

Sec. 29.20.180. (a) Requires a vacancy to be filled within 30 days unless a different period is established by ordinance. If less than 30 days remain in a term, a vacancy

need not be filled, unless filling the vacancy is necessary to preserve a quorum. The material contained in AS 29.23.080 dealing with filling a vacancy in dual assembly council seats has been deleted. (AS 29.23.080, 29.23.220)

(b) This is new material requiring appointments within seven days if needed to preserve a quorum.

(c) No substantive change. (AS 29.23.080, 29.23.220)

Sec. 29.20.220. This section is substantially rewritten to combine material dealing with the mayor of a city with material dealing with the mayor of a borough.

(a) This is a clear statement that the executive power is vested in a mayor, which is only implied with reference to cities under current law. The mayor of a home rule or unified municipality is elected by the voters, which is not a substantive change. (AS 29.23.200(a) and (c), 29.23.240)

(b) This material currently exists with respect to city mayors but not with respect to borough mayors, although these duties may be implied for borough mayors. The language "and is responsible for additional duties and powers prescribed by this chapter or by home rule charter" is new, but is not a substantive change. (AS 29.23.240)

(c) This section is a limitation on home rule municipalities. Under existing law it is not listed as a limitation.

Sec. 29.20.230. This is substantially rewritten in order to combine material dealing with the election and term of a borough mayor and a city mayor.

(a) No substantive change. (AS 29.23.130(c), 29.23.250(b) and (d))

(b) Allows a second class city to provide by ordinance for a term longer than one year for the office of mayor, as long as the mayor is a member of the council. Existing law provides a one-year term of office for the mayor of a second class city. (AS 29.23.250(c) and (d))

(c) This is new material providing that the number of terms or number of consecutive terms a mayor may serve may not be limited.

Sec. 29.20.240. Rewritten to combine sections dealing with the mayor of a borough and the mayor of a city.

(a) No substantive change. (AS 29.23.130(b), 29.23.250(a) and (c))

(b) The reference in AS 29.23.250(a) to additional residency requirements prescribed by charter is eliminated. This section is not a limitation on home rule governments, so a home rule municipality may prescribe additional residency requirements by charter without statutory authority. (AS 29.23.130(b), 29.23.250(a))

Sec. 29.20.250. This is rewritten to combine sections dealing with a city and sections dealing with a borough, and to achieve a clear statement of existing law.

(a) No substantive change. (AS 29.23.130(a), 29.23.290)

(b) Authorizes the mayor of a borough with a manager form of government to vote in the case of a tie. The fact that a mayor may take part in discussions is not stated with respect to the mayor of a city under existing law. (AS 29.23.160, 29.23.260)

Sec. 29.20.260. No change, except for minor rewording for clarity. (AS 29.23.150)

Sec. 29.20.270. This is substantially rewritten in order to combine sections dealing with the mayor of a borough and the mayor of a city.

(a) No substantive change. (AS 29.23.270(a))

(b) The material requiring that a veto be overridden within 21 days after the exercise of the veto or during the next regular meeting is new. Current law does not specify a time period during which a veto may be overridden. (AS 29.23.170(a), 29.23.270(a))

(c) A veto does not extend to actions of a city council sitting as a board of equalization or a board of adjustment, nor may the city mayor veto the adoption or repeal of a manager form of government. Current law is silent as to these issues with respect to a city. (AS 29.23.170(a) and (b), 29.23.270)

(d) No change. (AS 29.23.270(b))

Sec. 29.20.280. (a) Under existing law the governing body has the option of declaring the office of mayor vacant when he is convicted of a corrupt practice. (AS 29.23.130(f), 29.23.255, 29.23.570)

(b) No substantive change. (AS 29.23.180, 29.23.280(a))

(c) No substantive change. (AS 29.23.280(b))

Sec. 29.20.300. The statutory reference to a repealed section is deleted. School board members may be elected by area rather than at-large, if approved by the voters. (AS 29.23.310)

Sec. 29.20.310. No change, except for minor rewording so the usage is consistent throughout the title. (AS 29.23.340)

Sec. 29.20.320. This is new material allowing the governing body to establish boards and commissions. Arguably, this power is implied to exist in current law as part of the ability of a governing body to delegate responsibility. (AS 29.48.010(1))

Sec. 29.20.360. Certain officials shall be appointed by the chief administrator unless otherwise provided by ordinance. Under current law these officials are appointed by the chief administrator or by the governing body as determined by ordinance. Current law provides that appointments by the chief administrator are subject to confirmation, and this section allows a municipality to provide otherwise by ordinance. (AS 29.23.360)

Sec. 29.20.370. No change, except for minor rewording to achieve consistent usage throughout the title. (AS 29.23.370)

Sec. 29.20.380. No change, except for minor rewording in order to achieve consistent usage. (AS 29.23.380)

Sec. 29.20.390. The statutory reference is added to provide notice that, when a central treasury is established for the school board and the municipality, the treasurer is not custodian of the funds. (AS 29.23.390)

Sec. 29.20.400. Slightly reworded for clarity.
(AS 29.23.070)

Sec. 29.20.410. Allows the governing body to provide for a classified service and to designate positions which are wholly or partially exempt from the classified service.
(AS 29.23.550)

Sec. 29.20.460. No change, except for minor rewording to achieve consistent usage. (AS 29.23.410, 29.23.420)

Sec. 29.20.470. The last line dealing with notice requirements is omitted because notice requirements for elections are now contained in Sec. 29.26.030. At least 20 days notice shall be provided, while under current law 30 days notice is required before an election to adopt a manager plan.
(AS 29.23.430)

Sec. 29.20.480. No change, except for minor rewording to achieve consistent usage. (AS 29.23.440)

Sec. 29.20.490. In the second line the word "solely" and the word "executive" have been omitted, so that the manager is to be chosen on the basis of his administrative qualifications. A member of the governing body may not be appointed manager until one year after leaving office unless authorized by more than a majority vote. Under existing law this limitation applies to all elected municipal officials.
(AS 29.23.450, 29.23.460)

Sec. 29.20.500. This is substantially rewritten so that material dealing with duties of a city manager and material dealing with duties of a borough manager are combined. A statutory reference to the section concerning appointment of school employees is added for clarification. The requirement that the manager prepare and make available to the public an annual report on municipal affairs is deleted. AS 29.23.140(10)(A) and (C), requiring the borough manager to administer functions of borough employees and to administer public works is deleted because those requirements appear adequately covered by (1) and (5) of this section.
(AS 29.23.140, 29.23.290)

Sec. 29.20.510. Rewritten slightly for clarity.
(AS 29.23.130(e))

Sec. 29.20.520. After repeal of a manager plan, the governing body has 60 days to reorganize the municipal executive and administrative functions. Under existing law, no time period is provided for reorganization. (AS 29.23.480)

Sec. 29.20.600. No change, except for rewording to achieve uniform usage. (AS 29.23.500)

Sec. 29.20.610. No change, except for minor rewording to achieve uniform usage. (AS 29.23.520)

Sec. 29.20.620. A method of determining salaries shall be provided by ordinance, while under current law the governing body fixes by ordinance the salaries of elected officials. The salary of the mayor may be reduced during his term of office if a manager plan is adopted. An elected official may not receive compensation for additional service to the municipality, unless provided otherwise by ordinance. (AS 29.23.530)

Sec. 29.20.630. Material currently contained in AS 29.23.540(a) is deleted. Subject to requirements contained in the title dealing with education, a school district employee, or state employee may not be denied the right to serve as an elected municipal official. Current law allows a municipality to prohibit the right to serve by charter or ordinance. (AS 29.23.540)

Sec. 29.20.640. No changes, except for rewording for consistency and changes in statutory references to reflect renumbering. (AS 29.23.560)

CHAPTER 25. MUNICIPAL ENACTMENTS.

Sec. 29.25.010. The governing body is no longer required to fix the compensation of members of the assembly or council by ordinance, nor is it required to regulate the rate charged by a public utility by ordinance. (AS 29.48.130)

Sec. 29.25.020. This is substantially reorganized, but contains no substantive changes. (AS 29.48.140, 29.48.150)

Sec. 29.25.030. No change, except for minor word changes in order to achieve maximum clarity. (AS 29.48.160)

Sec. 29.25.040. Requires the governing body to see that the adopted code is made available to the public at no more than

cost, while existing law requires the governing body to provide for the adopted code to be sold to the public.
(AS 29.48.170)

Sec. 29.25.050. (b) allows the designee of the municipal clerk to prepare a general codification of municipal ordinances and deletes the requirement that the codification be prepared with the assistance of a legal advisor. The rest of the section is unchanged. (AS 29.48.180)

Sec. 29.25.060. This has been made applicable as a home rule limitation. (AS 29.48.185)

Sec. 29.25.070. A penalty not to exceed that imposed for a class B misdemeanor may be imposed for a violation of an ordinance. The maximum fine for a class B misdemeanor is \$1,000 and the maximum sentence of imprisonment is 90 days. Under existing law punishment not to exceed \$500 or imprisonment for 30 days is provided for. A mandatory, nonsuspendable term of imprisonment for 5 days may be imposed for violation of an ordinance. The municipality or aggrieved person may institute a civil action against a person who violates an ordinance, and a civil penalty of up to \$1,000 may be imposed for each violation. An action to enjoin a violation may be brought and, upon a finding of a violation, the superior court shall grant the injunction. Each day that a violation of an ordinance continues is a separate violation. These penalties are authorized only if copies of the ordinance are made available. (AS 29.48.200)

CHAPTER 26. ELECTIONS.

Sec. 29.26.010. A judge shall be a voter of the precinct for which he is appointed unless no voter is willing to serve. The language "the municipality may not alter voter qualification requirements of this title" is deleted as unnecessary. This is no longer a limitation on home rule municipalities. (AS 29.28.010)

Sec. 29.26.020. The language "subject to other provisions of this title" is added because other sections in the title provide a procedure for the nomination of candidates, for example, see secs. 29.06.250 and 29.10.040. (AS 29.28.015)

Sec. 29.26.030. At least 20 days notice of a regular or special election is required. This applies as a limitation on home rule municipalities, whereas under existing law only

the notice requirement for a special election applies.
(AS 29.28.020(b))

Sec. 29.26.040. No change, except for minor rewording for clarity. (AS 29.28.020(a))

Sec. 29.26.050. This has been reorganized. To qualify to vote in municipal elections a person must have been registered to vote in state elections for at least 30 days preceding the municipal election. Existing law requires only that the person be registered to vote in state elections without a durational requirement. A municipality may require a person to be registered to vote in the precinct in which he seeks to vote. (AS 29.28.030)

Sec. 29.26.060. The runoff election requirement is limited to the office of mayor, member of the governing body, or school board and the municipality may adopt an ordinance to alter this runoff requirement. A runoff election shall be held three weeks after the date of certification of the original election, rather than within two weeks, and is between the two candidates that received the greatest number of votes for the seat. (AS 29.28.040)

Sec. 29.26.070. This has been rewritten for clarity. A requirement that the governing body authorize the election results to be certified is added in (c). The provision that expulsion of certain officials is final and not subject to judicial review contained in AS 29.28.050(f) is deleted. In this bill there is no provision denying judicial review in cases involving the declaration of vacancy in office. (AS 29.28.050)

Sec. 29.26.100. No substantive change. (AS 29.28.060)

Sec. 29.26.110. This is new material establishing a process for applying for a petition for initiative or referendum. An application is signed by ten voters who sponsor the petition. If the clerk finds that an application is in proper form and that the four listed requirements are met, he shall certify the application. A decision by the clerk on an application for petition is subject to judicial review.

Sec. 29.26.120. Within two weeks after certification of application a petition is prepared by the municipal clerk. Signatures must be obtained within 60, rather than 90 days from the date the petition is first circulated. Spaces are

provided for signatures, the printed name of each signer, the date signature is affixed, and the residence and mailing addresses of each signer. Each petition contains a statement that the sponsor circulated the petition, that all signatures were fixed in his presence, and that he believes the signatures to be those of the persons whose names they purport to be. Spaces are provided for indicating the total number of signatures on a petition. If the petition consists of more than one page, each page contains a summary of the matter to be initiated or referred. Copies of the petition are supplied to each sponsor. (AS 29.28.065)

Sec. 29.26.130. Signatures must be secured within 60, rather than 90 days. The clerk shall determine the number of signatures required on a petition and inform each sponsor. The number of signatures required remains identical to the number required under current law, except that no provision is made for signatures only from persons in services areas or outside cities when the matter to be initiated or referred applies only to the service area or area outside cities. Illegible signatures must be rejected by the clerk, whereas under existing law they may be rejected. A signer may withdraw his signature before certification of the petition, whereas under existing law he may only withdraw his signature within 7 days after the petition is filed. (AS 29.28.070)

Sec. 29.26.140. All copies of a petition are filed as a single instrument. An insufficient petition may be supplemented only with signatures obtained within ten days after the date the petition is rejected, while under current law there is no requirement that the signatures be obtained during this period. (AS 29.28.073)

Sec. 29.26.150. No change, except for minor rewording for consistency. (AS 29.28.075)

Sec. 29.26.160. "On substantially the same matter" has been added so that it is clear that the waiting period for filing a new petition does not apply if the petition sought to be filed deals with a different subject. (AS 29.28.077)

Sec. 29.26.170. Unless the same measure is adopted, the clerk submits a petition seeking an initiative vote to the voters at the next regular election occurring no sooner than 45 days after certification of the petition, or, if no regular election occurs within 75 days, a special election is

held. If the governing body adopts the same measure, the petition is void and the subject is not placed before the voters, while under existing law the governing body may not adopt an ordinance or resolution within 10 days from the date of election. If the vote is favorable, the ordinance or resolution becomes effective upon certification of the election unless a different effective date is provided in the ordinance or resolution, while under existing law an ordinance or resolution becomes effective when the election results are declared. There is no provision for the governing body to reject a petition, as there is in current law. (AS 29.28.080)

Sec. 29.26.180. When a petition seeks a referendum vote the clerk shall submit the matter to the voters in the same manner as provided for an initiative election. Under current law the vote is held during the next regular or special election, or within 75 days of filing the petition. If a petition is certified before the effective date of the matter referred, the ordinance or resolution is suspended, while under existing law the suspension occurs if a sufficient petition is filed within 30 days after passage of the ordinance or before the effective date of the ordinance. If the governing body repeals the ordinance or resolution, the petition is void and no election is held. If a majority vote does not favor repeal of the matter referred, it remains in effect, or, if it has been suspended becomes effective upon certification of the election. Existing law is silent as to the effective date of a suspended ordinance in this situation. (AS 29.28.090)

Sec. 29.26.190. If adopted in an initiative election or if adopted after a petition has been filed, an ordinance or resolution may not be repealed or amended within one year. If an ordinance or resolution is repealed in a referendum election, or after a petition has been filed, similar legislation may not be enacted for a period of one year. Existing law provides that the governing body may not act in any way within two years to modify or negate the effect of a successful initiative or referendum and if an ordinance has been repealed after a petition has been filed, the governing body may not enact similar legislation for one year. (AS 29.28.110)

Sec. 29.26.240. This is broadened to include an official appointed to elected office, because when a vacancy occurs an official may, in certain cases, be appointed. He will be

subject to recall just as an elected person would be. An official may be recalled when he has served 120 days of a term for which elected or appointed, while under existing law there is some ambiguity as to the status of an official who is reelected to the same office. (AS 29.28.130)

Sec. 29.26.250. No change. (AS 29.28.140)

Sec. 29.26.260. This is new material establishing a procedure for applying for a recall petition. The application must contain information concerning 10 voters who will sponsor the petition, the address to which correspondence relating to the application may be sent, and a statement in 200 words or less of the grounds of the recall. Additional sponsors may be added.

Sec. 29.26.270. A recall petition is prepared by the clerk. It contains the names of the official sought to be recalled, the grounds for recall, the date the petition is issued by the clerk, notice that the signatures are secured within 60 days after the date the petition is issued (while under existing law a petition must be filed within 60 days after the date of the earliest signature on it), spaces for signatures, printed name, date of each signature, and residence and mailing addresses of each signor, a statement that the sponsor personally circulated the petition, all signatures were fixed in his presence, and he believes the signatures to be those of the persons they purport to be, and space for indicating the number of signatures on the petition. Copies of the petition are provided to each sponsor. (AS 29.28.150)

Sec. 29.26.280. Signatures are secured within 60 days after a recall petition is issued. Signatures not accompanied by a legible residence address are rejected. The clerk determines the number of signatures required and informs each sponsor. If a petition seeks to recall an official who represents the municipality at large, the petition shall be signed by a number of voters equal to 25 percent of the number of votes cast for that office. If a petition seeks to recall an official who represents a district, the petition shall be signed by a number of voters residing in the district equal to 25 percent of the number of votes cast in that district for the office. Under existing law signature requirements are identical to the requirements for initiative and referendum. (AS 29.28.150, 29.28.160)

Sec. 29.26.290. Copies of a recall petition are filed as a single instrument. An insufficient petition may be supplemented with additional signatures obtained within ten days after the date on which the petition is rejected, while under existing law there is no requirement that the signatures be obtained during that time period. A petition which does not contain an adequate number of signatures, both valid and invalid signatures, may not be supplemented and this is a new provision not contained in existing law. (AS 29.28.150, 29.28.170)

Sec. 29.26.300. Reworded so that it is clear that the six-month waiting period before a new petition may be obtained applies only to a petition seeking to recall the same official. (AS 29.28.180)

Sec. 29.26.310. No change, except for minor rewording for consistency. (AS 29.28.190)

Sec. 29.26.320. The requirement that an election to recall an official not be held sooner than 45 days after submission of the petition to the governing body is added. The governing body may not appoint to the same office an official who resigns after a petition is filed. (AS 29.28.200)

Sec. 29.26.330. The grounds for recall must be stated in 200 words or less. (AS 29.28.210)

Sec. 29.26.340. The provision that an office becomes vacant upon certification of the election is added. (AS 29.28.230, 29.28.240)

Sec. 29.26.350. When an official is recalled, his office is filled in accordance with the provision dealing with vacancies. If all members of a governing body are recalled the governor appoints three persons and they appoint additional members needed to fill vacancies in accordance with the provisions dealing with vacancies. If all members of the school board are recalled the governor appoints three persons and they appoint additional members to fill remaining vacancies. A person appointed by the governor serves until a successor is elected. After an official is recalled, the clerk conducts an election for a successor. The election is held not more than 60 days from the date the recall election is certified unless a regular election is held within 75 days, in which case the successor is chosen at the regular election. Nominations may be filed until

seven days before the last date upon which notice of the election must be published, but they may not be filed until the election is certified. Under existing law the election of successor shall be held at least ten but not more than 45 days from the date of the recall election and there are no provisions dealing with a situation involving the recall of all members of the governing body or school board. (AS 29.28.250)

Sec. 29.26.360. The sections dealing with recall are made applicable as limitations on home rule municipalities, and are currently limitations under AS 29.13.100(9).

CHAPTER 35. MUNICIPAL POWERS AND DUTIES.

Sec. 29.35.010.

- (1) No change. (AS 29.48.010(2))
- (2) No change, except for rewording due to a change in organization. (AS 29.23.510)
- (3) No change. (AS 29.48.010(1))
- (4) Minor rewording. (AS 29.48.010(5))
- (5) Minor rewording. (AS 29.48.010(3))
- (6) "and impose liens for their enforcement" is added. (AS 29.48.010(7))
- (7) No change. (AS 29.48.010(8))
- (8) "for a purpose authorized under this title, federal law, or other law, or in accordance with such law" is deleted as excessive verbage. (AS 29.48.010(9))
- (9) "facility or service" is added. (AS 29.48.010(11))
- (10) This is added as a general power. Under existing law the power may be exercised by a first class borough on a nonareawide basis, so long as the borough seeks to have it transferred from cities or proposes joint city/borough exercise of the power. A first class borough may exercise the power on an areawide basis if it is assumed. A second class borough may exercise the

power on an areawide or nonareawide basis if it is assumed. (AS 29.38.010, 29.48.035(a) and (b))

(11) No change. (AS 29.48.010(12))

(12) Minor rewording. (AS 29.48.010(10))

(13) Minor rewording. (AS 29.48.010(4))

(14) No change. (AS 29.48.010(6))

Sec. 29.35.020. A municipality may not exercise outside of its boundaries a power which it may not exercise within its boundaries. The word "roads" has been changed to "streets" which is defined for the title. The following have been included within the list of facilities which a municipality may provide outside its boundaries: solid and septic waste facilities, transportation facilities, wharves, harbors and other marine facilities. A municipality which provides a facility outside its boundaries may regulate its use to the extent that the jurisdiction in which the facility is located does not regulate it. Existing law provides that a municipality may regulate a facility outside its boundaries, and provides no right for the municipality within which the facility is located to regulate it. (AS 29.48.037)

Sec. 29.35.030. Allows all classes of municipalities to exercise eminent domain and declaration of taking. Under existing law a second class city may not exercise the power without formal approval of the Department of Community and Regional Affairs, and must exercise the power by ordinance approved by the voters. This is a limitation on home rule municipalities, and is an existing limitation under AS 29.13.100(29). (AS 29.73.020)

Sec. 29.35.040. This becomes applicable when a disaster is declared by the governor as well as by the President. Since (a) allows a municipality within a disaster area to exercise the powers in the same manner as a home rule city, the subsection providing that differences between areawide and nonareawide powers do not apply has been eliminated as redundant. (AS 29.48.270)

Sec. 29.35.050. This is reorganized and minor changes are made to the wording for clarity. The phrase "provide the charges for collection and disposal shall be paid by the property owner or occupants of the premises" is eliminated

as implied within the specified ability to fix charges.
(AS 29.48.033)

Sec. 29.35.060. (a) The language "for the construction, operation and maintenance of bus transportation systems and public utilities" is eliminated, so that franchises and permits may be granted without restrictions as to type of franchise involved. This applies only to an entity not certificated by the Alaska Public Utilities Commission.
(AS 29.48.050(a))

(b) Unless a grant of a franchise or permanent permit is made on a competitive basis, the grant of any exclusive right to use a public street or right-of-way for more than five years to a utility or transportation system which is not certificated is valid only if approved by vote. Under existing law no franchise is valid unless it is submitted to the qualified voters for approval. The material dealing with use of streets by utilities contained in AS 29.48.040(c) is deleted. (AS 29.48.050(b))

(c) This is made a home rule limitation and is one under existing law. (AS 29.13.100(17))

Sec. 29.35.070. The governing body may regulate a utility except to the extent that it is subject to regulation by the state or otherwise prohibited by law. Under existing law, a municipality may regulate only a municipally owned utility which is not regulated by the state. A municipality must adopt an ordinance that provides procedures for regulating service, rates and charges and that provides procedures necessary to insure due process. This section applies as a home rule limitation, and is an existing limitation under AS 29.13.100(17). (AS 29.48.060, 29.48.070)

Sec. 29.35.080. Requires municipal regulation of alcoholic beverages to conform to state requirements and is made a home rule limitation. (AS 29.48.035(a)(10))

Sec. 29.35.090. The governing body is required by ordinance to establish a formal procedure for acquisition and disposal of land. The provisions authorizing a municipality to acquire, hold and dispose of real property are deleted as unnecessary. The provisions dealing with the requirements which must be met in the formal procedure established for disposal of land have been eliminated to provide more

flexibility. The provisions dealing with restricting land to agricultural use have been deleted. (AS 29.48.260)

Sec. 29.35.100. Under existing law, obligations requiring payment of funds from appropriations of later years must be approved by ordinance. This has been eliminated as misleading in that it could be construed to suggest that bonded indebtedness may be acquired, whether or not for a capital project, so long as the indebtedness is approved by ordinance. AS 29.48.190(d) is eliminated as unnecessary. (AS 29.48.190)

Sec. 29.35.110. This is rewritten for clarity. (AS 29.48.210)

Sec. 29.35.120. No change, except for minor rewording to achieve consistent usage throughout the title. (AS 29.48.220)

Sec. 29.35.130. No substantive change. (AS 29.73.080)

Sec. 29.35.150. Statutory references have been added to reflect reorganization. (AS 29.33.010(a))

Sec. 29.35.160. No change, except for minor rewording to achieve consistent usage. This is a home rule limitation, and exists as a limitation under AS 29.13.100(34). (AS 29.33.050)

Sec. 29.35.170. The subsection dealing with collection by a borough of taxes levied by a city is made applicable as a limitation on home rule municipalities. (AS 29.33.030)

Sec. 29.35.180. This is a new statement requiring first and second class boroughs to provide for planning and land use regulation under provisions of Chapter 40 so that this article will contain a complete list of areawide powers. A home rule borough is required to provide for planning, platting, and land use regulation.

Sec. 29.35.200. (a) Allows a first class borough to exercise on a nonareawide basis any power not otherwise prohibited by law. Under existing law a first class borough may exercise on a nonareawide basis any general law municipal power, but before exercising the power, the borough must seek to have it transferred from cities or propose joint city/borough exercise. (AS 29.38.010)

(b) No change. (AS 29.48.030, 29.48.035(b))

(c) Allows a first class borough to exercise on an areawide basis any power not prohibited by law if it has been acquired. Under existing law, a first class borough may acquire additional areawide municipal powers, but only the powers listed in Title 29. The authority to acquire powers which is granted in this bill is broader, since a borough may acquire any power not specifically prohibited by statute whether or not it is identified as a municipal power in Title 29. (AS 29.33.250)

Sec. 29.35.210. (a) Allows a second class borough to exercise certain powers on a nonareawide basis. Under existing law before a nonareawide power may be exercised, the borough must seek to have it transferred from cities or propose joint borough/city exercise of the power, and the requirement is not contained in this bill. (AS 29.38.020)

(1) No change. (AS 29.48.030(a)(12))

(2) No substantive change. (AS 29.48.020(1))

(3) No change. (AS 29.48.020(2), 29.48.035(a)(5) and (b))

(4) Under existing law this power is subject to the section dealing with garbage and solid waste, sec. 29.35.050 of this bill. (AS 29.48.020(5))

(5) Under existing law providing air pollution control is permitted on an areawide basis only. (AS 29.48.035(a)(18) and (b))

(6) No change. (AS 29.48.020(6), 29.48.035(a)(17) and (b))

(7) Minor rewording. (AS 29.48.020(7))

(8) This is new material.

(9) No change. (AS 29.48.020(8))

(10) No change. (AS 29.48.020(9))

Under existing law a second class borough may exercise the following additional nonareawide powers not specified in this bill:

- (1) powers approved at incorporation (AS 29.38.020);
- (2) regulate snow vehicles, subject to other law (AS 29.48.020(4));
- (3) licensing of day care facilities (AS 29.48.035(a)(20) and (b)).

(b)(1) No change. (AS 29.48.030(12))

- (2) No change. (AS 29.48.035(a)(5) and (b))
- (3) No change. (AS 29.48.035(a)(18) and (b))
- (4) No change. (AS 29.48.035(a)(17) and (b))
- (5) No change. (AS 29.48.035(a)(20) and (b))

(c) Allows a second class borough to exercise a nonareawide power not otherwise prohibited by law if the exercise of the power is approved by the voters living in the borough area outside the cities. Under existing law a second class borough may acquire additional nonareawide powers upon approval of the voters. However, the powers which may be acquired are limited to those itemized in Title 29, so under this bill broader authority to acquire powers is provided. (AS 29.38.030, 29.38.040, 29.38.050)

(d) Allows a second class borough to exercise an areawide power not otherwise prohibited by law if the exercise of the power is approved by the voters or transferred by the cities in the borough. Under existing law a borough may acquire only the powers authorized in Title 29. (AS 29.33.250)

Sec. 29.35.220. (a) No substantive change.
(AS 29.41.010(c))

- (b) No substantive change. (AS 29.41.010(a))
- (c) No substantive change. (AS 29.41.010(b))

(d) A third class borough may acquire any power not prohibited by law for exercise in a service area. (AS 29.41.010(b))

Sec. 29.35.250. This expands the authority of the city to exercise powers, since under existing law a city may only exercise listed municipal powers. A city may not exercise a power once that power has been exercised on an areawide basis by the borough. Existing law is in conflict as to whether a city may exercise a power being exercised on an areawide basis by the borough. In one section, existing law provides that the city may not do so, while in another section it provides that a city may exercise the power if the borough by ordinance permits exercise of the power by the city or ceases to exercise the power. (AS 29.33.010(b), 29.43.040(b), 29.48.035(b))

Sec. 29.35.260. (a) A city outside a borough may exercise a power not otherwise prohibited by law. Under existing law, a city is granted only enumerated powers, so this is a broader authorization. (AS 29.43.010)

(b) Minor rewording. (AS 29.43.030)

(c) Requires a home rule city to provide for planning, platting, and land use regulation but it does not have to comply with Chapter 40. General law cities that provide for land use regulation must do so in accordance with Chapter 40. (AS 29.43.040)

(d) This is new making the section applicable as a home rule limitation. Under existing law material contained in (c) is not a limitation on home rule municipalities.

Sec. 29.35.300. Combines material dealing with the acquisition or areawide and nonareawide powers. (AS 29.33.250, 29.41.010)

Sec. 29.35.310. No change, except for minor rewording for consistent usage. (AS 29.33.260)

Sec. 29.35.320. Provides that a petition shall be filed with the borough clerk who certifies whether it contains sufficient signatures. After certification the assembly orders an election to be held within 60 days of the order, while under existing law, the election is held at least 30 days after the order, but not later than the next regular

election. (AS 29.33.270, 29.33.280, 29.33.290(a), 29.38.030, 29.38.040, 29.38.050(a), 29.41.010(b))

Sec. 29.35.330. No change, except for minor rewording to achieve consistent usage., (AS 29.33.290(b) and (c), 29.38.050(b) and (c))

Sec. 29.35.340. Reorganized, but no substantive change. (AS 29.33.290(c))

Sec. 29.35.400. No substantive change. (AS 29.48.310)

Sec. 29.35.410. No substantive change. (AS 29.48.320)

Sec. 29.35.420. No substantive change. (AS 29.48.330):

Sec. 29.35.450. (a) Allows a borough to include a city in a service area if the city council agrees by ordinance or if approval is granted by a majority of voters residing in the city and by a majority of voters residing outside the city, but within the service area boundaries. Existing law is silent as to whether a city may be included within a service area. (AS 29.63.090(a))

(b) No change. (AS 29.63.090(d))

Sec. 29.35.460. No substantive change. (AS 29.63.090(c))

Sec. 29.35.470. No substantive change. (AS 29.63.090(b) and (e))

Sec. 29.35.480. No substantive change. (AS 29.63.090(a) and (e))

Sec. 29.35.490. New material has been added to allow owners of real property within a service area to consent in writing to the exercise of a power if no voters reside within the service area. (AS 29.41.010(b), 29.63.090(a) and (e))

(b) No change. (AS 29.41.010(b), 29.68.010(f))

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

The word "zoning" has been replaced by the phrase "land use regulation" throughout the title in order to confer broader planning powers on municipalities. The term "land use

regulation" allows a municipality to use a variety of planning tools which might not necessarily be regarded as falling within traditional "zoning" practices.

Sec. 29.40.010. The assembly may delegate any of its planning responsibilities to a city if the city consents by ordinance. The assembly may, without obtaining the consent of the city, revoke the power delegated. Under existing law, there is no requirement that a city consent to the delegation of planning power. (AS 29.33.070)

Sec. 29.40.020. Membership on the planning commission shall be apportioned so that the number of members from home rule and first class cities reflects the proportion of borough population residing in those cities. Under existing law membership is apportioned so that the number of members from first class cities reflects the proportion of borough population residing in first class cities, but the population of home rule cities is not taken into account. The planning commission shall prepare measures necessary to implement the comprehensive plan, while under existing law the planning commission is required to prepare a zoning ordinance to implement the plan. Under this bill, the planning commission has authority to utilize methods other than zoning to implement a plan. (AS 29.33.080(a) and (b))

Sec. 29.40.030. This is reorganized and reworded for clarity. After receiving the recommendations of the planning commission, the assembly is required periodically to undertake an overall review of the plan and update it as necessary. Under existing law, the planning commission is required to undertake an overall review of the plan at least once every two years and present recommendations to the assembly. (AS 29.33.085)

Sec. 29.40.040. (a) This is substantially new material. It requires the assembly to implement a comprehensive plan through zoning regulations, land use permit requirements, or other methods. The material dealing with "contract zoning" has been eliminated. The list of items for which zoning may be used in AS 29.33.090(b) and (c) has been eliminated. The material contained in AS 29.33.090(e), allowing a business licensed by the Alcoholic Beverage Control Board to continue to operate before the adoption of the zoning ordinance, is eliminated. (AS 29.33.090(a))

(b) No substantive change. (AS 29.33.110(c))

Sec. 29.40.050. (a) Requires the assembly to provide for an appeal from the application of a land use regulation. Under existing law, the board of adjustment hears appeals. (AS 29.33.110(b))

(b) Allows the assembly to provide for the appointment of hearing officers or of a board of adjustment to hear appeals. Under existing law, the assembly is the board of adjustment, but may delegate its functions. (AS 29.33.110(a))

Sec. 29.40.060. (a) Allows for an appeal from a decision dealing with land use regulation. Under existing law, appeals are limited to decisions from the board of adjustment. (AS 29.33.130(a) and (b))

(b) An appeal from a land use regulation is an administrative appeal. The provision in AS 29.33.130(c), that an appeal stays enforcement proceeding unless the court issues an enforcement order, has been eliminated. (AS 29.33.130(d) and (e))

Sec. 29.40.070. Material in paragraph (4) dealing with dedication or rights-of-way and easements is added. (AS 29.33.150(a))

Sec. 29.40.080. This is new material requiring the assembly to establish a platting authority. Under existing law, the planning commission acts as platting authority. The material contained in AS 29.33.150(b) dealing with subdivisions of state land, is eliminated. (AS 29.33.150(a))

Sec. 29.40.090. (a) This is new and requires the assembly to establish an abbreviated plat procedure for plats meeting certain requirements.

(b) Requires waiver of plat requirements if a subdivision meets requirements for an abbreviated plat and each lot is five acres or larger. (AS 29.33.170)

Sec. 29.40.100. Rewritten for clarity. (AS 29.33.180)

Sec. 29.40.110. This is rewritten for clarity. Material dealing with filing a preliminary subdivision plat contained in AS 29.33.160(c) has been eliminated. (AS 29.33.160(a) and (b))

Sec. 29.40.120. Allows a plat to be altered upon petition of the state, the borough, a public utility, or the owners of a majority of the land affected. Existing law allows a plat to be altered only upon petition of the owners of a majority of the land or by the platting board. A platted street may be vacated upon petition of the state, the borough, a public utility, or owners of the majority of the land fronting the portion of the street sought to be vacated. Under existing law, only the municipality or owners of the majority of the land fronting the part of the street sought to be vacated may petition to vacate a street. (AS 29.33.200)

Sec. 29.40.130. Requires the platting authority to publish notice of a hearing for a replat petition. "Published" is defined to require publication once in a newspaper of general circulation or posting in three public places. Under existing law, notice is required to be published once a week for two consecutive weeks. (AS 29.33.210)

Sec. 29.40.140. Rewritten for clarity. (AS 29.33.220)

Sec. 29.40.150. Requires a plat to be acknowledged and filed by the recorder with a certificate that taxes have been paid. (AS 29.33.230)

Sec. 29.40.160. Minor rewording. The material in (a) - (c) has been applied as a home rule limitation. None of this section is a limitation under existing law. (AS 29.33.240)

Sec. 29.40.170. Rewritten for clarity. (AS 29.33.245)

Sec. 29.40.180. A person who violates a land use regulation, condition imposed by a platting authority, or a section of law under the chapter dealing with land use regulation is guilty of a class B misdemeanor. (AS 29.33.190)

Sec. 29.40.190. A civil action may be initiated against a person who violates a section of law of the chapter dealing with land use regulation, a subdivision regulation or a term imposed by the platting authority. An action to enjoin may be brought and the superior court shall grant an injunction upon a finding of violation or threatened violation. In addition, a civil penalty not to exceed \$1,000 may be imposed and each day that an unlawful condition continues constitutes a separate violation. Under existing law, a person who transfers land in a subdivision before a plat has

been recorded, and a person who records a plat which has not been approved by the platting board may be punished by a fine of not more than \$500. (AS 29.33.190)

Sec. 29.40.200. Made applicable to home rule municipalities. Under existing law only the material contained in (a) of this section is a home rule limitation under AS 29.13.100(39). (AS 29.33.150(b) - (g))

CHAPTER 45. MUNICIPAL TAXATION.

Sec. 29.45.010. Authorizes a municipality to levy a property tax on real or on personal property. The distinction between areawide and nonareawide property taxes as applied to a unified municipality is eliminated. A property tax may be levied in a service area for functions in the service area. Cross-references to the provisions dealing with the taxing power of cities are added. (AS 29.53.010)

Sec. 29.45.020. No substantive change. (AS 29.73.070(a) and (c))

Sec. 29.45.030. Household furniture is exempt from taxation without regard to the value of the furniture. Property of an auxiliary of a nonbusiness organization is exempt. Under existing law, lots supporting and adjacent to a structure used for religious purposes are exempt from taxation. That exemption is eliminated. Property from which income is derived is exempt if used by nonprofit educational groups for classroom space, or by nonprofit religious, charitable or hospital groups. Under existing law, there is some ambiguity as to whether property, other than property used for classroom space, is exempt. An exemption for real property owned as a permanent place of abode by a resident 65 years of age or over may not be granted except upon written application. Under existing law, there is some ambiguity as to whether any exemption may be granted without a written application. One motor vehicle per household owned by a resident 65 years of age or older is exempt. A provision for implementation of a federal tax exemption is included. (AS 29.53.020)

Sec. 29.45.040. No substantive change. (AS 29.73.060)

Sec. 29.45.045. No substantive change. (AS 29.73.062)

Sec. 29.45.050. (a) No change, except "regular or special" is deleted since "election" is defined. (AS 29.53.025(a))

(b) Eliminates the requirement that a tax based upon tonnage not exceed five dollars a year for a boat of less than five net tons, and not exceed fifteen dollars a year for a boat of more than five tons. The optional exemption of household furniture over five hundred dollars in value has been eliminated since all household furniture is exempted under this bill. (AS 29.53.025(b))

(c) The reference to "weighted" voting is eliminated. (AS 29.53.025(c))

(d) "Act" has been changed to "chapter". (AS 29.53.025(d))

(e) No substantive change. (AS 29.53.025(e))

(f) Minor rewording. (AS 29.53.025(f))

(g) No change. (AS 29.53.025(g))

Sec. 29.45.060. No substantive change. (AS 29.53.035)

Sec. 29.45.070. No substantive change. (AS 29.53.040)

Sec. 29.45.080. No substantive change. (AS 29.53.045)

Sec. 29.45.090. Requires all property upon which a tax is levied to be taxed at the same rate during the year. Reorganized and slightly reworded for clarity. (AS 29.53.050)

Sec. 29.45.100. Statutory references are altered to reflect new numbering. (AS 29.53.055)

Sec. 29.45.103. Minor rewording. (AS 29.53.103)

Sec. 29.45.105. Minor rewording. (AS 29.53.105)

Sec. 29.45.110. Statutory reference is altered to reflect new numbering. (AS 29.53.060)

Sec. 29.45.120. "Assembly" is replaced by "municipality". (AS 29.53.070)

Sec. 29.45.130. Allows the assessor to seek a court order to compel production of records, as well as to compel entry. (AS 29.53.080)

Sec. 29.45.140. A person who fails to file a tax statement or makes a false tax statement is guilty of a class B misdemeanor. Under existing law, he is guilty of a misdemeanor punishable by a fine of \$500 or by imprisonment for up to 30 days or both. (AS 29.53.090)

Sec. 29.45.150. "Assembly" and "borough" are replaced by "municipality". (AS 29.53.095)

Sec. 29.45.160. Minor rewording. (AS 29.53.100)

Sec. 29.45.170. Minor rewording. (AS 29.53.110)

Sec. 29.45.180. Minor rewording for clarity. (AS 29.53.120)

Sec. 29.45.190. Minor rewording for clarity. (AS 29.53.130)

Sec. 29.45.200. (a) Requires an appointed board to be composed of no less than three persons, and eliminates the requirement that the board consist of the number of members of the assembly above the number required for a quorum. Requires the governing body to establish by ordinance the qualifications for board membership. (AS 29.53.135)

(b) Allows the board to alter an assessment only if an appeal is filed as to that particular lot. (AS 29.53.135)

(c) This subsection is new, allowing an appeal directly to the superior court on the issue of whether property is taxable.

Sec. 29.45.210. Provides that if, upon appeal, a valuation is found to be too low, the board may raise the assessment. An appeal to the superior court shall be tried as an administrative appeal, while under existing law an appellant may demand a jury trial. (AS 29.53.140)

Sec. 29.45.220. No change. (AS 29.53.150)

Sec. 29.45.230. Reassessment is permitted when property is affected by a disaster declared by the President, or by the

governor. Under existing law, this section applies only when property is affected by a disaster declared by the President. (AS 29.53.160)

Sec. 29.45.240. Minor rewording. (AS 29.53.170)

Sec. 29.45.250. Allows a penalty not to exceed 20 percent of the tax due to be added to delinquent taxes and interest at the rate of 15 percent a year to accrue upon unpaid taxes. Under existing law, a penalty not to exceed 10 percent may be added, and interest at the rate of eight percent shall accrue. A penalty not to exceed 20 percent of the tax due may be imposed upon the late return of personal property assessment forms. Under existing law, only 10 percent of the tax due may be imposed. If a taxpayer may pay a tax in two installments, penalty and interest on the unpaid installment accrues from the date the installment becomes due. Under existing law, if the taxpayer does not pay the first half when due, the entire tax becomes delinquent. A penalty of eight percent is added on delinquent taxes until the due date fixed for payment of the second half, and after the due date of the payment of the second half, the penalty may be increased to 10 percent. (AS 29.53.180)

Sec. 29.45.290. No substantive change. (AS 29.53.200)

Sec. 29.45.300. Property taxes, together with penalty and interest are a lien upon the property assessed, while under this section of existing law, only real property taxes are mentioned as a lien upon the property assessed. However, under AS 29.53.220 it is clear that unpaid personal property taxes are also a lien. (AS 29.53.210)

Sec. 29.45.310. If property is sold for more money than needed to satisfy the tax, the municipality is required to remit the excess to the former record owner. A claim for the excess filed after six months is barred. Under existing law, there is no provision for remitting the excess to the former record owner. (AS 29.53.220)

Sec. 29.45.320. Reworded slightly, and the statutory reference is altered to reflect new numbering. (AS 29.53.230)

Sec. 29.45.330. Minor rewording. (AS 29.53.240)

Sec. 29.45.340. "Borough" is altered to "municipality". (AS 29.53.250)

Sec. 29.45.350. "Such" is altered to "the". (AS 29.53.260)

Sec. 29.45.360. Minor rewording, and the statutory reference is altered to reflect new numbering. (AS 29.53.270)

Sec. 29.45.370. "Tract" is altered to "lot".
(AS 29.53.280)

Sec. 29.45.380. Minor rewording. (AS 29.53.290)

Sec. 29.45.390. Minor rewording and reorganization.
(AS 29.- 53.300)

Sec. 29.45.400. The material currently contained in AS 29.-53.310(b), allowing a person holding a lien against part of real property included in a judgment and decree of foreclosure to redeem only that part, has been eliminated.
(AS 29.53.310)

Sec. 29.45.410. Receipt of redemption money by the municipality releases the judgment obtained through foreclosure. Under existing law, receipt of redemption by the clerk releases all claims of the municipality to the property.
(AS 29.53.320)

Sec. 29.45.420. No change. (AS 29.53.330)

Sec. 29.45.430. No substantive change. (AS 29.53.340)

Sec. 29.45.440. Allows the clerk's designee to publish a redemption period expiration notice. Requires the clerk to send a copy of the notice to holders of liens if the assessed value of property being foreclosed is over \$100,000. Under existing law, notice must be sent if the assessed value is over \$10,000. (AS 29.53.350)

Sec. 29.45.450. Minor rewording. (AS 29.53.360)

Sec. 29.45.460. Allows the designee of the clerk to send a copy of the published notice, while under existing law, the clerk is required to send the copy. (AS 29.53.370)

Sec. 29.45.470. Minor rewording. (AS 29.53.375)

Sec. 29.45.480. No substantive change. (AS 29.53.380)

Sec. 29.45.490. "City or borough" is changed to "municipality". (AS 29.53.385)

Sec. 29.45.500. New material is added to this section so that if, in the absence of suit, it becomes obvious to the governing body that judgment for recovery of taxes would be obtained, the municipality shall refund the amount of taxes plus interest. The governing body is permitted to correct manifest clerical errors at any time. (AS 29.53.390)

Sec. 29.45.550. Minor rewording. (AS 29.43.020)

Sec. 29.45.560. Statutory references are altered to reflect new numbering. All sections under existing law which apply to taxes levied by a city apply under this bill as well. Sec. 29.45.250, dealing with rates of penalty and interest; sec. 29.45.460, dealing with disposition and sale of foreclosed property; sec. 29.45.470, dealing with repurchase by record owner; sec. 29.45.490, dealing with payment of taxes upon public utilization; sec. 29.45.500, dealing with refund of taxes have been added as provisions which a city is subject to. (AS 29.53.400)

Sec. 29.45.570. This is new, applying the provisions dealing with property taxes to home rule municipalities as a limitation.

Sec. 29.45.580. Minor rewording. (AS 29.53.405)

Sec. 29.45.590. No substantive change. (AS 29.53.410)

Sec. 29.45.600. This is new material allowing a petition for second class city incorporation to request that a property tax proposal be placed on the same ballot. The petition may request that incorporation be dependent on passage of the property tax. Under existing law, a petition may combine a request for sales and use tax with a request for incorporation, but no provision exists for combining a request for property tax with a request for incorporation.

Sec. 29.45.650. Interest at the rate of 15 percent, rather than eight percent may be charged on delinquent sales and use taxes, and this is made applicable as a home rule limitation. Material in (e) has been added to allow a lien to be placed on the property to secure the payment of a sales and use tax. (AS 29.53.415)

Sec. 29.45.660. Minor rewording. (AS 29.73.070(b) and (c))

Sec. 29.45.670. The requirement that a sales tax proposition be presented only once a year has been eliminated. Material now in AS 29.53.420(b) is deleted. (AS 29.53.420(a))

Sec. 29.45.700. Allows the borough assembly by ordinance to authorize the city to levy and collect sales and use taxes on sources other than the sources being taxed by the borough. Under existing law, a city within a borough may levy sales and use taxes only upon sources taxed by the borough. The provision that a city outside a borough may levy and collect sales and use taxes in the manner provided for boroughs has been added. (AS 29.53.440, 29.53.450)

Sec. 29.45.710. No substantive change. (AS 29.53.460)

CHAPTER 46. SPECIAL ASSESSMENTS.

Sec. 29.46.010. Minor rewording and the statutory reference is altered to reflect new numbering. (AS 29.63.010)

Sec. 29.46.020. A list of procedures which the governing body may prescribe includes procedures relating to creating special assessment districts, making local improvements, levying and collecting assessments, and financing improvements. Under existing law, the governing body is authorized to prescribe the complete special assessment procedure for local improvements. Statutory references are altered to reflect new numbering. (AS 29.63.015)

Sec. 29.46.030. The heading is altered from "DECISION AND NOTICE" to "CREATION OF DISTRICT". Minor rewording. (AS 29.63.020)

Sec. 29.46.040. Minor rewording. (AS 29.63.025)

Sec. 29.46.050. Objections may be filed any time within 60 days after publication of notice. Under existing law, objections to an improvement plan may be filed not less than 30 nor more than 60 days after publication of notice on a date specified by the governing body. Minor rewording. (AS 29.63.030)

Sec. 29.46.060. Minor rewording for clarity. (AS 29.63.040)

Sec. 29.46.070. Requires a new hearing if the assessment is increased as a result of correcting errors and inequalities in the assessment roll. Objections to the increased assessment are limited to record owners of property on which the assessment was increased. Under existing law, there is no provision for an additional hearing if an assessment is increased as a result of correcting errors. (AS 29.63.050)

Sec. 29.46.080. Minor rewording for clarity, and statutory references are altered to reflect new numbering. (AS 29.63.060)

Sec. 29.46.090. Slightly reorganized, and statutory references are altered to reflect new numbering. The section is applicable as a home rule limitation, and is a limitation now under AS 29.13.100(36). (AS 29.63.065)

Sec. 29.46.100. Minor reorganization and rewording. (AS 29.63.070)

Sec. 29.46.110. (a) This is new material itemizing the costs which may be included in a special assessment.

(b) The total amount of the assessment roll may not exceed actual costs, but actual costs may include reasonable estimates of the costs incurred in connection with issuance of bonds. (AS 29.63.040(a))

Sec. 29.46.120. Minor rewording and reorganization. (AS 29.63.080)

Sec. 29.46.130. This is new material allowing the governing body to issue notes to secure payment of the costs of a local improvement project. The notes are payable out of special assessments for the improvement and the notes are claims against the assessments.

Sec. 29.46.140. Minor rewording. The last line of AS 29.-63.085(c), providing that interest on the guarantee funds are a cost of the improvement district, is eliminated. (AS 29.63.085)

CHAPTER 47. MUNICIPAL DEBT.

Sec. 29.47.010. Minor rewording. (AS 29.58.010)

Sec. 29.47.020. Minor rewording. (AS 29.58.020)

- Sec. 29.47.030. Minor rewording. (AS 29.58.040)
- Sec. 29.47.040. Minor rewording. (AS 29.58.050)
- Sec. 29.47.080. Minor rewording. (AS 29.58.070)
- Sec. 29.47.090. "Assembly or council" is replaced with "governing body". (AS 29.58.080)
- Sec. 29.47.100. "Assembly or council" is replaced by "governing body".
- Sec. 29.47.110. No substantive change. (AS 29.58.100)
- Sec. 29.47.120. Minor rewording. (AS 29.58.110)
- Sec. 29.47.130. Minor rewording. (AS 29.58.120)
- Sec. 29.47.140. No change. (AS 29.58.130)
- Sec. 29.47.180. Minor rewording. (AS 29.58.150)
- Sec. 29.47.190. Minor rewording. The reference to a charter is eliminated since this section does not apply as a home rule limitation. (AS 29.58.160)
- Sec. 29.47.200. Minor rewording. The last sentence in (b) is added since this subsection applies to home rule municipalities as a limitation. It is currently a limitation under AS 29.13.100(24). (AS 29.58.180)
- Sec. 29.47.240. Rewritten for clarity. (AS 29.58.200)
- Sec. 29.47.250. Minor rewording. (AS 29.58.205)
- Sec. 29.47.260. This is a new section excluding revenue bonds from the application of the prohibition against a political subdivision of the state making a subscription to the capital stock of a corporation, lending its credit for the use of a corporation, or borrowing money for the use of a corporation.
- Sec. 29.47.300. Minor rewording. (AS 29.58.240)
- Sec. 29.47.310. No substantive change. (AS 29.58.250)

Sec. 29.47.320. "Assembly or council" is replaced by "governing body". (AS 29.58.260)

Sec. 29.47.330. The statutory reference is altered to reflect new numbering and the fact that sections dealing with payment on bonds are combined into one section. (AS 29.58.270)

Sec. 29.47.340. The requirement that refunding bonds be exchanged at par for bonds being refunded is eliminated, so that refunding bonds may be exchanged at the discretion of the governing body. (AS 29.58.280)

Sec. 29.47.390. This contains new material allowing the issuance of revenue bonds to finance any project and to be secured and payable solely from the revenue and property of the project. The city or borough is not obligated to make payments on the bonds from any other sources. (AS 29.58.200(c))

Sec. 29.47.400. Bonds and notes may be sold in the manner and at the price determined by the municipality. Under existing law, no bonds may be sold at less than par value. (AS 29.58.060, 29.58.140, 29.58.300)

Sec. 29.47.410. Minor rewording. (AS 29.58.170, 29.58.210)

Sec. 29.47.420. Allows the interest rate payable on a bond or note to exceed the usury rate. Under existing law, no bond or note may bear an interest which exceeds the contract usury rate. (AS 29.58.310)

Sec. 29.47.430. No substantive change. (AS 29.58.320)

Sec. 29.47.440. Rewritten for clarity. The statutory reference is altered to reflect new numbering. (AS 29.58.340)

Sec. 29.47.450. This is new material providing that the indebtedness of a service area will remain a debt even though a court subsequently determines that the service area was not validly formed under law.

CHAPTER 55. MUNICIPAL PROGRAMS.

Sec. 29.55.010. "General or home rule" is eliminated since "municipality" includes by definition both a general law and a home rule municipality. (AS 29.48.108)

Sec. 29.55.020. The statutory reference to the preceding section is eliminated as unnecessary. (AS 29.48.110)

CHAPTER 60. STATE PROGRAMS.

Sec. 29.60.010. "Local government services" is replaced by "municipal services". (AS 29.88.010)

Sec. 29.60.020. Material in AS 29.88.015(b) is deleted, which included within the population determination the population of any military reservation that is part of the taxing unit. Since municipal tax resource equalization is organized as an article, rather than a chapter, the statutory reference is added. (AS 29.88.015)

Sec. 29.60.030. Statutory references are added since this material is no longer located in a separate chapter. (AS 29.88.020)

Sec. 29.60.040. Statutory references are added since this material no longer appears as a separate chapter. (AS 29.88.025)

Sec. 29.60.050. Subsection (a), dealing with limitation on use or payments, is a home rule limitation. Under existing law all of the tax equalization program is a home rule limitation under AS 29.13.100(46). "Assembly or council" is replaced by "governing body". (AS 29.88.030)

Sec. 29.60.060. Statutory references are added, since this material is no longer contained in a separate chapter. The statutory references currently contained in this section are altered to reflect new numbering. (AS 29.88.035)

Sec. 29.60.070. Statutory references are added, since this material is no longer contained in a separate chapter. Statutory references currently contained in this section are altered to reflect new numbering. (AS 29.88.040)

Sec. 29.60.080. Definitions of "department" and "municipality" are eliminated since these are now defined with respect to the entire title. (AS 29.88.045)

Sec. 29.60.100. Statutory references are altered to reflect new numbering. Provision for revenue sharing payable to a "Native village government" is altered to "an unincorporated community". (AS 29.89.010)

Sec. 29.60.110. "Local government" is replaced by "municipality". (AS 29.89.020)

Sec. 29.60.120. Subsections (a) and (c) dealing with distribution and use of money, are home rule limitations. Under existing laws all of the program of aid for miscellaneous services is a limitation under AS 29.13.100(47). In (a)(3) the phrase "whether licensed or unlicensed" is inserted. (AS 29.89.030, 29.89.100(2) and (3))

Sec. 29.60.130. "Borough or city" is replaced by "municipality". (AS 29.89.040)

Sec. 29.60.140. Provides for aid to unincorporated communities rather than to Native village governments. The Department of Community and Regional Affairs shall pay the money to the entity in an unincorporated community most qualified to receive it. No money may be paid to a Native village council unless it waives immunity from suit. If there is no entity in an unincorporated community willing to receive the money, the community receives no entitlement. (AS 29.89.050)

Sec. 29.60.150. The last portion of the section listing possible sources of population data is eliminated. Statutory references are added, since this material is no longer organized as a separate chapter. (AS 29.89.060)

Sec. 29.60.160. Statutory references are altered to reflect new numbering. Authorizes area cost-of-living differentials to be reflected in payments to volunteer fire departments. (AS 29.89.070)

Sec. 29.60.170. Statutory references are added, since this material is no longer organized as a separate chapter. The statutory reference currently contained in this section is altered to reflect new numbering. (AS 29.89.080)

Sec. 29.60.180. Statutory references are added, since this material is no longer organized as a separate chapter. (AS 29.89.090)

Sec. 29.60.280. The statutory references currently contained in this section are altered to reflect new numbering. (AS 29.95.010)

Sec. 29.60.290. The statutory references currently contained in this section are altered to reflect new numbering. (AS 29.95.020)

Sec. 29.60.300. The statutory references currently contained in this section are altered to reflect new numbering. (AS 29.95.030)

Sec. 29.60.350. Administration of the municipal assistance fund is transferred from the Department of Revenue to the Department of Community and Regional Affairs. (AS 43.20.016(a))

Sec. 29.60.360. No substantive change. (AS 43.20.016(b))

Sec. 29.60.370. No substantive change. (AS 43.20.016(c) and (d))

Sec. 29.60.400. Reorganized and reworded. (AS 29.89.110(a), (b), (h)(2))

Sec. 29.60.410. Reorganized and reworded. (AS 29.89.110(b), (e))

Sec. 29.60.420. Reorganized and reworded. (AS 29.89.110(f), (g))

Sec. 29.60.430. Reorganized and reworded. (AS 29.89.110(c))

Sec. 29.60.440. Reorganized and reworded. (AS 29.89.110(d))

CHAPTER 65. GENERAL GRANT LAND.

Sec. 29.65.010. No change. (AS 29.18.201)

Sec. 29.65.020. No substantive change. (AS 29.18.202)

Sec. 29.65.030. Minor rewording. (AS 29.18.203)

Sec. 29.65.040. The statutory references currently contained in this section are altered to reflect new numbering. (AS 29.18.204)

Sec. 29.65.050. The statutory references to repealed sections are deleted as unnecessary in (a). The statutory

references contained in this section are altered to reflect new numbering. (AS 29.18.205)

Sec. 29.65.060. Statutory references are altered to reflect new numbering. (AS 29.18.206)

Sec. 29.65.070. No substantive change. (AS 29.18.207)

Sec. 29.65.080. Reworded for clarity. The statutory references contained in this section are altered to reflect new numbering. (AS 29.18.208)

Sec. 29.65.090. "Any" is changed to "a". (AS 29.18.209)

Sec. 29.65.100. The statutory reference contained in this section is altered to reflect new numbering. (AS 29.18.210)

Sec. 29.65.110. The statutory reference contained in this section is altered to reflect new numbering. (AS 29.18.211)

Sec. 29.65.120. Since this material is now organized in a separate chapter, the statutory reference to the sections dealing with general grant land is eliminated. (AS 29.18.212)

Sec. 29.65.130. Since this material is now organized in a separate chapter, the statutory reference is eliminated. The definition of "municipality" is eliminated since that term is now defined for the entire title. (AS 29.18.213)

Sec. 29.65.140. This is a new section indicating that the chapter dealing with general grant land applies to home rule municipalities as well as to general law municipalities. This material is not a home rule limitation under existing law.

CHAPTER 71. GENERAL PROVISIONS.

Sec. 29.71.010. No substantive change. (AS 29.73.030)

Sec. 29.71.020. This is a new section providing that dedication of rights of way or other areas for public use does not require the municipality to maintain, improve, or provide for municipal services in the area dedicated and does not impose any liability on the municipality for the condition of the area dedicated. The section is applicable to home rule municipalities.

Sec. 29.71.030. No substantive change. (AS 29.73.040)

Sec. 29.71.800. The following definitions are added or changed from existing law:

- (1) "areawide" is defined to include cities in the borough. (AS 29.78.010(18))
- (2) this is added;
- (3) includes home rule as well as general law boroughs; (AS 29.78.010(1))
- (4) includes home rule as well as general law cities; (AS 29.78.010(2))
- (5) this is added;
- (7) this is added;
- (8) this is added;
- (9) "election" includes both regular and special municipal elections, but does not include a state election; (AS 29.78.010(7))
- (10) this is added to refer to either a borough or city legislative entity;
- (13) "municipality" includes a home rule or general law borough, city, or unified municipality, while the existing definition includes only general law municipal corporations; (AS 29.78.010(8))
- (14) "nonareawide" includes the area of a borough outside cities in the borough, while under existing law "nonareawide power" is defined; (AS 29.78.010(19))
- (15) "owner" or "record owner" means the owner of record shown in the records of the district recorder; (AS 29.78.010(9))
- (20) minor rewording; (AS 29.78.010(14))
- (21) this has been added;