

ALASKA LEGISLATURE COMMITTEE FILES 1981-1982 86 / 2

1287 SCRA SB 180 (#11, #12) 28

1 enforced as provided in AS 29.45.270 - 29.45.470 for enforcement of  
2 property tax liens.

3       Sec. 29.46.090. EXEMPTION. (a) The real property owned and  
4 occupied by a resident 65 years of age or over, or the spouse, widow,  
5 widower, or minor heir of the original applicant, on which is located  
6 only his permanent abode that is a single-family residence, is exempt  
7 from (1) special sewer assessments levied by a municipality after  
8 September 2, 1975, and (2) special water assessments levied by a muni-  
9 cipality after September 2, 1975. Only one exemption may be granted  
10 with respect to the same property, and, if two or more persons are  
11 eligible for an exemption with respect to the same property, the parties  
12 shall decide between or among themselves which shall receive the benefit  
13 of the exemption. Real property may not be exempted under this sub-  
14 section that the municipality determines, after notice and hearing to  
15 the parties concerned, has been conveyed to the applicant primarily for  
16 the purpose of obtaining the exemption. The determination of the  
17 municipality is appealable under AS 44.62.560 - 44.62.570.

18       (b) An exemption may not be granted under this section except  
19 upon written application for the exemption on a form prescribed by the  
20 state assessor for use by local assessors and in accordance with the  
21 following requirements:

22       (1) The claimant must file the initial application during  
23 the period of time between the date the assessment roll is confirmed  
24 and the time of payment fixed by the governing body. Within one year  
25 after the date the assessment roll is confirmed the governing body for  
26 good cause shown may waive the claimant's failure to make timely initial  
27 application for the exemption and authorize the assessor to accept the  
28 application as if timely filed.

29       (2) A claimant receiving the exemption must file with the

1 assessor by March 15 of each subsequent year a separate application  
2 proving eligibility as of January 1 in order to retain the exemption.  
3 Within the same year the assessor for good cause shown may waive the  
4 claimant's failure to make timely application and approve the applica-  
5 tion as if timely filed.

6 (3) If an application is filed within the required time  
7 under this subsection and is approved by the governing body, the exemp-  
8 tion shall be allowed in accordance with the provisions of this section.  
9 If a waiver under this subsection is granted and the application for  
10 exemption approved, the amount of any assessment, penalty, or interest  
11 that the claimant may have already paid on the assessment shall be  
12 refunded to him. The municipality may at any time require proof in the  
13 form considered necessary of the right and amount of an exemption  
14 claimed under this section.

15 (c) The state shall reimburse a municipality for the sewer and  
16 water assessment revenues that it would receive but for the operation  
17 of this section. Reimbursement under this subsection is a lien in  
18 favor of the state against the property exempted to the extent of the  
19 assessment against the property exempted. When properly recorded, the  
20 lien is prior and superior to other liens against the property except  
21 for property taxes or other special assessments and may be enforced by  
22 lien foreclosure as provided in AS 34.10.070 - 34.10.220. The lien  
23 becomes immediately due and payable

24 (1) upon sale or other transfer of the property except to a  
25 spouse, widow, widower, or minor heir; however, if the property is  
26 transferred to a minor heir the lien becomes due and payable on the  
27 date the minor heir reaches the age of 25 years;

28 (2) when property exempted under (a)(1) or (2) of this  
29 section receives more than one sewer connection or more than one water

1 connection; or

2 (3) when the claimant fails to prove eligibility under  
3 (b)(2) of this section.

4 (d) This section applies to home rule and general law municipalities.  
5

6 (e) In this section

7 (1) "minor heir" means a person who, at the time of transfer  
8 of the property, has not attained the age of 19 years or who, if he has  
9 not attained the age of 22 years, is a full-time student at an educational  
10 institution or a member of the armed forces of the United States;

11 (2) "real property" includes, but is not limited to, mobile  
12 homes, whether classified as real or personal property for municipal  
13 tax purposes;

14 (3) "resident" means a person who for 12 consecutive months  
15 has maintained his permanent place of abode in the state.

16 Sec. 29.46.100. REASSESSMENT. (a) The governing body shall  
17 within one year correct any deficiency in a special assessment found by  
18 a court. Notice and hearing must conform to the initial assessment  
19 procedures.

20 (b) Payments on the initial assessment are credited to the property  
21 upon reassessment. The reassessment becomes a charge upon the  
22 property notwithstanding failure to comply with any provision of the  
23 assessment procedure.

24 Sec. 29.46.110. ALLOWABLE COSTS. (a) When a special assessment  
25 district is created, there may be included in the assessments

26 (1) all of the cost of acquiring, installing, making,  
27 constructing the local improvement;

28 (2) the costs of all engineering and surveying to be done in  
29 connection with creating the district or improvement;

1 (3) the cost of mailing and publishing notices;

2 (4) interest on interim financing;

3 (5) the cost of legal services and other expenses incurred  
4 in the formation of the special assessment district;

5 (6) the cost of completing the improvement and financing the  
6 improvement, including the issuance of bonds.

7 (b) The total amount of the assessment roll may not exceed actual  
8 costs, but actual costs may include reasonable estimates of the costs  
9 to be incurred in connection with issuance of bonds.

10 Sec. 29.46.120. OBJECTION AND APPEAL. (a) The validity of an  
11 assessment may not be contested by a person who did not file with the  
12 municipal clerk a written objection to the assessment roll before its  
13 confirmation.

14 (b) The decision of the governing body on an objection may be  
15 appealed to the superior court within 30 days of the date of confirma-  
16 tion of the assessment roll. If no objection is filed or appeal taken  
17 within the time provided in this section, the assessment procedure is  
18 considered valid in all respects.

19 Sec. 29.46.130. INTERIM FINANCING. (a) A municipality may  
20 provide by resolution or ordinance for the issuance of notes in payment  
21 of the costs of a local improvement project, payable out of special  
22 assessments for the improvement. The notes shall bear interest at a  
23 rate or rates authorized by the resolution or ordinance, and shall be  
24 redeemed either in cash or bonds for the improvement project.

25 (b) Notes issued against assessments shall be claims against the  
26 assessments that are prior and superior to a right, lien or claim of a  
27 surety on the bond given to the municipality to secure the performance  
28 of its contract for a local improvement project or to secure the  
29 payment of persons who have performed work or furnished materials under

1 the contract.

2 (c) The municipal treasurer may accept notes against special  
3 assessments upon conditions prescribed by the governing body in payment  
4 of

5 (1) assessments against which the notes were issued in order  
6 of priority;

7 (2) judgments rendered against property owners who have  
8 become delinquent in the payment of assessments; and

9 (3) certificates of purchase when property has been sold  
10 under execution or at tax sale for failure to pay the assessments.

11 Sec. 29.46.140. SPECIAL ASSESSMENT BONDS. (a) The municipality  
12 may by ordinance authorize the issuance and sale of special assessment  
13 bonds to pay all or part of the cost of an improvement in a special  
14 assessment district. The principal and interest of bonds issued shall  
15 be payable solely from the levy of special assessments against the  
16 property to be benefited. The assessments shall constitute a sinking  
17 fund for the payment of principal and interest on the bonds. The  
18 benefited property may be pledged by the governing body to secure a  
19 payment.

20 (b) Upon default in a payment due on a special assessment bond, a  
21 bondholder may enforce payment of principal, interest, and costs of  
22 collection in a civil action in the same manner and with the same  
23 effect as actions for the foreclosure of mortgages on real property.  
24 Foreclosure shall be against all property on which assessments are in  
25 default. The period for redemption is the same as for a mortgage  
26 foreclosure on real property.

27 (c) Before the governing body may issue special assessment bonds,  
28 it shall establish a guarantee fund and appropriate to the fund annually  
29 a sum adequate to cover a deficiency in meeting payments of principal

1 and interest on bonds if the reason for the deficiency is nonpayment of  
2 assessments when due. Money received from actions taken against prop-  
3 erty for nonpayment of assessments shall be credited to the guarantee  
4 fund.

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

6 CHAPTER 47. MUNICIPAL DEBT.

7 ARTICLE 1. REVENUE ANTICIPATION NOTES.

8 Sec. 29.47.010. BORROWING IN ANTICIPATION OF REVENUE. A muni-  
9 cipality that is authorized to incur indebtedness may borrow money to  
10 meet appropriations for any fiscal year in anticipation of the collec-  
11 tion of the revenues for that year, but all debt so contracted shall be  
12 paid before the end of the next fiscal year. Negotiable or non-  
13 negotiable revenue anticipation notes may be issued as evidence of the  
14 borrowing.

15 Sec. 29.47.020. ISSUANCE OF NOTES. A municipality may, by ordi-  
16 nance or resolution, authorize the issuance of revenue anticipation  
17 notes. The governing body may delegate to its chief fiscal officer the  
18 power to issue the notes from time to time under the terms and condi-  
19 tions of the ordinance or resolution that provides for the manner of  
20 their sale.

21 Sec. 29.47.030. ISSUANCE OF NOTES IN ANTICIPATION OF STATE,  
22 FEDERAL GRANTS. (a) A municipality, on adoption of a long-range  
23 capital improvement budget by ordinance or resolution, may by resolution  
24 provide for negotiable or nonnegotiable revenue anticipation notes in  
25 an amount not to exceed the total amount of any state or federal grants  
26 finally committed for these projects. The notes mature no later than  
27 the end of the next fiscal year. The notes may be for single or mul-  
28 tiple projects outlined in the adopted capital improvement budget.

29 (b) If the state or federal grants for capital improvement pro-

1       jects have not been paid to the municipality before maturity of the  
2 notes issued in anticipation of the receipt of the revenue, the govern-  
3 ing body may issue new notes in order to meet payment of the notes then  
4 maturing or may renew the outstanding revenue anticipation notes. New  
5 notes issued or renewals of outstanding revenue anticipation notes  
6 mature not later than the end of the next fiscal year.

7           Sec. 29.47.040. PRIORITY OF REPAYMENT. The payment of the princi-  
8 pal and interest on revenue anticipation notes is payable from revenues,  
9 and their payment additionally shall be secured by a pledge of the full  
10 faith and credit of the municipality issuing them.

11                   ARTICLE 2. BOND ANTICIPATION NOTES.

12           Sec. 29.47.080. BOND ANTICIPATION BORROWING. A municipality may  
13 borrow money in anticipation of the sale of general obligation and  
14 revenue bonds if

15                   (1) the general obligation bonds to be sold have been autho-  
16 rized by ordinance and ratified by a majority vote at an election;

17                   (2) the revenue bonds to be sold have been authorized by  
18 ordinance.

19           Sec. 29.47.090. ISSUANCE OF NOTES. The governing body shall  
20 issue negotiable or nonnegotiable notes for the amounts borrowed with a  
21 maturity date not to exceed one year from the date of issue. All notes  
22 and the interest on them are payable at fixed places on or before a  
23 fixed time from the proceeds of the sale of bonds in anticipation of  
24 which the original note or notes were issued, unless the bonds have not  
25 been sold by the maturity date of the notes.

26           Sec. 29.47.100. ISSUANCE OF NEW NOTES. If the sale of the bonds  
27 has not occurred before the maturity of the notes issued in anticipation  
28 of the sale, the governing body shall issue new notes in order to meet  
29 payment of the notes then maturing, or shall renew the outstanding bond

1 anticipation notes. New notes issued or renewals of outstanding bond  
2 anticipation notes bear a maturity date not to exceed one year from the  
3 date of issue. Notes, new notes, and renewals of notes may not be  
4 outstanding for a total elapsed time of more than three years.

5 Sec. 29.47.110. REPAYMENT OF NOTES. Every note is payable from  
6 the proceeds of the sale of bonds that the notes anticipated or from  
7 the proceeds of the sale of new bond anticipation notes.

8 Sec. 29.47.120. SECURITY. (a) Notwithstanding other provisions  
9 of this chapter as to payment of notes, notes issued in anticipation of  
10 the sale of general obligation bonds and the interest on them are  
11 secured by the full faith and credit of the municipality. The muni-  
12 cipality may levy ad valorem taxes for payment without limitation of  
13 rate or amount.

14 (b) Notes issued in anticipation of the sale of revenue bonds and  
15 the interest on them are secured in the same manner as are the revenue  
16 bonds in anticipation of which the notes are issued.

17 Sec. 29.47.130. LIMITATION. The total amount of notes issued and  
18 outstanding may at no time exceed the total amount of bonds authorized  
19 to be issued.

20 Sec. 29.47.140. USE OF PROCEEDS. The proceeds from the sale of  
21 notes shall be used only for the purposes for which the proceeds from  
22 the sale of bonds may be used, or to meet payment of outstanding bond  
23 anticipation notes.

#### 24 ARTICLE 3. GENERAL OBLIGATION BONDS.

25 Sec. 29.47.180. GENERAL OBLIGATION BONDS. A municipality may  
26 acquire, construct, improve, and equip capital improvements and issue  
27 negotiable or nonnegotiable general obligation bonds for these purposes.

28 Sec. 29.47.190. VOTE AND NOTICE OF EXISTING INDEBTEDNESS REQUIRED.

29 (a) A municipality may incur general obligation bond debt only after a

1 bond authorization ordinance is approved by a majority vote at an  
2 election. Any municipal voter may vote in the bond election, except as  
3 otherwise provided by law.

4 (b) Before a general obligation bond issue election, the governing  
5 body shall have published a notice of the total existing bond indebted-  
6 ness at least once a week for three consecutive weeks. The first  
7 notice shall be published at least 20 days before the date of the  
8 election. A notice shall include

9 (1) the current total general obligation bonded indebtedness,  
10 including authorized but unsold bonds of the municipality;

11 (2) the cost of the debt service on the current indebtedness;

12 (3) the total assessed value of property in the municipality.

13 Sec. 29.47.200. PAYMENT. (a) The full faith and credit of a  
14 municipality are pledged for the payment of principal and interest on  
15 general obligation bonds. The municipality may levy ad valorem taxes  
16 for payment without limitation of rate or amount to pay or secure the  
17 payment of the principal and interest on bonds, regardless of whether  
18 the bonds are in default or in danger of default.

19 (b) General obligation bonds issued for acquiring, constructing,  
20 improving and equipping a municipally owned utility or other revenue-  
21 generating enterprise may be additionally secured by a pledge of the  
22 revenue derived from operation. Bonds so secured are not subject to a  
23 debt limitation imposed by a home rule charter. This subsection applies  
24 to home rule and general law municipalities.

#### 25 ARTICLE 4. REVENUE BONDS.

26 Sec. 29.47.240. REVENUE BONDS. (a) A municipality may issue  
27 negotiable or nonnegotiable revenue bonds for a public enterprise or  
28 public corporation of the municipality where the only security is the  
29 revenue of the public enterprise or corporation.

1 (b) A municipality may issue its revenue bonds to finance the  
2 purchase of residential mortgage loans. The revenue bonds issued under  
3 this subsection are payable solely from the principal and interest of  
4 the mortgage loans and from other amounts pledged by the municipality,  
5 except the pledge of revenues derived from taxes. Revenue bonds issued  
6 under this subsection do not constitute a general obligation of the  
7 municipality.

8 Sec. 29.47.250. NO ELECTION REQUIRED. An election is not required  
9 to authorize the issuance and sale of revenue bonds, unless otherwise  
10 provided by ordinance.

11 Sec. 29.47.260. CONSTRUCTION. The prohibitions of AS 37.10.085  
12 do not apply to the issuance of revenue bonds or the use of proceeds  
13 from revenue bonds by a home rule or general law municipality.

#### 14 ARTICLE 5. REFUNDING BONDS.

15 Sec. 29.47.300. AUTHORIZATION. If a municipality has outstanding  
16 general obligation or revenue bonds and the governing body determines  
17 that it would be financially advantageous to refund the bonds, the  
18 municipality may provide by ordinance or resolution for the issuance of  
19 negotiable or nonnegotiable

- 20 (1) general obligation bonds; or  
21 (2) revenue refunding bonds.

22 Sec. 29.47.310. EFFECT OF BONDS. The refunding bonds may take up  
23 and refund all or part of outstanding bonds at or before their maturity  
24 or redemption date. The governing body may include various series and  
25 issues of bonds in a single issue of refunding bonds.

26 Sec. 29.47.320. NO ELECTION REQUIRED. An election is not required  
27 to authorize the issuance and sale of refunding bonds. Their issuance  
28 may be authorized and all proceedings with reference to them prescribed  
29 by ordinance. However, when it is desirable to use general obligation

1 bonds to refund a revenue bond issue, the governing body shall call an  
2 election on the question.

3 Sec. 29.47.330. PAYMENT OF REFUNDING BONDS. General obligation  
4 refunding bonds are payable according to AS 29.47.200. Revenue refund-  
5 ing bonds are payable according to AS 29.47.240.

6 Sec. 29.47.340. SALE OF REFUNDING BONDS. General obligation or  
7 revenue refunding bonds may, at the discretion of the governing body,  
8 be exchanged for the bonds being refunded, or may be sold at public or  
9 private sale. They may be issued and delivered at any time before the  
10 date of maturity or redemption of the refunded bonds.

11 ARTICLE 6. MISCELLANEOUS PROVISIONS.

12 Sec. 29.47.390. OTHER MUNICIPAL FINANCING. (a) A municipality  
13 may authorize by ordinance or resolution the issuance of negotiable or  
14 nonnegotiable revenue bonds to finance any project that serves a public  
15 purpose, and the bonds shall be secured and payable solely from the  
16 revenue and property of the project.

17 (b) Bonds issued under this section are not a debt or liability  
18 of the municipality and do not create or constitute an indebtedness,  
19 liability, or obligation of the municipality, nor do they constitute a  
20 pledge of faith, credit, or taxing power of the municipality. Each  
21 bond must contain on its face a statement that the principal and inter-  
22 est on the bond are payable solely from the revenues and property of  
23 the project being financed, that the municipality is not obligated to  
24 pay the principal or the interest on the bonds except from those  
25 sources, and that neither the faith and credit nor the taxing power of  
26 the municipality is pledged to the payment of principal or interest on  
27 the bond.

28 (c) A municipality may

29 (1) loan the proceeds of the bonds issued under this section;

1 (2) pledge, mortgage or assign money, leases, agreements,  
2 property, or other assets of the project being financed;

3 (3) enter into covenants and agreements concerning bonds  
4 issued under this section that the municipality determines to be de-  
5 sirable;

6 (4) provide for any matter that affects the security of the  
7 bonds.

8 (d) In this section

9 (1) "bonds" means bonds, notes, or other evidence of indebt-  
10 edness;

11 (2) "project" includes but is not limited to commercial,  
12 manufacturing, agricultural, industrial, residential housing, recrea-  
13 tion, tourism, and medical projects and programs.

14 Sec. 29.47.400. SALE. Bonds and notes issued under this chapter  
15 may be sold at either public or private sale by the municipality in the  
16 manner and at the price it determines.

17 Sec. 29.47.410. FORMS AND TERMS. The municipality may by ordi-  
18 nance or resolution fix the date, denominations, maturities, rate or  
19 rates of interest, redemption terms, registration privileges, manner of  
20 execution, signatures required, purchase price, manner of sale, and  
21 other requirements for issuing bonds or notes under this chapter. If  
22 an official whose signature appears on the bonds or coupons ceases to  
23 be an official before delivery of the bonds, his signature is valid as  
24 if he had remained in office until delivery.

25 Sec. 29.47.420. INTEREST RATE. The interest rate payable on a  
26 bond or note issued under this chapter shall be determined by the  
27 municipality and is not subject to the usury rate limitations of AS 45.-  
28 45.010.

29 Sec. 29.47.430. REDEMPTION BEFORE MATURITY. A bond or note

1 issued under this chapter may be made subject to redemption before  
2 maturity as stated in the authorization or in the bond or note.

3 Sec. 29.47.440. BOROUGH INDEBTEDNESS. (a) A borough may incur  
4 indebtedness

5 (1) on an areawide basis for areawide functions; or

6 (2) on a nonareawide basis for functions performed only in  
7 the borough area outside all cities; or

8 (3) on a service area basis for functions performed only in  
9 a service area.

10 (b) Payment of debt principal and interest as well as other costs  
11 shall be derived from the area incurring the debt under (a)(2) or  
12 (a)(3) of this section, except that the full faith and credit of the  
13 entire borough may be pledged to guarantee payment of principal and  
14 interest.

15 (c) If the bonded debt to be incurred by a borough is an areawide  
16 debt, the vote is areawide. If the full faith and credit of the entire  
17 borough is pledged for the payment of the debt of the borough area  
18 outside all cities or of a service area, an areawide election is held  
19 and the proposition must pass both areawide and in the area that will  
20 benefit from the improvement. If the bonded indebtedness to be incurred  
21 is limited to the borough area outside all cities, the vote is limited  
22 to voters outside all cities. If the indebtedness to be incurred is  
23 limited to a service area, the vote is limited to voters in the service  
24 area. Only the full faith and credit of the area voting on the in-  
25 debtedness is pledged for the payment of the debt.

26 (d) The indebtedness of a municipality reclassified under AS 29.-  
27 04.040 is not affected by reclassification. All property in a muni-  
28 cipality that is reclassified remains subject to taxation to amortize  
29 bonded or other indebtedness affecting the municipality and authorized

1 on the effective date of reclassification.

2 Sec. 29.47.450. SERVICE AREA DEBT. The indebtedness of a service  
3 area acquired under AS 29.47.440 remains the indebtedness of the area  
4 that incurred the debt, notwithstanding a subsequent court determina-  
5 tion that the service area was not validly formed under law or by  
6 virtue of a defect in the proceedings creating the service area. All  
7 property in the service area remains subject to taxation to pay the  
8 bonded indebtedness.

9 \* Sec. 15. AS 29 is amended by adding a new chapter to read:

10 CHAPTER 55. MUNICIPAL PROGRAMS.

11 Sec. 29.55.010. CREATION OF LOCAL HISTORICAL DISTRICT COMMISSIONS.  
12 The governing body of a municipality may establish a local historical  
13 district commission or designate the planning commission or itself to  
14 serve as the historical district commission.

15 Sec. 29.55.020. ESTABLISHMENT OF HISTORICAL DISTRICTS. (a) In  
16 addition to existing municipal authority providing for the preservation,  
17 protection, and maintenance of historic sites, the local historical  
18 district commission, in consultation with the Historic Sites Advisory  
19 Committee in the Department of Natural Resources, may establish a  
20 historical district in the boundaries of the municipality.

21 (b) A historical district shall be a reasonably compact area of  
22 historical significance in which two or more structures important in  
23 state or national history, and related by physical proximity or histori-  
24 cal association, are located. For purposes of this section, "structures  
25 important in state or national history" means properties recommended by  
26 historical district commissions that are listed in the National Register  
27 of Historic Places or are characteristic of the Russian-American period  
28 before October 18, 1867, the early territorial period before 1930, or  
29 early Native heritage, reflecting the indigenous characteristics of

1 Native culture in Alaska. Upon recommendation of the governing body of  
 2 a municipality and the Historic Sites Advisory Committee, the Department  
 3 of Natural Resources may by regulation formulate additional criteria for  
 4 the establishment of historical districts not inconsistent with this  
 5 subsection.

6 (c) The establishment of a historical district under this section  
 7 shall be consistent with any applicable comprehensive plan for the  
 8 municipality.

9 \* Sec. 16. AS 29 is amended by adding a new chapter to read:

10 CHAPTER 60. STATE PROGRAMS.

11 ARTICLE 1. MUNICIPAL TAX RESOURCE EQUALIZATION.

12 Sec. 29.60.010. STATE EQUALIZATION OF TAX RESOURCES FOR MUNICIPAL  
 13 SERVICES. (a) During each fiscal year the department shall compute an  
 14 equalization entitlement for municipal services provided by a taxing  
 15 unit.

16 (b) The equalization entitlement computed for a taxing unit is  
 17 based on the population, relative ability to generate revenue, and local  
 18 tax burden of the taxing unit and is determined by the application of  
 19 the formula

20 Entitlement = P x R

21 where P = population, and

22 R = millage rate equivalent, determined by dividing the sum of  
 23 the locally generated revenue of the taxing unit by one-tenth of one  
 24 percent of the full and true value of assessed property of the taxing  
 25 unit determined under AS 29.60.030(d); however, the per capita property  
 26 value used under this subsection may not be less than 15 percent of the  
 27 statewide average per capita full and true assessed property value.

28 (c) For purposes of this section, locally generated revenue

29 (1) includes

1 (A) the actual revenue derived from the levy and collec-  
2 tion of local taxes in the taxing unit for municipal services  
3 during the preceding fiscal year of the taxing unit;

4 (B) motor vehicle payments received by the municipality  
5 during the preceding fiscal year under AS 28.10.431;

6 (C) revenue from fees, rentals, leases, penalties,  
7 licenses or permits received during the preceding fiscal year by  
8 the municipality for a function or service over which it has con-  
9 trol, including revenues derived from parks and recreation ser-  
10 vices, mass transit, offstreet parking, and garbage and solid waste  
11 disposal services;

12 (D) special assessments received during the preceding  
13 fiscal year; and

14 (E) payments received by a municipality from a utility  
15 that are in place of taxes levied and collected by the municipal-  
16 ity;

17 (2) excludes

18 (A) revenue derived from the levy and collection of  
19 municipal taxes and appropriated for the operating expenses and  
20 debt service of utilities;

21 (B) revenue from interest earned on investments and from  
22 the sale and lease of land or equipment; and

23 (C) all other revenue from whatever service derived.

24 Sec. 29.60.020. DETERMINATION OF POPULATION (a) For purposes of  
25 AS 29.60.010 - 29.60.080, the population of a taxing unit shall be  
26 determined annually by the latest figures of the United States Bureau of  
27 the Census or other population data that, in the judgment of the depart-  
28 ment, is reliable.

29 (b) The population of the taxing unit includes the population of

1 any military reservation that is a part of the taxing unit.

2 Sec. 29.60.030. DETERMINATION OF MILLAGE RATE EQUIVALENT. (a)  
3 The department may require a municipality to return a certification,  
4 signed by the municipal treasurer or manager and the mayor, that provides  
5 an estimate of the locally generated revenue received by the municipality  
6 during the preceding fiscal year.

7 (b) By October 15 of each year, the department shall make an  
8 initial determination of the millage rate equivalent of each taxing unit  
9 to be used for computing and distributing equalization entitlements for  
10 the current fiscal year under AS 29.60.010 - 29.60.080. The department  
11 shall base the initial determination on the estimates in the certifica-  
12 tion returned by a municipality under (a) of this section.

13 (c) As early as possible, but not later than December 15 of each  
14 year, the department shall make a final determination of the millage  
15 rate equivalent of each taxing unit to use to compute and distribute  
16 equalization entitlements under AS 29.60.010 - 29.60.080. The depart-  
17 ment shall base the determination on audits, financial statements and  
18 other financial reports prepared and submitted by a municipality. The  
19 department shall adjust the locally generated revenue reported by a  
20 municipality to exclude the municipal revenue claimed that does not  
21 qualify for inclusion in or recognition as locally generated revenue for  
22 municipal purposes under AS 29.60.010(c)(1). The adjustment shall be  
23 made by deducting from total revenue claimed by the municipality the  
24 amount of the department's estimate of revenue that is not recognized  
25 for municipal purposes.

26 (d) The full and true assessed property value shall be determined  
27 by the department in the manner provided for the computation of state  
28 aid to education under AS 14.17.140. When the determination of locally  
29 generated revenue includes revenue of a utility received under AS 29.-

1 60.010(c)(1)(E), the full and true assessed property value shall include  
2 the computed assessed value of the utility, determined by dividing the  
3 amount of the payment in place of taxes made by the utility by the  
4 millage rate that would apply to the utility if the utility were subject  
5 to levy and collection of taxes under AS 29.45.

6 (e) In addition to the computation for municipalities that levy  
7 and collect a property tax, the department shall determine an estimated  
8 full and true assessed property value under (d) of this section for

9 (1) each municipality that is a school district and that does  
10 not levy and collect a property tax;

11 (2) each second class city with a population of 750 or more  
12 persons; however, a computation is not required under this paragraph  
13 more often than once during a period of three successive calendar years;  
14 and

15 (3) all other second class cities, by determining the average  
16 per capita full and true assessed property value of all cities having a  
17 population of less than 750 persons in which an assessment has been  
18 completed by a municipality or for which a determination is not made  
19 under (1) or (2) of this subsection.

20 (f) The department shall annually compute a statewide average per  
21 capita full and true assessed property value.

22 Sec. 29.60.040. REPORTS. A payment of an equalization entitlement  
23 may not be made to a municipality under AS 29.60.010 - 29.60.080 until  
24 the municipality has submitted its certificate of estimated revenue and  
25 its financial report to the department for the fiscal year preceding the  
26 year for which the equalization entitlement is sought, together with a  
27 budget for the municipality's current fiscal year. The financial report  
28 shall include a listing of general revenue collected from taxes levied  
29 and assessed and any other revenue that, in the opinion of the municipal

1 officials, is eligible for inclusion in computations of the locally  
2 generated revenue of the taxing unit.

3 Sec. 29.60.050. LIMITATION ON COMPUTATION AND USE OF PAYMENTS.

4 (a) An equalization entitlement generated by the tax levy of a taxing  
5 unit may be used only for authorized expenditures of that taxing unit,  
6 but up to 15 percent of the payment of an equalization entitlement  
7 generated by areawide revenue of a municipality may be used by the  
8 municipality for areawide or nonareawide purposes at the discretion of  
9 its governing body. This subsection applies to home rule and general  
10 law municipalities.

11 (b) An equalization entitlement determined with reference to  
12 revenue other than revenue obtained from the levy and collection of  
13 taxes may be used for areawide or nonareawide purposes, at the discre-  
14 tion of the governing body.

15 Sec. 29.60.060. TAX EQUALIZATION ACCOUNT. The tax equalization  
16 account is established. Money to carry out the provisions of AS 29.60.-  
17 010 - 29.60.080 shall be allocated by the department to the account.  
18 The amount allocated to the account shall be fully distributed by the  
19 department as payments to municipalities to fulfill each share autho-  
20 rized under AS 29.60.010. The amount allocated to the account shall be  
21 distributed by the department pro rata among eligible municipalities.

22 Sec. 29.60.070. ADMINISTRATION. (a) The department may adopt  
23 regulations necessary to implement AS 29.60.010 - 29.60.080. The regu-  
24 lations shall include, among other provisions,

25 (1) procedures and filing dates for submitting certification  
26 and financial reports;

27 (2) procedures for obtaining information required to compute  
28 and determine the municipality's millage rate equivalent; and

29 (3) procedures by which the department shall notify a municipi-

1 pality in writing of the reasons for a proposed disallowance or adjust-  
2 ment of any factor bearing upon the determination of the municipality's  
3 entitlement and by which the municipality will be provided reasonable  
4 time in which to respond or to challenge the department's determination.

5 (b) The department shall make reasonable efforts to advise and  
6 assist municipalities in collecting information and completing reports  
7 necessary for the determination of entitlements under AS 29.60.010 -  
8 29.60.080.

9 (c) The department shall, by regulation, classify for inclusion or  
10 exclusion as a component of a municipality's millage rate equivalent  
11 under AS 29.60.010 any tax revenue appropriated for a utility not in-  
12 cluded in the definition set out in AS 29.60.080(4).

13 Sec. 29.60.080. DEFINITIONS. In AS 29.60.010 - 29.60.080

14 (1) "taxing unit" means a municipality and

15 (A) in a borough or unified municipality, a service area  
16 or the entire area outside cities;

17 (B) in a city, a differential tax zone;

18 (2) "utility" means electric, water, sewer, gas heat, tele-  
19 phone, or refuse and garbage collection service.

20 ARTICLE 2. STATE AID FOR MISCELLANEOUS PURPOSES.

21 Sec. 29.60.100. REVENUE SHARING PAYABLE. In addition to the  
22 equalization entitlements paid under AS 29.60.010 - 29.60.080, during  
23 each fiscal year the department shall pay aid

24 (1) to a municipality or other eligible recipient that has  
25 the power to provide the services described in AS 29.60.030 - 29.60.070  
26 and exercises the power in the manner required by AS 29.60.100 - 29.60.-  
27 180;

28 (2) to a Native village government under AS 29.60.140.

29 Sec. 29.60.110. STATE AID TO MUNICIPALITIES FOR ROADS. (a) The

1 department shall pay to a municipality that has power to provide for  
2 road maintenance and exercises that power, \$2,500 a mile for each mile  
3 of road, street, or highway maintained by the municipality, excluding  
4 (1) the official state highway system, (2) roads, streets, or highways  
5 not dedicated to public use, (3) roads, streets, or highways maintained  
6 under the local service road program (AS 19.30.111 - 19.30.251), and (4)  
7 alleyways, in accordance with regulations adopted by the Department of  
8 Transportation and Public Facilities. A payment may not be made under  
9 this subsection for maintenance of a road that is not used by automotive  
10 equipment.

11 (b) A frozen waterway and a connection from an inhabited area to a  
12 waterway that may be safely used for public transportation by automotive  
13 equipment and is so used during a portion of a year is eligible for a  
14 payment of \$1,500 per mile if the waterway and connection are maintained  
15 during the period of use by a municipality or combination of municipali-  
16 ties. The department, after consultation with the Department of Trans-  
17 portation and Public Facilities, shall determine which waterways and  
18 connections qualify and, where the waterways or connections lie outside  
19 the corporate limits of a municipality, which municipalities shall  
20 receive the payments under this subsection, unless the municipalities  
21 involved have agreed in writing to a particular distribution.

22 Sec. 29.60.120. STATE AID TO MUNICIPALITIES AND OTHER ELIGIBLE  
23 RECIPIENTS FOR HEALTH FACILITIES AND HOSPITALS. (a) The department  
24 shall pay

25 (1) to a municipality that has the power to provide hospital  
26 facilities and services and that exercises that power, \$1,000 per bed  
27 for each bed actually used for patient care, limited to the number of  
28 beds provided for in the construction design of the hospital, or  
29 \$250,000 a hospital for those hospitals with 10 or more beds, or \$50,000

1 a hospital for those hospitals with less than 10 beds, as the municipal-  
2 ity may elect; money received under this paragraph may be used only for  
3 hospitals and shall be apportioned among qualifying hospitals as the  
4 municipality determines;

5 (2) on the basis set out in (1) of this subsection to a  
6 municipality for a nonprofit hospital not operated by a municipality if  
7 the municipality first certifies to the department that the nonprofit  
8 hospital is in compliance with all standards for hospitals that have  
9 been adopted by the municipality; money may not be paid on behalf of a  
10 nonprofit hospital without this certification; payments to the municipi-  
11 pality shall be transferred to the nonprofit hospital in accordance with  
12 the basis by which the payment was generated by the hospital, and shall  
13 be applied to the annual cost of operation and maintenance of the hos-  
14 pital or for the provision of health care service at the hospital as the  
15 directors of the hospital determine;

16 (3) to a municipality in which a health facility is operated,  
17 \$2,000 per bed for each bed actually used for patient care, limited to  
18 the number of beds provided for in the construction design of the health  
19 facility, or \$8,000 per health facility as the municipality determines.

20 (b) A hospital may not receive payment under both (a)(1) and  
21 (a)(2) of this section.

22 (c) Money received by a municipality under (a)(3) of this section  
23 shall be used for expenses of health services or operation and main-  
24 tenance of health facilities as the municipality determines.

25 (d) Before money may be distributed under this section, the com-  
26 missioner of health and social services shall certify to the commis-  
27 sioner of community and regional affairs that any accumulation of assets  
28 by nonprofit corporations or other recipients under this section is  
29 dedicated irrevocably to a public purpose.

1 (e) Subsections (a) and (c) of this section apply to home rule and  
2 general law municipalities.

3 Sec. 29.60.130. STATE AID TO VOLUNTEER FIRE DEPARTMENTS NOT IN  
4 ORGANIZED MUNICIPALITY. (a) The department shall pay to a volunteer  
5 fire department registered with the state fire marshal and serving an  
6 area not in an organized municipality a sum for protection purposes  
7 equal to \$10 per capita for the population served by the fire department,  
8 as determined by the state fire marshal.

9 (b) A grant shall be made under (a) of this section to facilitate  
10 the organization of a volunteer fire department in an area not in an  
11 organized municipality, upon application of the proposed fire protection  
12 group to the state fire marshal and upon approval of applications accord-  
13 ing to standards of organization and service prescribed by regulations  
14 adopted by the state fire marshal.

15 Sec. 29.60.140. STATE AID TO NATIVE VILLAGE GOVERNMENTS. The  
16 state shall pay \$25,000 to a Native village government for a village  
17 that is not incorporated as a city under this title. In this section,  
18 "Native village government" means

19 (1) a local governing body organized by authority of the Act  
20 of Congress of June 18, 1934 (25 U.S.C. sec. 476); or

21 (2) a traditional village council or, if there is no tradi-  
22 tional village council, the paramount chief or other local governing  
23 body of a Native village that meets the requirements of the Alaska  
24 Native Claims Settlement Act (43 U.S.C. sec 1601 - 1628).

25 Sec. 29.60.150. POPULATION DETERMINATION. For purposes of AS 29.-  
26 60.100 - 29.60.180, population shall be determined by the latest figures  
27 of the United States Bureau of the Census or other reliable population  
28 data, including but not limited to public school enrollment figures,  
29 public utility connection, registered voters, or certified employment

1 payrolls.

2       Sec. 29.60.160. AREA COST-OF-LIVING DIFFERENTIAL. (a) Payments  
3 to a municipality or other eligible recipient under AS 29.60.110 -  
4 29.60.120 shall reflect area cost-of-living differentials. Payments  
5 shall be based on the sum of per capita, per mile and per bed or facil-  
6 ity grants due each municipality or other recipient multiplied by the  
7 appropriate area cost-of-living differential. The area cost-of-living  
8 differential for each recipient shall be determined annually by election  
9 district under the provisions of AS 39.27.030. Application of the area  
10 cost-of-living differential may not result in distribution of an amount  
11 less than the amount of the payment determined without reference to  
12 application of this section.

13       (b) The election districts used to establish area cost-of-living  
14 differentials under (a) of this section are those designated by the  
15 proclamation of reapportionment and redistricting of December 7, 1961,  
16 and retained for the house of representatives by proclamation of the  
17 governor September 3, 1965.

18       Sec. 29.60.170. MISCELLANEOUS SERVICES ACCOUNT. The miscellaneous  
19 services account is established. Money to carry out the provisions of  
20 AS 29.60.100 - 29.60.180 shall be allocated by the department to the  
21 account in accordance with AS 29.60.280. If amounts in the account are  
22 insufficient to pay each municipality's or other recipient's share  
23 authorized under AS 29.60.100 - 29.60.180, the amounts that are avail-  
24 able shall be distributed pro rata among eligible municipalities and  
25 other recipients.

26       Sec. 29.60.180. REGULATIONS. The department shall adopt regula-  
27 tions necessary to carry out the purposes of AS 29.60.100 - 29.60.180.  
28 The regulations shall include minimum standards required to qualify a  
29 municipality or other recipient for payments for each service. The

1 department may require a municipality or other recipient to submit a  
2 performance report adequate to demonstrate to the department that a  
3 service for which payment is requested under AS 29.60.100 - 29.60.180  
4 was performed by the municipality or other recipient and meets minimum  
5 standards of service prescribed by regulation.

6 ARTICLE 3. STATE AID FOR HOSPITAL AND  
7 HEALTH FACILITY CONSTRUCTION.

8 Sec. 29.60.230. STATE AID FOR HOSPITAL AND HEALTH FACILITY CON-  
9 STRUC.ION. (a) If construction of a hospital began after January 1,  
10 1968, or if construction of a health facility began after January 1,  
11 1980, and before July 1, 1980, and state matching aid for construction  
12 approved for payment to a municipality or other hospital or health  
13 facility sponsor constitutes less than 25 percent of the total project  
14 cost, the department shall pay to the municipality or other hospital or  
15 health facility sponsor each fiscal year \$2,500 a bed for the maximum  
16 number of beds provided for in the construction design of the hospital  
17 or health facility or five percent of the total project cost, whichever  
18 is greater. State aid provided for in this section shall continue until  
19 the municipality or other hospital or health facility sponsor has re-  
20 ceived an amount that, combined with state matching money for construc-  
21 tion of the hospital or health facility, equals 25 percent of the total  
22 project cost. Money received for construction may not be used for any  
23 other purpose.

24 (b) In this section "total project cost" means

25 (1) costs directly related to the project; and  
26 (2) the total of all costs of financing and carrying out the  
27 project, including but not limited to,

28 (A) the costs of all necessary studies, surveys, plans  
29 and specifications, architectural, engineering or other special

1 services, acquisition of real property, site preparation and  
2 development, purchase, construction, reconstruction and improvement  
3 of real property, and the acquisition of machinery and equipment as  
4 may be necessary in connection with the project

5 (B) an allocable portion of the administrative and  
6 operating expenses of the municipality or other hospital or health  
7 facility sponsor;

8 (C) the cost of financing the project, including interest  
9 on bonds issued to finance the project; and

10 (D) the cost of other items, including any indemnity and  
11 surety bonds and premiums on insurance, legal fees, fees and ex-  
12 penses of trustees, depositaries, financial advisors, and paying  
13 agents for the bonds issued as the issuer considers necessary.

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

16 Sec. 29.60.240. HOSPITAL AND HEALTH FACILITY CONSTRUCTION ASSIS-  
17 TANCE ACCOUNT. The hospital and health facility construction assistance  
18 account is established. Money to carry out the provisions of AS 29.-  
19 60.230 - 29.60.240 shall be allocated by the department to the account  
20 in accordance with AS 29.60.280. If amounts in the account are insuffi-  
21 cient to pay each recipient's share authorized under AS 29.60.230 -  
22 29.60.240, the amounts that are available shall be distributed pro rata  
23 among eligible recipients.

24 ARTICLE 4. GENERAL PROVISIONS.

25 Sec. 29.60.280. ALLOCATION AND DISTRIBUTION. (a) Each year, the  
26 department shall allocate money appropriated to the accounts established  
27 in AS 29.60.060, 29.60.170, and 29.60.240 in the amounts determined by  
28 the legislature.

29 (b) Money in the miscellaneous services account established in

1 AS 29.60.170 that exceeds the amount required to fully fund distribu-  
2 tions authorized by AS 29.60.100 - 29.60.180 shall be reallocated to the  
3 tax equalization account established in AS 29.60.060 and distributed  
4 according to the provisions of AS 29.60.010 - 29.60.080.

5 (c) Money in the hospital and health facility construction assis-  
6 tance account established in AS 29.60.240 that exceeds the amount re-  
7 quired to fully fund distributions authorized by AS 29.60.230 -  
8 29.60.240 shall be reallocated to the tax equalization account estab-  
9 lished in AS 29.60.060 and distributed according to the provisions of  
10 AS 29.60.010 - 29.60.080.

11 Sec. 29.60.290. QUALIFICATION FOR MINIMUM PAYMENT. (a) A munici-  
12 pality qualifying for an entitlement under AS 29.60.010 - 29.60.080 or  
13 29.60.100 - 29.60.180 shall receive a minimum payment of \$25,000 plus an  
14 area cost-of-living differential for each fiscal year if

15 (1) the municipality has conducted a regular election during  
16 the fiscal year preceding the year for which payment of an entitlement  
17 is authorized by AS 29.60.010 - 29.60.080 or 29.60.100 - 29.60.180 and  
18 has reported the results of the election to the commissioner;

19 (2) regular meetings of the governing body are held in the  
20 municipality during the fiscal year preceding the year for which payment  
21 of an entitlement is authorized by AS 29.60.010 - 29.60.080 or 29.60.-  
22 100 - 29.60.180 and a record of the proceedings is maintained;

23 (3) a municipal budget has been adopted for the fiscal year  
24 during which payment of an entitlement is authorized by AS 29.60.010 -  
25 29.60.080 or 29.60.100 - 29.60.180 and an audit or financial statement  
26 of the preceding fiscal year has been prepared and furnished to the  
27 department in accordance with AS 29.20.640(a); and

28 (4) local ordinances adopted by the municipality have been  
29 codified in accordance with AS 29.25.050.

1 (b) The area cost-of-living differential payable to each municipi-  
2 pality under this section shall be determined annually by election  
3 district under the provisions of AS 39.27.030. Except as provided in  
4 AS 29.60.300, application of the area cost-of-living differential may  
5 not result in a payment that is less than the minimum payment determined  
6 under (a) of this section. For purposes of this subsection, the election  
7 districts used are those designated by the proclamation of reapportion-  
8 ment and redistricting of December 7, 1961, and retained for the house  
9 of representatives by proclamation of the governor September 3, 1965.

10 (c) The department shall pay to each municipality eligible to  
11 receive a minimum payment under this section an amount equal to the  
12 difference between the minimum payment determined under (a) and (b) of  
13 this section and the sum of the amounts payable for the same fiscal year  
14 under AS 29.60.010 - 29.60.080 and 29.60.100 - 29.60.180.

15 (d) A payment under this section may be prorated and reduced under  
16 AS 29.60.300.

17 (e) Payments under this section shall be made from the money  
18 allocated to the tax equalization account established in AS 29.60.060.

19 Sec. 29.60.300. PRORATION OF PAYMENTS. (a) Payments under AS 29.-  
20 60.290 and 29.60.010 - 29.60.180 shall equal the amount allocated to the  
21 tax equal zation account (AS 29.60.060), adjusted in accordance with  
22 AS 29.60.280.

23 (b) Adjustments of payments shall be determined by prorating  
24 amounts payable under AS 29.60.290 and amounts payable under AS 29.-  
25 60.010 - 29.60.180 by a factor that, when applied, reduces all payments  
26 in equal proportion so that payment under AS 29.60.290 and payments  
27 und - AS 29.60.010 - 29.60.180 equal the amount allocated to the tax  
28 equalization account established in AS 29.60.060.

29 Sec. 29.60.310. DEFINITIONS. In this chapter

1 (1) "health facility"

2 (A) means a facility is licensed, when required, by the  
3 state under AS 18.20.010 - 18.20.130 and that is owned or operated  
4 or both by a municipality or by a nonprofit corporation or other  
5 nonprofit sponsor;

6 (B) includes a public health center, maternity home,  
7 community mental health center, facility for the mentally or  
8 physically handicapped, nursing home, or convalescent center.;

9 (C) excludes a facility operated or wholly supported by  
10 the state or the federal government;

11 (2) "hospital" means a licensed hospital determined by the  
12 Department of Health and Social Services to be a general hospital; the  
13 term excludes a facility operated or wholly supported by the state or  
14 the federal government.

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

16 CHAPTER 65. GENERAL GRANT LAND.

17 Sec. 29.65.010. DETERMINATION OF ENTITLEMENT OF BOROUGHES AND  
18 UNIFIED MUNICIPALITIES. The general grant land entitlement of each of  
19 the municipalities in this section is the amount set out opposite each:

- 20 (1) Municipality of Anchorage - 44,893 acres;  
21 (2) City and Borough of Juneau - 19,584 acres;  
22 (3) City and Borough of Sitka - 10,500 acres;  
23 (4) Bristol Bay Borough - 2,898 acres;  
24 (5) Fairbanks North Star Borough - 112,000 acres;  
25 (6) Haines Borough - 2,800 acres;  
26 (7) Kenai Peninsula Borough - 155,780 acres;  
27 (8) Ketchikan Gateway Borough - 11,593 acres;  
28 (9) Kodiak Island Borough - 56,500 acres;  
29 (10) Matanuska-Susitna Borough - 355,210 acres;

1 (11) North Slope Borough - 89,850 acres.

2 Sec. 29.65.020. DETERMINATION OF ENTITLEMENT FOR CITIES. The  
3 general grant land entitlement of a city formerly eligible to receive  
4 general grant land under the provisions of AS 29.18.190 and 29.18.200 is  
5 10 percent of the maximum total acreage of vacant, unappropriated,  
6 unreserved land in the boundaries of each city at any time between the  
7 initial date of eligibility under former AS 29.18.190 and 29.18.200 and  
8 July 1, 1978. Within six months after July 1, 1978, the director shall  
9 determine the entitlement for each city eligible to receive general  
10 grant land under this section and certify that entitlement to the city.

11 Sec. 29.65.030. DETERMINATION OF ENTITLEMENT FOR NEWLY INCOR-  
12 PORATED MUNICIPALITIES. (a) The general grant land entitlement of a  
13 municipality incorporated after July 1, 1978, is 10 percent of the total  
14 acreage of vacant, unappropriated, unreserved land within the boundaries  
15 of the municipality on the date of its incorporation.

16 (b) Within six months after the date of incorporation of a muni-  
17 cipality that is incorporated after July 1, 1978, the director shall  
18 determine the entitlement of each municipality eligible to receive  
19 general grant land under (a) of this section and certify the entitlement  
20 to the municipality.

21 Sec. 29.65.040. STATUS OF ENTITLEMENTS. (a) After July 1, 1978,  
22 general grant land entitlements provided in AS 29.65.010 and 29.65.020  
23 are vested property rights that must be fulfilled as provided in AS 29.-  
24 65.050 or 29.65.080.

25 (b) General grant land entitlements provided by AS 29.65.030 are  
26 property rights that vest on the date of incorporation of the munici-  
27 pality. The entitlement must be fulfilled as provided in AS 29.65.050.

28 (c) Land may be selected or nominated for selection by a municipal-  
29 ity to satisfy a general grant land entitlement under AS 29.65.010 and

1 29.65.020 at any time before October 1, 1980. However, if a municipal  
2 selection or nomination or a part of a municipal selection or nomination  
3 is rejected by the director, the municipality may, not later than 90  
4 days after receipt of the director's rejection, select additional state  
5 land as necessary to satisfy its entitlement.

6 (d) Land may be selected by a municipality to satisfy a general  
7 grant land entitlement under AS 29.65.030 at any time within one year  
8 after the director certifies the entitlement to the municipality.

9 (e) The time limitations imposed by (c) and (d) of this section  
10 for exercising a vested general grant land entitlement do not apply to

11 (1) the portion of an entitlement that cannot be satisfied by  
12 that date because of a shortage of land suitable for residential, commer-  
13 cial, and industrial purposes that is vacant, unappropriated, unreserved  
14 land;

15 (2) payments for land deficiency under AS 29.65.080;

16 (3) the portion of an entitlement that cannot be satisfied  
17 because the land selected by a municipality has been selected by a party  
18 entitled to select land owned by the United States or the state; or

19 (4) the portion of an entitlement that cannot be satisfied  
20 because the land nominated for selection by the municipality is not  
21 tentatively approved for patent to the state.

22 Sec. 29.65.050. FULFILLMENT OF LAND ENTITLEMENTS. (a) The acreage  
23 of each municipality's land selections for which patent has been issued  
24 before July 1, 1978, shall be credited toward fulfillment of the entitle-  
25 ment of that municipality.

26 (b) All approved selections under former AS 29.18.190 and 29.-  
27 18.200 for which patent has not been issued to a municipality on July 1,  
28 1978, shall be reviewed by the director within nine months after July 1,  
29 1978. Any approved selection of land that was vacant, unappropriated,

1 or unreserved on the date of selection is valid as of the date of the  
2 approval under former AS 29.18.190 and 29.18.200, and a patent shall be  
3 issued to the municipality within three months after approval by the  
4 director of a plat of survey. The acreage shall be credited toward  
5 fulfillment of the municipality's entitlement. A municipality is not  
6 entitled to receive patent under this chapter to more than its entitle-  
7 ment determined under AS 29.65.010 - 29.65.030. Any prior approval by  
8 the director of municipal selections for land that was not vacant  
9 unappropriated, or unreserved on the date of selection shall be re-  
10 scinded, and patent may not be issued except when disposal to a third  
11 party by sale or lease has occurred. Transfers of land to municipali-  
12 ties under this chapter are subject to AS 38.05.321. Classification  
13 actions as reflected on the land status records of the Department of  
14 Natural Resources are determinative of land classification status for  
15 purposes of this chapter.

16 (c) The director shall approve each selection for patent within  
17 nine months of its selection by a municipality, and a patent shall be  
18 issued to the municipality for land selected in satisfaction of a general  
19 grant land entitlement vested under AS 29.65.010 - 29.65.030 within  
20 three months after approval by the director of a plat of survey.

21 Sec. 29.65.060. SCHOOL, UNIVERSITY, AND MENTAL HEALTH LAND. (a)  
22 If an entitlement determined in AS 29.65.010 or 29.65.020 results in a  
23 per capita entitlement for the municipality of less than one and one-  
24 half acre, the municipality may select vacant school, university, or  
25 mental health land in the municipality in partial fulfillment of its  
26 land entitlement under this chapter. School, university, or mental  
27 health land may be selected notwithstanding the fact that these lands  
28 are not unappropriated and unreserved within the meaning of this chapter  
29 and under former AS 29.18.190 and 29.18.200, each selection of

1 school, university, or mental health land by a municipality must be  
2 vacant, unappropriated, or unreserved land as defined in this chapter,  
3 except that it need not be general grant land.

4 (b) The acreage of school, university, or mental health land, if  
5 any, in a municipality may not be included in the determination of  
6 entitlement under AS 29.65.010 or 29.65.020.

7 (c) Land conveyed under this section will be credited against a  
8 municipality's remaining land entitlement under this chapter.

9 (d) Within six months after approval of a municipal selection of  
10 school, university, or mental health land, the director shall identify  
11 state general grant land of approximately equal value to the land re-  
12 quested by the municipality and shall propose the replacement land for  
13 the concurrence of the appropriate board. If a proposal by the director  
14 is rejected by the board, the director shall meet with the board as  
15 often as necessary to determine the type and amount of equal value  
16 replacement land that would be required to obtain the board's con-  
17 currence, and shall propose the replacement land for consideration by  
18 the board. The replacement land shall thereafter be managed for the  
19 purposes for which the land selected by the municipality was acquired by  
20 the Territory and State of Alaska.

21 (e) The notice and review provisions of AS 38.05.305 and 38.05.345  
22 apply to the designation of other general grant land as school, univer-  
23 sity, or mental health land in replacement of land selected under this  
24 section. The provisions of AS 38.50 and AS 38.05.032 do not apply to  
25 such designations under this section. The provisions of AS 38.05.-  
26 030(a), 38.05.030(e), and 38.05.035(a)(13) that require the approval of  
27 the respective trust board before disposal of land by the director do  
28 not apply to selections of school, university, or mental health land by  
29 a local government under this section.

1 (f) For purposes of determining the per capita entitlement under  
2 (a) of this section, the population of a municipality shall be the  
3 population determined by the commissioner under former AS 43.18.010 for  
4 the program year beginning July 1, 1978, for a municipality whose en-  
5 titlement is determined under AS 29.65.010.

6 Sec. 29.65.070. SELECTION AND CONVEYANCE PROCEDURE. (a) If land  
7 selected by a municipality is unsurveyed at the time of approval, the  
8 director shall survey, or may approve the municipality's survey of, the  
9 exterior boundaries of an approved selection without interior sub-  
10 division, and shall issue patent in terms of the exterior boundary  
11 survey. The cost of the survey shall be borne by the municipality. If  
12 land selected by a municipality has been surveyed at the time of its  
13 selection, the boundaries shall conform to the public land subdivisions  
14 established by the approved survey.

15 (b) The director may approve municipal selections of land that  
16 have been tentatively approved or patented to the state by the federal  
17 government, but he may not issue patent to a municipality until the land  
18 has first been patented to the state. After approval of a selection by  
19 the director, but before patent to a municipality, the municipality may  
20 execute conditional leases and make conditional sales only with the  
21 consent of the director. Conditional sales and conditional leases made  
22 before July 1, 1978, do not require the consent of the director.

23 (c) Nothing in this chapter affects a valid existing claim, loca-  
24 tion, or entry under the laws of the state or the United States whether  
25 for homestead, mineral, right-of-way, or other purposes. Nothing in  
26 this chapter affects the rights of an owner, claimant, locater, or  
27 entryman to the full use and enjoyment of the land so occupied.

28 Sec. 29.65.080. PAYMENT FOR LAND DEFICIENCY. (a) The Alaska  
29 municipal land account is established in the general fund for the follow-

1 ing purposes:

2 (1) providing payment to the boroughs and unified municipali-  
3 ties designated in AS 29.65.010 for a deficiency of land physically  
4 suitable for residential, commercial, or industrial purposes; or

5 (2) providing payment to the boroughs and unified municipali-  
6 ties designated in AS 29.65.010 for certain general grant lands selected  
7 by the state and conveyed to a Native corporation under the provisions  
8 of the Alaska Native Claims Settlement Act.

9 (b) A municipality shall receive payment for its land deficiency  
10 from the municipal land account. A municipality is eligible to receive  
11 payment for land deficiency if, after July 1, 1980, the amount of land  
12 selected by a municipality that is physically suitable for residential,  
13 commercial, or industrial purposes amounts to less than one-third acre  
14 per capita. Any entitlement under AS 29.65.010 that is less than one-  
15 third acre per capita will, for the purposes of this subsection, be  
16 considered a land deficiency. An unselected remaining entitlement will,  
17 for the purpose of deficiency payment under this subsection, be con-  
18 sidered as land physically suitable for residential, commercial, or  
19 industrial purposes. A municipality eligible under this subsection is  
20 entitled to receive a payment for land deficiency equal to \$1,000 per  
21 acre for a number of acres equal to the difference between one-third of  
22 the population of the municipality less the number of acres physically  
23 suitable for residential, commercial or industrial purposes that has  
24 been selected by the municipality. For the purpose of this subsection,  
25 the population of the municipality shall be the population determined in  
26 accordance with AS 29.65.060(f). No payment may be made to a munici-  
27 pality under this subsection in excess of \$9,000,000.

28 (c) If a municipality selected vacant, unappropriated, unreserved  
29 land on or before December 18, 1971, to which the state had received

1 tentative approval or patent, and that land was also selected by a  
2 Native corporation organized under the Alaska Native Claims Settlement  
3 Act (P.L. 92-203), and title to that land is ultimately vested in that  
4 Native corporation, the municipality may, at its option, request payment  
5 for land deficiency from the municipal land account. The acceptance of  
6 payment under this subsection by a municipality constitutes a relin-  
7 quishment of any other right, title, or claim to the land by that muni-  
8 cipality. The total payment to a municipality under this subsection may  
9 not exceed \$1,000 per acre to a maximum of 8,000 acres.

10 (d) The governor shall annually submit to the legislature a request  
11 for an appropriation to the municipal land account for the municipalities  
12 that have elected to receive payments under (b) or (c) of this section.  
13 The request for appropriation shall distinguish between amounts necessary  
14 to make payments for land deficiency under (b) of this section and those  
15 required to make payments for land deficiency under (c) of this section.

16 (e) For purposes of fulfilling entitlements under this section,  
17 the legislature is authorized to appropriate

18 (1) not more than \$4,000,000 per fiscal year, and not more  
19 than \$12,000,000 in total, for the purpose of paying entitlements under  
20 (b) of this section;

21 (2) not more than \$1,000,000 per fiscal year, and not more  
22 than \$8,000,000 in total, for the purpose of paying entitlements under  
23 (c) of this section.

24 (f) If an annual appropriation is not sufficient to meet the  
25 amount due to all municipalities that have elected to accept payment for  
26 land deficiency under (b) or (c) of this section, the governor shall  
27 apportion the appropriation among the municipalities in proportion to  
28 the payment calculated for each municipality for that year. When a  
29 distribution of payments is made under (c) of this section, the remaining

1 entitlement of a municipality to which payment is made shall be reduced  
2 in an amount equal to the number of acres for which payment was received.  
3 An appropriation made under this section is in addition to other grants  
4 and entitlements authorized to eligible municipalities.

5 (g) Payments authorized by this section may not be made to a muni-  
6 cipality eligible for an entitlement under AS 29.65.020 or 29.65.030.

7 (h) Payments made under this section shall be used by a municipal-  
8 ity that levies property taxes to reduce the levy in proportion to the  
9 amount of state payments received by the municipality for a given fiscal  
10 year. The governing body of each municipality shall furnish a notice  
11 with the tax statement describing the effect on property tax levies of  
12 payments received under this section.

13 Sec. 29.65.090. AUTHORIZATION FOR LAND EXCHANGES. The director,  
14 with the concurrence of the commissioner, and a municipality are autho-  
15 rized to exchange land or interests in land when it is in the public  
16 interest. Land or interests in land exchanged under this section must  
17 be of approximately equal value, including the nonmonetary value of  
18 public benefits. Exchange procedures shall comply with applicable law  
19 and municipal ordinances. The notice and review provisions of AS 38.-  
20 05.305 and 38.05.345 apply to exchanges of land under this section. The  
21 provisions of AS 38.50 do not apply to exchanges of land under this  
22 section.

23 Sec. 29.65.100. PUBLIC PURPOSE AND EXPANSION NEEDS. (a) Consis-  
24 tent with the best interests of the state, if a municipality does not  
25 contain and cannot reasonably acquire sufficient nonfederal land within  
26 its boundaries to meet its legitimate needs for public or private settle-  
27 ment or development, it shall be the policy of the state to select  
28 federal land reasonably necessary to meet the needs of the municipality  
29 and to make the land selected available to the municipality under AS 38.-

1 05.315 or (b) of this section.

2 (b) Where state land is the most logical location for demonstrated  
3 municipal expansion for nonpublic settlement and development purposes,  
4 and when an exchange of land under AS 29.65.090 is not possible or is  
5 not in the public interest, it is the policy of the state to sell or  
6 lease the land at public auction. The state may contract with a muni-  
7 cipality to act as its agent in an auction of state land under appli-  
8 cable statutes. When a municipality acts as the agent of the state in  
9 an auction, the municipality may retain from the proceeds of the auction  
10 the expenses that the director determines to be necessary and reason-  
11 able.

12 (c) Nothing in this chapter limits or impairs the authority of the  
13 director to transfer land to municipalities, without limit or considera-  
14 tion, for public purposes in accordance with AS 38.05.315. If there is  
15 a remaining entitlement of the municipality, land transferred under  
16 AS 38.05.315 shall be credited toward fulfillment of the entitlement.

17 Sec. 29.65.110. ELECTION OF BENEFITS. (a) A municipality that on  
18 July 1, 1978, is engaged in litigation, or that becomes engaged in  
19 litigation, regarding a claim to state land under former AS 29.18.190  
20 and 29.18.200 shall elect either to obtain the benefits provided in this  
21 chapter or to pursue the litigation and waive any claim to entitlement  
22 under this chapter. An election shall be made by filing a motion for  
23 dismissal with prejudice in the court in which the litigation is pending.  
24 If the claim involves a municipality identified in AS 29.65.010, the  
25 municipality shall file its motion for dismissal within 60 days after  
26 July 1, 1978. If a claim involves a city eligible to receive an entitle-  
27 ment under AS 29.65.020 the city shall file its motion for dismissal  
28 within 60 days after receiving the certificate of entitlement provided  
29 by the director under AS 29.65.020. Failure of the municipality to file

1 a motion for dismissal during the time period provided in this subsection  
2 is considered a waiver of entitlement under this chapter.

3 (b) A municipality that was eligible to file land selections under  
4 former AS 29.18.190 and 29.18.200 and that does not enter into litigation  
5 over a claim to rights under those sections before the expiration of the  
6 time period within which it could make an election under (a) of this  
7 section is considered to have elected to receive benefits under this  
8 chapter and to have waived any claim that might have been raised under  
9 former AS 29.18.190 and 29.18.200.

10 (c) The provisions of this chapter do not affect the rights of a  
11 party to litigation regarding the former AS 29.18.190, 29.18.200 or  
12 29.18.420 maintained by a municipality that has elected not to obtain  
13 the benefits provided by this chapter.

14 Sec. 29.65.120. ADMINISTRATION. The commissioner of natural  
15 resources may adopt regulations in accordance with the Administrative  
16 Procedure Act (AS 44.62) necessary to carry out the purposes of this  
17 chapter.

18 Sec. 29.65.130. DEFINITIONS. In this chapter, unless the context  
19 otherwise requires,

20 (1) "approved selection" means a municipal land selection  
21 that has been approved in writing by the director for transfer by patent  
22 to a municipality;

23 (2) "director" means the director of the division of lands,  
24 Department of Natural Resources, or his designee;

25 (3) "general grant land" means land patented or tentatively  
26 approved to the state from the United States under sec. 6(a) or (b) of  
27 the Alaska Statehood Act;

28 (4) "mental health land" means land granted under Title II,  
29 sec. 202 of P.L. 84-830, as amended before or after July 1, 1978;

1 (5) "municipal land selection" means a request by a municipi-  
2 pality, filed in writing with the director under authority of former  
3 AS 29.18.190 and 29.18.200 or under this chapter for vacant, unappro-  
4 priated, unreserved general grant land within its municipal boundaries  
5 in partial fulfillment of its municipal entitlement;

6 (6) "patent" means a document, issued by the director to a  
7 municipality for a previously approved selection, that conveys and  
8 quitclaims all the right, title, and interest of the state without  
9 reservation or condition except as may be required by law;

10 (7) "remaining entitlement" means the general grant land  
11 entitlement determined in accordance with this chapter, reduced by the  
12 total acreage of approved selections, including both patented and un-  
13 patented parcels;

14 (8) "school land" means those rectangular sections 16 and 36  
15 within each township surveyed on or before January 3, 1959, and con-  
16 firmed and transferred to the State of Alaska upon its admission under  
17 sec. 6(k), Alaska Statehood Act, 72 Stat. 339, and any other land  
18 designated solely for school revenues;

19 (9) "university land" means all sections 33 reserved to the  
20 university under 38 Stat. 1214, as amended (48 U.S.C. 353) and all land  
21 granted to or reserved for the benefit of the university;

22 (10) "vacant, unappropriated, unreserved land" means general  
23 grant land as defined in (4) of this section, excluding minerals as  
24 required by sec. 6(i) of the Alaska Statehood Act, that

25 (A) has not been set aside by statute for one or more  
26 particular uses or purposes;

27 (B) has not been approved for patent to a municipality  
28 under this chapter or former AS 29.18.190 and 29.18.200; or

29 (C) is unclassified or, if classified under AS 38.05.-

1 300, is classified for agricultural, grazing, commercial, indus-  
2 trial, private recreational, residential, utility, or open-to-entry  
3 purposes, or is classified in accordance with an agreement between  
4 a municipality and the state providing for state management of land  
5 of the municipality.

6 Sec. 29.65.140. APPLICATION. This chapter applies to home rule  
7 and general law municipalities.

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

9 CHAPTER 71. GENERAL PROVISIONS.

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

12 Sec. 29.71.020. DEDICATION OF MUNICIPAL PROPERTY. Dedication of  
13 streets, rights-of-way, easements or other areas for public use may not  
14 be construed to require the municipality to maintain, improve or provide  
15 for municipal services in the area dedicated and the dedication does not  
16 impose any liability on the municipality for the condition of the area  
17 dedicated.

18 Sec. 29.71.030. TAXATION OF MUNICIPALITIES. No state law or  
19 regulation may assess or tax, or be construed to assess or tax, a muni-  
20 cipality unless the law or regulation expressly provides that the muni-  
21 cipality is to be assessed or taxed by the particular law or regulation.

22 Sec. 29.71.040. DEFINITIONS. In this title, unless otherwise  
23 provided or the context otherwise requires,

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

26 (2) "borough" means a general law first or second class  
27 borough or a home rule borough;

28 (3) "city" means a general law first or second class city or  
29 a home rule city;

1 (4) "commissioner" means the commissioner of community and  
2 regional affairs;

3 (5) "consolidation" means dissolution of two or more muni-  
4 cipalities and their incorporation as a new municipality;

5 (6) "department" means the Department of Community and  
6 Regional Affairs;

7 (7) "election" means a regular or special municipal election  
8 and does not include a state election;

9 (8) "governing body" means the assembly of a borough or the  
10 council of a city;

11 (9) "majority" means a simple majority;

12 (10) "merger" means dissolution of a municipality and its  
13 absorption by another municipality;

14 (11) "municipality" means a political subdivision incorporated  
15 under the laws of the state that is a home rule or general law city, a  
16 home rule or general law borough, or a unified municipality;

17 (12) "nonareawide" means throughout the area of a borough  
18 outside all cities in the borough;

19 (13) "owner" or "record owner" means the owner of record or  
20 purchaser of record as shown in the records of the district recorder;

21 (14) "personal property" means tangible property other than  
22 real property, such as merchandise, stock in trade, machinery, equip-  
23 ment, furniture, fixtures, vehicles, boats, and aircraft;

24 (15) "property" means real and personal property;

25 (16) "published" means appearing at least once in a newspaper  
26 of general circulation distributed in the municipality or, if there is  
27 no newspaper of general circulation distributed in the municipality,  
28 posting in three public places for at least five days;

29 (17) "real property" means land and improvements, all posses-

1 sory rights and privileges appurtenant to the property, and includes  
2 personal property affixed to the land or improvements;

3 (18) "regular election" means the municipal election held on  
4 the first Tuesday of October annually, or on a different date or inter-  
5 val of years provided by ordinance or charter,

6 (19) "special election" means a municipal election and does  
7 not include a regular election or a state election;

8 (20) "street" includes streets, avenues, boulevards, roads,  
9 lanes, alleys, and other ways;

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

14 (22) "unified municipality" means a municipality unified in  
15 accordance with AS 29.06.190 - 29.06.410;

16 (23) "voter" means a United States citizen qualified to vote  
17 in state elections, has been a resident of the municipality for 30 days  
18 immediately preceding the election, is registered to vote in state  
19 elections, and is not disqualified under art. V of the state constitu-  
20 tion.

21 \* Sec. 19. AS 01.10.060 is amended by adding a new paragraph to read:

22 (15) "municipality" means a political subdivision incorporated  
23 under the laws of the state that is a home rule or general law city or  
24 borough or a unified municipality.

25 \* Sec. 20. AS 09.55.275 is amended to read:

26 Sec. 09.55.275. REPLAT APPROVAL. No agency of the state or  
27 municipality may acquire property located within a municipality exercis-  
28 ing the powers conferred by AS 29.40.070 - 29.40.160 or AS 29.33.150 -  
29 29.33.245 that [WHICH] results in a boundary change unless the agency or

1 municipality first obtains from the municipal platting authority pre-  
2 liminary approval of a replat showing clearly the location of the pro-  
3 posed public streets, easements, rights-of-way, and other taking of  
4 private property. Final approval of replat shall be similarly obtained.  
5 However, if a state agency clearly demonstrates an overriding state  
6 interest, a waiver to the approval requirements of this section may be  
7 granted by the governor. The platting authority shall treat applica-  
8 tions for replat made by state or local governmental agencies in the  
9 same manner as replat petitions originated by private landowners.

10 \* Sec. 21. AS 09.65.070(e)(1) is amended to read:

11 (1) "municipality" means a home rule borough or city, a  
12 general law borough or city of any class, or a unified municipality  
13 [ESTABLISHED UNDER AS 29.68.240 - 29.68.440, OR A MUNICIPALITY ESTAB-  
14 LISHED BY MERGER OR CONSOLIDATION UNDER AS 29.68.030 - 29.68.110]; the  
15 term includes a public corporation established by a municipality;

16 \* Sec. 22. AS 14.08.071(b) is amended to read:

17 (b) Except for the first election of regional school members under  
18 (a) of this section, elections [ELECTION] shall be held annually on the  
19 first Tuesday in October. Elections shall be supervised by the director  
20 of elections in the office of the lieutenant governor, but shall be  
21 administered within second class cities as part of the regular municipal  
22 election. The lieutenant governor shall adop [PROMULGATE] regulations  
23 for the conduct of the election of regional school board members com-  
24 parable, as far as practicable, to those prescribed for election of  
25 school board members under AS 14.12 and AS 29.20.300 or AS 29.28 except  
26 that the majority election requirements of AS 29.26.060 or AS 29.28.040  
27 do not apply to, nor may the regulations require runoff elections for,  
28 the first election of regional school board members under (a) of this  
29 section or, if a school board by resolution so requests, to subsequent

1 elections in the regional educational attendance area served by that  
2 school board.

3 \* Sec. 23. AS 14.08.081 is amended to read:

4 Sec. 14.08.081. RECALL. The members of a regional school board  
5 are subject to recall in accordance with AS 29.26.240 - 29.26.360 or  
6 AS 29.28.130 - 29.28.250, except that the director of the division of  
7 elections shall perform the functions of a municipal clerk, and the  
8 lieutenant governor shall perform the functions of the assembly or  
9 council under those sections.

10 \* Sec. 24. AS 14.12.030(c) is amended to read:

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

16 \* Sec. 25. AS 14.12.110 is amended to read:

17 Sec. 14.12.110. SINGLE BODY AS ASSEMBLY AND SCHOOL BOARD. (a)  
18 Notwithstanding the provisions of this chapter or other law, a single  
19 body shall serve as both the assembly and school board in a third class  
20 borough and a single body in a borough other than a third class borough  
21 may serve as both the [BOROUGH] assembly and [BOROUGH] school board [THE  
22 MANNER PROVIDED FOR THIRD CLASS BOROUGHES UNDER AS 07.17.030], if

23 (1) a borough ordinance for that purpose is approved by the  
24 assembly and ratified by a referendum of a majority of the qualified  
25 borough voters voting on the question at a regular or special election;  
26 [,] and

27 (2) [IF] the public school population within the borough is  
28 500 pupils or less.

29 (b) When the assembly serves as the school board, the borough mayor

1 is the president of the school board but he may not veto an action of the  
2 school board.

3 \* Sec. 26. AS 14.14.020 is amended to read:

4 Sec. 14.14.020. BOND REQUIRED. Before the officer responsible for  
5 custody [OF], investment, or management of school district money enters  
6 upon the duties of office, the district, or the municipality if the  
7 treasury is centralized, shall obtain a bond with sufficient sureties in  
8 an amount equal to the money that may come into the officer's official  
9 custody, but not to exceed \$50,000. The bond shall be conditioned on  
10 the officer's honest and faithful disbursement and accounting of all  
11 money that may come into his official custody. The bond shall be filed  
12 with the clerk of the school board. This section does not apply to an  
13 officer who has been bonded under AS 29.20.610 or AS 29.25.520.

14 \* Sec. 27. AS 14.14.050(d) is amended to read:

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

19 \* Sec. 28. AS 14.17.140(a) is amended to read:

20 (a) To determine the equalized percentage to be applied to basic  
21 need under AS 14.17.021, and the matching ratio for required local  
22 effort under AS 14.17.071, the Department of Community and Regional  
23 Affairs, in consultation with the assessor for each district, shall  
24 determine the full value of the taxable real and personal property in  
25 each district. Exemptions granted under ch. 129, SLA 1957, known as the  
26 Alaska Industrial Incentive Act (AS 43.25), shall be honored. If there  
27 is no local assessor or current local assessment for a district, then  
28 the Department of Community and Regional Affairs shall make the deter-  
29 mination of full value from information available. In making the deter-

1 mination, the Department of Community and Regional Affairs shall be  
2 guided by AS 29.45.110 and AS 29.53.060. The determination of full  
3 value shall be made before October 1 and sent by certified mail, return  
4 receipt requested, before that date to the president of the school board  
5 in each district. Duplicate copies shall be sent to the commissioner.  
6 The governing body of the municipality that [BOROUGH OR CITY WHICH] is  
7 the district may obtain judicial review of the determination by filing a  
8 motion in the superior court of the judicial district in which the  
9 district is located within 30 days after receipt of the determination.  
10 The superior court may modify the determination of the Department of  
11 Community and Regional Affairs only upon a finding of abuse of discretion  
12 or upon a finding that there is no substantial evidence to support the  
13 determination.

14 \* Sec 29. AS 15.13.010(a) is amended to read:

15 (a) This chapter applies in every election for governor, lieu-  
16 tenant governor, a member of the state legislature, a delegate to a  
17 constitutional convention, or judge seeking electoral confirmation. It  
18 also applies to every candidate for election to a municipal office in a  
19 municipality [CITY OR BOROUGH] with a population of more than 1,000  
20 inhabitants according to the latest United States census figures or  
21 estimates of population certified as correct for administrative purposes  
22 by the Department of Community and Regional Affairs. A municipality may  
23 exempt its elected municipal officers from the requirements of this  
24 chapter if a majority of the voters voting on the question at a [ANY]  
25 regular election, as defined by AS 29.71.040(18) or AS 29.78.010(14), or  
26 a special municipality-wide election called for that purpose, vote to  
27 exempt its elected municipal officers from the requirements of this  
28 chapter. The question of exemption from the requirements of this chapter  
29 may be submitted by the governing body [CITY COUNCIL OR BOROUGH ASSEMBLY]

1 by ordinance or by initiative election [ORDINANCE]. Nothing in this  
2 chapter prohibits a municipality from regulating by ordinance campaign  
3 contributions and expenditures.

4 \* Sec. 30. AS 15.56.110(b)(2) is amended to read:

5 (2) a borough assemblyman under AS 29.20.170(6) or AS 29.23.-  
6 060(c);

7 \* Sec. 31. AS 15.56.110(b)(3) is amended to read:

8 (3) a borough mayor under AS 29.20.280(6) or AS 29.23.130(f);

9 \* Sec. 32. AS 15.56.110(b)(4) is amended to read:

10 (4) a city councilman under AS 29.20.170(6) or AS 29.23.-  
11 210(b);

12 \* Sec. 33. AS 15.56.110(b)(5) is amended to read:

13 (5) a city mayor under AS 29.20.280(6) or AS 29.23.255;

14 \* Sec. 34. AS 16.20.036(g) is amended to read:

15 (g) The establishment of a refuge under this section does not  
16 impair or alter existing rights of a municipality [BOROUGH OR CITY] to  
17 state land selected [SELECT STATE LAND] under former AS 29.18.190 -  
18 29.18.200.

19 \* Sec. 35. AS 16.20.038(g) is amended to read:

20 (g) The establishment of a refuge under this section does not  
21 impair or alter existing rights of a municipality [BOROUGH OR CITY] to  
22 state land selected [SELECT STATE LAND] under former AS 29.18.190 -  
23 29.18.200.

24 \* Sec. 36. AS 18.26.250(2) is amended to read:

25 (2) municipality [MUNICIPAL CORPORATION OR POLITICAL SUB-  
26 DIVISION OF THE STATE AS THE TERMS ARE USED IN AS 29];

27 \* Sec. 37. AS 18.80.290(d) is amended to read:

28 (d) The governing [LEGISLATIVE] body of a general law or home rule  
29 municipality has the authority under AS 29.20.320 or AS 29.48.035 to

1 grant to local commissions powers and duties similar to those exercised  
2 by the Alaska Human Rights Commission under the provisions of this Act.

3 \* Sec. 38. AS 19.30.241(2) is amended to read:

4 (2) "home rule city" means a city as defined in AS 29.04.010  
5 [AS 29.08.010];

6 \* Sec. 39. AS 19.30.241(3) is amended to read:

7 (3) "local government" means an organized borough of any  
8 class, a unified municipality [ORGANIZED UNDER AS 29.68.240 - 29.68.440],  
9 a home rule city, or a first class city [OF THE FIRST CLASS];

10 \* Sec. 40. AS 26.23.230(5) is amended to read:

11 (5) "political subdivision" means a home rule or general law  
12 borough or city [, WHETHER HOME RULE OR OTHERWISE], including a unified  
13 municipality [MUNICIPALITIES UNIFIED UNDER AS. 29.68.240 - 29.68.440],  
14 an unincorporated village, or other unit of local government;

15 \* Sec. 41. AS 28.15.051(d) is amended to read:

16 (d) The department may issue a special driver's permit to a person  
17 who is at least 14 years of age with the consent of his parents or  
18 guardians for the purpose of driving a motor-driven cycle. This permit  
19 may be issued upon application and successful completion of all pre-  
20 scribed tests and fees, and is valid for the same period of time as a  
21 driver's license. The permit is not valid in a municipality which by  
22 ordinance prohibits the driving of a motor-driven cycle by a person  
23 under the age of 16 years; a borough may adopt the ordinance on a non-  
24 areawide basis only, unless the power to adopt it on an areawide basis  
25 is acquired under AS 29.35.300 - 29.35.330 or AS 29.33.250 - 29.33.290.

26 \* Sec. 42. AS 29.78 is amended by adding a new section to read:

27 Sec. 29.78.020. The following chapters apply only insofar as they  
28 are applicable to third class boroughs: AS 29.08, AS 29.13, AS 29.18,  
29 AS 29.23, AS 29.28, AS 29.33, AS 29.38, AS 29.41, AS 29.43, AS 29.48,

1 AS 29.53, AS 29.58, AS 29.63, AS 29.68, AS 29.73, AS 29.78, AS 29.88,  
2 AS 29.89, AS 29.90, and AS 29.95.

3 \* Sec. 43. AS 38.04.020(b)(1) is amended to read:

4 (1) land nominated for selection or selected by a municipality  
5 to satisfy a general grant land entitlement under AS 29.65 or AS 29.-  
6 18.201 - 29.18.213;

7 \* Sec. 44. AS 38.04.020(e)(4) is amended to read:

8 (4) for preliminary feasibility studies, engineering design  
9 work, and construction of access roads and capital improvements required  
10 by municipal subdivision ordinance or regulation of the platting  
11 authority [BOARD UNDER AS 29.33.150]; if an accurate determination of  
12 the amounts necessary for access roads or capital improvements cannot be  
13 made at the time the estimate is submitted, a schedule for obtaining the  
14 estimates, constructing the access roads or capital improvements, and  
15 disposing of the land shall be submitted;

16 \* Sec. 45. AS 38.04.021(a) is amended to read:

17 (a) A municipality may apply for financial assistance for the  
18 execution of a land disposal program of general grant land entitlements  
19 received from the state under AS 29.65 or AS 29.18.201 - 29.18.213 by  
20 submitting a request to the commissioner for inclusion in the request  
21 submitted to the legislature under AS 38.04.020(e). A municipality may  
22 request financial assistance for expenses of surveying land, designing  
23 subdivision plots, installing improvements required by municipal ordi-  
24 nance or regulation of the local platting authority [BOARD], and other  
25 reasonable direct costs of land disposal.

26 \* Sec. 46. AS 38.04.021(d) is amended to read:

27 (d) A grant made under this section may not exceed five times the  
28 amount of money appropriated by a first class city, a borough, or a  
29 unified municipality [UNIFIED UNDER AS 29.68.240 - 29.68.440] for the

1 disposal of municipal land in the current fiscal year unless the commis-  
2 sioner exempts the municipality from this subsection.

3 \* Sec. 47. AS 38.04.021(e)(2) is amended to read:

4 (2) a first class city, a borough, or a unified municipality  
5 that [UNIFIED UNDER AS 29.68.240 - 29.68.440 WHICH] is exempted by the  
6 commissioner under (d) of this section.

7 \* Sec. 48. AS 38.04.900(b) is amended to read:

8 (b) A municipality has standing to petition the commissioner for  
9 the adoption of a regulation, or for the amendment or repeal of an  
10 existing regulation, or to appeal a decision of the commissioner with  
11 respect to classification, management, or disposal of land made under  
12 authority of a regulation adopted under (a) of this section with respect  
13 to state land outside the corporate boundaries of the municipality to  
14 protect any interest which the municipality is authorized to regulate  
15 outside its boundaries under AS 29.35.020 or AS 29.48.037.

16 \* Sec. 49. AS 38.05.127(d) is amended to read:

17 (d) Upon application by a municipality or an affected owner of  
18 land, the department may vacate, release, modify, or relocate an easement  
19 and right-of-way for public access to or along navigable or public  
20 waters reserved by the department in a patent issued under AS 29.18  
21 or AS 29.05, AS 29.14, or AS 29.65, if the commissioner determines the  
22 action is consistent with the public interest.

23 \* Sec. 50. AS 38.05.290(b) is amended to read:

24 (b) Consistent with the best interests of the state, in the selec-  
25 tion of general grant land it is the policy of the state to make avail-  
26 able the maximum land area from which municipalities may fulfill land  
27 entitlements under AS 29.65 or AS 29.18.201 - 29.18.213.

28 \* Sec. 51. AS 38.05.321(b) is amended to read:

29 (b) State land classified as agricultural land which has been

1 selected by a municipality under former AS 29.18.190 - 29.18.200 or  
 2 former AS 29.18.205(e) may be approved by the director for patent under  
 3 AS 29.65.050(c) or AS 29.18.205(f); however, only rights in the land for  
 4 agricultural purposes may be transferred and all other interests in the  
 5 land will remain with the state. Agricultural land approved for patent  
 6 to a municipality [UNDER AS 29.18.205(f)] shall be credited, acre for  
 7 acre, toward fulfillment of that municipality's entitlement under  
 8 AS 29.65.010 - 29.65.030 or AS 29.18.201 - 29.18.203. If the director  
 9 later determines it to be in the best interests of the state to transfer  
 10 some or all of the additional rights in that approved or patented agri-  
 11 cultural land, those rights shall pass without consideration to the  
 12 municipality in which the land is located. The notice and review provi-  
 13 sions of [AS 38.05.305 AND] AS 38.05.345 are applicable to conveyance of  
 14 rights under this section.

15 \* Sec. 52. AS 38.05.321(c) is amended to read:

16 (c) The provisions of this section do not apply to state land  
 17 classified as agricultural land which has been selected by a municipal-  
 18 ity under the provisions of former AS 29.18.190 - 29.18.200 if the  
 19 selection is an approved selection before April 1, 1978 and is otherwise  
 20 valid under AS 29.65.050(b) or AS 29.18.205(b).

21 \* Sec. 53. AS 38.05.362(b) is amended to read:

22 (b) Notwithstanding this section affects the selection rights of a  
 23 municipality [BOROUGH OR CITY] under former AS 29.18.190 - 29.18.200 for  
 24 areas selected as of July 1, 1977, or a valid existing claim, location,  
 25 or entry under law, as of July 1, 1976.

26 \* Sec. 54. AS 39.50.145 is amended to read:

27 Sec. 39.50.145. PARTICIPATION BY MUNICIPALITIES. A municipality  
 28 may exempt its municipal officers from the requirements of this chapter  
 29 if a majority of the voters voting on the question at a [ANY] regular

1 election, as defined by AS 29.71.040(18) or AS 29.78.010(14), or a  
2 special municipality-wide election, vote to exempt its municipal officers  
3 from the requirements of this chapter. The question of exemption from  
4 the requirements of this chapter may be submitted by the city council or  
5 borough assembly by ordinance or by initiative election [ORDINANCE].

6 \* Sec. 55. AS 39.50.200(a)(6) is amended to read:

7 (6) "municipal officer" includes a borough or city mayor,  
8 borough assemblyman, city councilman, school board member, elected  
9 utility board member, city or borough manager, members of a city or  
10 borough planning or zoning commission within a home rule or general law  
11 municipality [CITY OR BOROUGH] including [BUT NOT LIMITED TO] a unified  
12 municipality [UNDER AS 29.68];

13 \* Sec. 56. AS 40.15.075 is amended to read:

14 Sec. 40.15.075. AUTHORITY IN THE UNORGANIZED BOROUGH AND THIRD  
15 CLASS BOROUGH. The division of lands is the platting authority in the  
16 area outside organized boroughs and outside cities in the unorganized  
17 borough and in the third class borough for only the purposes of hearing  
18 and acting on petitions for the change or vacation of plats and shall  
19 execute this function substantially in conformity with the provisions of  
20 AS 29.40.130 - 29.40.160 [AS 29.33.210 - 29.33.240]. Costs of publica-  
21 tion and mailing [AS WELL AS OTHER COSTS] authorized in AS 29.40.130  
22 [AS 29.33.210] shall be paid to the division by the petitioner. The  
23 Department of Natural Resources shall adopt reasonable regulations  
24 governing the exercise of the authority conferred by this section upon  
25 the division of lands.

26 \* Sec. 57. AS 40.15.200 is amended to read:

27 Sec. 40.15.200. APPLICATION TO STATE AND POLITICAL SUBDIVISIONS.  
28 All subdivisions of land made by the state, its agencies, instrumentali-  
29 ties and political subdivisions are subject to the provisions of this

1 chapter and AS 29.40.070 - 29.40.160 or AS 29.33.150 - 29.33.240, or  
2 home rule ordinances or regulations governing subdivisions, and shall  
3 comply with ordinances and other local regulations adopted under this  
4 chapter and AS 29.40.070 - 29.40.160 or AS 29.33.150 - 29.33.240, or  
5 under home rule authority, in the same manner and to the same extent as  
6 subdivisions made by other landowners.

7 \* Sec. 58. AS 41.22.020(d) is amended to read:

8 (d) In (a) of this section "municipalities" includes cities or  
9 organized boroughs of any class and unified municipalities exercising  
10 powers to initiate projects described in AS 41.22.020 and acquire parks  
11 and open space land, as otherwise authorized by law [, AND INCLUDES BUT  
12 IS NOT LIMITED TO UNIFIED MUNICIPALITIES ORGANIZED UNDER AS 29.68.240 -  
13 29.68.440].

14 \* Sec. 59. AS 41.35.180(5) is amended to read:

15 (5) consult with local historical district commissions regard-  
16 ing the establishment of historical districts under AS 29.55.010 - 29.-  
17 55.020 or AS 29.48.108 - 29.48.110 and the approval of project altera-  
18 tions under AS 45.98.040; recommend, if appropriate, the formulation of  
19 additional criteria for the designation of historical districts under  
20 AS 29.55.020(b) or AS 29.48.110(b); approve plans for or evaluate the  
21 suitability of specific structures for purposes of loan eligibility and  
22 continuance under the historical district revolving loan fund (AS 45.98);  
23 and consult with the Department of Commerce and Economic Development  
24 relative to the adoption of regulations for historical district loans  
25 under AS 45.98.

26 \* Sec. 60. AS 43.18.430 is amended to read:

27 Sec. 43.18.430. POWER OF MUNICIPALITY. A municipality may own,  
28 maintain and employ a facility constructed under AS 43.18.400 - 43.18.-  
29 460. The exercise of this power on a areawide basis is at the option

1 of the borough and is not subject to the restrictions on acquiring  
2 additional areawide powers in AS 29.35.300 - 29.35.330 or AS 29.33.250 -  
3 29.33.290.

4 \* Sec. 61. AS 43.18.500(d)(2)(A) is amended to read:

5 (A) has the authority under AS 29.35 or AS 29.41 or  
6 AS 29.48 to provide and maintain a cultural facility;

7 \* Sec. 62. AS 43.56.010(b) is amended to read:

8 (b) A municipality may levy and collect a tax under AS 29.45.080 or  
9 AS 29.53.045 at the rate of taxation that applies to other property  
10 taxed by the municipality. The tax shall be levied at a rate no higher  
11 than the rate applicable to other property taxable by the municipality.  
12 No municipality may exempt from taxation property authorized to be taxed  
13 under this chapter. Exemptions shall be limited to those in AS 29.-  
14 45.050 or AS 29.53.020, and AS 29.45.050 or AS 29.53.025, and AS 43.56.-  
15 020.

16 \* Sec. 63. AS 43.56.010(c) is amended to read:

17 (c) If the total value of assessed property of a municipality  
18 taxing under AS 29.45.080(c) or AS 29.53.045(c) exceeds the product of  
19 225 percent of the average per capita assessed full and true value of  
20 property in the state (to be determined by the department and reported  
21 to each municipality by January 15 of each year) multiplied by the  
22 number of residents of the taxing municipality, the department shall  
23 designate the portion of the tax base against which the local tax may be  
24 applied. For purposes of this subsection the average per capita assessed  
25 full and true value of property in the state shall be calculated without  
26 regard to the assessed value of taxable property under AS 43.58.

27 \* Sec. 64. AS 43.56.010(d) is amended to read:

28 (d) A tax paid to a municipality under AS 29.45.080 or AS 29.53.045  
29 on or before June 30 of the tax year shall be credited against the tax

1 levied under (a) of this section for that tax year. If, however, a tax  
2 is not paid to a municipality until after June 30 of the taxable year,  
3 the department upon application shall refund to the taxpayer the amount  
4 of tax paid to the municipality under AS 29.45.080 or AS 29.53.045. The  
5 credit or refund of taxes paid to a municipality may not exceed the  
6 total amount of tax levied by the department upon the taxpayer for the  
7 tax year, under (a) of this section.

8 \* Sec. 65. AS 43.56.060(a) is amended to read:

9 (a) The department shall assess property for the tax levied under  
10 AS 43.56.010(b) and AS 29.45.080 or AS 29.53.045 on property used or  
11 committed by contract or other agreement for use for the pipeline trans-  
12 portation of gas or unrefined oil or for the production of gas or un-  
13 refined oil at its full and true value as of January 1 of the assessment  
14 year.

15 \* Sec. 66. AS 43.75.130(1) is amended to read:

16 (1) to each unified municipality [UNIFIED UNDER AS 29.68.240 -  
17 29.68.440,] and to each city located in the unorganized borough, 50  
18 percent of the amount of tax revenue collected in the municipality from  
19 taxes levied by AS 43.75;

20 \* Sec. 67. AS 44.07.020(a) is amended to read:

21 (a) The corporation is governed by a board of directors which  
22 consists of 11 members: the commissioner of community and regional  
23 affairs, the mayor of the new capital city and the mayor of the  
24 Matanuska-Susitna Borough or their designees, who serve as directors ex  
25 officio with voting privileges, and eight directors appointed by the  
26 governor and confirmed by a majority of the members of the legislature  
27 in joint session. The governor shall appoint the eight directors within  
28 60 days after the effective date of this Act. The governor shall appoint  
29 one director to serve until the mayor of the new capital city is elected

1 in accordance with AS 29.14.060 [AS 29.18.570]. No more than three of  
2 the appointed directors may be full-time elected or appointed employees  
3 or officials of the state or of any municipality. No state legislator  
4 may be appointed or serve.

5 \* Sec. 68. AS 44.07.110(11) is amended to read:

6 (11) adopt or impose land use and building restrictions,  
7 architectural, design, and land use controls through covenants, declara-  
8 tions, or otherwise in furtherance of the purpose of this chapter on any  
9 real property owned by the corporation; include the restrictions or  
10 controls in contracts, conveyances and agreements; and cause the re-  
11 strictions and controls, covenants or declarations to run with the land  
12 and bind all future owners of the land by filing them for record in the  
13 appropriate recording district subject to AS 29.14.070 [AS 29.18.580];

14 \* Sec. 69. AS 44.07.360(1) is amended to read:

15 (1) "capit city area" or "capital city site" means the area  
16 specified in AS 29.14.020 [AS 29.18.520];

17 \* Sec. 70. AS 44.07.360(2) is amended to read:

18 (2) "capital city" means the municipality created under  
19 AS 29.14.010 [AS 29.18.510];

20 \* Sec. 71. AS 44.07.360(8) is amended to read:

21 (8) "municipality" means a home rule or general law city or  
22 borough including but not limited to the capital city and a unified  
23 municipality [ORGANIZED UNDER AS 29.68.240 - 29.68.440];

24 \* Sec. 72. AS 44.08.065(c) is amended to read:

25 (c) A property owner aggrieved by determination of his assessment  
26 may appeal under AS 29.45.190 or AS 29.53.130 - 29.53.135.

27 \* Sec. 73. AS 44.08.065(d) is amended to read:

28 (d) All adjustments in valuation approved by the board of equali-  
29 zation are subject to review and final approval by the commissioner. A

1 property owner may appeal the final determination in accordance with  
2 AS 29.45.210 or AS 29.53.140.

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

4 (m) For purposes of (c) of this section, the number of residents  
5 of the community equals the number of residents of the community deter-  
6 mined by the Department of Community and Regional Affairs in accordance  
7 with AS 29.60.020 or AS 29.88.015.

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

9 (i) All references to the "reserve fund" in this section include  
10 special accounts within the reserve fund which may be created by the  
11 authority to secure the payment of particular bonds, including, without  
12 limitation, bonds issued by the capital city established under AS 29.-  
13 14.010 [AS 29.18.510]. The commissioner of revenue may lend surplus  
14 money in the general fund to the authority for deposit to any account in  
15 the reserve fund in an amount equal to the required debt service reserve.  
16 The loans shall be made on such terms and conditions as may be agreed  
17 upon by the commissioner of revenue and the authority, including, without  
18 limitation, terms and conditions providing that the loans need not be  
19 repaid until the obligations of the corporation secured and to be secured  
20 by the account in the reserve fund are no longer outstanding.

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

22 (A) a general obligation bond that [WHICH] is a direct  
23 and general obligation of a political subdivision of the state, all  
24 the taxable property within which is subject to taxation to pay the  
25 bond, note or evidence of debt, and the interest without limitation,  
26 as to rate or amount generally to the extent permitted by law or to  
27 avoid a default as provided for second class cities under AS 29.45.-  
28 590 [AS 29.53.410]; or

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

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

3 \* Sec. 78. AS 45.98.020 is amended to read:

4 Sec. 45.98.020. HISTORICAL DISTRICT LOANS. Upon endorsement and  
5 plan approval by a local historical district commission established  
6 under AS 29.55.010 or AS 29.48.108 and the recommendation of a majority  
7 of the members of the Historic Sites Advisory Committee, the Department  
8 of Commerce and Economic Development may make loans to a person, firm,  
9 business or municipality subject to applicable laws for the restoration,  
10 improvement, rehabilitation, or maintenance of a structure that [WHICH]  
11 is

12 (1) within the boundaries of a historical district estab-  
13 lished under AS 29.55.020 or AS 29.48.110;

14 (2) identified as important in state or national history as  
15 provided for in AS 29.55.020(b) or AS 29.48.110(b); and

16 (3) another building or structure within a historical dis-  
17 trict, and suitable for superficial modification so that it can conform  
18 to the period or motif of the surroundin; buildings or structures that  
19 are the reason for the area's designation as a historical district.

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

21 (a) A municipality with a population in excess of 1,000 may,  
22 within five years from August 5, 1969, establish and administer within  
23 its jurisdiction an air pollution control program. Organized boroughs  
24 may establish an air pollution control program on an areawide basis, and  
25 the exercise of powers with respect to the program is not subject to the  
26 restrictions on acquiring additional areawide powers specified in  
27 AS 29.35.300 - 29.35.330 or AS 29.33.250 - 29.33.290. Local programs  
28 shall

29 (1) provide by ordinance for requirements compatible with

1 those imposed by the provisions of AS 46.03.140 and 46.03.170 and  
2 applicable regulations;

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

5 (3) provide for a local administrative organization, staff,  
6 and other resources necessary to effectively carry out the purposes of  
7 the program; and

8 (4) be approved by the department as being satisfactory to  
9 meet the requirements of AS 46.03.140 - 46.03.170 and the applicable  
10 regulations.

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

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

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

16 (8) "state financial assistance" means a loan, grant, guaran-  
17 tee, insurance, payment, rebate, subsidy, or other form of state assis-  
18 tance (other than aid under AS 29.60 or AS 29.88, AS 29.89, AS 29.90,  
19 AS 29.95 and AS 43.18) including the purchase by a state agency of a  
20 loan to finance the construction of a new residential, commercial, or  
21 industrial building;

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

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

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

26 (h) Members of coastal resource service area boards are subject to  
27 recall on the same grounds and in the same manner as provided for recall  
28 of municipal officials in AS 29.26.240 - 29.26.350 or AS 29.28.130 -  
29 29.28.250. The lieutenant governor functions in place of the assembly

1 or council and municipal clerk for receipt and review of recall petitions  
2 and the conduct of recall elections.

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

4 (A) unified municipalities [ESTABLISHED UNDER AS 29.-  
5 68.240 - 29.68.440];

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

7 (b) The department shall, within 90 days after receiving a written  
8 request that it do so, delegate its powers relating to nurseries under  
9 this section and under AS 47.35.040, 47.35.050 and 47.35.060 to a muni-  
10 cipality which has adopted an ordinance providing for day care licensing  
11 under home rule powers or as authorized under AS 29.35.200 - 29.35.210 or  
12 AS 29.48.035(a)(20). A municipality to which these powers have been  
13 delegated may waive or modify any regulation or standard established by  
14 the department under the authority of AS 47.35.010 - 47.35.080 as it  
15 applies to nurseries or the application of any such regulation or  
16 standard as it applies to a particular day care licensee but must notify  
17 the department of any waiver.

18 \* Sec. 86. The following laws are repealed: AS 04.11.340(4), 04.11.-  
19 400(c); AS 04 21.080(11); AS 14.56.065(b), 14.56.180(3); AS 15.13.130(6);  
20 AS 18.55.950(10); AS 24.55.330(3); AS 28.35.260(10); AS 30.15.070(3); AS 30.-  
21 30.170(2); AS 35.15.080(3), 35.15.120(3); AS 42.06.630(6); AS 43.18.500(j)(6);  
22 AS 43.56.210(8); AS 44.47.310(5); and AS 44.85.410(4).

23 \* Sec. 87. A right or liability of a municipality existing on July 1,  
24 1982, is not affected by the enactment of this Act. Ordinances and regula-  
25 tions in effect on July 1, 1982, remain in effect unless they conflict with  
26 provisions of this Act. Ordinances and regulations in effect on July 1,  
27 1982, that conflict with provisions of this Act remain in effect for 180 days  
28 after July 1, 1982. The terms of elected or appointed municipal officials in  
29 office on July 1, 1982, are not affected by this Act, and their terms expire

1 as provided before July 1, 1982.

2 \* Sec. 88. This Act takes effect July 1, 1982.

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 State Aid to Native Village Governments  
 Population Determination  
 Area Cost-of-Living Differential  
 Miscellaneous Services Account  
 Regulations  
 Definitions

Article 3. State Aid for Hospital Construction

29.90.010	29.60.230
29.90.020	29.60.240
29.90.030	29.60.250
New	29.60.260

State Aid for Hospital Construction  
 Hospital Construction Assistance Account  
 Definitions  
 Application

Article 4. Administration of Municipal Financial Programs

29.95.010	29.60.280
29.95.020	29.60.290
29.95.030	29.60.300

Allocation and Distribution  
 Qualification for Minimum Payment  
 Proration of Payments

29.18.201	29.65.010
29.18.203	29.65.020
29.18.204	29.65.030
29.18.205	29.65.040
29.18.206	29.65.050
29.18.207	29.65.060
29.18.208	29.65.070
29.18.209	29.65.080
29.18.210	29.65.090
29.18.211	29.65.100
29.18.212	29.65.110
29.18.213	29.65.120
New	29.65.130
29.73.030	29.71.010
New	29.71.020
29.73.040	29.71.030
29.78.010	29.71.040

**CHAPTER 65. GENERAL LAND GRANT**  
 Determination of Entitlement of Home Rule  
 and General Law Boroughs and Unified  
 Municipalities  
 Determination of Entitlement for Newly  
 Incorporated Municipalities  
 Status of Entitlements  
 Fulfillment of Land Entitlements  
 School, University, and Mental Health  
 Land  
 Selection and Conveyance Procedure  
 Payment for Land Deficiency  
 Authorization for Land Exchanges  
 Public Purpose and Expansion Needs  
 Election of Benefits  
 Administration  
 Definitions  
 Application

**CHAPTER 71. GENERAL PROVISIONS**  
 Adverse Possession  
 Dedication of Municipal Property  
 Taxation of Municipalities  
 Definitions

#1 Cook

A M E N D M E N T

TO: CSSB 180(C&RA)  
CSHB 170(C&RA)

By Ferguson

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Page 160, line 1:

Delete "1980" and insert "1982"

Page 167, lines 17 - 29:

Delete all material

Page 168, lines 1 - 13:

Delete all material

Renumber remaining chapter sections accordingly.

#2 Cook ✓

A M E N D M E N T

TO: CSSB 180(C&RA)  
CSHB 170(C&RA)

By Ferguson

1  
2  
3 Page 104, line 28, after "residing" insert:

4 "or working at an isolated job site"

5  
6 Page 105, line 6:

7 Delete "residents of" and insert "persons residing or working at a  
8 remote job site in"

9  
10 Page 105, line 13:

11 Delete "population" and insert "number of persons residing in a muni-  
12 cipality"

13  
14 Page 105, line 16:

15 Delete "the" and insert "shall include permanent residents and military  
16 personnel or employees of a military reservation located in the muni-  
17 cipality. For purposes of this section, the number of persons working  
18 at an isolated job site in a municipality shall be determined by the  
19 commissioner of community and regional affairs based on information  
20 supplied by employers of persons at isolated job sites. The"

21  
22 Page 105, line 17:

23 Delete "its population" and insert "the number of persons residing or  
24 working at a remote job site in the municipality"

Page 145, line 24:

Delete "(a)"

1 Page 145, line 25, after "shall" insert:

2 "include permanent residents, military personnel or employees of a  
3 military reservation located in the taxing unit, and persons working at  
4 an isolated job site in the taxing unit. Population shall"

5  
6 Page 145, line 28, after "reliable" insert:

7 "and by information supplied by employers of persons at isolated job  
8 sites"

9  
10 Page 145, line 29:

11 Delete all material

12  
13 Page 146, line 1:

14 Delete all material

15  
16 Page 152, line 26, after "shall" insert:

17 "include permanent resident, military personnel or employees of a  
18 military reservation, and persons working at an isolated job site.  
19 Population shall"

20  
21 Page 152, line 29:

22 Delete "or"

Page 153, line 1, after "payrolls" insert:

","and information supplied by employers of persons at isolated job sites"

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CSSB 180 (C&RA)

AMENDMENT #1 Land Selection Amendments

These amendments do two things: 1. allow the municipalities more time to select state lands; and 2. allow the municipalities to select state land even though they may have a lawsuit pending against the state.

Amendment # 2 Oil&Gas Taxes and Revenue Sharing Amendments

The amendments on Page 104 & 105 would allow the industrial sites within the Borough to be used for the census counts in the levying and collection of oil & gas taxes.

The amendments on pages 145,146,152 and 153 would include the industrial site populations in population determination for the purposes of revenue sharing for fire protection, hospital, etc.