

ALASKA LEGISLATURE COMMITTEE FILES 1981-1982 86/2

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1 shall be signed by at least a majority of the total membership of the
2 commission and shall be filed with the borough clerk. A copy with
3 signatures affixed shall also be filed with the clerk of each home rule
4 or general law city within the home rule or general law borough.

5 Sec. 29.06.320. PUBLICATION AND POSTING OF PROPOSED CHARTER.
6 Within 10 days after filing the proposed charter, the borough clerk
7 shall have it published. In addition, the clerk shall have a copy of
8 the proposed charter posted in at least three public places within each
9 home rule or general law city and each unincorporated community in the
10 home rule or general law borough. Copies of the proposed charter shall
11 be made available by the assembly to the public at both the office of
12 the borough clerk and the office of the clerk of each city within the
13 borough. The clerk shall publish notice by radio and television of the
14 publication, posting, and availability of the proposed charter in a
15 manner intended to apprise the entire borough population of the exist-
16 tence of the proposed charter.

17 Sec. 29.06.330. ELECTION ON CHARTER. (a) The proposed charter
18 adopted by the charter commission shall be submitted to the voters at a
19 borough election held within 60 days of the date of publication and
20 posting of the proposed charter. The borough clerk shall prepare the
21 ballots for use in the election and shall give notice of the election
22 by radio and television in a manner intended to apprise the entire
23 borough population of the election. The election shall be conducted
24 under procedures applicable to regular elections.

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

27 (c) If a majority of the votes in the area of the home rule or
28 general law borough outside a home rule or first class city, and a
29 majority of the votes in all home rule and first class cities within

1 the borough are cast in favor of the proposed charter, the charter is
2 ratified. If the charter is ratified, two copies of the charter shall
3 be filed with

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

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

15 (e) If, after the rejection of the first proposed charter, more
16 than one-half of the charter commission members resign from the commis-
17 sion, the assembly shall appoint new members to fill the vacancies.

18 Sec. 29.06.340. EFFECT OF THE CHARTER AFTER RATIFICATION. Upon
19 ratification, the charter of a unified municipality operates to dissolve
20 all municipalities within the area of unification in accordance with
21 the charter.

22 Sec. 29.06.350. ASSETS AND LIABILITIES. A unified municipality
23 shall succeed to all the assets and liabilities of the municipalities
24 it unified. A bonded indebtedness or other debt incurred before unifi-
25 cation remains the tax obligation of the area which contracted the
26 debt, except that by ordinance the tax obligation may be assumed by a
27 larger area if the governing body determines that the asset for which
28 the bonded indebtedness or other debt was incurred benefited the larger
29 area before unification, or benefits the larger area after unification.

1 However, bonded indebtedness or other debt for sewage collection sys-
2 tems, water distribution systems, and streets, even if determined to be
3 benefiting a larger area than that which incurred the debt, remains the
4 tax obligation of the area which incurred the debt.

5 Sec. 29.06.360. ORDINANCES. Within two years after ratification
6 of the charter, the governing body of the unified municipality shall
7 revise, repeal, or reaffirm all municipal ordinances, resolutions, and
8 orders in effect within the area of the unified municipality on the
9 date of unification. Each ordinance, resolution, regulation, or order
10 in effect on the date of unification remains in effect until superseded
11 by action of the new governing body.

12 Sec. 29.06.370. RIGHT TO STATE AND FEDERAL AID. All provisions
13 of law authorizing aid from the state or federal government to a munici-
14 pality which was in the area of a new unified municipality remain in
15 effect after unification.

16 Sec. 29.06.380. POWERS OF A UNIFIED MUNICIPALITY. A municipality
17 unified under AS 29.06.190 - 29.06.390 has all powers

- 18 (1) not prohibited by law or charter; and
- 19 (2) granted to home rule boroughs.

20 Sec. 29.06.390. APPLICATION. AS 29.06.190 - 29.06.390 apply to
21 home rule and general law municipalities.

22 ARTICLE 5. DISSOLUTION.

23 Sec. 29.06.420. METHODS OF DISSOLUTION. (a) Two petition methods
24 may be used to initiate dissolution of a municipality;

- 25 (1) petition to the Local Boundary Commission under regula-
26 tions adopted by the commission; or
- 27 (2) the local option method specified in AS 29.06.430 -
28 29.06.490.

29 (b) A home rule or general law borough is dissolved when its

1 entire territory is included within a home rule or first class city or
2 cities. A city is dissolved when all its powers become areawide borough
3 powers.

4 (c) The department shall investigate a municipality which it
5 considers to be inactive and shall report to the Local Boundary Commis-
6 sion on the status of the municipality. The commission may submit its
7 recommendation to the legislature that the municipality be dissolved in
8 the manner provided for submission of boundary changes in art. X, sec.
9 12 of the state constitution.

10 Sec. 29.06.430. PETITION. (a) Residents of a municipality may
11 file a dissolution petition with the department in the form prescribed
12 by the department. The petition must be signed by a number of voters
13 equal to at least 25 percent of the number of votes cast in the last
14 regular election.

15 (b) The petition must include

16 (1) the name of the municipality;

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

19 Sec. 29.06.440. STANDARDS. (a) Except as provided in (b) of
20 this section, a municipality may petition for dissolution when

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

23 (2) either it no longer meets the minimum standards pre-
24 scribed for incorporation by AS 29.05, or it ceases to use each one of
25 its mandatory powers.

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

1 Sec. 29.06.450. REVIEW. (a) The department shall review a
2 dissolution petition for content and signatures, and shall return a
3 deficient petition for correction or completion.

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

6 Sec. 29.06.460. REPORT AND HEARING (a) The department shall
7 report its findings to the Local Boundary Commission with its recommen-
8 dation regarding the dissolution of a municipality .

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

11 Sec. 29.06.470. DECISION. If the Local Boundary Commission
12 determines that a municipality fails to meet the standards for dissolu-
13 tion, it shall reject the petition. If the commission determines that
14 the municipality meets the standards, it shall accept the petition.

15 Sec. 29.06.480. ELECTION. (a) The Local Boundary Commission
16 shall immediately notify the lieutenant governor of its acceptance of a
17 dissolution petition. Within 30 days after notification, the lieutenant
18 governor shall order an election within the municipality to determine
19 whether the voters desire dissolution. The election must be held at
20 least 30 and not more than 90 days after the election order. A person
21 who is a voter of the municipality may vote in the dissolution election.

22 (b) The lieutenant governor shall supervise the election in the
23 general manner prescribed by the Alaska Election Code (AS 15). The
24 state shall pay all election costs.

25 (c) The lieutenant governor shall certify the election results.
26 If dissolution is approved, he shall declare that the municipality is
27 dissolved effective on the date of certification.

28 Sec. 29.06.490. SUCCESSION. The government succeeding to a
29 dissolved municipality succeeds to all its rights, powers, duties,

1 assets, and liabilities.

2 Sec. 29.06.500. APPLICATION. AS 29.06.420 - 29.06.500 apply to
3 home rule and general law municipalities.

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

5 CHAPTER 10. HOME RULE MUNICIPALITIES.

6 ARTICLE 1. CHARTERS.

7 Sec. 29.10.010. MUNICIPAL CHARTER ADOPTION. A first or second
8 class city or borough may adopt a charter for its own government. A
9 home rule municipality may amend its charter or adopt a new one. A
10 charter is framed by a charter commission of seven members chosen by
11 the voters at an election. A candidate for the charter commission
12 shall be a voter of the city or borough and a resident of the city or
13 borough for three years immediately preceding the election. A charter
14 commission election is called by filing a petition with the governing
15 body or by resolution of the governing body. The petition shall be
16 signed by a number of voters equal to 15 percent of the votes cast in
17 the last regular election.

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

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

27 Sec. 29.10.030. ELECTION. At the charter commission election the
28 voters shall consider the question "Shall a charter commission be
29 elected to frame a proposed new charter?" and shall select the members

1 of the commission. If the question is approved, the seven candidates
2 receiving the highest number of votes shall immediately organize as a
3 charter commission.

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

12 Sec. 29.10.050. INITIATIVE AND REFERENDUM. (a) A municipal
13 charter shall provide procedures for initiative and referendum.

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

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

20 Sec. 29.10.060. CHARTER ELECTION. The charter shall be submitted
21 to the voters at an election held not less than 30 days nor more than
22 90 days after the charter is published.

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

29 (1) the lieutenant governor -- two copies;

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

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

10 Sec. 29.10.080. CHARTER AMENDMENT. A municipal charter may be
11 amended as provided in the charter except that no amendment is effec-
12 tive unless ratified by the voters.

13 ARTICLE 2. HOME RULE LIMITATIONS.

14 Sec. 29.10.110. LIMITATION OF HOME RULE POWERS. Only the follow-
15 ing provisions of this title apply to home rule municipalities as
16 prohibitions on acting otherwise than as provided. These provisions
17 supersede existing and prohibit future home rule enactments which
18 provide otherwise:

- 19 (1) AS 29.05.140 (transition)
- 20 (2) AS 29.06.010 (change of municipal name)
- 21 (3) AS 29.06.040 - 29.06.060 (annexation and exclusion)
- 22 (4) AS 29.06.090 - 29.06.170 (merger and consolidation)
- 23 (5) AS 29.06.190 - 29.06.390 (unification of municipalities)
- 24 (6) AS 29.06.420 - 29.06.500 (dissolution)
- 25 (7) AS 29.10.010 - 29.10.115 (home rule municipalities)
- 26 (8) AS 29.20.010 (conflict of interest)
- 27 (9) AS 29.20.020 (meetings public)
- 28 (10) AS 29.20.050 (general power)
- 29 (11) AS 29.20.060 - 29.20.120 (assembly composition and

1 apporportionment)

2 (12) AS 29.20.140 (qualifications of members of governing
3 bodies)

4 (13) AS 29.20.150 (term of office)

5 (14) AS 29.20.160 (procedures of governing bodies)

6 (15) AS 29.20.220 (executive power)

7 (16) AS 29.20.630 (prohibitions)

8 (17) AS 29.20.640 (reports)

9 (18) AS 29.25.010(a)(10) (municipal exemption on contractor
10 bond requirements)

11 (19) AS 29.25.050 (codification)

12 (20) AS 29.26.030 (notice of elections)

13 (21) AS 29.26.050 (voter qualification)

14 (22) AS 29.26.100 (powers of initiative and referendum)

15 (23) AS 29.26.240 - 29.26.360 (recall)

16 (24) AS 29.35.020 (extraterritorial jurisdiction)

17 (25) AS 29.35.030 (eminent domain)

18 (26) AS 29.35.050 (garbage and solid waste services)

19 (27) AS 29.35.070 (public utilities)

20 (28) AS 29.35.110 (post audit)

21 (29) AS 29.35.150(b) (effect of areawide exercise of borough
22 powers)

23 (30) AS 29.35.160 (education)

24 (31) AS 29.35.170 (assessment and collection of taxes)

25 (32) AS 29.35.260 (cities outside boroughs)

26 (33) AS 29.35.330(c) (acquisition of additional areawide
27 powers)

28 (34) AS 29.40.150 (title to vacated areas)

29 (35) AS 29.45.010 - 29.45.570 (property taxes)

- 1 (36) AS 29.45.650(d) (interest on sales tax)
- 2 (37) AS 29.46.090 (exemption from special assessment)
- 3 (38) AS 29.47.200(b) (security for bonds)
- 4 (39) AS 29.47.260 (construction)
- 5 (40) AS 29.60.010 - 29.60.260 (state programs)
- 6 (41) AS 29.60.290 (qualification for minimum payment)
- 7 (42) AS 29.65.010 - 29.65.130 (general grant land)
- 8 (43) AS 29.71.010 (adverse possession)
- 9 (44) AS 29.71.020 (dedication of municipal property)
- 10 (45) AS 29.71.030 (taxation of municipalities,

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

12 CHAPTER 14. CAPITAL CITY.

13 Sec. 29.14.010. INCORPORATION. There is created and incorporated
 14 a city of the state as the capital city of Alaska which is a city of
 15 the first class. The capital city has all the powers of a first class
 16 city.

17 Sec. 29.14.020. BOUNDARIES. The boundaries of the capital city
 18 shall include all of that area of land designated by the voters of
 19 Alaska as the new capital site of the state.

20 Sec. 29.14.030. CITY COUNCIL. (a) Until council members elected
 21 by the residents of the capital city take office as provided in AS 29.-
 22 14.060, the council of the capital city shall have five members, four
 23 of whom shall be appointed by the governor and shall serve at the
 24 pleasure of the governor. The development corporation shall designate
 25 one person to serve as a member of the council. The council members
 26 appointed by the governor or designated by the development corporation
 27 shall serve an initial term which expires on the Monday following the
 28 first Tuesday in October of the calendar year following the calendar
 29 year of initial appointment or designation. Council members may be

1 reappointed by the governor or redesignated by the development corpora-
2 tion. Except as provided in AS 29.14.040, the successors of the initial
3 appointees and designee serve for a term of two years beginning on the
4 date the initial appointments and designation expire. Each appointee
5 and designee holds office for the term of his appointment and until his
6 successor is appointed or designated and qualifies.

7 (b) Council members appointed by the governor or designated by
8 the development corporation need not be residents of the capital city.

9 (c) The council shall elect a chairman from among its membership.
10 The chairman presides at council meetings, determines the agenda for
11 council meetings, and carries out the other duties specified by ordi-
12 nance.

13 Sec. 29.14.040. FILLING A VACANCY. If a vacancy occurs among the
14 members appointed by the governor, the governor shall appoint the
15 replacement who shall serve for the unexpired portion of the term.

16 Sec. 29.14.050. APPOINTMENT OF CITY OFFICIALS. Until a mayor is
17 elected in accordance with AS 29.14.060, the council shall appoint a
18 city manager for the capital city to serve at the pleasure of the
19 council. The city manager may not be a council member.

20 Sec. 29.14.060. TRANSITION. (a) When the capital city attains a
21 population of 400 permanent residents, as certified by the lieutenant
22 governor based on the best information available, the lieutenant gover-
23 nor shall notify the council of this determination. The lieutenant
24 governor shall specify an election date which shall be the first
25 Tuesday of October following the notification, except that if it is
26 less than six months from the date of the certification to the first
27 Tuesday of October then the election date shall be the first Tuesday of
28 October of the year following. The elected members take office on the
29 Monday following the election.

1 (b) After the lieutenant governor specifies the election date,
2 the council shall make arrangements for an election at which five
3 council members and a mayor shall be elected in the manner prescribed
4 by ordinance and law. The expenses of the election shall be borne by
5 the state. The council of the capital city shall have six members.
6 The governor shall appoint one council member holding office on the
7 date of the election to remain a member of the council for a single
8 three-year term beginning on the date the elected council members take
9 office. The successors to the appointed council members shall be
10 elected by the residents, except that if the appointed council member
11 leaves office during the three years, the governor may appoint a succes-
12 sor. The terms of all other appointed or designated council members
13 expire when the elected council members take office. The term of
14 elected council members is as provided in AS 29.20.150 except that
15 three of the members are elected for an initial term of one year.

16 Sec. 29.14.070. PLANNING AND LAND USE REGULATION AUTHORITY. The
17 general development plan and specific development plans constitute the
18 land use plan for the capital city area. When a parcel of land has
19 been developed in accordance with the applicable specific development
20 plan, that parcel becomes subject to all planning, zoning, subdivision,
21 building code or other similar ordinances of the Matanuska-Susitna
22 Borough.

23 Sec. 29.14.080. TRANSFER OF UTILITIES TO THE CAPITAL CITY. (a)
24 The development corporation, in cooperation with the capital city,
25 shall arrange for an orderly schedule for transferring to the cap.
26 city ownership of and financial and operational responsibility for
27 utilities and other facilities which the development corporation con-
28 siders to be integral parts of the capital city infrastructure. Before
29 January 1, 1985, the development corporation and the council of the

1 capital city shall jointly retain independent consultants to study and
2 determine an orderly schedule for transfer of the utilities and facili-
3 ties to the capital city. The study shall consider the capabilities of
4 the capital city to finance the cost of the utilities and other facili-
5 ties and their operating expenses. The consultants shall propose a
6 recommended schedule for and terms of transfer which are commensurate
7 with the capital city's existing and anticipated population, tax base,
8 and other factors relating to its capability to finance and operate the
9 utilities and other facilities as they consider appropriate. The
10 development corporation shall, after considering the consultants'
11 report, propose a schedule of and terms of the transfer to the capital
12 city, which shall, upon review and approval by the council, be included
13 in an agreement between the development corporation and the capital
14 city.

15 (b) If the development corporation and the capital city are
16 unable to agree within six months after the development corporation
17 submits its proposal, the development corporation shall submit the
18 proposal to the Legislative Budget and Audit Committee which shall
19 consider the proposal, and if the committee considers it appropriate to
20 do so, shall recommend to the legislature legislation it considers
21 desirable for the disposition of the utilities and other facilities.
22 If the legislature does not enact legislation regarding the disposition
23 within one year after the proposal is submitted to the Legislative
24 Budget and Audit Committee, the development corporation may at any time
25 thereafter sell or dispose of the utilities and facilities or any of
26 them, or continue to operate them.

27 Sec. 29.14.090. DEFINITIONS. In this chapter, unless the context
28 requires otherwise,

29 (1) "capital city area" means the area described in AS 29.-

1 14.020

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

4 (3) "development corporation" means the Alaska Capital City
5 Development Corporation;

6 (4) "general development plan" has the same meaning as
7 provided in AS 44.07.360 and includes amendments to the general develop-
8 ment plan;

9 (5) "specific development plan" has the same meaning as
10 provided in AS 44.07.360 and includes amendments to each specific
11 development plan.

12 Sec. 29.14.100. SHORT TITLE. This chapter may be cited as the
13 Capital City Incorporation Act.

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

15 CHAPTER 20. MUNICIPAL OFFICERS AND EMPLOYEES.

16 ARTICLE 1. CONFLICT OF INTEREST, PUBLIC MEETINGS.

17 Sec. 29.20.010. CONFLICT OF INTEREST. (a) Each municipality
18 shall adopt a conflict of interest ordinance which provides that a
19 member of the governing body shall declare a substantial financial
20 interest he has in an official action and ask to be excused from a vote
21 on the matter. The presiding officer shall rule on the question. His
22 decision may be overridden by the majority vote of the governing body.

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

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

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

1 ties.

2 ARTICLE 2. GOVERNING BODIES.

3 Sec. 29.20.050. GENERAL POWER. The legislative power of a home
4 rule or general law borough is vested in the assembly. The legislative
5 power of a home rule or general law city is vested in the council.

6 Sec. 29.20.060. ASSEMBLY COMPOSITION AND APPORTIONMENT. (a)
7 Assembly composition and apportionment shall be consistent with the
8 equal representation standards of the Constitution of the United States.

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

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

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

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

22 (b) Not later than the first regular election which occurs after
23 the report of a federal decennial census, the assembly shall propose
24 and submit to the voters of the home rule or general law borough, at
25 that regular election or at a special election called for the purpose,
26 one or more forms of assembly representation. The forms of representa-
27 tion which the assembly may submit to the voters are:

28 (1) election of members of the assembly at large by the
29 voters throughout the borough;

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

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

7 (B) election from election districts established by the
8 borough for the election of assembly members by the qualified
9 voters of a district;

10 (3) election of members of the assembly both at large and by
11 district.

12 (c) A form of assembly representation which includes election of
13 assembly members under (b)(2) or (b)(3) of this section shall be sub-
14 mitted to the voters of the home rule or general law borough with a
15 plan of apportionment as required by AS 29.20.080.

16 (d) The assembly shall, within 30 days of certification of the
17 results of the election held on a proposed form of representation under
18 this section, adopt an ordinance providing for its composition and the
19 form of assembly representation, and, if applicable, the apportionment
20 of assembly seats which corresponds to the proposed form of representa-
21 tion which received the most votes at the election.

22 (e) This section does not apply to a

23 (1) unified municipality;

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

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

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

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

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

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

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

10 Sec. 29.20.090. APPORTIONMENT APPEALS. (a) A reapportionment
11 ordinance approved by the voters, or a decision of the assembly that
12 the standards of AS 29.20.060 do not require a change in apportionment,
13 may be appealed to the commissioner. Fifty registered voters who are
14 residents of the borough may submit a petition to the commissioner
15 requesting the commissioner to determine whether the proposed reappor-
16 tionment ordinance approved by the voters meets the standards of AS 29.-
17 20.060 or whether a decision of the assembly that the standards of
18 AS 29.20.060 do not require a change of apportionment is correct. If
19 the petition asks the commissioner to review an ordinance approved by
20 the voters under AS 29.20.080(e), the petition shall be delivered to
21 the commissioner not later than 20 days after certification of the
22 election. If the petition asks the commissioner to review a decision
23 of the assembly under AS 29.20.080(c), the petition shall be delivered
24 to the commissioner within 20 days of the decision of the assembly.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (3) the last day on which the Attorney General of the United

1 States may review a proposed change in the composition or apportionment
2 of the assembly.

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

5 (1) unified municipality;

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

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

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

19 (b) A governing body may by ordinance establish a durational
20 residency requirement for its members not to exceed three years.

21 (c) A member of the governing body who represents an area less
22 than that of the total municipality and who becomes a resident of
23 another area within the municipality may continue to serve until the
24 next regular election unless provided otherwise by ordinance.

25 (d) A municipality may by ordinance establish district residency
26 requirements for members of its governing body.

27 (e) This section applies to home rule and general law municipali-
28 ties of the governing body.

29 Sec. 29.20.150. TERM OF OFFICE. (a) A member of the governing

1 body is elected for a three-year term and until his successor qualifies
2 unless a different term not exceeding four years is prescribed by
3 charter or ordinance.

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

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

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

13 Sec. 29.20.160. PROCEDURES OF GOVERNING BODIES. (a) The assembly
14 shall elect from among its members a presiding officer and a deputy
15 presiding officer to serve at the pleasure of the members, except that
16 in a borough which has adopted the manager form of government under
17 AS 29.20.450 - 29.20.530 the mayor serves as presiding officer. In a
18 city the mayor serves as presiding officer. If the presiding officer
19 is not present or disqualifies himself, the deputy presiding officer
20 shall preside.

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

1 the journal for the meeting.

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

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

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

15 (f) A governing body may, consistent with law or charter, deter-
16 mine by ordinance its own rules of procedure and order of business.

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

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

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

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

29 (3) resigns and his resignation is accepted;

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

3 (5) if a member of the governing body, misses three consecu-
4 tive regular meetings and is not excused;

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

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

10 (8) no longer physically resides in the city or borough and
11 the governing body by two-thirds vote declares the seat vacant.

12 Sec. 29.20.180. FILLING A VACANCY. (a) If a vacancy occurs in a
13 governing body, the remaining members shall within 30 days, unless a
14 different period is provided by ordinance, appoint a qualified person
15 to fill the vacancy. The person serves until the next regular election,
16 at which time a successor shall be elected to serve the balance of the
17 term. If less than 30 days remain in a term, a vacancy may not be
18 filled.

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

23 ARTICLE 3. BOROUGH EXECUTIVE AND ADMINISTRATOR.

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

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

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

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

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

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

20 (c) The governing body may not limit the number of terms a mayor
21 may serve.

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

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

28 Sec. 29.20.250. POWERS AND DUTIES OF MAYOR. (a) If a city or
29 borough has not adopted the manager form of government, the administra-

1 tive power is vested in the mayor and the mayor has the same powers and
2 duties as those of the manager.

3 (b) The mayor may take part in the discussion of all matters
4 before the governing body.

5 (c) The mayor may not vote on any matter before the governing
6 body, except that the mayor of a first class city may vote in the case
7 of a tie and the mayor of a second class city may vote on all matters
8 as a council member.

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

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

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

25 (c) The veto does not extend to
26 (1) appropriation items in a school budget ordinance;
27 (2) actions of the governing body sitting as board of equali-
28 zation or the board of adjustment;
29 (3) adoption or repeal of the manager form of government.

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

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

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

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

9 (3) resigns and his resignation is accepted;

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

12 (5) if, as a member of the governing body, he misses three
13 consecutive regular meetings and is not excused;

14 (6) is convicted of a felony or of an offense involving a
15 violation of his oath of office;

16 (7) is convicted of a felony or misdemeanor described in
17 AS 15.56; or

18 (8) no longer physically resides in the city or borough.

19 (b) Except as provided in (c) of this section, a vacancy in the
20 office of mayor occurring six months before a regular election shall be
21 filled by the governing body. The person appointed serves until the
22 next regular election and until a successor is elected and qualifies.
23 If a member of the governing body is chosen, he shall resign his seat
24 on the governing body. If a vacancy occurs more than six months before
25 a regular election, the governing body shall call a special election to
26 fill the unexpired term.

27 (c) Notwithstanding (b) of this section, in a second class city,
28 the office of mayor is filled by and from the council and retains his
29 seat on the council.

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ARTICLE 4. BOARDS AND COMMISSIONS.

Sec. 29.20.300. SCHOOL BOARDS. Each municipal school district has a school board. Members are elected at the regular election for three-year terms and until their successors take office. School board members are elected at large unless a different method of election has been approved by the voters in a regular election.

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

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

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

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

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

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

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

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

6 ARTICLE 5. OTHER OFFICIALS AND EMPLOYEES.

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

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

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

- 21 (1) give notice of the time and place of meetings to the
22 governing body and to the public;
23 (2) attend meetings and keep the journal;
24 (3) arrange publication of notices, ordinances, and resolu-
25 tions;
26 (4) maintain and make available for public inspection an
27 indexed file including the municipal ordinances, resolutions, rules,
28 regulations, and codes;
29 (5) attest deeds and other documents;

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

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

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

11 (b) The treasurer shall give bond to the city or borough in a sum
12 which the governing body directs.

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

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

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

23 (b) By ordinance the governing body may designate confidential or
24 managerial positions which are wholly or partially exempt from the
25 classified service, filled by persons who serve at the pleasure of
26 their appointing authority, and whose terms of employment are determined
27 by their appointing authority.

28 ARTICLE 6. MANAGER PLAN.

29 Sec. 29.20.450. APPLICATION. A city or borough may adopt a

1 manager plan of government.

2 Sec. 29.20.460. PETITION. Adoption of a manager plan may be
3 initiated either by petition or upon motion of the governing body. A
4 petition for the adoption of a manager plan is submitted to the govern-
5 ing body. The petition must be signed by a number of voters equal to
6 the following percentage of the votes cast at the preceding regular
7 election:

8 (1) 25 percent when the city or borough has fewer than 7,500
9 persons;

10 (2) 15 percent when the city or borough has 7,500 persons or
11 more.

12 Sec. 29.20.470. ELECTION. Upon receipt of the petition or upon
13 its own motion, the governing body shall provide by ordinance or resolu-
14 tion for a vote on the question at the next election.

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

18 (b) The governing body shall notify the department of the adop. n
19 of the manager plan.

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

27 Sec. 29.20.500. TERM. Subject to the contract of employment, the
28 manager holds office at the pleasure of the governing body.

29 Sec. 29.20.510. REPEAL. A city or borough may repeal the manager

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

4 Sec. 29.20.520. POWERS AND DUTIES OF A MANAGER. As chief admin-
5 istrator the manager shall

6 (1) appoint, suspend, or remove municipal employees and
7 administrative officials, except as provided otherwise in this title
8 and AS 14.14.065; he may hire necessary administrative assistants and
9 may authorize an administrative official to appoint suspend, or remove
10 subordinates;

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

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

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

18 (5) exercise custody over all real and personal property of
19 the city or borough except as provided otherwise in AS 29.35.160;

20 (6) perform other duties required by law or by action of the
21 governing body; and

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

24 Sec. 29.20.530. INTERGOVERNMENT APPOINTMENTS. A borough adopting
25 a manager plan may, by agreement with a city, enter into a contract
26 providing for the manager of a city located within the borough to serve
27 also as borough manager. A city adopting a manager plan may, by agree-
28 ment with a borough, enter into a contract providing for the manager of
29 a borough within which the city is located to serve also as city

1 manager. Appointment and service of the manager shall be as otherwise
2 provided for managers in this chapter. Nothing in this section affects
3 the authority of the governing body to provide for other dual office-
4 holding if the dual offices held are compatible, or otherwise to appoint
5 officials and employees in accordance with law.

6 ARTICLE 7. MISCELLANEOUS PROVISIONS.

7 Sec. 29.20.600. OATHS OF OFFICE. A municipal official, before
8 taking office, shall affirm in writing that he will honestly, faith-
9 fully, and impartially perform his duties. The oath is filed with the
10 municipal clerk.

11 Sec. 29.20.610. BONDING. The manager and the other municipal
12 officials or employees which the governing body may designate shall
13 give bond in the amount and with the surety prescribed by the governing
14 body. Premiums on bonds are paid by the city or borough.

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

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

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

1 Sec. 29.20.640. REPORTS. (a) A municipality shall file with the
2 department

3 (1) maps and descriptions of all annexed or excluded ter-
4 ritory;

5 (2) a copy of the annual audit or in the case of a second
6 class city, an audit or statement of annual income and expenditures;

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

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

9 (5) a summary of the optional property tax exemptions autho-
10 rized together with the estimate of the revenues lost to the municipal-
11 ity by operation of each of the exemptions.

12 (b) Compliance with the provisions of this section is a prerequi-
13 site to receipt of municipal tax resource equalization assistance under
14 AS 29.60.010 - 29.60.080 and state aid for miscellaneous municipal
15 services under AS 29.60.100 - 29.60.190. The department shall withhold
16 annual allocations under those chapters in the event of noncompliance
17 until such time as the report requirements are met.

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

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

21 CHAPTER 25. MUNICIPAL ENACTMENTS.

22 Sec. 29.25.010. ACTS REQUIRED TO BE BY ORDINANCE. (a) In addi-
23 tion to other actions which this title requires to be by ordinance, the
24 governing body of a city or borough shall use ordinances to

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

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

29 (3) provide for the levying of taxes;

1 (4) make appropriations, except supplemental appropriations
2 or transfer of appropriations;

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

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

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

9 (8) designate the borough seat;

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

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

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

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

21 (b) The following procedure governs the enactment of all ordin-
22 ances except emergency ordinances:

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

25 (2) an ordinance shall be set for hearing by the affirmative
26 vote of a majority of the votes authorized on the question;

27 (3) a summary of the ordinance shall be published together
28 with a notice of time and place for public hearing;

29 (4) the hearing follows publication by at least five days;

1 (5) copies of the ordinance must be available to all persons
2 present at the hearing, or the ordinance must be read in full;

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

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

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

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

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

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

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

25 Sec. 29.25.040. CODES OF REGULATION. The governing body may in a
26 single ordinance adopt or amend by reference provisions of a standard
27 published code of regulations. The regular ordinance procedure applies,
28 except that neither the ordinance nor its amendments need be distributed
29 to the public nor read in full at the hearings. For a period of 15 days

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

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

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

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

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

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

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

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

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

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ties.

Sec. 29.25.070. PENALTIES. (a) For the violation of an ordinance the governing body may prescribe penalties not to exceed those imposed for a class B misdemeanor and may require mandatory, nonsuspendable imprisonment not to exceed five days.

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

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

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

CHAPTER 26. ELECTIONS.

ARTICLE 1. REGULAR AND SPECIAL ELECTIONS.

Sec. 29.26.010. ADMINISTRATION. The governing body shall prescribe the rules for conducting an election and shall appoint an election board composed of at least three judges for each precinct. A judge shall be a voter of the precinct for which he is appointed unless no voter is willing to serve.

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

1 for both.

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

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

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

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

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

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

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

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

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

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

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

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

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

4 *deleted* → (b) A city or borough may by ordinance require a majority vote
5 for the election of a municipal official.

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

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

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

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

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

27 (e) A person may not appeal or seek judicial review of a municipal
28 election for any cause unless the person is a municipal voter, has
29 exhausted his administrative remedies before the governing body, and

1 has commenced, within 10 days after the governing body has declared the
2 election results, an action in the superior court in the judicial
3 district in which the ~~city or borough~~ ^{municipality} is located. If court action is
4 not commenced within the 10-day period, the election and election
5 results are conclusive and valid.

6 ARTICLE 2. INITIATIVE AND REFERENDUM.

7 Sec. 29.26.100. RESERVATION OF POWERS. (a) The powers of initia-
8 tive and referendum are reserved to the residents of municipalities,
9 except the powers do not extend to matters restricted by art. XI, sec.
10 7 of the state constitution.

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

13 Sec. 29.26.110. APPLICATION FOR PETITION. (a) An initiative or
14 referendum is proposed by filing an application with the municipal
15 clerk containing the bill to be initiated or the act to be referred and
16 the address to which all correspondence relating to the application may
17 be sent. An application shall be signed by at least 10 voters who will
18 sponsor the petition. Other sponsors may be added at any time before
19 filing the petition by submitting their names to the clerk. Within two
20 weeks the clerk shall certify the application if he finds that it is in
21 proper form and, for an initiative petition, that the matter

22 (1) is not restricted by AS 29.26.100;

23 (2) includes only a single subject;

24 (3) relates to a 'legislative' rather than to an administra-
25 tive matter; and

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

27 (b) A decision by the clerk on an application for petition shall
28 be subject to judicial review.

29 Sec. 29.26.120. PETITION. An initiative or referendum petition

1 is filed with the municipal clerk and an initiative petition must be
2 filed not less than 90 days before the next regular election.

3 Sec. 29.26.130. CONTENTS OF PETITION. (a) Within two weeks
4 after certification of an application for an initiative or referendum
5 petition, a petition shall be prepared by the municipal clerk. Each
6 copy of the petition shall contain

7 (1) a summary of the bill to be initiated or the act to be
8 referred;

9 (2) the complete ordinance or resolution sought to be ini-
10 tiated or referred;

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

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

14 (5) spaces for each signature, the printed name of each
15 signer, the date each signature is affixed, and the residence and
16 mailing addresses of each signer;

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

22 (7) space for indicating the total number of signatures on
23 the petition.

24 (b) If a petition consists of more than one page, each page shall
25 contain the summary of the bill to be initiated or the act to be re-
26 ferred.

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

29 Sec. 29.26.140. SIGNATURE REQUIREMENTS. (a) The signatures on

1 an initiative or referendum petition shall be secured within 60 days
2 after the clerk issues the petition. The statement provided under
3 AS 29.26.130(a)(6) shall be signed and dated by the sponsor. Signa-
4 tures shall be in ink or indelible pencil.

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

9 (1) 25 percent of the votes cast, when a city or borough has
10 fewer than 7,500 persons; or

11 (2) 15 percent of the votes cast, when a city or borough has
12 7,500 persons or more.

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

16 (d) A petition signer may withdraw his signature upon written
17 application to the clerk before certification of the petition.

18 Sec. 29.26.150. SUFFICIENCY OF PETITION. (a) All copies of an
19 initiative or referendum petition shall be assembled and filed as a
20 single instrument. Within 10 days after the date the petition is
21 filed, the municipal clerk shall certify on the petition whether it is
22 sufficient.

23 (b) If a petition is insufficient, it may be supplemented with
24 additional signatures obtained within 10 days after the date on which
25 the petition is rejected.

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

29 Sec. 29.26.160. PROTEST. If the municipal clerk certifies an

1 initiative or referendum petition is insufficient, a signer of the
2 petition may file a protest with the mayor within seven days after the
3 certification. The mayor shall present the protest at the next regular
4 meeting of the governing body which shall hear and decide the protest.

5 Sec. 29.26.170. NEW PETITION. Failure to secure sufficient
6 signatures does not preclude the filing of a new initiative or referen-
7 dum petition. However, a new petition on substantially the same matter
8 may not be filed sooner than six months after a petition is rejected as
9 insufficient.

10 Sec. 29.26.180. INITIATIVE ELECTION. (a) Unless substantially
11 the same measure is adopted, when a petition seeks an initiative vote
12 the clerk shall submit the matter to the voters at the next regular
13 election occurring no sooner than 45 days after certification of the
14 petition. If no regular election occurs within 75 days after the
15 certification of a petition, the governing body shall hold a special
16 election within 75 days, but not sooner than 45 days after certifi-
17 cation.

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

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

24 (d) If a majority vote favors the ordinance or resolution, it
25 becomes effective upon certification of the election, unless a different
26 effective date is provided in the ordinance or resolution.

27 Sec. 29.26.190. REFERENDUM ELECTION. (a) Unless the ordinance
28 or resolution is repealed, when a petition seeks a referendum vote the
29 clerk shall submit the matter to the voters at the next election occur-

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

5 (b) If a petition is certified before the effective date of the
6 matter referred, the ordinance or resolution against which the petition
7 is filed shall be suspended pending the referendum vote. During the
8 period of suspension, the governing body may not enact an ordinance or
9 resolution substantially similar to the suspended measure.

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

13 (d) If a majority vote favors the repeal of the matter referred,
14 it is repealed. Otherwise, the matter referred remains in effect or,
15 if it has been suspended, becomes effective upon certification of the
16 election.

17 Sec. 29.26.200. EFFECT. (a) An ordinance or resolution may not
18 be repealed within one year after its effective date if adopted in an
19 initiative election or if adopted after a petition which contains
20 substantially the same measure has been filed. The ordinance or resolu-
21 tion may be amended at any time.

22 (b) If an ordinance or resolution is repealed in a referendum
23 election or by the governing body after a petition which contains
24 substantially the same measure has been filed, substantially similar
25 legislation may not be enacted by the governing body for a period of
26 one year.

27 (c) An unsuccessful initiative or referendum precludes the filing
28 of a new petition application for substantially the same measure sooner
29 than six months after the election results are certified.

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ARTICLE 3. RECALL.

Sec. 29.26.240. RECALL. An official who is elected or appointed to an elective municipal office may be recalled by the voters after he has served six months of the term for which elected or appointed.

Sec. 29.26.250. GROUNDS. Grounds for recall are misconduct in office, incompetence, or failure to perform prescribed duties.

Sec. 29.26.260. APPLICATION FOR RECALL PETITION. (a) An application for a recall petition shall be filed with the municipal clerk and shall contain

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

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

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

(b) An additional sponsor may be added at any time before filing the petition by submitting his name to the clerk.

Sec. 29.26.270. RECALL PETITION. (a) If the municipal clerk determines that an application for a recall petition meets the requirements of AS 29.26.260, he shall prepare a recall petition. All copies of the petition shall contain

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

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

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

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

(5) spaces for each signature, the printed name of each signer, the date of each signature, and the residence and mailing

1 addresses of each signer;

2 (6) a statement, with space for the sponsor's sworn signa-
3 ture and date of signing, that the sponsor personally circulated the
4 petition, that all signatures were affixed in his presence, and that he
5 believes the signatures to be those of the persons whose names they
6 purport to be; and

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

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

11 Sec. 29.26.280. SIGNATURE REQUIREMENTS. (a) The signatures on a
12 recall petition shall be secured within 60 days after the date the
13 clerk issues the petition. The statement provided under AS 29.26 -
14 270(a)(6) shall be completed and signed by the sponsor. Signatures
15 shall be in ink or indelible pencil.

16 (b) The clerk shall determine the number of signatures required
17 on a petition and inform each sponsor. If a petition seeks to recall
18 an official who represents the municipality at large, the petition
19 shall be signed by a number of municipal voters equal to 35 percent of
20 the number of votes cast for that office at the last regular election
21 held before the issuance of the petition. If a petition seeks to
22 recall an official who represents a district, the petition shall be
23 signed by a number of the voters residing within the district equal to
24 35 percent of the number of votes cast in the district for that office
25 at the last regular election held before the issuance of the petition.

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

29 (d) A petition signer may withdraw his signature upon written

1 application to the clerk before certification of the petition.

2 Sec. 29.26.290. SUFFICIENCY OF PETITION. (a) The copies of a
3 recall petition shall be assembled and filed as a single instrument.
4 Within 10 days after the date the petition is filed, the municipal
5 clerk shall certify on the petition whether it is sufficient.

6 (b) If a petition is insufficient, it may be supplemented with
7 additional signatures obtained within 10 days after the date on which
8 the petition is rejected, except that a petition which does not contain
9 an adequate number of signatures, both valid and invalid, may not be
10 supplemented and shall be rejected and filed as a public record.

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

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

17 Sec. 29.26.310. SUBMISSION. If a recall petition is sufficient,
18 the clerk shall immediately submit it to the governing body.

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

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

27 (c) If a vacancy occurs in the office after a sufficient recall
28 petition is filed with the clerk, the recall question may not be sub-
29 mitted to the voters. The governing body may not appoint to the same

1 office an official who resigns after a sufficient recall petition is
2 filed naming him.

3 Sec. 29.26.330. FORM OF RECALL BALLOT. A recall ballot shall
4 contain

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

7 (2) a statement by the official named on the recall petition
8 of 200 words or less, if the statement is filed with the clerk for
9 publication and public inspection within 20 days before the election;

10 (3) the following question: "Shall (name of person) be
11 recalled from the office of (office)? YES () NO ()".

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

14 (b) If an official is not recalled at the election, an application
15 for a petition to recall the same official may not be filed sooner than
16 six months after the election.

17 Sec. 29.26.350. SUCCESSORS. (a) If an official is recalled from
18 the governing body, his office is filled in accordance with AS 29.20.
19 180.

20 (b) Notwithstanding (a) of this section, if all members of the
21 governing body are recalled, the governor shall appoint three qualified
22 persons to the governing body. The appointees shall appoint additional
23 members to fill remaining vacancies in accordance with AS 29.20.180

24 (c) If all members are recalled from a school board, the governor
25 shall appoint three qualified persons to the school board. The ap-
26 pointees shall appoint additional members to fill remaining vacancies.

27 (d) A person appointed under (a) - (c) of this section serves
28 until a successor is elected and takes office.

29 (e) If an official is recalled, the municipal clerk, without

1 further action by the governing body, shall conduct an election for a
2 successor to fill the unexpired portion of the term. The election
3 shall be held not more than 60 days from the date the recall election
4 is certified, except that if a regular election occurs within 75 days
5 after certification the successor shall be chosen at that election.

6 (f) Nominations for a successor may be filed until seven days
7 before the last date upon which a first notice of the election must be
8 published. Nominations may not be filed before the certification of
9 the recall election.

10 Sec. 29.26.360. APPLICATION. AS 29.26.240 - 29.26.360 apply to
11 home rule and general law municipalities.

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

13 CHAPTER 35. MUNICIPAL POWERS AND DUTIES.

14 ARTICLE 1. GENERAL POWERS.

15 Sec. 29.35.010. GENERAL POWERS. All ~~cities and boroughs~~ ^{municipalities} have the
16 following general powers, subject to other provisions of Alaska statute:

17 (1) to establish and prescribe salaries for the elected and
18 appointed municipal officers and employees;

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

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

23 (4) to require periodic and special reports from a municipal
24 department to be submitted through the mayor;

25 (5) to make investigations of the affairs of the city or
26 borough and make inquiries into the conduct of a municipal department;

27 (6) to levy taxes and special assessments, and impose liens
28 for their enforcement;

29 (7) to enforce ordinances and to prescribe penalties for

1 violations;

2 (8) to acquire, manage, control, use, and dispose of real
3 and personal property, irrespective of whether or not the property is
4 situated inside or outside the municipal boundaries; this power includes
5 the power of a borough to expend, for any purpose authorized by law,
6 money received from the disposal of land in a service area established
7 under AS 29.35.450.

8 (9) to expend money for community purposes, facilities, and
9 services for the good of the ~~city or borough~~ ^{municipality}

10 (10) to regulate the operation and use of its public rights-
11 of-way, facilities, and services;

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

13 (12) to acquire membership in organizations which promote
14 legislation for the good of the city or borough;

15 (13) to enter into agreements, including those for coopera-
16 tive or joint administration of any functions or powers with a munici-
17 pality, the state, or the United States;

18 (14) to sue and be sued.

19 Sec. 29.35.020. EXTRATERRITORIAL JURISDICTION. (a) A municipali-
20 ty may provide, to the extent otherwise authorized by Alaska statute,
21 parks, playgrounds, cemeteries, emergency medical services, solid and
22 septic waste disposal, utility services, airports, streets (including
23 ice roads), trails, transportation facilities, wharves, harbors and
24 other marine facilities outside its boundaries, subject to AS 29.35.150,
25 and may regulate their use and operation to the extent that the juris-
26 diction in which they are located does not regulate them. A regulation
27 adopted under this section must state that it applies outside the
28 municipality.

29 (b) A municipality may adopt ordinances to protect its water

1 supply and watershed, and may enforce them outside its boundaries.
2 Before this power may be exercised within the boundaries of another
3 municipality, the approval of the other municipality must be given by
4 ordinance.

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

7 Sec. 29.35.030. EMINENT DOMAIN. (a) A municipality may exercise
8 the powers of eminent domain and declaration of taking in the perfor-
9 mance of an authorized power or function of the municipality in accor-
10 dance with AS 09.55.250 - 09.55.460.

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

13 Sec. 29.35.040. EMERGENCY DISASTER POWERS. (a) A city or borough
14 which is wholly or partially within an area which is declared by the
15 President or governor to be a disaster area may participate in and
16 provide for housing, urban renewal, and redevelopment in the same
17 manner as a home rule city. The exercise of these powers by a borough
18 is limited to the area outside a home rule or general law city in the
19 borough.

20 (b) A borough may exercise the powers for a housing or urban
21 renewal and redevelopment project transferred to it by a city located
22 in the borough as provided by AS 29.35.310.

23 (c) Powers granted by this section must be initiated within a
24 period of not more than five years from the date of declaration of a
25 natural disaster by the President or governor, but these powers may be
26 extended for an additional period of not more than three years.

27 Sec. 29.35.050. GARBAGE AND SOLID WASTE SERVICES. (a) A municipi-
28 pality may by ordinance

29 (1) provide for the establishment, maintenance, and operation.

1 of a system of garbage and solid waste collection and disposal for the
2 entire municipality, or for districts or portions of it;

3 (2) require all persons within the municipality or district
4 to use the system and to dispose of their garbage and solid wastes as
5 provided in the ordinance;

6 (3) award contracts for collection and disposal, or provide
7 for the collection and disposal of garbage and solid waste by municipal
8 officials and employees;

9 (4) pay for garbage and solid waste collection and disposal
10 from available money;

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

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

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

17 governing body of a municipality may not prohibit a
18 person holding a valid certificate from the Alaska Public Utilities
19 Commission from continuing to collect and dispose of garbage, refuse,
20 trash, waste material, or other related services in an area in the
21 municipality if the certificate authorizes the collection and disposal
22 of garbage, refuse, trash, or other waste material and providing of
23 other services in the area, and the certificate was originally issued
24 before the municipality provided similar services. A municipality may
25 not provide for a garbage, refuse, trash, or other waste material
26 collection and disposal service in an area to the extent it lies within
27 an area granted to a garbage, refuse, trash, or other waste material
28 carrier by a certificate issued by the Alaska Public Utilities Commis-
29 sion to the carrier until it has purchased the certificate, equipment

1 and facilities of the carrier, or that portion of the certificate which
2 would be affected, at fair market value. A municipality may exercise
3 the right of eminent domain to determine fair market value.

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

6 Sec. 29.35.060. FRANCHISES AND PERMITS. (a) The assembly acting
7 for the area outside a home rule or general law city and the council
8 acting for the area within a city may grant franchises, including
9 exclusive franchise privileges, and may permit the use of streets and
10 other public places by the franchise holder under regulations pre-
11 scribed by ordinance.

12 (b) Unless the grant is made on a competitive basis, the grant of
13 an exclusive right to use a public street or right-of-way for more than
14 five years to a utility or a transportation system not certificated by
15 the Alaska Public Utilities Commission or by the Alaska Transportation
16 Commission shall be valid only if approved by majority vote at an
17 election.

18 Sec. 29.35.070. PUBLIC UTILITIES. (a) The assembly acting for
19 the area outside a home rule or general law city and the council acting
20 for the area within a city may regulate, fix, establish, and change the
21 rates and charges imposed for a utility service provided to the munici-
22 pality or its inhabitants by a utility to the extent that it is not
23 regulated under AS 42.05, and may provide a reasonable deposit for
24 meters and security for service to be given if interest is paid on the
25 deposit. All rates, charges, and regulations shall be reasonable and
26 shall permit a fair return on invested capital.

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

29 Sec. 29.35.080. MUNICIPAL PROPERTY. The governing body shall by

1 ordinance establish a formal procedure for acquisition and disposal of
2 land and interests in land by the city or borough.

3 Sec. 29.35.090. BUDGET AND CAPITAL PROGRAM. (a) The governing
4 body shall establish the manner for the preparation and submission of
5 the budget and capital program ^(by the mayor). After public hearing, the
6 governing body may approve the budget with or without amendments, and
7 shall appropriate the money required for the approved budget.

8 (b) The governing body may make supplemental and emergency appro-
9 priations. Payment may not be authorized or made and an obligation may
10 not be incurred except in accordance with appropriations.

11 Sec. 29.35.100. EXPENDITURE OF BOROUGH REVENUES. Borough revenues
12 received through taxes collected on an areawide basis by the borough
13 may be expended on general administrative costs and on areawide func-
14 tions only. Borough revenues received through taxes collected on a
15 nonareawide basis may be expended on general administrative costs and
16 functions which render service to the area outside a home rule or
17 general law city only.

18 Sec. 29.35.110. POST AUDIT. (a) The governing body shall provide
19 for an annual independent audit of the accounts and financial trans-
20 actions of the municipality or, in the case of a second class city, an
21 audit or statement of annual income and expenditures. To make the
22 audit the governing body shall designate a public accountant who has no
23 personal interest, direct or indirect, in the fiscal affairs of the
24 municipality. Copies of the audit shall be available to the public
25 upon request.

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

28 ARTICLE 2. MANDATORY AREAWIDE POWERS.

29 Sec. 29.35.150. SCOPE OF AREAWIDE POWERS. (a) A borough shall

1 exercise the powers as specified and in the manner specified in AS 29.-
2 35.150 - 29.35.190 on an areawide basis, both inside and outside home
3 rule and general law cities within its boundaries.

4 (b) A home rule or general law city may not exercise an areawide
5 power once that power is being exercised by a home rule or general law
6 borough. This subsection applies to home rule and general law municipi-
7 palities, except unified municipalities.

8 Sec. 29.35.160. EDUCATION. (a) Each home rule or general law
9 borough constitutes a borough school district and establishes, main-
10 tains, and operates a system of public schools on an areawide basis as
11 provided in AS 14.14.060. A military reservation within a borough is
12 not part of the borough school district until the military mission is
13 terminated or until inclusion in the borough school district is approved
14 by the Department of Education. However, operation of the military
15 reservation schools by the borough school district may be required by
16 the Department of Education under AS 14.14.110. If the military mission
17 of a military reservation terminates or continued management and control
18 by a regional educational attendance area is disapproved by the Depart-
19 ment of Education, operation, management, and control of schools on
20 military reservation transfers to the borough school district in which
21 the military reservation is located.

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

24 Sec. 29.35.170. ASSESSMENT AND COLLECTION OF TAXES. (a) A home
25 rule or general law borough shall assess and ~~may~~ collect property,
26 sales, and use taxes levied within its boundaries, subject to AS 29.45.
27 Taxes levied by a home rule or general law city shall be collected by a
28 borough and returned in full to the levying city.

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

1 ties.

2 Sec. 29.35.180. SPECIAL ASSESSMENTS. A governing body may assess
3 against real property all or a portion of the cost of capital improve-
4 ments in accordance with AS 29.46.

5 Sec. 29.35.190. LAND USE REGULATION. A first or second class
6 borough shall provide for planning, platting and land use regulation in
7 accordance with AS 29.40.

8 ARTICLE 3. ADDITIONAL POWERS.

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

12 (b) A first class borough may by ordinance exercise the following
13 powers on an areawide basis:

- 14 (1) provide transportation systems;
- 15 (2) provide water pollution control;
- 16 (3) provide air pollution control in accordance with AS 46.-
17 03.140 - 46.03.240;
- 18 (4) license day care facilities;
- 19 (5) license, impound, and dispose of animals.

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

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

- 27 (1) provide transportation systems;
- 28 (2) regulate the offering for sale, exposure for sale, sale,
29 use or explosion of fireworks;

- 1 (3) license, impound, and dispose of animals;
2 (4) provide garbage, solid waste, and septic waste collec-
3 tion and disposal;
4 (5) provide air pollution control in accordance with AS 46.-
5 03.140 - 46.03.240;
6 (6) provide water pollution control;
7 (7) participate in federal or state loan programs for housing
8 rehabilitation and improvement for energy conservation;
9 (8) receive and expend grants for a public purpose.

10 (b) A second class borough may by ordinance exercise the following
11 powers on an areawide basis:

- 12 (1) provide transportation systems
13 (2) license, impound, and dispose of animals;
14 (3) provide Air pollution control in accordance with AS 46.-
15 03.140 - 46.03.240;
16 (4) provide water pollution control;
17 (5) license day care facilities.

18 (c) In addition to powers conferred by (a) of this section, a
19 second class borough may, on a nonareawide basis, exercise a power not
20 otherwise prohibited by law provided the exercise of the power has been
21 approved at an election by a majority of voters living in the borough
22 but outside a home rule or general law city.

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

27 ARTICLE 4. CITY POWERS.

28 Sec. 29.35.250. CITIES INSIDE BOROUGHS. A city inside a home
29 rule or general law borough may exercise any power not otherwise pro-

1 hibited by law, except a city may not exercise a power once that power
2 is being exercised on an areawide basis by the borough.

3 Sec. 29.35.260. CITIES OUTSIDE BOROUGHES. (a) A home rule or
4 general law city outside a home rule or general law borough may exercise
5 a power not otherwise prohibited by law. Powers which are incorporated
6 by reference to laws governing boroughs apply to home rule cities
7 outside boroughs only in those cases in which they are made applicable
8 to home rule boroughs in the provisions incorporated.

9 (b) A home rule or first class city outside a borough is a city
10 school district and shall establish, operate, and maintain a system of
11 public schools as provided by AS 29.35.160 for boroughs.

12 (c) A home rule or first class city outside a borough shall, and
13 a second class city outside a borough may, provide for land use regula-
14 tion as provided by AS 29.35.180 for boroughs.

15 (d) This section applies to home rule and general law municipali-
16 ties, except unified municipalities.

17 ARTICLE 5. ACQUISITION OF ADDITIONAL POWERS.

18 Sec. 29.35.300. ADDITIONAL POWERS. A borough acquires an addi-
19 tional power by transfer from a home rule or general law city in accor-
20 dance with AS 29.35.310, or by holding an election on the question.
21 For acquisition of an areawide power, the election shall be held area-
22 wide. For acquisition of a nonareawide power, the election shall be
23 held in the borough area outside cities.

24 Sec. 29.35.310. TRANSFER BY CITY. (a) A city may transfer to
25 the borough in which it is located any of its powers or functions,
26 subject to the approval of the assembly.

27 (b) A borough shall exercise all powers transferred to it by
28 cities.

29 Sec. 29.35.320. INITIATION OF ACQUISITION OF POWER. (a) An

1 election on the question of adding an areawide or nonareawide borough
2 power may be initiated in two ways:

3 (1) a number of voters equal to 15 percent of the number of
4 votes cast at the preceding regular election in the area, either area-
5 wide or nonareawide, in which the election is to be held may file a
6 petition with the assembly; or

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

8 (b) A petition shall be filed with the borough clerk who shall
9 certify whether the petition contains sufficient signatures. Upon
10 certification, the assembly shall, at the next regular meeting, order
11 an election on the question to be held within 60 days of the order.

12 Sec. 29.35.330. ELECTION. (a) If more than one power is proposed
13 for acquisition, each shall appear separately on the ballot.

14 (b) The borough mayor shall certify the election results to the
15 department. The vote on the question of adding an areawide power shall
16 be tabulated in two separate classifications. One shall consist of all
17 votes cast in the home rule and first class cities of the borough. The
18 other shall consist of all votes cast in the remaining borough area.
19 If the majority of the votes cast in each classification is favorable,
20 the borough shall assume the added power within 30 days of certifi-
21 cation of the election results. Upon acquisition of an areawide power
22 the borough succeeds to all of the rights, powers, and duties of any
23 city or service area with respect to that power. The borough succeeds
24 to claims, franchises, and other contractual obligations, liability for
25 bonded and all other indebtedness and to all of the right, title, and
26 interest in the real and personal property held by the city or service
27 area for the exercise of the power. The assembly may levy and collect
28 special charges, taxes, or assessments including interest for the
29 purpose of amortizing bonded indebtedness previously incurred by the

1 city or service area for continuing services in the area. When a city
2 or service area had previously incurred bonded indebtedness, no less
3 than all property that was within the city or service area at the time
4 the bonds were issued remains subject to taxation to pay the principal
5 of and interest on the bond for as long as they remain outstanding.
6 Upon acquisition of additional areawide powers the borough, in consul-
7 tation with the city or service area personnel, shall arrange for an
8 orderly and equitable transfer of rights, assets, liabilities, powers,
9 duties, and other matters related to acquisition of the areawide powers.
10 This subsection applies to home rule and general law cities.

11 ARTICLE 6. CONSTRUCTION OF POWERS.

12 Sec. 29.35.400. GENERAL CONSTRUCTION. A liberal construction
13 shall be given to all powers and functions of cities and boroughs
14 conferred in this title.

15 Sec. 29.35.410. EXTENT OF POWERS. Unless otherwise limited by
16 law, cities and boroughs have and may exercise all powers and functions
17 necessarily or fairly implied in or incident to the purpose of all
18 powers and functions conferred in this title.

19 Sec. 29.35.420. ENUMERATION OF POWERS. Specific examples within
20 an enumerated power or function conferred upon cities or boroughs in
21 this title are illustrative of the object and not a limitation on or
22 exclusion from the exercise of the power or function.

23 ARTICLE 7. SERVICE AREAS.

24 Sec. 29.35.450. SERVICE AREAS. (a) Service areas to provide
25 special services within a borough may be established, operated, altered,
26 or abolished by the assembly by ordinance. Special services include
27 services not provided on an areawide or nonareawide basis within the
28 borough, or a higher or different level of service than that provided
29 on an areawide or nonareawide basis. The borough may include a home

1 rule or general law city in a service area if

2 (1) the council agrees by ordinance; or

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

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

10 Sec. 29.35.460. SERVICE AREA BOARDS. The assembly may provide
11 for appointed or elected boards to supervise the furnishing of special
12 services in service areas.

13 Sec. 29.35.470. FINANCING. The assembly may levy or authorize
14 the levying of taxes, charges, or assessments in service areas to
15 finance the special services. The rate of taxation and the issuance of
16 bonds are subject to assembly approval.

17 Sec. 29.35.480. SERVICE AREAS IN FIRST CLASS BOROUGHES. In a
18 first class borough, the assembly may exercise within a service area
19 any power granted a first class city by Alaska statute. The assembly
20 may exercise within a service area any nonareawide power which may be
21 exercised by a first class borough.

22 Sec. 29.35.490. SERVICE AREAS IN SECOND CLASS BOROUGHES. (a)
23 Except as provided in (b) of this section, a second class borough may
24 exercise within a service area a power granted a first class city by
25 Alaska statute or a nonareawide power which may be exercised by a first
26 class borough if

27 (1) the exercise of the power is approved by a majority vote
28 at an election held within the service area; or

29 (2) if no voters reside within the service area, all owners

1 of real property within the service area consent in writing to the
2 exercise of the power.

3 (b) A second class borough may establish a service area by ordi-
4 nance which includes only vacant, unappropriated, and unreserved land
5 owned by the borough. A second class borough may establish a service
6 area, with the concurrence of the commissioner of natural resources,
7 which includes only vacant, unappropriated, and unreserved land owned
8 by the state and classified for disposal to individuals. A second
9 class borough may provide the services in a service area established
10 under this subsection necessary to develop state or municipal land as
11 required by the planning and platting ordinances of the borough.
12 Exercise of the power authorized by this subsection is by ordinance.

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

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

15 Sec. 29.40.010. PLANNING, PLATTING, AND LAND USE REGULATION. (a)

16 First and second class boroughs shall provide for planning, platting,
17 and land use regulation on an areawide basis.

18 (b) The assembly by ordinance may delegate any of its powers and
19 responsibilities under this chapter to a home rule or general law city
20 in the borough, or to a city board or commission, if the city first
21 consents by ordinance to the delegation. The assembly may, without
22 first obtaining the consent of the city, revoke any power or responsi-
23 bility delegated under this section.

24 Sec. 29.40.020. PLANNING COMMISSION. (a) The borough planning
25 commission consists of five residents unless a greater number is pro-
26 vided by ordinance. Commission membership shall be apportioned so that
27 the number of members from home rule and first class cities reflects
28 the proportion of borough population residing in those cities. Members
29 shall be appointed by the borough mayor for a term of three years sub-

1 ject to confirmation by the assembly, except that appointments of
2 members from home rule and first class cities are selected from a list
3 of recommendations submitted by the council. Members first appointed
4 shall draw lots for one, two, and three year terms. Appointments to
5 fill vacancies are for the unexpired term. The compensation and ex-
6 penses of the planning commission and its staff are paid as directed by
7 the assembly.

8 (b) In addition to the responsibilities prescribed by ordinance,
9 the planning commission shall

10 (1) ^{prepare} prepare and recommend to the assembly a comprehensive
11 plan in accordance with AS 29.40.030 for the systematic and organized
12 development of the borough;

13 (2) ^{prepare} prepare, recommend, and administer measures necessary to
14 implement the comprehensive plan, including measures provided under
15 AS 29.40.040.

16 Sec. 29.40.030. COMPREHENSIVE PLAN. (a) The comprehensive plan
17 is a compilation of policy statements, goals, standards, and maps for
18 guiding the physical, social, and economic development, both private
19 and public, of the borough, and may include, but is not limited to, the
20 following:

- 21 (1) statements of policies, goals, and standards;
- 22 (2) a land use plan;
- 23 (3) a community facilities plan;
- 24 (4) a transportation plan; and
- 25 (5) recommendations for implementation of the plan.

26 (b) With the recommendations of the planning commission, the
27 assembly shall adopt by ordinance a comprehensive plan. The assembly
28 shall, after receiving the recommendations of the planning commission,
29 periodically undertake an overall review of the plan and update the

1 plan as necessary.

2 Sec. 29.40.040. LAND USE REGULATION. (a) In accordance with a
3 comprehensive plan adopted under AS 29.40.030 and in order to implement
4 the plan, the assembly by ordinance as a legislative act, shall adopt
5 or amend provisions governing the use and occupancy of land which may
6 include but are not limited to

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

9 (2) land use permit requirements designed to encourage or
10 discourage specified uses and construction of specified structures, or
11 to minimize unfavorable effects of uses and the construction of struc-
12 tures;

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

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

17 (1) special conditions which require the variance are caused
18 by the person seeking the variance;

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

21 (3) the variance is sought solely to relieve pecuniary
22 hardship or inconvenience.

23 Sec. 29.40.050. APPEALS FROM ADMINISTRATIVE DECISIONS. (a) By
24 ordinance the assembly shall provide for an appeal from an administra-
25 tive decision of a municipal employee, board, or commission made in the
26 enforcement, administration, or application of a land use regulation
27 adopted under this chapter. The assembly may provide for an appeal to
28 a court, hearing officer, board of adjustment, or other body. The
29 assembly shall provide for an appeal from a decision on a request for a

1 variance from the terms of a land use regulation when literal enforce-
2 ment would deprive a property owner of rights commonly enjoyed by other
3 properties in the district.

4 (b) By ordinance the assembly may provide for appointment of
5 hearing officers, or for the composition, appointment, and terms of
6 office of a board of adjustment or other body established to hear
7 appeals from administrative actions. The assembly may define proper
8 parties and prescribe evidentiary rules, standards of review, and
9 remedies available to the hearing officers, board of adjustment, or
10 other body.

11 Sec. 29.40.060. JUDICIAL REVIEW. (a) The assembly shall provide
12 by ordinance for an appeal by a municipal officer or person aggrieved
13 from a decision of a hearing officer, board of adjustment, or other
14 body to the superior court.

15 (b) An appeal to the superior court under this section is an
16 administrative appeal heard solely on the record established by the
17 hearing officer, board of adjustment, or other body. A proceeding
18 under this section has preference over all other civil actions and
19 proceedings.

20 Sec. 29.40.070. PLATTING JURISDICTION AND POWER. (a) By ordi-
21 nance the assembly shall adopt subdivision requirements which may
22 include but are not limited to the control of

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

25 (2) dimensions and design of lots or tracts;

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

1 (4) dedication of streets, rights-of-way, public utility
2 easements and areas considered necessary by the platting board for
3 other public uses.

4 (b) The assembly by ordinance shall establish a platting authority
5 to administer subdivision regulations adopted by the borough and to
6 perform other duties as required by the assembly. The platting author-
7 ity may consist of members of the planning commission or of other
8 municipal residents.

9 Sec. 29.40.080. PROCEDURE. (a) The platting authority shall
10 approve or disapprove a plat within 60 days after it is filed, or shall
11 return it to the applicant for modification or correction. Unless the
12 applicant for plat approval consents to an extension of the period for
13 action by the platting authority, if the platting authority fails to
14 act within 60 days, the plat is considered approved and a certificate
15 of approval shall be issued by the platting authority on demand. The
16 platting authority shall state in writing on its record reasons for
17 disapproval of a plat.

18 (b) If the platting authority approves a plat, the approval shall
19 be shown on the plat or attached to it and the plat shall be acknow-
20 ledged in accordance with AS 40.15.010 - 40.15.020.

21 Sec. 29.40.090. INFORMATION REQUIRED. A plat shall show

- 22 (1) initial point of survey;
- 23 (2) original or reestablished corners and their descrip-
24 tions;
- 25 (3) actual traverse showing area of closure and all dis-
26 tances, angles, and calculations required to determine initial point,
27 corners, and distances of the plat; and

28 (4) other information which may be required by ordinance.

29 Sec. 29.40.100. SHORT PLAT PROCEDURE. (a) Notwithstanding

1 other provisions of this chapter, the assembly may by ordinance estab-
2 lish a short or abbreviated plat filing procedure for a plat which will
3 only relocate or vacate lot lines, or subdivide a single tract or lot
4 into not more than four tracts or lots, and which will not

5 (1) deny legal and physical public access to all lots or
6 tracts created or adjacent to the subdivision, or require construction
7 or improvements necessary for access;

8 (2) alter a dedicated street or right-of-way, or require any
9 dedication other than a dedication needed for an existing right-of-way;

10 (3) allow a change in the permitted use to which the lot or
11 tract may be devoted; and *OR*

12 (4) require the granting of a vacation or a variance from a
13 subdivision regulation.

14 (b) The assembly may provide for an administrative official to
15 review, consider, and approve short plats, and may establish notice,
16 hearing, and other procedural requirements for the review.

17 Sec. 29.40.110. ALTERATION OR REPLAT PETITION. A recorded plat
18 may not be altered or replatted except by the platting authority upon
19 petition of the state, the borough, a public utility, or the owners of
20 a majority of the land affected by the alteration or replat. A platted
21 street may not be vacated, except upon petition of the state, the
22 borough, a public utility, or owners of the majority of the land front-
23 ing the part of the street sought to be vacated. The petition shall be
24 filed with the platting authority and shall be accompanied by a copy of
25 the existing plat showing the proposed alteration or replat.

26 Sec. 29.40.120. NOTICE OF HEARING. The platting authority shall
27 fix a time for a hearing on an alteration or replat petition which may
28 not be more than 60 days after the petition is filed. Notice shall be
29 published by the platting authority stating when and by whom the peti-

1 tion was filed, its purpose, and the time and place of the hearing.
2 The notice shall generally describe the alteration or replat sought.
3 The platting authority shall also mail a copy of the notice to each
4 affected property owner who did not sign the petition.

5 Sec. 29.40.130. HEARING AND DETERMINATION. (a) The platting
6 authority shall consider the alteration or replat petition at a hearing
7 and make its decision on the merits of the proposal.

8 (b) Vacation of a home rule or general law city street may not be
9 made without the consent of the council. Vacation of a street in the
10 borough area outside cities may not be made without the consent of the
11 assembly. The governing body shall have 30 days from the decision of
12 the platting authority in which to veto a vacation of a street. If no
13 veto is received by the platting authority within the 30-day period,
14 consent is considered to have been given to the vacation.

15 Sec. 29.40.140. RECORDING. If the alteration or replat is ap-
16 proved, the revised plat shall be recorded by the platting authority
17 and is thereafter the lawful plat.

18 Sec. 29.40.150. TITLE TO VACATED AREA. (a) The title to the
19 street or other public area vacated on a plat attaches to the lot or
20 lands bordering the area in equal proportions, except that if the area
21 was originally delineated by different persons, original boundary lines
22 shall be adhered to so that the street area which lies on one side of
23 the boundary line shall attach to the abutting property on that side,
24 and the street area which lies on the other side of the boundary line
25 shall attach to the property on that side. The portion of a vacated
26 street which lies inside the limits of a platted addition attaches to
27 the lots of the platted addition bordering on the area. If a public
28 square is vacated, the title to it vests in the home rule or general
29 law city if it lies inside the city, and to the borough if it lies

1 inside the borough but outside a city. If the property vacated is a
2 lot or tract, title vests in the rightful owner.

3 (b) If the borough or city acquired the street or other public
4 area vacated for legal consideration or by express dedication to the
5 city or borough other than as a subdivision platting requirement,
6 before the final act of vacation the fair market value of the street or
7 public area shall be deposited with the platting authority to be paid
8 over to the city or borough on final vacation.

9 (c) The provisions of (a) - (c) of this section apply to home
10 rule and general law municipalities, except (a) of this section does
11 not apply to unified municipalities.

12 (d) Provisions of (a) of this section notwithstanding, the council
13 of a second class city located outside a borough may vacate those
14 streets, alleys, crossings, sidewalks, or other public ways that may
15 have been previously dedicated or established when the council finds
16 that the streets, alleys, crossings, sidewalks, or other public ways
17 are no longer necessary for the public welfare, or when the public
18 welfare will be enhanced by the vacation. If the council determines
19 that all or a portion of the area vacated under this subsection should
20 be devoted to another public purpose, title to the area vacated and
21 held for another public purpose does not vest as provided in (a) of
22 this section but remains in the city.

23 Sec. 29.40.160. DELEGATIONS. The assembly may authorize the
24 planning commission and the platting authority to delegate powers to
25 hear and decide cases under this chapter in a manner authorized by
26 ordinance, including but not limited to delegations to

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

29 (2) other boards or commissions;

1 (3) a hearing officer designated by the planning commission
2 or platting authority.

3 Sec. 29.40.170. REMEDIES. (a) It is unlawful for the owner of
4 land located in a subdivision to transfer, sell, offer to sell, or
5 enter into a contract to sell land in a subdivision before a plat of
6 the subdivision has been prepared, approved, and recorded in accordance
7 with this chapter or with an ordinance adopted under this chapter. It
8 is unlawful for a person to record a plat or other document depicting
9 subdivided land in any public recorder's office unless the plat or
10 document has been approved by the platting authority. A person con-
11 victed of violating a provision of this chapter, a subdivision regula-
12 tion adopted under this chapter, or a term, condition, or limitation
13 imposed by a platting authority in the exercise of its powers under
14 this chapter is guilty of a class B misdemeanor.

15 (b) The city or borough or an aggrieved person may institute
16 civil action against a person who violates a provision of this chapter,
17 a subdivision regulation adopted under this chapter, or a term, condi-
18 tion, or limitation imposed by a platting authority. In addition to
19 injunctive and compensatory relief, a civil penalty not to exceed
20 \$1,000 may be imposed for each violation. An action to enjoin a viola-
21 tion may be brought notwithstanding the availability of any other
22 remedy. Upon application for injunctive relief and a finding of a
23 violation or threatened violation, the superior court shall grant the
24 injunction.

25 (c) Each day that an unlawful act or condition continues consti-
26 tutes a separate violation.

27 Sec. 29.40.180. APPLICATION TO STATE AND POLITICAL SUBDIVISIONS.
28 All subdivisions of land made by the state, its agencies, instrumentalities
29 and political subdivisions are subject to this chapter and AS 40.-

1 15.200.

2 * Sec. 12. AS 29 is amended by adding a new chapter to read:

3 CHAPTER 45. MUNICIPAL TAXATION.

4 ARTICLE 1. MUNICIPAL PROPERTY TAX.

5 Sec. 29.45.010. PROPERTY TAX. (a) A unified municipality may
6 levy a property tax. A general law or home rule borough, other than a
7 unified municipality, may levy

8 (1) an areawide property tax for areawide functions; and

9 (2) a nonareawide property tax for functions limited to the
10 area outside cities.

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

14 (c) A tax if levied on real property, personal property, or both
15 must be assessed, levied, and collected as provided in this chapter.

16 Sec. 29.45.020. TAXPAYER NOTICE. (a) If a municipality levies
17 and collects real or personal property taxes, or both, the governing
18 body shall provide the following notice.

19 "NOTICE TO TAXPAYER

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

23 PUBLIC SCHOOL FOUNDATION PROGRAM ASSISTANCE

24 (AS 14.17) \$

25 STATE AID FOR RETIREMENT OF SCHOOL CONSTRUCTION

26 DEBT (AS 43.18.100) \$

27 MUNICIPAL TAX RESOURCE EQUALIZATION ASSISTANCE

28 (AS 29.60.010 - 29.60.080) \$

29 STATE AID FOR MISCELLANEOUS MUNICIPAL

1 SERVICES (AS 29.60.100 - 29.60.190) \$

2 TOTAL AID \$

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

6 MILLAGE EQUIVALENT

	7 PREVIOUS YEAR	8 THIS YEAR
9 PUBLIC SCHOOL FOUNDATION PROGRAM		
10 ASSISTANCE	11MILLS	12MILLS
13 STATE AID FOR RETIREMENT OF		
14 SCHOOL CONSTRUCTION DEBT	15MILLS	16MILLS
17 MUNICIPAL TAX RESOURCE EQUALI-		
18 ZATION ASSISTANCE	19MILLS	20MILLS
21 STATE AID FOR MISCELLANEOUS		
22 MUNICIPAL SERVICES	23MILLS	24MILLS
25 TOTAL MILLAGE EQUIVALENT	26MILLS	27MILLS"

28 Notice shall be provided

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

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

35 (b) Compliance with the provisions of this section is a prerequi-
36 site to receipt of municipal tax resource equalization assistance under
37 AS 29.60.010 - 29.60.080 and state aid for miscellaneous municipal
38 services under AS 29.60.100 - 29.60.190. The department shall withhold
39 annual allocations under those sections until municipal officials
40 demonstrate that the requirements of this section have been met.

1 Sec. 29.45.030. REQUIRED EXEMPTIONS. (a) The following property
2 is exempt from general taxation:

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

6 (2) household furniture of the head of a family or house-
7 hold;

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

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

14 (5) money on deposit;

15 (6) the real property of certain residents of the state to
16 the extent and subject to the conditions provided in (e) of this sec-
17 tion.

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

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

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

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

27 (c) Property described in (a) or (b) of this section from which
28 income is derived is exempt only if that income is solely from use of
29 the property by nonprofit religious, charitable, hospital, or educa-

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1 tional groups. If used by nonprofit educational groups, the property
2 is exempt only if used exclusively for classroom space.

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

6 (e) The real property owned and occupied as a permanent place of
7 abode by a resident 65 years of age or over is exempt from taxation of
8 the assessed value of the real property. Real property may not be
9 exempted under this subsection which the assessor determines, after
10 notice and hearing to the parties concerned, has been conveyed to the
11 applicant primarily for the purpose of obtaining the exemption. The
12 determination of the assessor is appealable under AS 44.62.560 and
13 44.62.570.

14 (f) An exemption may not be granted under (e) of this section
15 except upon written application for the exemption on a form prescribed
16 by the state assessor for use by local assessors. The claimant must
17 file the application no later than January 15, or a date provided by
18 ordinance which is not later than March 31, of the assessment year for
19 which the exemption is sought, but during the same year the governing
20 body of the municipality for good cause shown may waive the claimant's
21 failure to make timely application for exemption for that year and
22 authorize the assessor to accept the application as if timely filed.
23 The claimant must file a separate application for each assessment year
24 in which the exemption is sought. If an application is filed within
25 the required time and is approved by the assessor, he shall allow an
26 exemption in accordance with the provisions of this section. If a
27 claimant whose failure to file by January 15, or a date provided by
28 ordinance which is not later than March 31, of the assessment year has
29 been waived as provided in this subsection and the application for

1 exemption is approved, the amount of tax which the claimant may have
2 already paid for the assessment year with respect to the property
3 exempted shall be refunded to him. The assessor may at any time require
4 proof in the form he considers necessary of the right and amount of an
5 exemption claimed under (e) of this section.

6 (g) The state shall reimburse a home rule or general law borough
7 or city, as appropriate, for the real property tax revenues lost to it
8 by the operation of (e) of this section. However, reimbursement will
9 be made to a municipality for revenue lost to it only to the extent
10 that the loss exceeds an exemption which was granted by the municipal-
11 ity, or which upon proper application by an individual would have been
12 granted under AS 29.45.050(a).

13 (h) Except as provided in (g) of this section, nothing in (e) -
14 (i) of this section affects similar exemptions from property taxes
15 granted by municipalities on September 10, 1972, or prevents munic-
16 ipalities from granting similar exemptions by ordinance as provided in
17 AS 29.45.050.

18 (i) In (e) - (i) of this section "real property" includes but is
19 not limited to mobile homes, whether classified as real or personal
20 property for municipal tax purposes.

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

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

29 (2) an amount equal to two percent of the value of the

1 structure based on the assessment as of January 1 of the year immedi-
2 ately following the installation of the fire protection system if the
3 fire protection system becomes a fixture of the structure after
4 January 1, 1981.

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

9 (b) For purposes of determining payments to eligible persons, the
10 department shall calculate a property tax equivalent percentage for
11 each municipality which levies a property tax at the rate of one percent
12 per mil. The property tax equivalent percentage applied to the annual
13 rent charged to the applicant equals the property tax equivalency
14 payment payable under this section.

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

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

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

(b) A municipality may by ordinance

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

(2) classify and exempt from taxation

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

(B) historic sites, buildings, and monuments;

(C) land of a nonprofit organization used for agricultural purposes if rights to subdivide the land are conveyed to the state and the conveyance includes a covenant restricting use of the land to agricultural purposes only; rights conveyed to the state under this subparagraph may be conveyed by the state only in accordance with AS 38.05.069(c).

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

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

(2) a home rule or first class city has the same power to

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1 grant exemptions or exclude property from borough taxes that it has as
2 to city taxes if the exemptions or exclusions have been adopted as to
3 city taxes, and if the city appropriates to the borough sufficient
4 money to equal revenues lost by the borough because of the exemptions
5 or exclusions, the amount to be determined annually by the assembly;

6 () a home rule or general law city in a borough may, by
7 ordinance, adjust its property tax structure in whole or in part to the
8 property tax structure of the borough, including but not limited to
9 exempting or partially exempting property from taxation.

10 (d) Exemptions or exclusions from property tax which have been
11 granted by home rule municipalities in addition to exemptions autho-
12 rized or required by law, and which are in effect on September 10,
13 1972, and not later withdrawn are not affected by this chapter.

14 (e) Municipalities may by ordinance classify and exempt or par-
15 tially exempt from taxation privately owned land, wet land and water
16 areas for which a scenic, conservation, or public recreation use ease-
17 ment is granted to a governmental body. To be eligible for a tax
18 exemption, or partial exemption, the easement must be in perpetuity.
19 However, the easement is automatically terminated before an eminent
20 domain taking of fee simple title or less than fee simple title to the
21 property, so that the property owner is compensated at a rate which
22 does not reflect the easement grant.

23 (f) A municipality may by ordinance exempt from taxation all or
24 part of the increase in assessed value of improvements to real property
25 if an increase in assessed value is directly attributable to alteration
26 of the natural features of the land, or new maintenance, repair, or
27 renovation of an existing structure, and if the alteration, maintenance,
28 repair, or renovation, when completed, enhances the exterior appearance
29 or aesthetic quality of the land or structure. An exemption may not be

1 allowed under this subsection for the construction of an improvement to
2 a structure if the principal purpose of the improvement is to increase
3 the amount of space for occupancy or nonresidential use within the
4 structure or for the alteration of land as a consequence of construction
5 activity. An exemption provided in this subsection may continue for up
6 to four years from the date the improvement is completed, or from the
7 date of approval for the exemption by the local assessor, whichever is
8 later.

9 (g) A municipality may by ordinance exempt from taxation all or
10 any part of the increase in assessed value of improvements to a single-
11 family dwelling if the principal purpose of the improvement is to
12 increase the amount of space for occupancy. An exemption provided in
13 this subsection may continue for up to two years from the date the
14 improvement is completed, or from the date of approval of an application
15 for the exemption by the local assessor, whichever is later.

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

1 shall be made to the municipality.

2 (b) An owner of farm use land must, to secure the assessment,
3 apply to the assessor before May 15 of each year in which the assess-
4 ment is desired. The application shall be made upon forms prescribed
5 by the state assessor for the use of the local assessor, and shall
6 include information which may reasonably be required to determine the
7 entitlement of the applicant. If the farm use land is leased for farm
8 use purposes, the applicant shall furnish to the assessor a copy of the
9 lease bearing the signatures of both lessee and lessor along with the
10 completed application. The applicant shall furnish the assessor a copy
11 of the lease covering the period for which the exemption is requested.

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

28 (d) In the event of a crop failure by an act of God the previous
29 year, the owner or lessee may submit an affidavit affirming that 10

1 percent of his gross income for the past three years was from farming

2 (e) Subject to legislative appropriations for the purpose, the
3 state shall reimburse a home rule or general law borough or city, as
4 appropriate, for the real property tax revenues lost to it by the
5 operation of this section.

6 Sec. 29.45.070. MOBILE HOMES. Mobile homes, trailers, house
7 trailers, trailer coaches and similar property used or intended to be
8 used for residential, office, or commercial purposes and attached to
9 the land or connected to water, gas, electric, or sewage facilities are
10 classed as real property for tax purposes unless expressly classified
11 as personal property by ordinance. This section does not apply to
12 house trailers and mobile homes which are unoccupied and held for sale
13 by persons engaged in the business of selling mobile homes.

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

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

24 (c) A municipality may levy and collect a tax on the full and
25 true value of that portion of property taxable under this chapter and
26 under AS 43.56 as assessed by the Department of Revenue which value,
27 when combined with the value of property otherwise taxable by the
28 municipality, does not exceed the product of 225 percent of the average
29 per capita assessed full and true value of property in the state multi-

1 plied by the number of residents of the taxing municipality. For
2 purposes of this subsection, the average per capita assessed full and
3 true value of property in the state shall be calculated without regard
4 to the assessed value of taxable property under AS 43.58.

5 (d) By February 1 of each assessment year a taxing municipality
6 must inform the Department of Revenue which method of taxation the muni-
7 cipality will use.

8 (e) For purposes of this section, population shall be determined
9 by the commissioner based on the latest statistics of the United States
10 Bureau of the Census or on other reliable population data, and the
11 commissioner shall advise each municipality of its population by
12 January 15 of each year.

13 Sec. 29.45.010. TAX LIMITATION. (a) A municipality may not,
14 during a year, levy and tax for any purpose in excess of three percent
15 of the assessed valuation of property in the municipality. All property
16 upon which a tax is levied shall be taxed at the same rate during the
17 year.

18 (b) A municipality, or combination of municipalities occupying
19 the same geographical area, in whole or in part, may not levy taxes (1)
20 which will result in tax revenues from all sources exceeding \$1,500 a
21 year for each person residing within their boundaries; or (2) upon
22 value which, when combined with the value of property otherwise taxable
23 by the municipality, exceed the product of 225 percent of the average
24 per capita assessed full and true value of property in the state mul-
25 tiplied by the number of residents of the taxing municipality. If two
26 or more municipalities occupying the same geographical area, in whole
27 or in part, attempt to levy a tax (1) the combined levy of which would
28 result in tax revenues from all sources exceeding \$1,500 a year for
29 each person residing within their boundaries; or (2) upon value which,

1 when combined with the value of property otherwise taxable by the
2 municipality, exceed the product of 225 percent of the average per
3 capita assessed full and true value of property in the state multiplied
4 by the number of residents of the taxing municipality, the commissioner
5 shall apportion the lawful levy and equitably divide these revenues on
6 the basis of need, services performed, and other considerations in the
7 public interest. For the purpose of this subsection, population shall
8 be determined by the commissioner based on the latest statistics of the
9 United States Bureau of the Census or on other reliable population
10 data. For purposes of this subsection, the average per capita assessed
11 full and true value of property in the state shall be calculated without
12 regard to the assessed value of taxable property under AS 43.58.

13 Sec. 29.45.100. NO LIMITATIONS ON TAXES TO PAY BONDS. The limita-
14 tions provided for in AS 29.45.080 - 29.45.090 do not apply to taxes
15 levied or pledged to pay or secure the payment of the principal and
16 interest on bonds. Taxes to pay or secure the payment of principal and
17 interest on bonds may be levied without limitation as to rate or amount,
18 regardless of whether the bonds are in default or in danger of default.

19 Sec. 29.45.110. FULL AND TRUE VALUE. (a) The assessor shall
20 assess property at its full and true value as of January 1 of the
21 assessment year, except as provided in this section, AS 29.45.060, and
22 29.45.230. The full and true value is the estimated price which the
23 property would bring in an open market and under the then prevailing
24 market conditions in a sale between a willing seller and a willing
25 buyer both conversant with the property and with prevailing general
26 price levels.

27 (b) Assessment of business inventories may be based on the average
28 monthly method of assessment rather than the value existing on
29 January 1. The method used to assess business inventories shall be

1 prescribed by the governing body.

2 (c) In the case of cessation of business during the tax year, the
3 governing body may provide for reassessment of business inventories
4 using the average monthly method of assessment for the tax year rather
5 than the value existing on January 1 of the tax year, and for reduction
6 and refund of taxes. In enacting an ordinance authorized by this
7 section, the governing bod may prescribe procedures, restrictions, and
8 conditions of assessing or reassessing business inventories and of
9 remitting or refunding taxes.

10 Sec. 29.45.120. RETURNS. (a) The governing body may require
11 each person having ownership or control of or an interest in property
12 to submit a return in the form prescribed by the assessor, based on
13 property values exist' g on January 1, except as otherwise provided in
14 this chapter.

15 (b) The assessor may, by written notice, require a person to
16 provide additional information within 30 days.

17 Sec. 29.45.130. INDEPENDENT INVESTIGATION. (a) The assessor is
18 not bound to accept a return as correct. He may make an independent
19 investigation of property returned or of taxable property upon which no
20 return has been filed. In either case, the assessor may make his own
21 valuation of the taxable property, which is prima facie evidence.

22 (b) For investigation, the assessor or his agent may enter a
23 premise during reasonable hours and may examine property on the pre-
24 mise. He may examine all property records involved. A person shall,
25 upon request, furnish to the assessor or his agent every facility and
26 assistance for the investigation. The assessor may seek a court order
27 to compel entry and production of records needed for assessment pur-
28 poses.

29 (c) An assessor may examine a person on oath. Upon request, the